

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Leonard Corto, Permittee  
Lenny's On The Beach  
88 Hartford Avenue  
Old Lyme, CT 06371

Case No. 2016-479  
Liquor Permit LCA.6937

MEMORANDUM OF DECISION

This matter involves a restaurant liquor permit issued to Lenny's On The Beach, 88 Hartford Avenue, Old Lyme, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on April 20, 2017. Leonard Corto, permittee, appeared.

The allegations against the permit premises arose from a complaint to the Department of Consumer Protection's Liquor Control Division. It is alleged that on or about May 30, 2016, the Respondent violated Section 30-39(b) of the Connecticut General Statutes when a live band played at the establishment without the required paperwork being filed with Consumer Protection. The live entertainment was in the form of two guitars playing amplified music. The only form of live music noted for this permit is solo acoustics.

At the hearing, Agent La Flamme testified there are currently no zoning issues with the town. However, the premise needs to apply for the correct permit for the type of entertainment being offered.

Mr. Corto testified that the entertainment was offered as described but that he was not aware he needed to change his permit. He stated he will be renewing his permit shortly, will apply correctly and placard. Mr. Corto stated he realizes he will be fined, however, he believes he is being targeted and should not have to pay a fine.

Based upon the testimony and evidence presented, we hereby find the Respondent guilty of violating the charge as alleged. The Liquor Control Act grants the Liquor Control Commission a liberal discretionary power to determine factual matters with regard to liquor permits and to fine, suspend or revoke the permit after a hearing. Balog v. Liquor Control Commission, 150 Conn. 473, 191 A.2d 20 (1963).

The Respondent shall pay a fine in the amount of \$500.00.

**DEPARTMENT OF CONSUMER PROTECTION  
LIQUOR CONTROL COMMISSION**

BY:

  
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Anne K. Stiber, Presiding Officer

  
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David A. Scribner, Commissioner

Approved, adopted and so ordered this 13<sup>th</sup> day of June, 2017.

  
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Michelle H. Seagull  
Commissioner of Consumer Protection

**Non-Parties:**

**John Suchy, Director, Liquor Control Division**

**Connecticut Beverage Journal**

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