

**STATE OF CONNECTICUT**

**DEPARTMENT OF CONSUMER PROTECTION**

**IN THE MATTER OF**

Three Corners Restaurant  
Robert Testa, Permittee  
Backer: Testa, Inc.  
Case No. 2008-10214  
Permit No. LIR.15162

Docket No. 10-035  
January 21, 2010

**MEMORANDUM OF DECISION**

This matter involves a restaurant liquor permit issued to Three Corners Restaurant, 1023 Brooklawn Avenue, Fairfield, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on October 1, 2009. Robert Testa, permittee, appeared at the hearing. At the conclusion of the hearing, the record was left open for John Suchy, Director of the Liquor Division, to meet with the Respondent at the permit premises; the meeting occurred on October 23, 2009.

The following charges are alleged against the Respondent. It is alleged that on October 22, 2008, the Respondent violated: (1) Sec. 30-22(f) of the Connecticut General Statutes in that there was inadequate separation between the dining room and the barroom; (2) Sec. 30-6-A23(a)(1) of the Regulations of Connecticut State Agencies in that four bottles of alcohol located behind the bars contained fruit flies; (3) Sec. 30-93 of the Connecticut General Statutes in that 1-liter bottles of

alcohol were being refilled from 1.5 liter bottles of the same brand of alcohol; (4) Sec. 30-6-A17 of the Regulations of Connecticut State Agencies in that the designated lockable storage area did not have a lock; (5) Sec. 30-6-A24(e) in that a video game on the premises displayed male and female nudity; (6) Sec. 30-6-A24(g) of the Regulations of Connecticut State Agencies in that no age statement forms were available on the premises; (7) Sec. 30-53 of the Connecticut General Statutes in that the liquor permit had not been filed with the Fairfield Town Clerk; (8) Sec. 30-6-B25a of the Regulations of Connecticut State Agencies in that no daily records were available on the permit premise; (9) Sec. 30-6-A27(d) of the Regulations of Connecticut State Agencies in that liquor invoice were not made available to liquor control agents for inspection and copying; (10) Sec. 30-76 of the Connecticut General Statutes in that alcoholic liquor was purchased at retail package stores for resale at this location; and (11) Sec. 30-6-A10 of the Regulations of Connecticut State Agencies in that the person in charge refused to provide agents with requested information.

At the hearing, Mr. Testa admitted charges 2, 4, 6, 7 and 8. He denied Charges 1, 3, 5, 9, 10 and 11, and the matter proceeded to a hearing.

Based upon the testimony and documents presented, we find the following facts. On October 22, 2008, Liquor Control Agents Cianci and

Lanuza conducted a general inspection of the premises. The accordion-style folding doors, which serve to close off a large window opening in the wall between the dining room and the barroom, were open. As a result, the entire premises would be considered a barroom and not in keeping with the requirement for a restaurant permit at this location since there is not a separate dining room. Agents revisited on October 29, 2008, and the accordion-style doors between the dining room and the barroom were again open. The right side handle on the doors was broken and the doors lacked a lock.

On October 22, 2008, agents located four bottles of alcohol behind the bar which contained fruit flies. The lockable storage area lacked a lock. No age statement forms were available on this premises. The liquor permit had not been filed with the Fairfield Town Clerk; this was corrected within 24 hours of the agents' inspection. One liter bottles of alcohol were refilled from 1.5 liter bottles of the same brand of alcohol. No daily records or liquor invoices were available on the premises. Six 50-ml. bottles of alcohol had been purchased from retail package stores. Agent Crowdis paid several dollars to play a video game located on the left side of the rear bar; as he played, the game depicted full male and female nudity.

Albert Testa, the permittee's father, identified himself to the liquor agents to be in charge during the inspection. He refused to show agents

requested records or to respond to questions, and was argumentative. At the time of the October 23, 2009 meeting, the accordion-style doors were closed and there was proper separation.

Based upon the Respondent's admissions and the substantial evidence adduced at hearing, the Respondent is found in violation of all charges alleged. If the Testas wish to maintain a restaurant permit at this location, the accordion-style doors separating the dining room from the barroom must be closed at all times in order to maintain the separation required. Failure to comply with this separation requirement may be subject to further enforcement action concerning retention of this permit.

The Liquor Control Act grants the Liquor Control Commission a liberal discretionary power to determine factual matters with regard to liquor permits and to suspend or revoke the permit after a hearing. Balog v. Liquor Control Commission, 150 Conn. 473, 191 A.2d 20 (1963). Accordingly, we hereby suspend the Respondent's permit for a period of five days and for an additional seven days. In lieu of the additional 7-day suspension, we will accept payment of a fine of \$525.00, in accordance with Section 30-6-A8(i) and (k) of the Regulations of Connecticut State Agencies.

**DEPARTMENT OF CONSUMER PROTECTION  
LIQUOR CONTROL COMMISSION**

BY:

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Elisa A. Nahas, Esq.  
Designated Presiding Officer

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Angelo J. Faenza, Commissioner

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Stephen R. Somma, Commissioner

**Parties:**

Robert Testa, Permittee, Three Corners Restaurant, 1023 Brooklawn  
Avenue, Fairfield, CT 06430

Robert Testa, 16 Robinwood Road, Fairfield, CT 06430

**Non-Parties:**

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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