

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Azul

Alvaro L. Giron, Jr., Permittee

G Spin LLC, Backer

Liquor Permit No. LIR.17687P

Case No. 2009-3824

Docket No. 2009-778

July 28, 2009

MEMORANDUM OF DECISION

This matter involves a new application for a restaurant liquor permit for Azul, 1691 Main Street, Bridgeport, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on July 16, 2009, at which time the Alvaro L. Giron, Jr., permittee, and Alvaro Giron, 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 location. The premises is operating under the auspices of a provisional liquor permit. Remonstrants appeared on behalf of the remonstrance to oppose the application.

Based upon the evidence adduced at the hearing, we find the following facts: Liquor Control Agent Raia conducted a thorough investigation in connection with the new application itself and the remonstrance filed in opposition to it. Agent Raia found nothing

questionable about either the new application or the remonstrance. There is local zoning approval and the location is properly zoned for a restaurant liquor permit. Azul is a family-run restaurant, has a service bar only, and no consumer bars at which patrons can be served alcohol. The Bridgeport Police Department does not have any concerns with the liquor permit at this location under the current ownership. As part of his remonstrance investigation, Agent Raia verified that at least ten signatories to the remonstrance were Bridgeport residents, as required. He interviewed a number of the remonstrants who expressed concerns based upon quality of life issues and negative experiences with a previous liquor permit, Club Innovations, at this location. Neither Mr. Giron, Jr., permittee, nor Mr. Giron, backer, have any connection with the prior permit holder.

The remonstrants are primarily members of Mount Aery Baptist Church, a long-established church with a large congregation and extensive outreach activities, which is located in close proximity to the premises. Remonstrants indicated that since Azul has opened they have noted an increase in beer bottles in brown paper bags left in their parking lots. Mr. Giron is aware that his permit type does not allow beer or alcohol other than a partially consumed bottle of wine ordered with a full course meal to be removed from his premises. He posts a security person at the exit to ensure alcohol does not inappropriately leave Azul.

Mr. Giron observed that a number of grocery beer permit holders which sell single service containers of beer are located nearby.

Remonstrants also expressed a general concern that Azul might attract an undesirable element which would be detrimental to the neighborhood. Mr. Giron believes that inappropriate activity such as loitering is not conducive to operation of a successful restaurant business with a significant family clientele, and similarly, he wishes to deter such behavior. Mr. Giron has an extensive surveillance system both inside and outside his location. The permittee testified that he wishes to work together with the community to address issues which arise.

Based upon the substantial evidence presented, we find the location to be suitable for a restaurant liquor permit. The determination of factual matters with regard to the suitability of the location of proposed liquor permit premises is vested with the Liquor Control Commission. Brown v. Liquor Control Commission, 176 Conn. 428, 407 A.2d 1020 (1973). Accordingly, we hereby deny the remonstrance and grant the final of the liquor permit application of Alvaro Giron, Jr. and Azul.

DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION
BY:

Elisa A. Nahas, Esq.
Designated Presiding Officer

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

Alvaro Giron, Jr., c/o Jan Trendowski, Esq., 90 Main Street, Suite 201,
Centerbrook, CT06409

Trustee Paul Mendes, Agent for Remonstrants, Mount Aery Baptist
Church, 73 Frank Street, Bridgeport, CT 06604

Nonparties:

John Suchy, 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