

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

Village Pizza of Moodus
Savvas Aspris, Permittee
Village Pizza of Moodus LLC, Backer
Liquor Permit No. LIR.17648P
Docket No. 08-1331

Case No. 2008-8464
October 23, 2008

MEMORANDUM OF DECISION

This matter involves an application for a restaurant liquor permit for Village Pizza of Moodus, Route 149, Nathan Hale Plaza, Moodus, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on October 21, 2008. Savvas Aspris, applicant and sole member 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 and provided testimony in opposition of the granting of this permit. The premises has been operating under the auspices of a provisional permit since March 25, 2008.

The following facts are found based upon evidence adduced at the hearing. Liquor Control Agent Wilson reviewed the pending application and found it to be in order. She did a new application investigation which included an on-site inspection as well as a remonstrance investigation, and she prepared detailed reports of her findings. The premises meets the requirements for a restaurant liquor permit. The local zoning authority signed off on the

application. Agent Wilson also spoke with the Resident Trooper who did not express concern that a restaurant liquor permit might be issued for this premises. The applicant has operated this premises under a restaurant wine and beer permit since 1982 without incident. Agent Wilson found nothing questionable about the applicant or the location.

Agent Wilson spoke to the agent for the remonstrants who expressed concern about the unpaved condition of the parking lot and the location of the premises which is adjacent to an ice cream store. The agent was concerned that children patronizing the ice cream store might come into contact with patrons of the premises who might be smoking outside the location. The agent also pointed that there were already a package store permit and a café, Knuckleheads, in the vicinity.

At the time of Agent Wilson's on-site inspection, the parking lot was being paved and she observed no loitering in front of the premises' barroom. An area for patrons to smoke had been designated at the rear of the building away from the ice cream store. Knuckleheads, the nearby café, had ceased operating. There was no substantial evidence presented which would cause us to deny this liquor permit. 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 A.2d 834 (1978).

Accordingly, we hereby deny the remonstrance and grant the final restaurant liquor permit to Savvas Aspris and Village Pizza of Moodus, subject to the agent's final requirements.

**DEPARTMENT OF CONSUMER PROTECTION
BY**

Elisa A. Nahas, Esq.
Designated Hearing Officer

Angelo J. Faenza, Commissioner

Stephen Somma, Commissioner

Parties:

Savvas Aspris, Permittee, Village Pizza of Moodus, Nathan Hale Plaza, Route 149, Moodus, CT 06423

(Via US Mail and Certified Mail # 7007 1490 0000 03079 8391)

Patricia Prue, Agent for Remonstrants, 18 Ridge Road, East Haddam, CT 06423

(Via US Mail and Certified Mail # 7007 1490 0000 0379 9596)

Savvas Aspris, Permittee, c/o Trevor S. Redvers, Esq., 49 Sherwood Terrace, Old Saybrook, CT 06475

Nonparties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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