

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

Southington Wine & Spirit
John Palumbo, Applicant
Southington Wine, Inc., Backer
Liquor Permit No. LIP.14683
Docket No. 10-1076

Case No. 2010-516
August 24, 2010

MEMORANDUM OF DECISION

This matter involves an application for a package store liquor permit for Southington Wine & Spirit, 177 Cherry Street, Milford, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on August 19, 2010. John Palumbo, 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 applicant and of the proposed place of business. The agent for the remonstrants who does not reside in Milford appeared; no resident remonstrants appeared to testify or oppose the granting of this permit. While the premises has been approved for a provisional permit, the permit has not yet been issued and the premise is not in operation.

The following facts are found based upon evidence adduced at the hearing. Liquor Control Agent Anderson reviewed the pending application and found it to be in order. He conducted a new application investigation as well as a remonstrance investigation and visited the proposed location on several occasions. The proposed location is in a shopping plaza with two large anchor stores. The local zoning authority has approved the application and any possible

previously existing issues involving zoning have been resolved. The location is in full compliance with zoning at this time. Agent Anderson found the proposed location to be suitable for a package store permit premises.

Supervising Agent Mercado performed an investigation into allegations that the applicant already held an interest in two or more package store permits, which would bar him from being granted another package store permit. The agent for the remonstrants indicated she would supply Supervising Agent Mercado with evidence to document this allegation; however, no information was forthcoming. Supervising Agent Mercado found no evidence to substantiate this claim. The applicant testified that he has an ownership interest in only one other package store, Southington Wine & Spirits Co. and we find he is a suitable applicant and is eligible to be granted a second package store permit.

Based upon the evidence adduced at the hearing, we do not find substantial evidence to deny this permit application and we find the location and the applicant to be suitable. The Liquor Control Commission is vested with a liberal discretion in determining the suitability of a proposed liquor permit premises. Campisi v. Liquor Control Commission, 175 Conn. 295, 397 A.2d 1365 (1978). The determination of factual matters with respect to whether an applicant is deemed to be a suitable person is a decision for the Liquor Control Commission in its discretion. Dadiskos v. Liquor Control Commission, 150 Conn. 422, 190 A.2d 490 (1979).

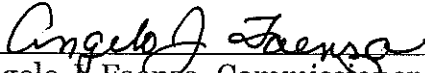
Accordingly, we hereby deny the remonstrance and grant the final package store liquor permit to John Palumbo and Southington Wine & Spirit, subject to the agent's final requirements.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

BY:



Elisa A. Nahas, Esq.
Designated Presiding Officer



Angelo J. Faenza, Commissioner



Stephen R. Somma, Commissioner

Parties:

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(Via US Mail and Certified Mail # 7010 0780 0000 5441 5695)

John Palumbo, 33 Broadway South, Westbrook, CT 06498-1647

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Nonparties:

John Suchy, Director, Liquor Control Division, Department of Consumer
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