

**STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION**

NOTICE AND PARTICULARS

By Email: iron2skin@gmail.com; boxeador1980@gmail.com; mike@mcgetrickesq.com

In the matter of:

Delvin Rodriguez, Permittee
Zona Azul
103 Railroad Place
Danbury, CT 06810

Permit No. LCA.7888
Case No. 2021-764 and 2023-536
Backer: La Cantina Lounge, LLC

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 **7th day of March 2024** at **9:30 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. September 11, 2017.

Charge 1. New Applications. On or about September 11, 2017, you violated Sec. 30-6-A1(f) of the Regulations of Connecticut State Agencies which provides that a new application shall be filed whenever there is a change in ownership of the permit premises....The backer or owner on the new application shall not exercise any ownership over such business until such time as backer has been approved by the department.

As more particularly set forth:

On September 11, 2017, there was a change in the La Cantina LLC to remove Nikolaos Kourpouanidis as a member and add Laura Recio. The Department was not notified of these changes in members, as required.

Incident 2. January 9, 2018.

Charge 2. Discretionary suspension, revocation or refusal of permits; disqualification of applicant or permittee; alcohol seller and server training program; permittee

participation. The Department has reasonable cause to believe that you are not a suitable person to hold a permit for the sale of alcoholic liquor because on January 9, 2018, you wilfully made a false statement to the department in a material matter; consequently, the permit should be suspended or revoked pursuant to Section 30-47(a)(4) of the Connecticut General Statutes.

Charge 3. Revocation of permit obtained by fraud. On or about January 9, 2018, you violated Sec. 30-58 of the Connecticut General Statutes which provides that whenever any permit under this chapter has been obtained by fraud or misrepresentation, the Department of Consumer Protection, upon proof that such permit was so obtained, shall, upon hearing had, revoke the same, and all moneys paid therefor shall be forfeited.

As more particularly set forth:

On January 9, 2018, a renewal application for the permit premises was filed and it was not disclosed that there had been a change in ownership of the backer. Specifically, you answered “no” to the question asking whether ownership had changed.

Incident 3. January 3, 2019.

Charge 4. Discretionary suspension, revocation or refusal of permits; disqualification of applicant or permittee; alcohol seller and server training program; permittee participation. The Department has reasonable cause to believe that you are not a suitable person to hold a permit for the sale of alcoholic liquor because on January 3, 2019, you wilfully made a false statement to the department in a material matter; consequently, the permit should be suspended or revoked pursuant to Section 30-47(a)(4) of the Connecticut General Statutes.

Charge 5. Revocation of permit obtained by fraud. On or about January 3, 2019, you violated Sec. 30-58 of the Connecticut General Statutes which provides that whenever any permit under this chapter has been obtained by fraud or misrepresentation, the Department of Consumer Protection, upon proof that such permit was so obtained, shall, upon hearing had, revoke the same, and all moneys paid therefor shall be forfeited.

As more particularly set forth:

On January 3, 2019, a renewal application for the permit premises was filed and it was not disclosed that there had been a change in ownership of the backer. Specifically, you answered “no” to the question asking whether ownership had changed.

Incident 4. December 24, 2019.

Charge 6. Discretionary suspension, revocation or refusal of permits; disqualification of applicant or permittee; alcohol seller and server training program; permittee participation. The Department has reasonable cause to believe that you are not a suitable

person to hold a permit for the sale of alcoholic liquor because on December 24, 2019, you wilfully made a false statement to the department in a material matter; consequently, the permit should suspended or revoked pursuant to Section 30-47(a)(4) of the Connecticut General Statutes.

Charge 7. Revocation of permit obtained by fraud. On or about December 24, 2019, you violated Sec. 30-58 of the Connecticut General Statutes which provides that whenever any permit under this chapter has been obtained by fraud or misrepresentation, the Department of Consumer Protection, upon proof that such permit was so obtained, shall, upon hearing had, revoke the same, and all moneys paid therefor shall be forfeited.

As more particularly set forth:

On December 24, 2019, a renewal application for the permit premises was filed and it was not disclosed that there had been a change in ownership of the backer. Specifically, you answered “no” to the question asking whether ownership had changed.

Incident 5. May 27, 2021.

Charge 8. Discretionary suspension, revocation or refusal of permits; disqualification of applicant or permittee; alcohol seller and server training program; permittee participation. The Department has reasonable cause to believe that you are not a suitable person to hold a permit for the sale of alcoholic liquor because on May 27, 2021, you wilfully made a false statement to the department in a material matter; consequently, the permit should suspended or revoked pursuant to Section 30-47(a)(4) of the Connecticut General Statutes.

Charge 9. Revocation of permit obtained by fraud. On or about May 27, 2021, you violated Sec. 30-58 of the Connecticut General Statutes which provides that whenever any permit under this chapter has been obtained by fraud or misrepresentation, the Department of Consumer Protection, upon proof that such permit was so obtained, shall, upon hearing had, revoke the same, and all moneys paid therefor shall be forfeited.

As more particularly set forth:

On May 27, 2021, a renewal application for the permit premises was filed and it was not disclosed that there had been a change in ownership of the backer. Specifically, you answered “no” to the question asking whether ownership had changed.

Incident 6. May 7, 2022.

Charge 10. Discretionary suspension, revocation or refusal of permits; disqualification of applicant or permittee; alcohol seller and server training program; permittee participation. The Department has reasonable cause to believe that you are not a suitable person to hold a permit for the sale of alcoholic liquor because on May 7, 2022, you wilfully made a false statement to the department in a material matter; consequently, the permit

should suspended or revoked pursuant to Section 30-47(a)(4) of the Connecticut General Statutes.

Charge 11. Revocation of permit obtained by fraud. On or about May 7, 2022, you violated Sec. 30-58 of the Connecticut General Statutes which provides that whenever any permit under this chapter has been obtained by fraud or misrepresentation, the Department of Consumer Protection, upon proof that such permit was so obtained, shall, upon hearing had, revoke the same, and all moneys paid therefor shall be forfeited.

As more particularly set forth:

On May 7, 2022, a renewal application for the permit premises was filed and it was not disclosed that there had been a change in ownership of the backer. Specifically, you answered “no” to the question asking whether ownership had changed.

Incident 7. April 27, 2023.

Charge 12. Discretionary suspension, revocation or refusal of permits; disqualification of applicant or permittee; alcohol seller and server training program; permittee participation. The Department has reasonable cause to believe that you are not a suitable person to hold a permit for the sale of alcoholic liquor because on April 27, 2023, you wilfully made a false statement to the department in a material matter; consequently, the permit should suspended or revoked pursuant to Section 30-47(a)(4) of the Connecticut General Statutes.

Charge 13. Revocation of permit obtained by fraud. On or about April 27, 2023, you violated Sec. 30-58 of the Connecticut General Statutes which provides that whenever any permit under this chapter has been obtained by fraud or misrepresentation, the Department of Consumer Protection, upon proof that such permit was so obtained, shall, upon hearing had, revoke the same, and all moneys paid therefor shall be forfeited.

As more particularly set forth:

On April 27, 2023, a renewal application for the permit premises was filed and it was not disclosed that there had been a change in ownership of the backer. Specifically, you answered “no” to the question asking whether ownership had changed.

Incident 8. September 11, 2023.

Charge 14. Discretionary suspension, revocation or refusal of permit; location or character of premises; other grounds. The Department has reasonable cause to believe that as of September 11, 2023, the backer does not have a right to occupy the permit premises; consequently, the permit should suspended or revoked pursuant to Section 30-46(a)(5) of the Connecticut General Statutes.

Charge 15. Discretionary suspension, revocation or refusal of permits; disqualification of applicant or permittee; alcohol seller and server training program; permittee participation. The Department of Consumer Protection has reasonable cause to believe that the you have not been delegated full authority and control of the permit premises and of the conduct of all business on such premises, effective September 11, 2023, and therefore that the permit for the sale of alcoholic liquor should be suspended or revoked, pursuant to Sec. 30-47(a)(6) of the Connecticut General Statutes.

As more particularly set forth:

On September 11, 2023, the Secretary of State issued a certificate of dissolution or revocation with respect to La Cantina Lounge LLC for failure to file its Annual Report. Therefore, the LLC and approved backer of the permit premises no longer exists.

Incident 9. October 16, 2023.

Charge 16. Refusal of cooperation by permittees and backers. On or about October 16, 2023, you violated Sec. 30-6-A10 of the Regulations of Connecticut State Agencies which provides that no permittee or backer or his agent shall refuse to cooperate with or give information to the department, the police authorities or any other enforcement agency upon any matter arising out of the conduct of the permit premises.

As more particularly set forth:

Upon receiving a transfer of interest application for the permit premises, the liquor control agent has made several attempts to contact you, the current owner of record, and there has been no response from you.

Incident 10. March 24, 2023.

Charge 17. Prohibition on sale of alcoholic liquor in building where portion not used as permit premises. Closing of access to permit premises. On or about March 24, 2023, 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.

As more particularly set forth:

On March 24, 2023, during an inspection by liquor control agents, it was discovered that a common door was propped open on the opposite side by a bolt lock. The interior door leads to another café establishment that connects by way of a common hallway. Interior access had not been approved by Liquor Control.

Charge 18. Conduct of permit premises. On or about March 24, 2023, you violated Sec. 30-6-A24(a) of the Regulations of Connecticut State Agencies which provides that disturbances, brawls, unlawful conduct or gambling of any kind except where provided by the general statutes, and no slot machines or gambling devices which may be used for the purpose of securing money or any other valuable things, shall be permitted or suffered upon any permit premises, nor shall such premises be conducted in such a manner as to constitute a nuisance.

As more particularly set forth:

On March 24, 2023, during an inspection of the permit premises, liquor control agents found that hookah smoking patrons was being allowed in the permit premises.

Charge 19. Permit to be recorded. On or about March 24, 2023, 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 March 24, 2023, during an inspection, the Liquor Control Agents the liquor permit had not been filed with the Danbury Town Clerk for neither 2021 nor 2022.

PLEASE BE ADVISED THAT YOU WILL BE EXPECTED TO APPEAR WHEN YOUR HEARING IS CALLED BY THE COMMISSION. FAILURE TO APPEAR AT THE DESIGNATED TIME MAY RESULT IN A DEFAULT. YOU WILL BE REQUIRED TO SHOW CAUSE, IF THERE BE ANY, WHY YOUR LIQUOR PERMIT SHOULD NOT BE REVOKED OR SUSPENDED OR ANY OTHER AUTHORIZED PENALTY IMPOSED ON YOU.

This matter is being set down for a formal hearing following compliance meetings held on September 5, 2023, and on November 28, 2023 by decision by the full Commission.

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

Dated this 26th day of January 2024.

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Scott P. Madeo
Staff Attorney
Legal Division