

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

Wine & Liquor on the River
Ismael Rivera, Jr., Applicant
Wine & Liquor on the River, LLC, Backer
Liquor Permit No. LIP.14395
Case No. 2008-2084

Docket No. 08-534
May 22, 2008

MEMORANDUM OF DECISION

This matter involves an application for a package store liquor permit for Wine & Liquor on the River, 495 River Road, Suite 3, Shelton, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on May 8, 2008. Ismael Rivera, Jr., applicant, 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.

The following facts are found based upon evidence adduced at the hearing. Liquor Control Agent Driffin reviewed the pending application and found it to be in order. The proposed location is in a newly constructed commercial building on River Road. There are residential areas to the west and southeast. The Shelton Zoning Enforcement Officer has approved this application. Shelton has no local ordinances which govern the proximity of one liquor-selling outlet to another. There is an existing package store located approximately ¼ mile from the proposed location. Agent Driffin found nothing

questionable about this application, with regard to the applicant or the location.

The remonstrant, a long-time Shelton resident, expressed his belief that Shelton currently has enough liquor outlets to service the population. The owner of an existing package store in Shelton also testified in opposition to the granting of this permit, and expressed concerned that the granting of another package store permit in Shelton would adversely affect her business.

Based upon the testimony and documents submitted at the hearing, we cannot find substantial evidence which would cause us to deny Mr. Rivera's pending package store liquor application. 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 package store liquor permit to Ismael Rivera, Jr., and Wine & Liquor on the River, subject to the agent's final requirements.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION
BY**

Elisa A. Nahas, Esq.
Presiding Officer

Gary W. Berner, Commissioner

Angelo J. Faenza, Commissioner

Parties:

Ismael Rivera, Jr., Applicant; 289 Roger Williams Road, Bridgeport, CT 06610

(Via US Mail and Certified Mail # 7007 2680 0000 7472 45770)

Jeffrey Merrill, Agent for Remonstrants, 16 Richard Boulevard, Shelton, CT 06484

(Via US Mail and Certified Mail #7007 2680 0000 7472 4587)

Ismael Rivera, Jr. c/o Dominick Thomas, Esq., Cohen and Thomas, 315 Main Street, Derby, CT 06418

Nonparties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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