

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

In the Matter of

Attilio's at Simsbury Farms
Attilio Ceneviva, Permittee
Attilio's Restaurant LLC, Backer
Liquor Permit No. LRW.4650P
Docket No. 09-1023

Case No. 2009-2378
October 20, 2009

MEMORANDUM OF DECISION

This matter involves an application for a restaurant wine and beer liquor permit for Attilio's at Simsbury Farms, 100 Old Farms Road, Simsbury, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on October 8, 2009. Attilio Ceneviva, permittee, 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. One remonstrant appeared to oppose the granting of this permit. The premises is currently operating under a provisional restaurant wine and beer liquor permit.

The following facts are found based upon evidence adduced at the hearing. Liquor Control Agent Wilson reviewed the pending application and found it to be in order. She performed a new application investigation as well as a remonstrance investigation. She visited the proposed location on two occasions and determined the proximity of the premises to churches, schools and other liquor outlets. The premises is in a free-standing building located in a town recreation complex housing a swimming pool, skating rink, golf course and

playground. It is a one-room restaurant with no consumer bar; alcohol is obtained from the kitchen by waitstaff who serve it to patrons seated at tables. On one of her visits, Agent Wilson observed the luncheon clientele. It was a mature, mannerly group. Agent Wilson confirmed that local zoning authority had approved the application. There are no nearby residences. The local police and health inspector have no issues with this restaurant. Agent Wilson found nothing questionable about the application, the applicant or the location.

Robert Kalechman, a remonstrant, expressed concerns of public safety as the location is in proximity to facilities used by young people. He also questioned the safety of an exit road. Agent Wilson traversed the exit road at the posted 5 mile per hour speed limit without incident. The location has been operating with a provisional liquor permit throughout the summer season, without incident.

Based upon the evidence adduced 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 restaurant wine and beer liquor permit to Attilio Ceneviva and Attilio's at Simsbury Farms, subject to the agent's final requirements.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION
BY**

Elisa A. Nahas, Esq.
Presiding Officer

Stephen R. Somma
Commissioner

Parties:

Robert H. Kalechman, Agent for Remonstrants, 971 Hopmeadow Street,
Simsbury, CT 06070

Nonparties:

John Suchy, Director, Liquor Control Division, Department of Consumer
Protection
Connecticut Beverage Journal
Connecticut State Library, 231 Capitol Avenue, Hartford, CT 06106