

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

The 809 Bar and Restaurant
Adilka Gautier, Permittee
Adilka LLC, Backer
Case No. 2014-968
Permit No. LIR.18645

Docket No. 15-400
June 9, 2015

MEMORANDUM OF DECISION

This matter involves a restaurant liquor permit issued to The 809 Bar and Restaurant, 464 Colony Street, Meriden, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on June 4, 2015. Despite proper notice, the Respondent did not appear at the hearing.

The following charges are alleged against the Respondent. It is alleged that on September 26, 2014, the Respondent violated: (1) Sec. 30-76 of the Connecticut General Statutes and (2) Sec. 30-6-A41(a) of the Regulations of Connecticut State Agencies by purchasing alcohol from unauthorized sources. It is further alleged that on October 24, 2014, the Respondent again violated (3) Sec. 30-76 of the Connecticut General Statutes and (4) Sec. 30-6-A41(a) of the Regulations of Connecticut State Agencies by purchasing alcohol from unauthorized sources.

Based upon the testimony presented at the hearing, we find the following facts. On September 26, 2014, Liquor Control Agent Kula

conducted a general inspection of the premises. He observed six cardboard boxes which contained 750 ml. bottles and 1-liter bottles of alcohol about half of which had retail price stockers on them. He also observed bottles on the back bar and in the cabinet below the bar which also bore price stickers. Based upon Agent Kula's experience and training, bottles which bear price stickers have been purchased from package stores and not from wholesalers as is required by the statute.

Thereafter, Agent Kula requested that the wholesalers who service this area provide him with liquor invoices. No recent invoices documenting purchases of alcohol by The 809 Bar & Restaurant from wholesalers were available.

Agent Kula returned to the premises on October 24, 2014 and spoke with the permittee. She indicated she had been out of the country and did not know where the alcohol had been purchased. She provided one invoice from Brescome Barton. Agents seized all of the alcohol which was not documented by that invoice.

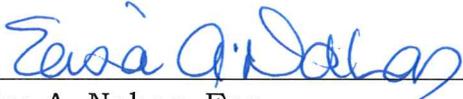
The Liquor Control Act grants the Liquor Control Commission a liberal discretionary power to determine factual matters with regard to liquor permits and to suspend or revoke the permit after a hearing. *Balog v. Liquor Control Commission*, 150 Conn. 473, 191 A.2d 20 (1963). This power to suspend or revoke a liquor permit is exercised conservatively, but mindful that dispensing liquor is a privilege, not a

right. *Beckanstin v. Liquor Control Commission*, 140 Conn. 185, 99 A.2d 119 (1953).

Based upon the testimony and documents submitted at the hearing, the Respondent is found in violation of all charges alleged. Accordingly, we hereby suspend the Respondent's permit for a period of seven (7) days.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

BY:



Elisa A. Nahas, Esq.
Designated Presiding Officer



Angelo J. Faenza, Commissioner



David A. Scribner, Commissioner

Parties:

Adilka Gautier, Permittee, The 809 Bar & Restaurant, 464 Colony Street,
Meriden, CT 06451

(Via US Mail and Certified Mail # 7012 2920 0000 4559 6684)

Adilka Gautier, 37 Dewey Avenue, Bristol, CT 06010-7306

(Via US Mail and Certified Mail # 7012 2920 0000 4559 6691)

Adilka Gautier, 296 Morris Avenue, Inwood, NY 11096

(Via US Mail and Certified Mail # 7012 2920 0000 4559 6707)

Non-Parties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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