

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

Capriccio Restaurant

Angie J. Garrido, Permittee

Capriccio Restaurant, LLC, Backer

Liquor Permit No. LIR.17334P

Case No. 2007-9425

Docket No. 08-199

March 13, 2008

MEMORANDUM OF DECISION

This matter involves an application for a restaurant liquor permit for Capriccio Restaurant, 624-626 Franklin Avenue, Hartford, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on February 14, 2008. Angie J. Garrido, applicant, and Noel Brito, president of the backer limited liability company, appeared with counsel. The hearing was held in accordance with Section 30-39(c), Connecticut General Statutes, as a result of a legally sufficient remonstrance questioning the suitability of the proposed place of business. A remonstrant appeared to oppose the granting of this permit. This location is presently operating under the auspices of a provisional permit.

The following facts are found based upon evidence adduced at the hearing. Liquor Control Agent Anderson reviewed the pending application and found it to be in order. He visited the site on several occasions, including an evening field inspection to check on noise emanating from the premises. The proposed location is in a mixed residential and business area. There is proper zoning approval for the

application. Agent Anderson found nothing questionable about the granting of the final permit for this location.

The remonstrant, who lives in a nearby building, expressed concerns about excessive noise. Sound emanating from the restaurant, via two skylights, travels directly to the remonstrant's apartment. At the hearing, the backer stated that he is working to address the noise issue by insulating and closing the two skylights to keep sound from escaping the premises. He has already insulated one skylight and will close the second skylight in the near future. He has also given the agent for the remonstrants his cellular telephone number to maintain communication in the event the noise levels become unacceptable in the future. The applicant has hired a security company and police officers to monitor patrons as they leave the premises at closing time.

Substantial evidence was not presented which would cause us to deny Ms. Garrido's pending restaurant liquor application. If specific problems develop with the premises in the future, the Commission is empowered to take action concerning the liquor permit and will certainly do so as warranted. It is well settled that the determination of whether a proposed location is suitable for a liquor permit rests with the Liquor Control Commission. Williams v. Liquor Control Commission, 175 Conn. 409, 399 A2d 834 (1978).

Accordingly, based upon the foregoing, we hereby deny the remonstrance and grant the final restaurant liquor permit to Angie Garrido and Capriccio Restaurant, subject to the agent's final requirements.

**DEPARTMENT OF CONSUMER PROTECTION
BY**

Elisa A. Nahas, Esq.
Designated Hearing Officer

Gary W. Berner, Commissioner

Parties:

Angie Garrido, c/o Ryan E. Bausch, Esq., 1100 New Britain Ave., Suite 107, West Hartford, CT 06110

Maria Santos, Agent for Remonstrants, 618 Franklin Avenue, 1st Floor, Hartford, CT 06114 (Via US Mail and Certified Mail # 7007 1490 0000 0379 9039)

Nonparties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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