

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

FM One Stop
Rana Wassour Dib, Permittee
FM One Stop Monroe LLC , Backer
Liquor Permit No. LGB.14854P

Case No.2013-807
Docket No. 14-125
March 18, 2014

MEMORANDUM OF DECISION

This matter involves an application for a grocery store beer liquor permit for FM One Stop, 447 Monroe Turnpike, Monroe, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on February 27, 2014. Rana Wassour Dib, permittee and sole member of the backer limited liability company, 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 proposed place of business. A remonstrant appeared to oppose the granting of this permit. The premises is currently operating under the auspices of a provisional liquor permit.

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. The store is located in a mini-plaza on a major thoroughfare. There are other retail businesses on the street. Agent Anderson met with the zoning officer to discuss the application. The zoning officer approved the application and confirmed that the premises is in compliance with applicable zoning regulations. A check with the police department disclosed no relevant

calls for service at this location. The location meets all the requirements for a grocery store beer liquor permit. Agent Anderson found nothing questionable about the application, the applicant or the location. There are no final requirements.

The agent for the remonstrants, who also resides in Monroe, raised several issues with respect to this application and was the individual who attended the hearing and spoke on behalf of the remonstrants. He questioned the size of the placard which was posted announcing the pendency of this application. The purpose of a placard is to provide residents with an opportunity to file a remonstrance and it is evident that this purpose was fulfilled as a valid remonstrance was filed. The agent for the remonstrants also testified that there were other stores selling alcohol in the vicinity and questioned the necessity of another store with a liquor permit. He also said that since other stores in the plaza attract a younger clientele, such as Subway and Dunkin Donuts, those youngsters may then congregate at this particular store.

Sec. 30-46, Conn. General Statutes, states, in relevant part:

The Department of Consumer Protection may, ***except as to a store engaged chiefly in the sale of groceries***, 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. (*Emphasis added.*) ...

Based upon the testimony and documents presented at the hearing, we do not find substantial evidence to deny this permit application and we find the location to be suitable. It is the role of the Liquor Control Commission to determine suitability for liquor permits. The determination of factual matters with regard to the suitability of the location of proposed liquor permit premises is vested with the Liquor Control Commission, which has broad discretion. Crescimanni v. Department of Liquor Control, 41 Conn. App. 83, 674 A.2d 851 (1996).

Accordingly, we hereby deny the remonstrance and grant the final of the liquor permit application of Rana Wassour Dib and FM One Stop.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

Elisa A. Nahas, Esq.
Designated Hearing Officer

Stephen R. Somma, Commissioner

Parties:

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Nonparties:

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