

STATE OF CONNECTICUT

DEPARTMENT OF CONSUMER PROTECTION

IN THE MATTER OF

Stonybrook Restaurant
Angelo Recine, Permittee
Stonybrook Restaurant LLC, Backer
Case No. 2010-1601
Permit No. LIR.16438

Docket No. 12-39
January 24, 2012

MEMORANDUM OF DECISION

This matter involves a restaurant liquor permit issued to Stonybrook Restaurant, 825 Success Avenue, Stratford, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on December 1, 2011. Angelo Recine, permittee, appeared. At the conclusion of the hearing, the record was left open for the submission of additional evidence by the respondent.

The following charges are alleged against the Respondent. It is alleged that on January 11, 2011, the Respondent violated: (1) Sec. 30-6-A24(a) of the Regulations of Connecticut State Agencies in that unlawful conduct in the form of gambling was occurring at this premises; (2) Sec. 30-22(f) of the Connecticut General Statutes in that this premises was not serving hot, restaurant-style meals; (3) Sec. 30-6-B28(a) of the Regulations of Connecticut State Agencies in that the premises lacked a dining room; and (4) Sec. 30-53 of the Connecticut General Statutes in that the liquor permit had not been filed with the Stratford Town Clerk.

We find the following facts. On January 11, 2011, Liquor Control Agents Vaughn and Crowdis conducted a general inspection of Stonybrook Restaurant, holder of restaurant liquor permit LIR.16438. Agent Vaughn observed that the dining room offered seating for only twelve people and that the food offered was not the hot, restaurant-style meals required by the statute. Subsequent to the hearing, the respondent provided documentation showing that he now had adequate seating and offered hot meals such that he could maintain his restaurant liquor permit.

Three Super Bowl football pools were being conducted by this premises. Agent Crowdis explained to the permittee that even though all of the monies collected in the pools were paid out to the participants and no money was kept by the house, that pools of this type had been found by the Office of the Attorney General to be gambling and could not be conducted in licensed premises. The liquor permit had not been filed with the Stratford Town Clerk's Office.

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

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

Elisa A. Nahas, Esq.
Designated Presiding Officer

Angelo J. Faenza, Commissioner

Stephen R. Somma, Commissioner

Parties:

Angelo Recine, Permittee, Stonybrook Restaurant, 825 Success Avenue,
Stratford, CT 06614

(Via US Mail and Certified Mail # 7010 1670 0000 0762 2164)

Angelo Recine, 96 Seaview Terrace, Bridgeport, CT 06605

(Via US Mail and Certified Mail # 7010 1670 0000 0762 2041)

Non-Parties:

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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