

**STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

IN THE MATTER OF

Pavilion Restaurant
Stephanie Livesey, Permittee
Restaurant Consultants, Inc., Backer
Liquor Permit No. LCA.5820
Case Nos. 2008-4486 and 2008-5448

Docket No. 10-1123
February 1, 2011

**MEMORANDUM OF DECISION REGARDING
SEPTEMBER 20, 2010 REMAND**

PROCEDURAL HISTORY

This matter involves a café liquor permit issued to the Pavilion Restaurant, 85 Swan Avenue, Old Lyme, Connecticut. On January 8, 2009, the Department of Consumer Protection held a formal administrative hearing concerning specified alleged violations of the Liquor Control Act. Following such hearing, on March 26, 2009, the department issued a Memorandum of Decision (Exhibit A, attached hereto) finding the Respondent in violation of the charges alleged and imposing a suspension of the Respondent's liquor permit. The Respondent appealed the adverse decision to the Superior Court in the matter of *Restaurant Consultants, Inc., et al v. Department of Consumer Protection, Liquor Control Commission*, CV 09 4020833S.

On February 11, 2010, after proceedings before Hon. Henry S. Cohn, the matter was remanded to the department for the taking of further evidence and issuing findings of fact regarding the following issues:

Issue #1: Prior to October, 1979, what was the practice and policy of the Liquor Control Commission in regard to defining a "premises"?

Issue #2. Prior to October, 1979, what was the practice and policy of the Liquor Control Commission in regard to permitting outdoor service of alcohol?

Issue #3. In 1979, what was the authority of a liquor agent to make representations to a permittee that would have the effect of binding the Liquor Control Commission?

On June 10, 2010, a hearing was held before the Department of Consumer Protection for the purpose of taking further evidence and issuing findings on the three remanded issues. A Memorandum of Decision Regarding Remand (Exhibit B, attached hereto) was issued by the Department of Consumer Protection, Liquor Control Commission, on August 10, 2010.

On September 20, 2010, Judge Cohen held a hearing on such Memorandum of Decision Regarding Remand which was attended by counsel for the parties. At the conclusion of the hearing, the Court requested that the Commission respond to the following additional issues:

Issue #1. Did the map of the premises have any bearing on the decision on the remand and, if so, what were the Commission's conclusions regarding the map?

Issue #2. Did the testimony regarding the requirement of the chain link fence and subsequent inspection of the installed fence have any bearing on the decision on the remand and, if so, what were the Commission's conclusions regarding the fence?

These issues were communicated to the Commission by letter from Attorney Trendowski dated November 3, 2010.

FINDINGS OF FACT

Based upon the testimony and evidence presented and made part of the record, we find the following facts:

1. Gerald C. Langlais was hired by the Department of Liquor Control in 1978 as an agent. In 1988, he became the Permit Manager or Deputy Director. In 1992, he became the Director or Administrator. (Testimony of Gerald C. Langlais, Transcript of January 8, 2009 hearing, p. 35) He held the position of Administrator until he retired on July 1, 2009. (Testimony of Gerald C. Langlais, Transcript of June 10, 2010 hearing, p. 6)

2. Steven F. Hennessey was employed with the Department of Liquor Control from 1974 to 1995. During that time, he held the positions of Agent, Supervisor, Chief Inspector and Deputy Director. (Testimony of Steven F. Hennessey, Transcript of June 10, 2010 hearing, p. 22)

3. We note that 1995, the "Department of Liquor Control" was merged with the Department of Consumer Protection, and thereafter became the "Division of Liquor Control."

4. Frank Maratta is the president of the backer corporation. (Testimony of Frank Maratta, Transcript of January 8, 2009 hearing, p. 120) He was president of the backer corporation in 1979. (Testimony of Frank Maratta, Transcript of January 8, 2009 hearing, p. 121)

As to Issue #1. Did the map of the premises have any bearing on the decision on the remand and, if so, what were the Commission's conclusions regarding the map?

Yes, the map of the premises was considered in the decision the Commission issued on the remand. We find that the map in question was received by the Department of Liquor Control on January 26, 1979. (Testimony of John Suchy, Transcript of January 8, 2009 hearing, p. 26) We further find that the map is marked with a blue line which is identified as a six-foot chain link fence and is called an outdoor area for "clam bakes, picnics and the Hawaii hulas". (Testimony of John Suchy, Transcript of January 8, 2009 hearing, p. 27) We find that the outdoor area designated by the chain link fence was for the service of food by the permit premises, but was not for any service of alcohol. While a premises could have something known as a patio for the service of food, the service of alcohol outdoors was not allowed. (Testimony of Gerald Langlais, Transcript of January 8, 2009 hearing, p. 37)

Prior to October 1979 restaurants and cafes holding a liquor permit were only allowed to have the service of food on their patios. The service of alcohol outdoors was not allowed. Legislation was proposed and passed and became effective October 1, 1979 to allow alcohol service on patios. Prior to October 1, 1979, the department often received sketches for applications for liquor permits that included patios on such sketches even though there was no legal service of alcohol outdoors. (Testimony of Gerald Langlais, Transcript of January 8, 2009 hearing, p. 36-37)

As to Issue #2. Did the testimony regarding the requirement of the chain link fence and subsequent inspection of the installed fence have any bearing on the decision on the remand and, if so, what were the Commission's conclusions regarding the fence?

Yes, the testimony concerning the requirement of the chain link fence and subsequent inspection of the installed fence was considered by the Commission in the decision it rendered on the remand.

The Commission heard and considered the testimony of Agent Ronald Wyborny, who stated he was sent by Chairman Healey and his (Wyborny's) supervisor to inspect an outdoor area or patio at the Pavilion when the liquor application was submitted and prior to October 1, 1979. (Testimony of Ronald Wyborny, January 8, 2009 hearing, p. 72) Agent Wyborny said that he recommended that the outside area be enclosed by a six-foot chain link fence. (Testimony of Ronald Wyborny, January 8, 2009 hearing, pages 79, 88.) It was Agent Wyborny's recollection that it was his requirement that the fence be such that a shot glass could not pass through it. (Testimony of Ronald Wyborny, January 8, 2009 hearing, p. 88). A couple of years later, the 6-foot chain link fence was taken down. (Testimony of Frank Maratta, January 8, 2009 hearing, p. 131.)

We considered Mr. Wyborny's testimony concerning events which transpired over 30 years ago and concluded that it was not credible or that he was simply mistaken as to the purpose for the fence. Further testimony by Agent Wyborny contradicted evidence in the file, which demonstrated his hazy memory

(See Testimony of Ronald Wyborny, January 8, 2009 hearing, p. 88 - 93). For example, Agent Wyborny was the department contact for temporary patio approvals for this location on three occasions. Subsequent to his 1979 visit to the Pavilion, Mr. Wyborny corresponded with the Pavilion representatives concerning the issuance of temporary one-day patio approvals for the outdoor service of alcohol on August 18, 1991, July 31, 1992 and August 21, 1992. (Commission Exhibit C, Hearing of January 8, 2009. Exhibits C, D and E attached hereto (Letters of 8-13-91, 7-30-92, and 8/17/92 with attachments). If the Pavilion had been granted approval for outdoor service of alcohol in 1979 there would be no reason for the establishment to make these one-day patio requests. We find the testimony of Messr. Langlais, Hennessey and Director Suchy to be far more credible and supported by the totality of the evidence submitted during the hearings.

The determination of factual issues on conflicting testimony is within the province of the Liquor Control Commission. Noyes v. Liquor Control Commission, 151 Conn. 524, 527, 200 A.2d 467 (1964). The Liquor Control Act vests in the Commission a liberal discretionary power to determine credibility of witnesses and factual matters with regard to liquor permits. Fenton v. Liquor Control Commission, 151 Conn. 537, 539, 200 A.2d 481 (1964).

In conclusion, we have considered testimony and the evidence regarding the map and the chain link fence. Accordingly, based upon the substantial evidence, we find that in 1979, a liquor control agent had absolutely no authority to bind the Department of Liquor Control or the Liquor Control Commission. We

further find that prior to October 1, 1979, neither the Liquor Control Commission nor the Department of Liquor Control granted patio approval for the outdoor service of alcohol to the Pavilion and did not grant permanent patio approval for the outdoor service of alcohol at any permit premises holding either a restaurant or café permit.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

BY:



Elisa A. Nahas, Esq.
Designated Presiding Officer



Stephen R. Somma, Commissioner

Parties:

Stephanie Livesey, Permittee c/o Jan Trendowski, Esq., Trendowski Law Offices,
90 Main Street, Suite 201, Centerbrook, CT 06409

Matthew Beizer, Esq., Assistant Attorney General, Office of the Attorney General,
110 Sherman Street, Hartford, CT 06105

Non-Parties:

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

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

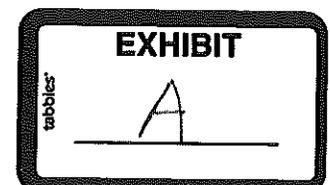
Pavilion Restaurant
Stephanie Livesey, Permittee
Restaurant Consultants, Inc., Backer
Liquor Permit No. LCA.5820
Case Nos. 2008-4486; 2008-5448

Docket No. 08-145
March 26, 2009

MEMORANDUM OF DECISION

This matter involves a café liquor permit issued to the Pavilion Restaurant, 85 Swan Avenue, Old Lyme, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on January 8, 2009, at which time Frank Maratta, president of the backer corporation, appeared with counsel. At the conclusion of the hearing, the record was left open until February 11, 2009 for the submission of briefs and additional documents.

The alleged violations came to the attention of the Department of Consumer Protection by way of a police referral from the Connecticut State Police and a special investigation conducted by the Department of Consumer Protection's Liquor Control Division. It is alleged that (1) on or about May 26, 2008, the Respondent violated Sec. 30-22a(a) of the Connecticut General Statutes, in three counts, with regard to the definition of a "café." It is further alleged that on or about June 1, 2008, the Respondent violated Sec. 30-22a(a) and 30-22a(c), Connecticut



General Statutes, in five counts, with regard to the definition of a "café." As to Charge 1, the Respondent left the department to its proof. The Respondent denied Charges 2 and 3, and the matter proceeded to a hearing.

On May 26, 2008, just past 6:00 p.m., Connecticut State Police Trooper Olsen observed a male patron, Robert English, exit the back door of Pavilion Restaurant towards the parking area carrying an open bottle of Bud Light beer, an alcoholic beverage. Thereafter, Trooper Olsen observed two other male patrons, Kevin Capobianco and Nicholas Carbone, exit the main door of Pavilion Restaurant, each carrying a bottle of Bud Light beer.

On June 1, 2008, at approximately 2:00 p.m. Supervising Agent Stanley Burk observed Sara O'Leary exit the permit premises carrying two plastic cups, each containing a vodka and cranberry juice alcoholic beverage. Ms. O'Leary walked across an outdoor patio, stepped onto the beach carrying the alcoholic beverages, and gave one of the drinks to Sarah Bastiaanse. Ms. O'Leary and Ms. Bastiaanse thereupon poured the alcoholic drinks into what appeared to be water bottles and went to another part of the beach. Another female patron, Patricia Lodovico, walked out of the Pavilion premises carrying a plastic cup containing a vodka tonic, past the doorman. She sat at an outdoor picnic table and drank her vodka tonic. At approximately 2:45 p.m., Ms. O'Leary

returned to the Pavilion, exited the premises carrying two vodka drinks, and went onto the beach where she handed Ms. Bastiaanse one of the vodka beverages. Subsequently, a male patron, Nhel Theam, exited the front door of the Pavilion café premises, past the doorperson, carrying a Bud Light beer.

The crux of this matter rests on whether or not this café permit has permanent approval for service and consumption of alcohol outside the permit premises, specifically on its deck and adjacent beach area. Based upon the testimony and documents presented, we find the following facts. This location has held a café liquor permit since April 1979. At the time this liquor permit was issued, it was not legally permissible for café liquor establishments to allow the outdoor service or consumption of alcohol. There was no statutory authority for the then-Department of Liquor Control to issue approvals for outdoor service of alcohol on decks, patios, or any other outdoor areas. It was permissible for liquor establishments to offer the sale and service of food and non-alcoholic beverages outside the permit premises. As part of their liquor permit application, many such establishments, the Pavilion included, provided sketches that depicted outdoor areas or patios where patrons could be served food and non-alcoholic beverages.

Statutory authority for the outdoor service and consumption of alcohol was provided by Public Act 79-604, effective October 1, 1979.

P.A. 79-604 provided that an establishment operating under the auspices of a café liquor permit could, with approval from local zoning and health officials, seek permission from the Department of Liquor Control to sell, serve, deliver or allow its patrons to consume alcoholic beverages outside the permit premises on a patio.

Whenever such permission was granted to a permit premises, the liquor permit was always endorsed by the department with the word "PATIO" typed or stamped on the document, and a copy of the stamped liquor permit was retained in the department's files. Thereafter, each renewed liquor permit would have also been endorsed "PATIO." If a liquor permit is not endorsed "PATIO," there is, in fact, no such approval by the department for the outdoor service of alcohol. Liquor permits for this location issued from 1982 to present found in the department's file lack the endorsement "PATIO."

Permits issued for the years prior to 1982 were not available for review due to department records retention policies in effect at that time. There are no records with the Old Lyme zoning authority to indicate that this premises has ever been granted permanent approval for the outdoor service of alcohol.

In 1991 and in 1992, the Pavilion sought and received temporary, one-day approvals for the outdoor patio service of alcohol. On these occasions, zoning approval was sought and received by the Pavilion and

the department approved outdoor service of alcohol for the specific dates requested. Both sketches submitted by the Pavilion to the department for the temporary one-day patio approvals bear the local zoning and fire marshal signatures. Retired Liquor Control Agent Wyborny was the department contact for such temporary patio approvals and corresponded with the Pavilion representatives at that time. One-day patio approvals would have been unnecessary if Pavilion had ever been granted permanent patio or outdoor approval by the department.

There was divergent testimony concerning whether the Respondent initially obtained department approval for outdoor service and consumption of alcoholic beverages, despite the fact that such approval would have been contrary to existing law. The determination of factual issues on conflicting testimony is within the province of the commission. Noyes v. Liquor Control Commission, 151 Conn. 524, 527, 200 A.2d 467 (1964). Based upon the substantial evidence in this matter, we find that the Pavilion does not have permanent approval for any outdoor service and consumption of alcoholic beverages. Therefore, the Respondent is in violation of Section 30-22a, Connecticut General Statutes.

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, we find the Respondent in violation of Charges 1, 2 and 3, as alleged, and we hereby suspend the Respondent's liquor permit for a period of seven days. In lieu of the seven-day suspension, however, 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:



Elisa A. Nahas, Esq.
Designated Presiding Officer



Stephen R. Somma, Commissioner

Parties:

Stephanie Livesey, Permittee c/o Jan Trendowski, Esq., Trendowski Law Offices, 90 Main Street, Suite 201, Centerbrook, CT 06409

Non-Parties:

Ann C. Brown, Zoning and Inland Wetlands Enforcement Officer, Town of Old Lyme, 52 Lyme Street, Old Lyme, CT 06371
Director John Suchy, Liquor Control Division
Connecticut Beverage Journal, 2508 Whitney Ave., P.O. Box 185159, Hamden, CT 06518
Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106

STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF
Pavilion Restaurant
Stephanie Livesey, Permittee
Restaurant Consultants, Inc., Backer
Liquor Permit No. LCA.5820
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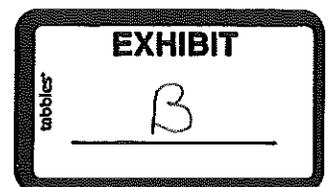
Docket No. 10-1123
August 10, 2010

MEMORANDUM OF DECISION REGARDING REMAND

Procedural History

This matter involves a café liquor permit issued to the Pavilion Restaurant, 85 Swan Avenue, Old Lyme, Connecticut. On January 8, 2009, the Department of Consumer Protection held a formal administrative hearing concerning specified alleged violations of the Liquor Control Act. Following such hearing, on March 26, 2009, the department issued a Memorandum of Decision finding the Respondent in violation of the charges alleged and imposing a suspension of the Respondent's liquor permit. The Respondent appealed the adverse decision to the Superior Court in the matter of *Restaurant Consultants, Inc., et al v. Department of Consumer Protection, Liquor Control Commission*, CV 09 4020833S.

On February 11, 2010, after proceedings before Hon. Henry S. Cohn, the matter was remanded to the department for the taking of further evidence and issuing findings of fact regarding the following issues:



Issue #1: Prior to October, 1979, what was the practice and policy of the Liquor Control Commission in regard to defining a "premises"?

Issue #2. Prior to October, 1979, what was the practice and policy of the Liquor Control Commission in regard to permitting outdoor service of alcohol?

Issue #3. In 1979, what was the authority of a liquor agent to make representations to a permittee that would have the effect of binding the Liquor Control Commission?

On June 10, 2010, a hearing was held before the Department of Consumer Protection for the purpose of taking evidence and issuing findings on the remanded issues. Notice of the proceedings was provided and Frank Maratta, president of the backer corporation, appeared, with counsel.

Findings of Fact

Based upon the testimony and evidence presented and made part of the record, we find the following facts:

1. Gerald C. Langlais was hired by the Department of Liquor Control in 1978 as an agent. In 1988 he became the Permit Manager or Deputy Director. In 1992 he became the Director or Administrator. (Testimony of Gerald C. Langlais, Transcript of January 8, 2009, hearing, p. 35) He held the position of Administrator until he retired on July 1, 2009. (Testimony of Gerald C. Langlais, Transcript of June 10, 2010 hearing, p. 6)

2. Steven F. Hennessey was employed with the Department of Liquor Control starting in 1974. He left that department in 1995. He held the positions of Agent, Supervisor, Chief Inspector and Deputy Director. (Testimony of Steven F. Hennessey, Transcript of June 10, 2010 hearing, p. 22)

As to Issue #1: Prior to October, 1979, what was the practice and policy of the Liquor Control Commission in regard to defining a "premises"?

3. For the service, delivery or presence of alcoholic beverages, a café premises or a restaurant premises, which were treated similarly, is defined as the physical structure of the building or a portion of a building in which the business was located. (Testimony of Gerald C. Langlais, Transcript of June 10, 2010 hearing, p. 7)

4. A café premises or a restaurant premises was defined as being within a building, either as the building or a portion of the building. (Testimony of Gerald C. Langlais, Transcript of June 10, 2010 hearing, p. 7)

5. Café premises and restaurant premises were confined within the four walls of the building. (Testimony of Steven F. Hennessey, Transcript of June 10, 2010 hearing, p. 23)

6. The term "building" is equated with "premises." (Testimony of Gerald C. Langlais, Transcript of June 10, 2010 hearing, p. 14)

7. Prior to October 1, 1979, premises would not include the outside portion of the building. (Testimony of Gerald C. Langlais, Transcript of June 10, 2010 hearing, p. 14)

As to Issue #2. Prior to October, 1979, what was the practice and policy of the Liquor Control Commission in regard to permitting outdoor service of alcohol?

8. Prior to October 1, 1979, premises with café or restaurant permits were not allowed outdoor service of alcohol. (Testimony of Gerald C. Langlais, Transcript of June 10, 2010 hearing, p. 16)

9. If an agent observed the outdoor service of alcohol, a violation of the Liquor Control Act would be charged by the agent for alleged "off-premises consumption". (Testimony of Gerald C. Langlais, Transcript of June 10, 2010 hearing, p. 8)

10. Holders of a hotel liquor permit (Sec. 30-51 Connecticut General Statutes) which operated as a resort were allowed to serve alcohol in areas other than the main hotel building and also on the roof. (Testimony of Gerald C. Langlais, Transcript of June 10, 2010 hearing, p. 15-16)

11. There were no permanent patio approvals from the Liquor Control Commission prior to October 1, 1979. (Testimony of Steven F. Hennessey, Transcript of June 10, 2010 hearing, p. 23-24)

12. The sole isolated exception would be a charity fundraiser for a day or two in which case, approval by the Liquor Control Commission would be given to the café or restaurant in writing. In order to obtain such approval for the benefit of a charity, it would be necessary to submit a written request to the Liquor Control Commission, with a specific date and sketch provided. (Testimony of Steven F. Hennessey, Transcript of June 10, 2010 hearing, p. 23-24)

13. While prior to October 1, 1979, restaurant or café patrons may have been in possession of alcohol outside the legal premises, it would not have been sanctioned or with permanent approval from the Liquor Control Commission

prior to the enactment of the patio law on October 1, 1979. (Testimony of Steven F. Hennessey, Transcript of June 10, 2010 hearing, p. 25)

14. Prior to October 1, 1979, except for isolated incidents for the benefit of a charity, outdoor service of alcohol at a café was not allowed. (Testimony of Steven F. Hennessey, Transcript of June 10, 2010 hearing, p. 26)

15. There were no café or restaurant permit premise which were legally allowed to include outside areas for the service of alcohol, although service of food was allowed outside the premises. (Testimony of Steven F. Hennessey, Transcript of June 10, 2010 hearing, p. 30)

16. On the day of the original hearing, January 8, 2009, the file for the Pavilion, liquor permit LCA.5820, contained no permanent patio approvals and at least two temporary, one-day patio approvals. (Testimony of Gerald C. Langlais, Transcript of January 8, 2009, hearing, p. 42-43)

17. Agent Wyborny was aware that outside service of alcohol was expressly prohibited by regulations or laws. (Testimony of Ronald A. Wyborny, Transcript of January 8, 2009 hearing, p. 77)

As to Issue #3: In 1979 what was the authority of a liquor agent to make representations to a permittee that would have the effect of binding the Liquor Commission?

18. In 1979, the chain of command was the Chairman of the Liquor Control Commission who was in effect the head of the Department of Liquor Control, the Liquor Control Commission, the Director and the Deputy Director, the Chief of Inspection, Supervisor Agent and the Agents. The chain of command was followed very strictly. A supervising agent would have no

authority or ability to make representations that would bind the commission. The ultimate decision maker was Jack Healy, Chairman of the Liquor Control Commission. (Testimony of Gerald C. Langlais, Transcript of June 10, 2010 hearing, p.8-9)

19. In 1979 an agent did not have authority to freelance, make policy decision or bind the Liquor Control Commission. (Testimony of Gerald C. Langlais, Transcript of June 10, 2010 hearing, p. 8) An agent had no authority to bind the commission; the Liquor Control Commission bound the agent. (Testimony of Gerald C. Langlais, Transcript of June 10, 2010 hearing, p. 19)

20. Neither an agent nor a supervisor had the authority to bind the Commission. Agents reported on their observations to their superiors who presented them to the Commission which made a determination as to what action was taken. (Testimony of Steven F. Hennessey, Transcript of June 10, 2010 hearing, p. 27)

21. Ultimate authority rested with the Commission; Agent Wyborny always had to report back to them. (Testimony of Ronald A. Wyborny, Transcript of January 8, 2009 hearing, p. 7)

Discussion

Based upon the substantial evidence presented, we find that prior to October 1979, a café or restaurant "premises" was defined as the space within the building or portion of a building in which the permitted business operated. We further find that prior to October 1979, the Liquor Control Commission did not grant permanent approval for the outdoor service of alcohol to any café or restaurant.

The Commission occasionally granted one- or two-day temporary permits solely for charitable functions on a case-by-case basis, in writing. Lastly, we find that in 1979, a liquor control agent had absolutely no authority to bind the Liquor Control Commission.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

BY:



Elisa A. Nahas, Esq.
Designated Presiding Officer



Stephen R. Somma, Commissioner

Parties:

Stephanie Livesey, Permittee c/o Jan Trendowski, Esq., Trendowski Law Offices,
90 Main Street, Suite 201, Centerbrook, CT 06409

Non-Parties:

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



STATE OF CONNECTICUT

DEPARTMENT OF LIQUOR CONTROL



(655-7386)

To: Mr. Peter Hill
The Pavilion Cafe
85 Swan Ave.
Old Lyme, CT 06371

CA-1819

Michael A. Dunkerley, Permittee

8-13-91

Dear Mr. Hill,

Your plans for a patio on 8-18-91; 11:00 a.m. to 7:00 p.m.

received by this department on 8-13-91 have been approved. This approval is conditioned as follows:

- 1 Full control of the patio must be maintained.
- 2. This area is considered a barroom and all laws or regulations for barrooms are in effect.

The plans will be placed with your file. Deviation from those plans without further approval from this department may place your permit in violation of the Connecticut State Statutes and Regulations.

Note - No alcoholic beverages may leave the premises or patio areas.

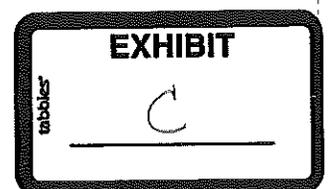
If there are any questions, please call me at 566-4175 between 9:45 AM and 4:15 PM.

Sincerely,

Ron Wyborny, Lead Agent

Inspection and Investigation Division

PLEASE NOTE: Place this letter next to or with your permit.



THE PAVILION
BOOZE, FOOD, FUN & SUN

85 SWAN AVE. OLD LYME, CONN. 06371 TEL. 434-8405

August 12, 1991

Lead Agent Ron Wyborny
Department of Liquor Control
165 Capitol Avenue
Hartford, CT 06106

Dear Ron,

The Pavilion Restaurant in Old Lyme requests that the serving area be extended for a one day event. Enclosed with this letter is a floor plan of the establishment.

The event is set for Sunday, August 18, 1991. It will begin at 11:00 A.M. and conclude at approximately 7:00 P.M..

We would like to extend our serving area one hundred six feet out and ninety feet across. We will construct a fence to enclose the area. The fence is made of black polyurethane and will measure approximately eight feet high.

Doormen will be stationed at each exit and numerous others will be patrolling the area. One Old Lyme police officer will be hired for the event. All patrons will be entering the establishment through a single door. This is located at the northwest corner of the building. After proper identification has been presented each person will have a bracelet placed on their right wrist. They will be informed that if it is removed they will be asked to leave.

I look forward to hearing from you on this matter. Thank you for your immediate attention. If you have any questions please do not hesitate to give me a call (434-8405 FAX 434-2993). Thank you again!

Sincerely,



Peter Hill
Promotions Director

Encl.

THE PAVILION
BOOZE, FOOD, FUN & SUN

CA-1819TH Pavilion
85 Swan Ave., Old Lyme
Karen Gustafsson, Perm.
Restaurant Consultants, Inc.
Frank Maratta, Pres.

85 SWAN AVE. OLD LYME, CONN. 06371 TEL. 434-8405

July 1, 1991

Lead Agent Ron Wyborny
Department of Liquor Control
165 Capitol Avenue
Hartford, CT 06106

Dear Ron,

The Pavilion Restaurant in Old Lyme requests that the serving area be extended for a one day event. Enclosed with this letter is a floor plan of the establishment.

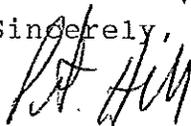
The event is set for Sunday, August 4, 1991. It will begin at 11:00 a.m. and conclude at 7:00 p.m..

We would like to extend our serving area one hundred six feet out and ninety feet across. We will construct a fence to enclose the area. The fence is made of black polyurethane and will measure approximately eight feet high.

Doormen will be stationed at each exit and numerous others will be patrolling the area. All patrons will be entering the establishment through a single door. This is located in the northwest corner of the building (It is highlighted in the floor plan). After proper identification has been presented each person will have a bracelet placed on their right wrist. They will be informed that if it is removed they will be asked to leave.

I look forward to hearing from you on this matter. Thank you for your immediate attention. If you have any questions, please do not hesitate to give me a call at 434-8405. Thank you again!

Sincerely,



Peter Hill
Promotions Director

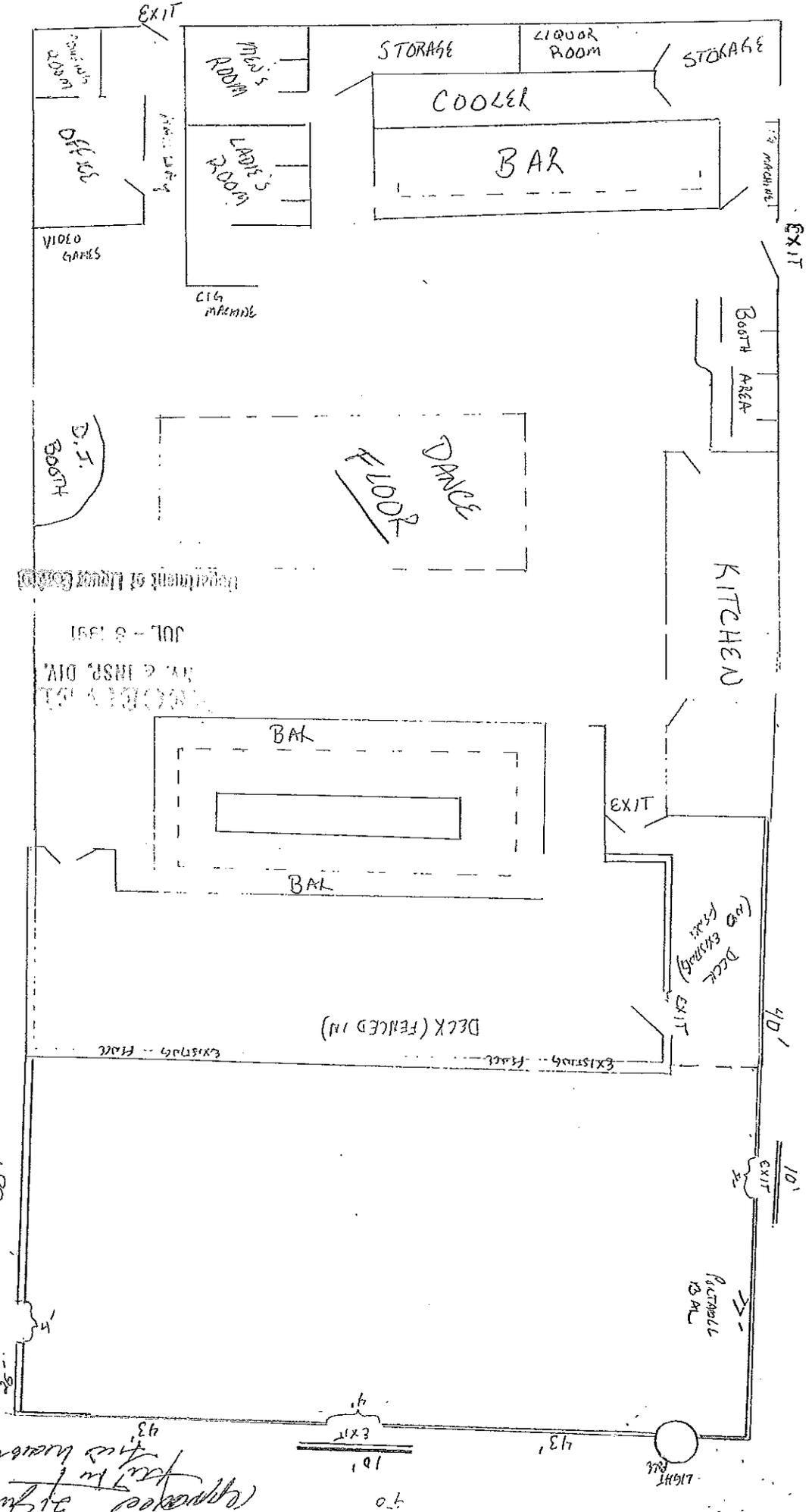
Encl.

RECEIVED
INV. & INSP. DIV.

JUL - 8 1991

Department of Liquor Control

7-10 Lett word for call back
7-12 " " " " " - still trouble with zoning.
was told that NO permission is obtainable without zoning.



Department of Liquor Control
 JUL - 8 1991
 DIV. OF INSPECTION

Sheraldine A. Fryer, Sanitarian

*(Approved at 2:00 PM 7/11/91)
 for this violation
 43'*

LIGHT

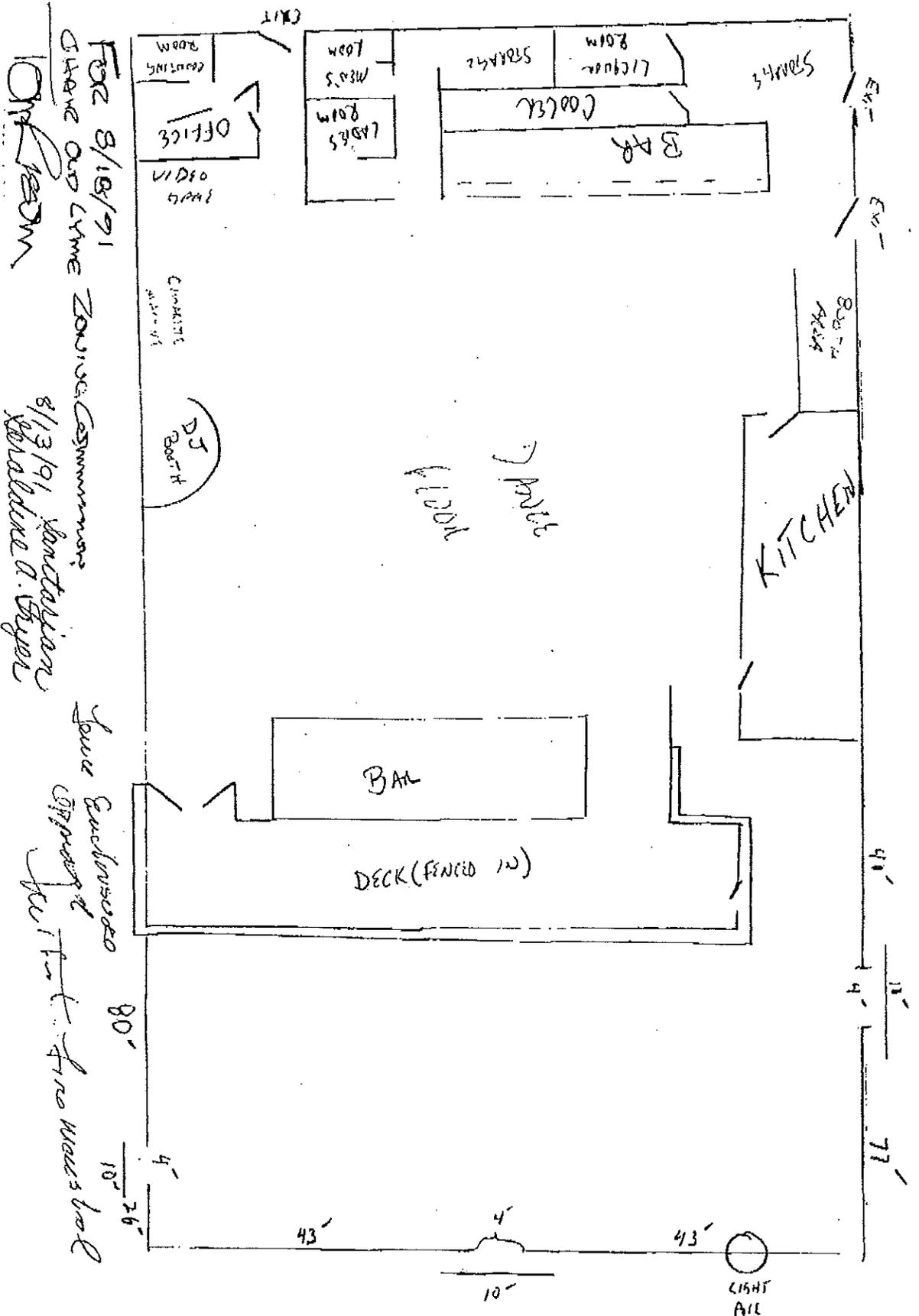
7/30/91

TO: LEAD AGENT RON WYBURNY (STATE LIQUOR COMMISSION)
FROM: PETER HILL (PASTOR)

2 TOTAL PAGES

Ron,

HERE IS THE FAX WE TALKED ABOUT. PLEASE FAX
THE PERMIT TO THE PASTOR 434-2993. THANK YOU FOR
YOUR HELP. IF YOU HAVE ANY QUESTIONS PLEASE CALL ME
AT 434-8405

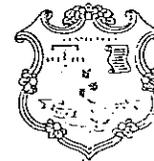


FOR 8/18/91
 DINE AND LYME ZONING COMMUNITY
 OK ROOM
 8/13/91 Venturian
 Kovalina A. Saper
 June Enclosures
 for proposed
 for 1st fire was had



STATE OF CONNECTICUT

DEPARTMENT OF LIQUOR CONTROL



To: Mr. Peter Hill CA-1819
The Pavilion Cafe
85 Swan Ave.
Old Lyme, CT 06371

7-31-91

Dear Mr. Hill,

Your plans for a patio for 8-4-91 11:00 a.m. to 7:00 p.m.
received by this department on 7-8-91 have been approved. This
approval is conditioned as follows:

1. Full control of the patio area must be maintained
2. No Minors without parent, legal gaurdian, or adult spouse is to be allowed in the patio area.

The plans will be placed with your file. Deviation from those plans without further approval from this department may place your permit in violation of the Connecticut State Statutes and Regulations.

Note - No alcoholic beverages may leave the premises or patio areas.

If there are any questions, please call me at 566-4175 between 9:45 AM and 4:15 PM.

Sincerely,

Ron Wyborny, Lead Agent

Inspection and Investigation Division

PLEASE NOTE: Place this letter next to or with your permit.



STATE OF CONNECTICUT

DEPARTMENT OF LIQUOR CONTROL



To: Peter Hill Michael A. Dunkerley, Permittee
The Pavilion Cafe CA-1819
85 Swan Ave.
Old Lyme, CT 06371

Date: 7/30/92

Fax 434-2993

Dear Mr. Hill,

Your plans for a patio on 7/31/92 10:00 am to 9:00 pm
received by this department on 7/30/92 have been approved. This
approval is conditioned as follows:

Full Control of the patio must be maintained
This area is considered like that of a barroom.

If you are setting up another bar to dispense alcoholic beverages, YOU MUST HAVE AN
"ADDITIONAL CONSUMER BAR PERMIT".

ANY FUTURE CONSIDERATION FOR PATIO PERMISSION MUST BE REQUESTED AT LEAST 14 DAYS IN
ADVANCE.

The plans will be placed with your file. Deviation from those plans
without further approval from this department may place your permit
in violation of the Connecticut State Statutes and Regulations.

Note - No alcoholic beverages may leave the premises or patio areas.

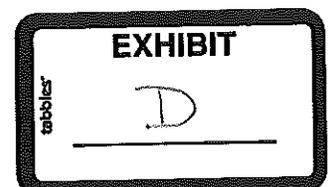
If there are any questions, please call me at 566-4175 between 9:45 AM
and 4:15 PM.

Sincerely,

Ron Wyborny, Special Agent

Inspection and Investigation Division

PLEASE NOTE: Place this letter next to or with your permit /in your files.



THE PAVILION
BOOZE, FOOD, FUN & SUN

85 SWAN AVE. OLD LYME, CONN. 06371 TEL. 434-8405

July 29, 1991 *Rec'd 7/30/92*

Lead Agent Ron Wyborny
Department of Liquor Control
165 Capitol Avenue
Hartford, CT 06106

Dear Ron,

The Pavilion Restaurant in Old Lyme requests that the serving area be extended for a one day event. Enclosed with this letter is a floor plan of the establishment.

The event is set for Friday, July 31, 1992. It will begin at 10:00 a.m. and conclude at 9:00 p.m..

We would like to extend our serving area one hundred six feet out and ninety feet across. We will construct a fence to enclose the area. The fence is made of black polyurethane and will measure approximately eight feet high.

Doormen will be stationed at each exit and numerous others will be patrolling the area. All the patrons will enter the premises through a single door.. This is located at the northwest corner of the building. After proper identification has been presented each person will be stamped on the hand. For additional security we have hired an Old Lyme policeman to be on the premises during the event.

Thank you very much for your immediate attention to this matter! If you have any questions please do not hesitate to give me a call at 434-8405. Thank you again!

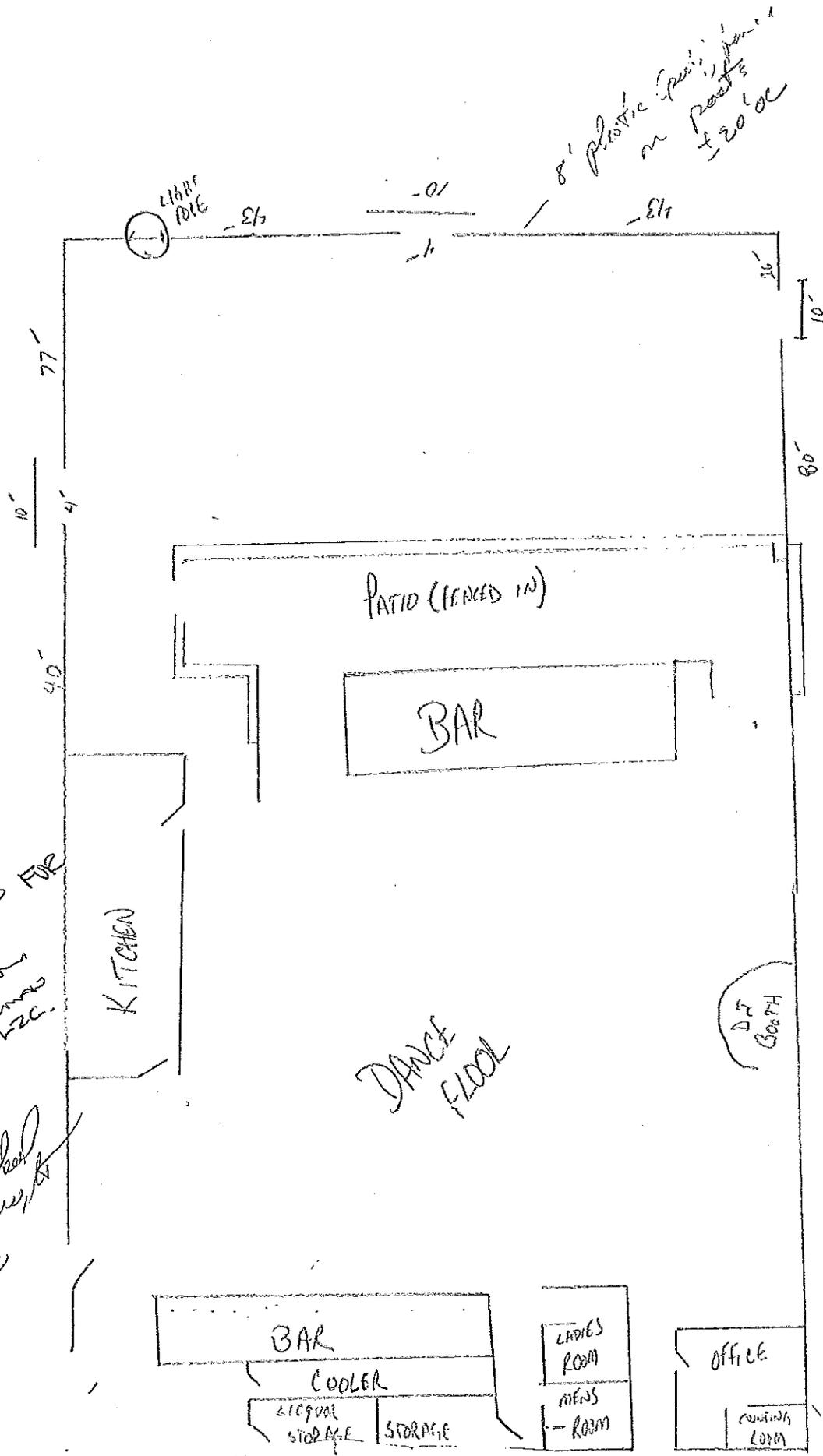
Sincerely,



Peter Hill
Promotions Director

Encl.

Heraldine Fryer, Sanitarian



APPROVED FOR
7/31/92
TOM CROOK
CHAIRMAN
ORZC.

Just checked
and approved
7/31/92



STATE OF CONNECTICUT
DEPARTMENT OF LIQUOR CONTROL



To: PETER HILL MICHAEL A. DUNKERLEY, PERMITTEE
THE PAVILION CAFE CA-1819
85 Swan Ave.
Old Lyme, CT 06371

Date: 8/17/92

FAX 434-2993

Dear Mr. Hill,

Your plans for 8/21/92 patio 11:00 am to 8:00 pm
received by this department on 8/17/92 have been approved. This
approval is conditioned as follows:

IF YOU ARE SETTING UP ANOTHER BAR TO DISPENSE ALCOHOLIC BEVERAGES ON THE PATIO, YOU MUST
HAVE AN " ADDITIONAL CONSUMER BAR PERMIT".

PLEASE NOTE: 2nd WARNING.....ANY FUTURE CONSIDERATION FOR FUTURE DATES FOR PATIOS
MUST BE RECEIVED HERE 14 DAYS IN ADVANCE. YOUR NEXT REQUEST WILL BE PUT IN CHRONOLOGICAL
POSITION WITH THE REST OF THE WORK (WHICH IN THIS CASE WOULD MEAN YOU WOULDN'T HAVE
THIS PERMISSION IN TIME AND THE POLICE WOULD BE NOTIFIED).

THIS PATIO IS CONSIDERED LIKE THAT OF A BARROOM AND FULL CONTROL MUST BE MAINTAINED.

The plans will be placed with your file. Deviation from those plans
without further approval from this department may place your permit
in violation of the Connecticut State Statutes and Regulations.

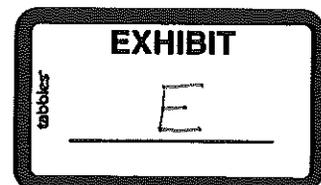
Note - No alcoholic beverages may leave the premises or patio areas.

If there are any questions, please call me at 566-4175 between 9:45 AM
and 4:15 PM.

Sincerely,

Ron Wyborny, Special Agent
Inspection and Investigation Division

PLEASE NOTE: Place this letter next to or with your permit /in your files.





STATE OF CONNECTICUT
DEPARTMENT OF LIQUOR CONTROL



To: Peter Hill Michael A. Dunkerley, Permittee
The Pavilion Cafe CA-1819
85 Swan Ave.
Old Lyme, CT 06371

Date: 7/30/92

fax 434-2993

Dear Mr. Hill,

Your plans for a patio on 7/31/92 10:00 am to 9:00 pm
recieved by this department on 7/30/92 have been approved. This
approval is conditioned as follows:

Full Control of the patio must be maintained
This area is considered like that of a barroom.

If you are setting up another bar to dispense alcoholic beverages, YOU MUST HAVE AN
"ADDITIONAL CONSUMER BAR PERMIT".

ANY FUTURE CONSIDERATION FOR PATIO PERMISSION MUST BE REQUESTED AT LEAST 14 DAYS IN
ADVANCE.

The plans will be placed with your file. Deviation from those plans
without further approval from this department may place your permit
in violation of the Connecticut State Statutes and Regulations.

Note - No alcoholic beverages may leave the premises or patio areas.

If there are any questions, please call me at 566-4175 between 9:45 AM
and 4:15 PM.

Sincerely,

Ron Wyborny, Special Agent

Inspection and Investigation Division

PLEASE NOTE: Place this letter next to or with your permit /in your files.

THE PAVILION
BOOZE, FOOD, FUN & SUN

85 SWAN AVE. OLD LYME, CONN. 06371 TEL. 434-8405

July 13, 1992

Rec'd 8/17/92

Lead Agent Ron Wyborny
Department of Liquor Control
165 Capitol Avenue
Hartford, CT 06106

Dear Agent Wyborny,

The Pavilion Restaurant in Old Lyme requests that the serving area be extended for a one day event. Enclosed with this letter is a floor plan of the establishment.

The event is set for Friday August 21, 1991. It will begin at 11:00 a.m. and end at approximately 8:00 p.m..

We would like to extend our serving area one hundred six feet out and ninety feet across. We will construct a fence to enclose the area. The fence is made of black polyurethane and measures approximately eight feet high.

Doormen will be stationed at each exit and numerous others will be patrolling the area. All patrons will be entering the establishment through a single door. In addition to doormen the Pavilion is hiring one or two police officers for the day (either Old Lyme or State Police).

Thank you for your immediate attention! If you have any questions feel free to call me at 434-5937. Thank you again!

Sincerely,

Peter Hill
Promotions Director

Encl.

