

**STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION**

NOTICE AND PARTICULARS

Certified Mail No. 7018 1830 0001 7765 8453
And via email: Avcalt@gmail.com

In the matter of:

Anthony V. Caltabiano, Jr.
Tony Huntington's Inn
437 Huntington Turnpike
Bridgeport, CT 066610

Permit No. LIR.15631
Case Nos. 2021-325 and 2021-344
Backer: Glocalt, Inc.

PURSUANT TO CONN. GEN. STAT. § 30-43 AS AMENDED:

Pursuant to Chapter 545 generally and specifically Section 30-55 of the Connecticut General Statutes as amended, you and a member of the backer limited liability company are hereby summoned to appear before the Department of Consumer Protection of the State of Connecticut, on the **20th day of October 2022 at 10:00 a.m.**, remotely through Microsoft Teams, then and there to answer to the complaint and charges of said Division, the particulars of which are as follows:

Incident 1. February 11, 2021

Charge 1. Applications for permits, renewals. Fees. Publication, remonstrance, hearing. On or about February 11, 2021, you violated Sec. 30-39(b) of the Connecticut General Statutes which provides that any person desiring a liquor permit or a renewal of such a permit . . . shall submit documents sufficient to establish that state and local building, fire and zoning requirements and local ordinances concerning hours and days of sale will be met . . .

Charge 2. Renewal applications. On or about February 11, 2021, you violated Sec. 30-6-A3 of the Regulations of Connecticut State Agencies which provides that ... every renewal application for an on-premises consumption permit, except airline, boat, caterer, and railroad permit shall be accompanied by: approval from the local fire marshal ...

AS MORE PARTICULARLY SET FORTH:

On or about February 11, 2021, the department received the renewal application for permit LIR.15631. The renewal application was not accompanied by the required fire marshal approval form. To date, the required fire marshal certificate has not been received by the department.

Incident 2. August 14, 2021

Charge 3. Return of Permits: reinstatement. On or about August 14, 2021, you violated Sec. 30-6-A6 of the Regulations of Connecticut State Agencies which provides that a permit shall be returned immediately to the office of the division of liquor control upon (1) any change of ownership at a permit premises, except changes covered by section 30-6-A4 of the Regulations of Connecticut State Agencies, (2) discontinuance of business for any reason for more than sixty days, or (3) the suspension or revocation of business in connection with a disciplinary action by the division. If the premises are to be closed for sixty days or less, a letter to this effect should be forwarded to the division. A permit returned to the division under subsection (2) shall be considered to be under voluntary suspension. A permit may be renewed while it is under voluntary suspension but the division may not accept more than one such renewal application. Upon request by the permittee or backer in good standing, the division may reinstate the permit. Voluntary suspension shall not relieve the permittee and backer of liability under the liquor control act or under the Regulations of Connecticut State Agencies. The sale, consumption or dispensing of alcoholic liquor shall be prohibited at any permit premises while such permit is under voluntary suspension.

As more particularly set forth:

During an investigation by the liquor control agents, it was discovered that the Secretary of State of Connecticut dissolved Glocalt, Inc., the backer of the permit premises, on February 22, 2021.

Charge 4. Prohibition of sale of alcoholic liquor in building where portion not used as permit premises. Closing of access to permit premises. On or about August 14, 2021, you violated Sec. 30-51 of the Connecticut General Statutes which provides that no permit may be issued for the sale of alcoholic liquor in any building, a portion of which will not be used as the permit premises, unless the application therefor is accompanied by an affidavit signed and affirmed by the applicant, stating that access from the portion of the building that will not be used as the permit premises to the portion of the building that will be used as the permit premises is effectually closed, unless the Department of Consumer Protection endorses upon such application that it has dispensed with such affidavit for reasons considered by it good and satisfactory and also endorses thereon such reasons. If any way of access from the other portion of such building to the portion used as the permit premises is opened, after such permit is issued, without the consent of the Department of Consumer Protection endorsed on such permit, such permit shall thereupon become and be forfeited, with or without notice from the Department of Consumer Protection, and shall be null and void. If such applicant or any permittee or any backer thereof opens, causes to be opened, permits to be opened or allows to remain open, at any time during the term for which such permit is issued, any way of access from any portion of a building not part of the permit premises to any other portion of such building that is the permit premises, without the written consent of the Department of Consumer Protection endorsed on such permit, such persons or backers shall be subject to the penalties provided in section 30-113. The Department of Consumer Protection shall require every applicant for a permit to sell alcoholic liquor to state under oath whether any portion of the building in which it is proposed to carry on such business will not be used as the permit premises; and, if so, the Department of Consumer Protection shall appoint a suitable person to examine the premises and to see that any and all access between the portion so to be used for the sale of alcoholic liquor and the portion not so used is effectually closed, and may designate the manner of

such closing, and, if necessary, order seals to be placed so that such way of access cannot be opened without breaking the seals, and the breaking or removal of such seals or other methods of preventing access, so ordered and provided, shall be prima facie evidence of a violation of this section. The above provisions shall not apply to any premises operating under a hotel permit.

Charge 5. Restaurant Permit. On or about August 14, 2021, you violated Sec. 30-22(e) of the Connecticut General Statutes which provides that a “restaurant” means space, in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where hot meals are regularly served, but which has no sleeping accommodations for the public and which shall be provided with an adequate and sanitary kitchen and dining room and employs at all times an adequate number of employees.

As more particularly set forth:

On August 14, 2021, liquor agents found that the dining area did not have any dining tables or chairs in it but contained an inflatable bed, easy chair, TV, clothing and personal items. Additionally, your driver’s license listed the premise address as his home address.

Charge 6. Purchase for resale. On or about August 14, 2021, you violated Sec. 30-76 of the Connecticut General Statutes which provides that no person holding a permit for the retail sale of alcoholic liquor shall purchase for resale alcoholic liquor except from a person holding a permit under the provisions of sections 30-16 and 30-17, provided any permittee going out of business may, upon application to and approval by the Department of Consumer Protection, sell all or part of his stock in trade to any permittee authorized by law to retail the kind of liquors so sold. No person holding a manufacturer or wholesaler permit shall purchase for resale alcoholic liquor except from a person holding a manufacturer permit, wholesaler permit or out-of-state shipper's permit. Any person convicted of a violation of this section shall be subject to the penalties provided in section 30-113.

Charge 7. Restrictions on sales and purchases by permittees; donations. On or about August 14, 2021, you violated Sec. 30-6-A41(a) of the Regulations of Connecticut State Agencies which provides that no permittee shall solicit or take from or give orders for alcoholic liquor to, or buy or receive from or sell or deliver alcoholic liquor to, any person or business entity with whom his permit does not empower him to deal. No permittee shall allow the use of his permit so as to aid or abet the commission of such transactions. The permit of any permittee violating the provisions of this regulation shall be liable to suspension or revocation.

As more particularly set forth:

On August 14, 2021, liquor control agents found several 12 oz. sealed bottles of Michelob Ultra beer in the coolers underneath the bar for which the permittee was unable to provide an invoice from a Connecticut wholesaler.

Charge 8. Storage of liquor. Approval of facilities. On or about August 14, 2021, you violated Section 30-38 of the Connecticut General Statutes which provides that each permit granted under the provisions of section 30-16, 30-17, 30-20, 30-21, 30-21b, 30-22, 30-22a,

30-22aa, 30-28a, 30-33a, 30-36, shall also, under the regulations of the Department of Consumer Protection, allow the storage, on the premises and at one other secure location registered with and approved by the department, of sufficient quantities of alcoholic liquor respectively allowed to be sold under such permits as may be necessary for the business conducted by the respective permittees or their backers; but no such permit shall be granted under the provisions of section 30-16 or 30-17 unless such storage facilities are provided and the place of storage receives the approval of the department as to suitability, and thereafter no place of storage shall be changed nor any new place of storage utilized without the approval of the department.

Charge 9. Storage. On or about August 14, 2021, you violated Sec. 30-6-A17(a) of the Regulations of Connecticut State Agencies which provides that each permittee, except the holder of an out-of-state shipper, package store, caterer, transporter, or temporary permit, shall provide and maintain on the premises described in and covered by his permit an adequate and a safe and secure place of storage for alcoholic liquor, under lock and key and accessible only to the permittee and his responsible agents, such place of storage being the only location where alcoholic beverages are to be delivered by a wholesaler. This place of storage shall be subject to the approval and inspection of the department.

As more particularly set forth: On August 14, 2021, liquor control agents discovered that there was no lockable liquor storage room on the permit premises.

Charge 10. Age statement forms. On or about August 14, 2021, you violated Sec. 30-6-A24(g) of the Regulations of Connecticut State Agencies which provides that age statement forms as required by section 30-86a of the Connecticut General Statutes must be obtained and a supply kept available on the premises.

As more particularly set forth:

On August 14, 2021, no age statement forms were found on the premises.

Charge 11. Daily records. On or about August 14, 2021, you violated Sec. 30-6-B25a of the Regulations of Connecticut State Agencies which provides that each restaurant, café, package store, and druggist permittee shall keep on the permit premises a daily record of the sales of alcoholic beverages and food, if applicable, totaled monthly. Any permittee may request permission to have his books, except the daily records, kept at an accountant's office or permittee's or backer's home or office, provided satisfactory arrangements shall be made to produce such records on the permit premises within a reasonable time. The department shall hold permittees strictly accountable for the accuracy of such records.

As more particularly set forth:

On August 14, 2021, daily sales records were not maintained on the permit premises.

Charge 12. Permittee's name to appear on permit premises. On or about August 14, 2021, you violated Sec. 30-6-A12 of the Regulations of Connecticut State Agencies which provides that the name of the permittee or, in the case of permanent substitution, the name of the substitute permittee shall appear at all times on a sign adjacent to the main entrance to

the permit premises in such a manner as to be plainly visible from the sidewalk or street adjacent thereto.

As more particularly set forth:

On August 14, 2021, the permittee name sign was not posted adjacent to the main entrance of the permit premises.

Charge 13. Sanitation. On or about August 14, 2021, you violated Sec. 30-6-A23(b) of the Regulations of Connecticut State Agencies which provides that beer or wine pipe lines and barrel tubes used for the dispensing of alcoholic beverages in places where such dispensing is carried on shall be cleaned at least once each week, by the use of hydraulic pressure mechanism, hand pump suction or a force cleaner or other system approved by the department, or shall be permanently kept clean by a device approved by said department. After cleaning, the lines shall be rinsed with clear water until all chemicals, if any have been used, have been removed.

As more particularly set forth:

On August 14, 2021, the liquor control agents discovered that the beer coil lines had not been cleaned weekly, as required.

Incident 3. April 12, 2022

Charge 14. Age statement forms. On or about April 12, 2022, you violated Sec. 30-6-A24(g) of the Regulations of Connecticut State Agencies which provides that age statement forms as required by section 30-86a of the Connecticut General Statutes must be obtained and a supply kept available on the premises.

As more particularly set forth:

On April 12, 2022, no age statement forms were found on the premises.

Charge 15. Sanitation. On or about April 12, 2022, you violated Sec. 30-6-A23(e) of the Regulations of Connecticut State Agencies which provides that a record card shall be used to record the dates of the cleaning of beer or wine pipe lines, coils, tubes and appurtenances. Said card shall be signed by the person who performs the cleaning operation and countersigned by the permittee. Such cards shall be kept upon the permit premises for a period of one year from the date of the last entry and shall be available at all times for inspection by an agent of the department and by the local health enforcement officers.

As more particularly set forth:

On April 12, 2022, liquor control agents discovered that the permittee was not maintaining a record card of the dates of the cleaning of beer lines.

Charge 16. Sanitation. On or about April 12, 2022, you violated Sec. 30-6-A23(b) of the Regulations of Connecticut State Agencies which provides that beer or wine pipe lines and

barrel tubes used for the dispensing of alcoholic beverages in places where such dispensing is carried on shall be cleaned at least once each week, by the use of hydraulic pressure mechanism, hand pump suction or a force cleaner or other system approved by the department, or shall be permanently kept clean by a device approved by said department. After cleaning, the lines shall be rinsed with clear water until all chemicals, if any have been used, have been removed.

As more particularly set forth:

On April 12, 2022, liquor control agents discovered that the beer coil lines had not been cleaned weekly, as required.

Charge 17. Restaurant Permit. On or about April 12, 2022, you violated Sec. 30-22(e) of the Connecticut General Statutes which defines “restaurant” as a space, in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where hot meals are regularly served, but which has no sleeping accommodations for the public and which shall be provided with an adequate and sanitary kitchen and dining room and employs at all times an adequate number of employees.

As more particularly set forth:

On April 12, 2022, liquor control agents found no food was in the permit premises nor in the kitchen with the exception of a handful of items and condiments in a portable cooler. There was also no seating nor tables in the dining room. The premise was not operating as a bona fide restaurant.

Charge 18. Permit to be recorded. On or about April 12, 2022, you violated Sec. 30-53 of the Connecticut General Statutes which provides that each permit granted or renewed by the Department of Consumer Protection shall be of no effect until a duplicate thereof has been filed by the permittee with the town clerk of the town within which the club or place of business described in such permit is situated.

As more particularly set forth:

On April 12, 2022, liquor control agents found that the liquor permit had not been filed with the Bridgeport City Clerk.

Charge 19. Permittee’s name to appear on permit premises. On or about April 12, 2022, you violated Sec. 30-6-A12 of the Regulations of Connecticut State Agencies which provides that the name of the permittee or, in the case of permanent substitution, the name of the substitute permittee shall appear at all times on a sign adjacent to the main entrance to the permit premises in such a manner as to be plainly visible from the sidewalk or street adjacent thereto.

As more particularly set forth:

On April 12, 2022, liquor control agents found that the permittee name sign was not posted adjacent to the entrance of the permit premises.

Charge 20. Sanitation. On or about April 12, 2022, you violated Sec. 30-6-A23(a)(1) and (3) of the Regulations of Connecticut State Agencies which provides that rooms used for the retail dispensing of alcoholic beverages shall be clean and the bar shall be clean and in good repair and shall contain a suitable sink and drain board to which shall be piped an adequate supply of hot and cold running water. All beverage pipe lines shall be kept clean.

As more particularly set forth:

On April 12, 2022, liquor control agents found the premise was not clean and in good repair. There was construction taking place on the premise and new walls were being added to the premise.

This matter is being set down for a formal hearing following a compliance meeting held on September 27, 2022, and by decision by the full Commission.

If you have any questions, please contact Marion Slater of the Department of Consumer Protection's Legal Division by email Marion.Slater@ct.gov.

Dated this 28th day of September 2022.

STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION

/s/ Scott P. Madeo

Scott P. Madeo
Staff Attorney
Legal Division