

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Van Dome

William Santagata, Permittee

Hamilton St. Enter, LLC, Backer

Permit #LCA.5381

Docket No. 09-883

Case No. 2008-1866

September 1, 2009

MEMORANDUM OF DECISION

This matter involves a café permit issued to Van Dome, 102 Hamilton Street, New Haven, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on August 6, 2009. Romano Ratti and Nick Yukash, both managers at Van Dome, appeared on behalf of the Respondent.

It is alleged that on or about March 7, 2008, the Respondent (1) sold or delivered alcoholic liquor to a minor in violation of Section 30-86, Connecticut General Statutes and (2) allowed a minor, unaccompanied by a parent or guardian, into the barroom of this premises in violation of Sec. 30-90 of the Connecticut General Statutes. The Respondent denied Charge 1 and admitted Charge 2 and the matter proceeded to a hearing.

The following facts are found based upon the evidence adduced at the hearing. Before 11:00 p.m., on the evening of March 7, 2008, Tasjuia Benford went to Van Dome. Ms. Benford's date of birth is June 13, 1989; on March 7, 2008, she was 18 years of age and thus a minor. While inside, Ms. Benford

went to the bar where she ordered, received and paid \$7 for a Scorpion Bowl, a drink which contains a variety of alcoholic liquors. The female bartender did not ask her for her age identification. Ms. Benford consumed the Scorpion Bowl and returned to the bar where she ordered and received a second Scorpion Bowl containing alcoholic liquors.

Subsequently, Ms. Benford became ill and her mother, Joyce Bellamy, came to Van Dome. Ms. Benford had been adopted by her stepfather and is sometimes known as Tasjua Bellamy, the name she gave to the ambulance attendant. At the hearing, the Respondent offered testimony which was somewhat at odds with that of Ms. Benford. However, we find the testimony of Ms. Benford to be credible and we believe her version of the evening's events. We find on March 7, 2008, she was served alcohol by Van Dome, and she was a minor.

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).

Accordingly, based upon the substantial evidence, we hereby find the Respondent to be in violation of both Charge #1, sale of alcohol to minor Ms. Benford, and Charge #2. We hereby suspend the Respondent's permit for a

period of three days, and for an additional period of ten days. In lieu of the additional ten days' suspension, however, we will accept payment of a fine of \$750 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:**

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Elisa A. Nahas, Esq.  
Designated Presiding Officer

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Angelo J. Faenza, Commissioner

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Stephen R. Somma, Commissioner

**Parties:**

William Santagata, Van Dome, 102 Hamilton Street, New Haven, CT 06511

**Nonparties:**

John Suchy, Director, Department of Consumer Protection, Liquor Control  
Division

Connecticut Beverage Journal

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