

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Cruz A. Vasquez, Permittee
Grand Café
118 Grand Avenue
New Haven, CT 06457-2247

Case No. 2021-787
Permit No. LCA.5444
February 3, 2022

MEMORANDUM OF REMONSTRANCE DECISION

This matter involves the renewal application for a café permit for Grand Cafe, Cruz A. Vasquez, Permittee (hereinafter “Permittee”). A formal administrative hearing was held before the Department of Consumer Protection, Liquor Control Commission (hereinafter “Commission”), on November 4, 2021, and continued on December 16, 2021. The hearing was held in accordance with Section 30-39(c) Connecticut General Statutes, as a result of a legally sufficient remonstrance.

Scott Madeo, DCP Staff Attorney, entered as Commission Exhibit A, the Hearing Notice in this matter. He then questioned Liquor Control Special Agent William Boucher regarding the Remonstrance Petition. Agent Boucher stated he verified that 10 of the signatures on the petition were residents of New Haven and at least 18 years old. Agent Boucher stated he filed an investigative report (Commission Exhibit B) after receiving the Remonstrants’ Petition (Commission Exhibit C).

Agent Boucher testified the concerns of the Remonstrants were primarily the presence of drugs, fights, public disturbances, how the premise is being

operated and the need for police calls to the premise. He further stated the Department has three enforcement issues pending for Grand Café.

Karen Dubois-Walton, Agent for the Remonstrants, questioned Lieutenant Michael Fumiatti of the New Haven Police Department. Lt. Fumiatti stated he is assigned to the Fair Haven area of New Haven where the Grand Café is located. He stated he is also the District Manager for the Community Management Team that concerns community policing. He stated Grand Café has not participated in their meetings but issues concerning the premise are often raised. He described the neighborhood as primarily residential with a school, day care and senior housing nearby.

Lt. Fumiatti testified the New Haven Police Department has received numerous complaints about the Grand Café over the years, particularly over criminal activity. He testified to twelve instances that resulted in Police Reports (Remonstrants' Exhibits 1-12). He stated there have been numerous drug violations as well as assaults and fights in the parking lot. He stated drugs were found in the Grand Café in 2017 (see Exhibit 8) and in September of 2021 there was a shooting inside the Grand Café resulting in an arrest for assault with a firearm (see Exhibit 12).

Representative Alphonse Paolillo testified that he is the State Representative for the 97th District and is the Deputy House Majority Leader. He stated his constituents have reached out to him many times to express their safety concerns regarding the Grand Café. Representative Paolillo submitted into the record (Exhibit 14) a joint letter of testimony from Senate President Martin Looney, Deputy Speaker Juan Candelaria and himself, outlining their concerns and strong objection to the renewal of the permit for Grand Café. They note that according to the New Haven Police Department data tracking, police have reported over 464 calls and have made 104 arrests around the bar's address.

Frank Alvarado with the U.S. Small Business Association testified and submitted written testimony (Exhibit 15) in opposition to the renewal of the permit for Grand Café. He stated he is the Chairman of the Grand Avenue Special Services District. He stated he has received numerous complaints about the activities

occurring at Grand Café and the adjacent parking lot, such as drug dealing, excess noise, thefts, and other quality of life issues that have a negative impact on the people and other businesses in Fair Haven. He stated no one from Grand Café has ever reached out to the Association.

Sarah Miller testified she has been a resident of the neighborhood for over twenty years. She testified to her concerns about safety with the drug activity and loitering that occurs just outside the Grand Café. She testified this activity doesn't appear elsewhere in the community.

Henry Fernandez testified he has been a resident of the neighborhood for eighteen years. He stated with the exception of the intersection where Grand Café is, it's a wonderful neighborhood. He stated he has concerns for his son and he does not believe the owner of Grand Café has made any effort to address the neighborhood's concerns.

Members of the public Jessica Light, Carlos R. Galo, Elizabeth Flournoy, Ellen Cupo, Abigail Storch, Jose Crespo, Lee Cruz, Martin Torresquintero, Carmen Mendez, David Hunter, and Kevin Alvarez, all testified in opposition to the renewal of the permit for Grand Café. All stated they were longtime residents of the neighborhood. Many expressed their safety concerns and the negative impact to their quality of life caused by the presence of Grand Café in their neighborhood.

Attorney David Crow representing the Grand Cafe questioned Jose Rivera, who stated he has been a co-owner of the Grand Cafe since 2008. He stated the bar has been there for over forty years. He stated Grand Café is located in a strip mall with three other businesses. He stated one of the businesses is closed and the other two are a smoke shop and a Chinese restaurant.

Mr. Rivera stated he has six employees and a number of regular customers. Mr. Rivera stated he helped his employees when they were shut down due to Covid restrictions, he has always paid his rent and taxes and is in good standing with his landlord. (Submitted as Respondent A, a statement from his landlord). He stated he is involved with the community by sponsoring a softball team and that he

sponsors another team in Hartford. He stated he has never had his liquor license suspended or revoked.

Mr. Rivera testified he has spoken with the police and as a result installed a special lock based upon the police's recommendation. He stated they check everyone's identification and wand all patrons for weapons. He stated the landlord installed cameras and "no loitering" signs in the parking lot. He stated he believes the problems are due to the smoke shop. He stated he has confronted people in the parking lot and when he calls the police they hang up or respond but leave shortly thereafter.

Rodney Rivera testified he is an employee at the Grand Café. He stated he does not believe the police activity in the area involves Grand Café employees or patrons. He stated he has seen drug transactions in the parking lot and tells his boss. He stated the owner is generally not there after five.

Julien Welch testified he has been a patron for about six or seven years and volunteers to help at the premise. He stated he has never seen anyone in the bar sell drugs.

Efrain Perez testified he works at Grand Café. He stated if they call the police either they don't come, or it takes forever.

Michael Keifer testified he is the Manager of the Grand Café. He stated he has worked there for about thirteen years and has been manager the last year and a half. He stated the Grand Café is a neighborhood bar with a middle-class clientele. He stated there are many people who are regulars at the bar. He stated he believes the smoke shop is causing the problems.

In view of the danger to public health and welfare inherent in liquor traffic, the police power to regulate the liquor trade runs broad and deep, more so than comparable regulatory powers over other activities. Williams v. Liquor Control Commission, 175 Conn. 409, 411, 399 A.2d 834 (1978). Additionally, the Liquor Control Act grants the Liquor Control Commission a liberal discretionary power to determine factual matters with regard to liquor permits and to suspend or revoke the permit after a hearing. Balog v. Liquor Control Commission, 150 Conn. 473, 191

A.2d 20 (1963). This power to suspend or revoke a liquor permit is exercised conservatively, but mindful that dispensing liquor is a privilege and not a right. Beckenstein v. Liquor Control Commission, 140 Conn. 185, 99 A2d 119, (1953). Based upon the substantial evidence given at the hearing and evidence submitted into the record, this is not a privilege we believe should be conferred upon the applicant.

As demonstrated by the twelve police reports submitted into the record, there is a long and substantial history of illegal activity occurring inside the premise, in addition to the illegal activity in the parking lot. Most notably there has been a recent shooting in 2021 inside the premise and in 2017, illegal drugs were found in the basement. These police reports show there is a clear pattern of criminal activity occurring in and just outside the premise. This has resulted in an unreasonable and disproportionate amount of police response being required.

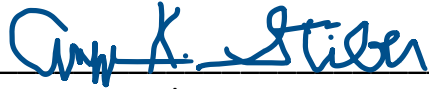
Many individuals came forward to testify about their fear for their physical safety and that of their families. Many also spoke to the quality of life of the neighborhood being adversely impacted by the presence of the bar.

Mr. Rivera stated his belief the problems in the area are due to the smoke shop located in the same strip mall. However, there has been illegal activity inside the premise as well as outside. It also appears the applicant has been passive in operating the business and has made very limited attempts to address the problems associated with the business. It also appears there has been very little effort to reach out and be a part of the community.

Under C.G.S Sec. 30-39(c), there must be an objection to the suitability of the applicant or the proposed place of business to deny a permit. In the present case, there is substantial evidence to deny the café permit's renewal and to find that both the applicant and the location are unsuitable for a liquor permit. Accordingly, the Liquor Control Commission hereby grants the remonstrance and denies the renewal of the café liquor permit renewal application of Cruz A. Vasquez and Grand Café.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

BY:



Anne K. Stiber, Esq., Designated Presiding Officer



Dominic Balletto, Commissioner



John P. McKinney, Commissioner

Parties:

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Nonparties:

M. Caitlin Anderson, Director, Liquor Control Division

Connecticut Beverage Journal, 2508 Whitney Ave, P.O. Box 185159. Hamden, CT 06518

Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106