

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Red Café Ultra Lounge
Joyce A. Bellamy, Permittee
Butta J's Café, Inc., Backer
Permit LCA.6995

Docket No. 11-1001
Case No. 2011-1152
December 29, 2011

MEMORANDUM OF DECISION

This matter involves a café liquor permit issued to Red Café Ultra Lounge, 320 Ashmun Street, New Haven, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on December 22, 2011. Proper notice of the hearing was provided to the Respondent; however, the Respondent failed to appear at the hearing.

The allegations against the permit premises arose from a referral from the Department of Labor. It is alleged that on or about October 24, 2011, the Respondent violated Sec. 30-55a of the Connecticut General Statutes by failing to file unemployment contribution returns for the 3rd and 4th Quarters 2010 and the 1st and 2nd Quarters 2011 and failing to pay contributions, interest and/or penalty of \$100.

The following facts are found based upon the testimony and documents presented at the hearing. John Ciotto, Supervisor, Delinquent Accounts Unit, Department of Labor, testified that Ms. Bellamy has now filed the outstanding

returns. In her filing, she said she had no employees during the quarters at issue; thus, no contributions are due. Ms. Bellamy, however, has failed to pay the late filing fee of \$100 to the Department of Labor.

Sec. 30-55a of the Connecticut General Statutes provides, in relevant part, "... The Department of Consumer Protection shall suspend the permit of such employer until written notice that the returns have been filed and the contributions, including interest, have been paid." The statute does not empower this department to take enforcement against the respondent for unpaid late charges, and we leave such enforcement to the appropriate authority.

The Liquor Control Act vests in the Commission a liberal discretionary power to determine factual matters with regard to liquor permits. Gulia v. Liquor Control Commission, 164 Conn. 537, 325 A.2d 455 (1973). Based upon the testimony and documents presented at the hearing, the charge is dismissed.

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

Elisa A. Nahas, Esq.
Designated Hearing Officer

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

Joyce A. Bellamy, Permittee, Red Café Ultra Lounge, 320 Ashmun Street,
New Haven CT 06511-3529

(Via US Mail and Certified Mail # 7010 1670 0000 0762 2324)

Joyce A. Bellamy, 36 Ford Street, Hamden, CT 06517-2508

Nonparties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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

John Ciotto, Supervisor, Delinquent Accounts Unit, Department of Labor