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HB 5235
HB 5739
SB 458

**TESTIMONY FOR THE GENERAL LAW COMMITTEE
HEARING DATED FEBRUARY 8, 2011 IN OPPOSITION TO PROPOSED
H.B.No. 5739 ENTITLED "AN ACT CONCERNING MUNICIPAL APPROVAL
OF ALCOHOLIC LIQUOR PERMITS
PROPOSED S.B. No. 458 "AN ACT CONCERNING MUNICIPAL POLICE
DEPARTMENTS AND ALCOHOLIC LIQUOR PERMITS**

My name is Daniel A. Silver and I am an attorney in the law firm of Silver & Silver LLP with offices located at One Liberty Square, New Britain, Connecticut. A good portion of my firm's practice is involved with representing liquor permit holders in the application and renewal process. As such, I feel qualified to express my views concerning these proposed bills which are before you today. Each of these proposals, although they may be well intended, sponsored by legislators who I have personally come to respect, in my opinion, are unnecessary, create additional ????? of governmental regulation upon businesses struggling to exist in a difficult economy would clearly establish an additional mandate on local communities without funding from the State of Connecticut. The purpose of these bills would require the Chief of the Municipal Public Safety Department, or designee, to become involved in the approval of both new and renewed liquor permits throughout the State of Connecticut.

At the present time the responsibility for approval of new and renewed liquor permits has been place under the Department of Consumer Protection Liquor Control Commission. This is a professional organization which is led by a highly professional Director, John Suchy, who has a long background in public safety as a member of the Norwalk Police Department. Under the direction of

Mr. Suchy there is a staff of highly trained liquor agents who take great care in the investigation of proposed permits. To now pass new legislation which would add a second tier of investigation by local public safety officials only duplicates the length in the period of time which would be required for permits to be granted. At the present time the investigative process conducted through the Department of Consumer Protection Liquor Control Division goes on for many weeks. In fact, it is not unusual for the length of time between submission of a permit and the granting of a final permit to last in excess of ninety (90) days, which makes it difficult for parties to negotiate purchase of businesses and dealings with prospective landlords due to the length of time for the approval of permits to sell alcoholic beverages. This new bill would only exacerbate continued delay and would further only duplicate the efforts of the investigation of the State Department.

Under the existing State legislation, citizens and public safety departments do have statutory rights to raise objections to either the granting or renewal of an alcoholic permit. I bring your attention to Section 30-39(4C) of the General Statutes which provides for a remonstrance hearing which can be brought by ten (10) persons who are at least eighteen (18) years of age and reside in the Town in which the permit or renewal has been applied for. This procedure allows citizens to object to the suitability of the Applicant or the proposed place of business. Upon the filing of such remonstrance the Department is required to give written notice to the Applicant and a hearing will be held on the remonstrance before the Liquor Control Commission. The Commission then has

the right, under the present statutory scheme, to grant the remonstrance and deny either the permit or the renewal. As a lawyer for permit holders, I have conducted many remonstrance hearings – some of which I have won and others which I have lost as a result of allegations made by the public, including local public safety departments.

The enactment of this legislation would further establish an additional mandate to the municipalities which would be required to have their public safety departments investigate liquor applications and renewals. There is presently in excess of five thousand (5000) liquor permits in the State of Connecticut which need to be renewed on a yearly basis. The amount of time which would be required to be devoted to this process by the local safety departments would be enormous. This bill does not contain any promise of reimbursement to the local communities for this additional work. These bills further fail to address the level of discretion which would be involved in the approval process by the local public safety departments and could raise serious constitutional issues.

In conclusion, I would ask that these proposed bills be rejected as they both duplicate existing approval structure and constitute an additional mandate upon our municipalities which are presently overburdened by mandates enacted by this legislature.

In addition, each public safety department is required to report to the Liquor Control Commission criminal activity at the permitted premises which reports can be and are used in disciplinary measures against liquor permit

holders. The police reports themselves are admissible in disciplinary hearings without the required attendance of local public safety officials.