

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Village Square Liquors
Vito Catale, Permittee
Village Square Liquors Inc., Backer
Permit No. LIP.12768
Docket No. 2013-272

Case No. 2013-10
May 2, 2013

MEMORANDUM OF DECISION

This matter involves a package store liquor permit issued to Village Square Liquors, 401 Monroe Turnpike, Units D1 and D2, Village Square Shopping Center, Monroe, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on March 21, 2013. The respondent appeared with counsel. At the conclusion of the hearing, the record was left open until April 11, 2013 for the submission of briefs.

The allegations against the permit premises arose from an investigation conducted by the Department of Consumer Protection's Liquor Control Division. It is alleged that on or about August 31, 2012, the respondent violated Sec. 30-46(5) of the Connecticut General Statutes in it did not have the right to occupy the permit premises. It is further alleged that on or about October 31, 2012, the respondent violated Sec. 30-6-A6 (2) of the Regulations of Connecticut State Agencies in that more than 60 days had elapsed since the discontinuance of the business and the liquor permit had not been returned to

the department. The respondent denied the allegations and the matter proceeded to hearing.

The following facts are found based upon the evidence adduced at the hearing. On October 30, 2006, Village Square, Inc., as landlord, entered into a commercial lease for the permit premises with Village Square Liquors, Inc., as tenant. The lease term ended on November 30, 2011. The respondent continued to occupy the premises as a holdover tenant, on a month-to-month basis, and owes the landlord approximately \$27,447.83 in unpaid rent and fees for returned checks and late payments. On September 5, 2012, the landlord changed the locks and the respondent was no longer able to gain entry to the permit premises. It is undisputed between the parties that the landlord has not served the respondent with a Notice to Quit, and no summary process action has been brought to evict Mr. Catale and Village Square Liquors, Inc. from the premises.

The issue of the respondent's tenancy must be addressed by a summary process action in accordance with the Connecticut General Statutes, not by an administrative body such as the Liquor Control Commission. Newton v. Liquor Control Commission, 1996 Conn. Super, LEXIS 2165 (Conn. Super. Ct. Aug. 15, 1996); (See Connecticut General Statutes, Section 47a-23)

Therefore, based upon the substantial evidence presented, the charges are dismissed.

**DEPARTMENT OF CONSUMER PROTECTION
LIQUOR CONTROL COMMISSION**

Elisa A. Nahas, Esq.
Designated Presiding Officer

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

Vito Catale, Permittee c/o John R. Bryk, Esq., 1000 Lafayette Blvd, 5th Floor,
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Non-Parties:

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