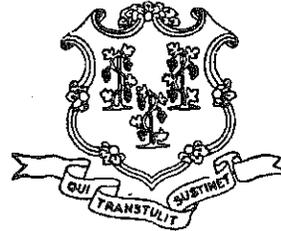


Department of Consumer Protection



**Testimony of William M. Rubenstein,
Commissioner of Consumer Protection**

**General Law Committee Public Hearing
March 6, 2014**

**Senate Bill 301, "An Act Concerning Suspension of Alcoholic Liquor
Permits by Municipal Law Enforcement Officials"**

Sen. Doyle, Rep. Baram, Sen. Witkos, Rep. Carter and Honorable members of the General Law Committee. I am William Rubenstein, Commissioner of Consumer Protection. Thank you for the opportunity to provide comments regarding Senate Bill 301, "An Act Concerning Suspension of Alcoholic Liquor Permits by Municipal Law Enforcement Officials."

SB 301 would give the chief law enforcement officer of a municipality the authority to suspend a liquor permit located in that municipality if he or she determines that it has been conducted as a "disorderly establishment." While DCP understands the

intent of the bill to give municipalities more authority over disruptive conduct of liquor-permitted establishments in their town, we would offer some comments for consideration.

Currently, the Commissioner of Consumer Protection has the ability and statutory authority to issue a summary suspension, on an emergency basis, when he determines that a situation exists that would have an imminent adverse effect on public health or public safety. Therefore, if a chief law enforcement officer believes that such a situation exists, he may immediately communicate this to the Commissioner and a summary suspension may be ordered in appropriate circumstances. If a summary suspension is ordered by the Commissioner, the permittee is entitled to a prompt evidentiary hearing before the Commissioner. Even if there is no immediate threat to public health or safety, law enforcement officials may bring any matter to the attention of the Liquor Control Division for investigation and determination whether action against the liquor permit is warranted. We have historically worked closely with local law enforcement to both detect improper conduct and prepare the evidence necessary to take action against liquor permits when appropriate.

From the perspective of the Department, as well as the permittee and likely also local law enforcement, it is more logical for the issuer of the permit--the Department--to make the determination of whether a permit should be suspended or revoked, rather than a municipal law enforcement official who did not issue the permit. The Department has decades of experience with these issues and it is important that this experience and expertise be brought to bear in controlling the permits issued by the Department to assure that the law is applied in a consistent manner from municipality to municipality and from permittee to permittee.

As we understand it, the focus of the bill is to provide local law enforcement with better tools to control disorderly conduct in their municipalities. The bill sets as the trigger of determining whether an establishment has been conducted as a “disorderly establishment,” whether there have been “not less than three documented incidents that have occurred on or adjacent to the permit premises.” This language suggests a reference to the “Public Nuisances” statutes contained in chapter 368m of the general statutes. We would suggest that this chapter would be a better place to explore in providing a municipality with the authority to temporarily close down any establishment that meets the definition of “public nuisance,” and not only liquor-permitted establishments, as this bill is drafted to do. The Department would be happy to work with proponents of this bill and the committee in drafting language to strengthen the public nuisance laws in this regard.

Finally, the Department has recently submitted a report to the General Assembly, pursuant to Special Act 2011-14 which included a recommendation that may be helpful to consider in light of SB 301. Specifically, we recommended that the legislature consider a statutory change such that if a chief law enforcement officer files with the Department of Consumer Protection an objection for the issuance or renewal of an on-premises liquor permit located in their town, that such filing would trigger a mandatory administrative hearing conducted by DCP’s Liquor Control Commission. At such hearing, the chief law enforcement officer would have the opportunity and the duty to present evidence to the Department that would lead to a determination of approval, rejection revocation or suspension of a permit.

With these comments in mind, the Department is happy to work with municipalities, chief law enforcement officials, legislators and other interested parties to improve our ability to shut-down “disorderly establishments.”

Thank you again for this opportunity to comment about SB 301. I would be happy to answer any questions you have.