

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

La Strada

Alejandra C. Graham, Permittee

The Graham's, LLC, Backer

Liquor Permit No. LIR.17103

Case No. 2009-2426

Docket No. 09-884

November 3, 2008

MEMORANDUM OF DECISION

This matter involves a renewal application for a restaurant liquor permit for La Strada, 746 Madison Avenue, Bridgeport, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on August 6, 2009. Alejandra C. Graham, permittee, and Scott Graham, appeared. 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 place of business. A remonstrant, who was also the agent for the remonstrants, appeared to testify in opposition to the renewal of this permit.

The following facts are found based upon evidence adduced at the hearing. Special Agent Sturgeon conducted an on-site inspection of the permit premises. She also met with the agent for the remonstrants to discuss her concerns. The remonstrance itself cited issues with noise as the basis for questioning the renewal. When Agent Sturgeon visited the premises in an undercover capacity she did not hear any loud music. Special Agent Sturgeon verified that La Strada is in compliance with the local health department and fire marshal rules. The local police do not have an issue with this premises and they have never cited La Strada for noise violations. This premises is approved for a service bar only and may not offer entertainment on its

patio. Ms. Graham produced invoices documenting purchase of alcohol from authorized distributors. La Strada has a freezer stocked with chicken, shrimp, fish filets, beef empanadas and chicken wings. In the past, the agent for the remonstrant has had problems with patrons of La Strada parking in her parking lot. She has since installed a fence around her lot. The Grahams have posted signs warning their patrons not to park in her lot.

Ms. Graham testified that she has taken steps to attempt to address the noise issue. She has soundproofed one wall of this location and has moved the speakers to face inward. On evenings when she has live entertainment, she testified that she will keep the doors to her establishment closed. She has given her telephone number to the agent for the remonstrants so that she can reach her if noise levels become excessive, and she has indicated her willingness to cooperate.

Section 30-47 of the Connecticut General Statutes enumerates the parameters the department may consider when addressing the suitability of the location. It provides, in part:

The Department of Consumer Protection may...in its discretion, suspend, revoke or refuse to grant or renew a permit for the sale of alcoholic liquor if it has reasonable cause to believe: (1) That the proximity of the permit premises will have a detrimental effect upon any church, public or parochial school, convent, charitable institution, whether supported by private or public funds, hospital or veterans' home or any camp, barracks or flying field of the armed forces; (2) that such location is in such proximity to a no-permit town that it is apparent that the applicant is seeking to obtain the patronage of such town; (3) that the number of permit premises in the locality is such that the granting of a permit is detrimental to the public interest, and, in reaching a conclusion in this respect, the department may consider the character of, the population of, the number of like permits and number of all permits existent in, the particular town and the immediate neighborhood concerned, the effect which a new permit may have on such town or neighborhood or on like permits existent in such town or neighborhood; (4) that the place has been conducted as a lewd or disorderly establishment; (5) that the backer

does not have a right to occupy the permit premises; (6) that drive-up sales of alcoholic liquor are being made at the permit premises; or (7) that there is any other reason as provided by state or federal law or regulation which warrants such refusal.

Based upon the evidence presented in view of the guidelines set forth above, we find that substantial evidence was not presented at this time which would cause us to deny Graham's renewal application. Ms. Graham is reminded that she does not have local zoning permission to have entertainment on the patio, and the permissible alcohol service at the premises is for a service bar only; if she does not adhere to such constraints in the future, there may be enforcement action. 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 A2d 834 (1978).

Accordingly, based upon the foregoing, we hereby deny the remonstrance and grant the renewal application of Alejandra C. Graham and La Strada.

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

Elisa A. Nahas, Esq.
Designated Hearing Officer

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

Alejandra C. Graham, La Strada, 746 Madison Avenue, Bridgeport, CT 06606
Lucille Piccarillo, Agent for Remonstrants, 712 Madison Avenue, Bridgeport, CT 06606

Nonparties:

John Suchy, Director, Liquor Control Division
Connecticut Beverage Journal
Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106

