

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Mayhems Bar & Grill
Tracy Caristinos, Permittee
Mayhems Bar & Grill LLC, Backer
Liquor Permit No. LCA.6600
Case No. 2012-11

Docket No. 12-550
July 19, 2012

MEMORANDUM OF DECISION

This matter involves a café liquor permit issued to Mayhems Bar & Grill, 541 Main Street, West Haven, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on April 19, 2012. Tracy Caristinos, permittee, appeared.

The following charges are alleged against the Respondent. It is alleged that on or about August 27, 2010, the Respondent violated (1) Sec. 30-39(b) of the Connecticut General Statutes, (2) Sec. 30-6-A3 of the Regulations of Connecticut State Agencies, (3) Sec. 30-47(4) of the Connecticut General Statutes and (4) Sec. 30-58 of the Connecticut General Statutes in that an altered fire marshal approval form which did not contain a genuine signature of the fire marshal was submitted to the department by the Respondent as part of the 2010 renewal for permit LCA.6600. It is further alleged that on or about June 27, 2011, the Respondent violated (5) Sec. 30-39(b) of the Connecticut General Statutes, (6) Sec. 30-6-A3 of the Regulations of Connecticut State Agencies, (7) Sec. 30-47(4) of the Connecticut General Statutes and (8) Sec.

30-58 of the Connecticut General statutes in that an altered fire marshal approval form which did not contain a genuine signature of the fire marshal was submitted to the department by the Respondent as part of the 2011 renewal for permit LCA.6600. Lastly, it is alleged that on January 23, 2012, the Respondent violated Sec. 30-53 of the Connecticut General Statutes in that the liquor permit had not been filed with the West Haven town clerk. The Respondent admitted all of the charges and the matter proceeded to a hearing.

Based upon the testimony and documents presented at the hearing, we find the following facts. On or about August 27, 2010, the Respondent submitted the renewal application for liquor permit LCA.6600 to the department. A fire marshal approval certificate dated 8/27/10 accompanied the renewal. The form purports to be signed by Dennis Flynn of the West Haven Fire Department. Mr. Flynn retired from the West Haven Fire Department on August 14, 2009, and did not sign the 2010 fire marshal approval form.

On or about June 27, 2011, the Respondent submitted the renewal application for liquor permit LCA.6600 to the department. A fire marshal approval certificate dated 6/27/11 accompanied the renewal. The form purports to be signed by Dennis Flynn of the West Haven Fire Department. Mr. Flynn retired from the West Haven Fire Department on August 14, 2009 and did not sign the 2011 fire marshal approval form.

The West Haven Fire Marshal did not inspect the permit premises for the 2010 and 2011 liquor permit renewals and no one in the West Haven Fire Marshal's Office, or representing the Fire Marshal's Office, signed the 2010 and 2011 renewal documents. The Respondent furnished altered documents in support of her renewal applications in 2010 and 2011 to the department. Thereafter, the premises was inspected by the West Haven Fire Marshal on February 3, 2012, and a certificate of approval was issued for the premises.

Based upon the Respondent's admissions and the testimony and documents submitted at the hearing, the Respondent is found in violation of all charges alleged. The Liquor Control Act vests in the Commission a liberal discretionary power to determine factual matters with regard to liquor permits and to suspend or revoke the permit, after a hearing, if it deems appropriate. *Dadiskos v. Liquor Control Commission*, 150 Conn. 425, 190 A.2d 490 (1963). We will allow the Respondent an opportunity to submit her permit for cancellation, until August 1, 2012. If the permit has not been cancelled by August 1, 2012, we will revoke the café liquor permit of Tracy Caristinos and Mayhems Bar and Grill effective immediately in accordance with Section 30-6-A8(c) of the Regulations of Connecticut State Agencies.

DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION
BY:

Elisa A. Nahas, Esq.
Designated Presiding Officer

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

Tracy Caristinos, Permittee, Mayhems Bar & Grill, 541 Main Street, West Haven, CT 06516
(Via US Mail and Certified Mail # 7011 2000 0001 0588 7758)

Tracy L. Caristinos, 162 Penn Common, Milford, CT 06460
(Via US Mail and Certified Mail # 7011 2000 0001 0588 7765)

Non-Parties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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