

**STATE OF CONNECTICUT**  
**DEPARTMENT OF CONSUMER PROTECTION**

**IN THE MATTER OF**

Lisa DeMonti, Permittee  
Ziggy's on the Beach, LLC, Backer  
Ziggy's on the Beach  
Permit #LCA.6856P

Docket No. 07-1452  
October 25, 2007

**MEMORANDUM OF DECISION**

This matter involves a café liquor permit issued to Ziggy's on the Beach, 88 Hartford Avenue, Old Lyme, Connecticut. This location is currently operating under the auspices of a provisional permit. A formal administrative hearing was held before the Department of Consumer Protection on October 18, 2007, at which time Lisa DeMonti, permittee, appeared with counsel.

The allegations against the permit premises arose from a referral from the Old Lyme Fire Marshal and from a special investigation conducted by the Department of Consumer Protection's Liquor Control Division. It is alleged that: (1) On or about July 3, 2007, the Respondent violated Sec. 30-6-A23a of the Regulations of Connecticut State Agencies by failing to maintain the premises in accordance with the Connecticut Fire Safety Code; (2) on or about July 7, 2007, the respondent violated Sec. 30-6-A24b(b)(1) of the Regulations of Connecticut State Agencies by serving shots of alcohol to a patron who

was in possession of a Corona beer which had not been substantially consumed; and (3) on or about August 5, 2007, violated Sec. 30-6-A23a of the Regulations of Connecticut State Agencies by exceeding the permitted occupancy load. The respondent denied the charges and the matter proceed to a hearing.

The following facts are found based upon the testimony and documents presented at the hearing:

On July 3, 2007, Fire Marshal David W. Roberge conducted an inspection of the premises. He noted the presence of sleeping accommodations on the second floor which violated the fire safety code as well as inadequate means of egress from the second floor. He later returned to the premises and noted that the bedding had been removed. On August 5, 2007, Fire Marshal Roberge investigated a complaint of overcrowding at the premises. Mr. Roberge found 139 people on the patio; the allowed occupancy load for the patio is 75 people. The total permitted occupancy load for the premises is 130 persons; at the time of Mr. Roberge's August 5, 2007 inspection, the premises was occupied by 174 people. The permittee took immediate corrective action to eliminate the overcrowded condition.

On July 7, 2007, a liquor control agent was on the premises in an undercover capacity. She observed a patron who was in possession of a Corona beer served shots of alcohol although his beer had not been substantially consumed. We dismiss this charge for lack of substantial

evidence. 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). Accordingly, based upon the foregoing, we find the respondent in violation of Charge 1 and Charge 3. We hereby suspend the Respondent's café liquor permit for one day.

**DEPARTMENT OF CONSUMER PROTECTION  
LIQUOR CONTROL COMMISSION**

BY:

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Elisa A. Nahas, Esq.  
Designated Hearing Officer

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Angelo J. Faenza, Commissioner

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Gary Berner, Commissioner  
Commissioner

Parties:

Lisa DeMonti c/o James Scalise, Esq., 871 West Main St., P.O. Box 1300,  
New Britain, CT 06050-9113

Nonparties:

Director John Suchy, Liquor Control Division  
Fire Marshal David Roberge  
Connecticut Beverage Journal, 2508 Whitney Ave., P.O. Box 185159,  
Hamden, CT 06518  
Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106