

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Plan B Restaurant
Kenneth C. Ward, Jr., Permittee
Yoshu LLC, Backer
Permit #LIR.17160
Docket No. 07-792

June 5, 2007

MEMORANDUM OF DECISION

This matter involves a restaurant permit issued to Plan B Restaurant, 138 Park Road, West Hartford, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on March 1, 2007, at which time Allie Gamble, a member of the backer limited liability company, appeared with counsel.

There are four charges against the Respondent. It is alleged that on or about November 14, 2006, the Respondent violated (1) Section 30-6-A10 of the Regulations of Connecticut State Agencies; (2) Section 30-22(f), Connecticut General Statutes; (3) Section 30-6-B29 of the Regulations of Connecticut State Agencies; and (4) Section 30-54, Connecticut General Statutes. The Respondent denied Charges #1-3 and admitted #4, and the matter proceeded to a hearing.

The subject of the hearing arose from the need for effective separation in order to qualify as a "restaurant" by use of a wall separating the dining area and the barroom area. Without the proper separation, the premises would have qualified as a "café", rather than a

“restaurant”. As of the date of the hearing, the separation issue was corrected, and the premises is now in compliance as a “restaurant”. Based upon the admissions, testimony and documents presented at the hearing, we find the Respondent to be in violation of Charges #2, 3, and 4, and we dismiss Charge #1. Accordingly, we hereby impose a civil penalty of \$375.00

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

Elisa A. Nahas, Esq.
Presiding Officer

Angelo J. Faenza, Commissioner

Parties:

Kenneth C. Ward, Jr., c/o John B. Kennelly, Esq., Kennelly & Associates,
1 Lewis Street, Hartford, CT 06103
Kenneth C. Ward, Jr., Permittee, Plan B Restaurant, 138 Park Road,
West Hartford, CT 06110

Nonparties:

John Suchy, Director, 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