

**STATE OF CONNECTICUT**

**DEPARTMENT OF CONSUMER PROTECTION**

**In the Matter of**

Lazy Frog's  
David M. Geremia, Permittee  
Masajaal LLC, Backer  
Liquor Permit No. LIR.18539P

Case 2012-854  
Docket No. 2013-35  
January 31, 2013

**MEMORANDUM OF DECISION**

This matter involves a new application for a restaurant liquor permit for Lazy Frog's, 5 Watertown Road, Morris, Connecticut. A formal administrative hearing was held before the Department of Consumer Protection on January 31, 2013. David M. Geremia, permittee and a member of the backer limited liability company, appeared. The hearing was held in accordance with Section 30-39(c), Connecticut General Statutes, as a result of a legally sufficient remonstrance questioning the suitability of the place of business. A remonstrant appeared to testify in opposition to the granting of this permit. This premises is currently operating under the auspices of a provisional permit.

The following facts are found based upon evidence adduced at the hearing. Agent Wilson investigated both the new application and the remonstrance. She made several on-site visits to the location and spoke to both the applicant and remonstrants. The premises is a small, one room restaurant. Service of alcohol will be by wait staff only; there is no bar. The location has been approved for a patio and entertainment in the form of DJ's, karaoke and acoustical (non-amplified) music. There was nothing questionable about the new application; the premises meets the legal requirements for a restaurant permit.

The remonstrance cited concerns about entertainment and the resulting noise as well as concern that the restaurant would be detrimental to the character of the small town.

A resident remonstrant whose home is adjacent to the Lazy Frog's appeared and expressed his concern about the potential for the noise from live music disturbing him. He noted that on the one occasion to date where there was overly loud music, he spoke with Mr. Geremia who promptly took corrective action. Mr. Geremia is aware of his neighbors' concerns and wishes to be a responsible business owner to the nearby residents. The remonstrant and the applicant both testified they have a cooperative working relationship.

Substantial evidence was not presented at this time which would cause us to deny Mr. Geremia's application. The determination of factual matters with regard to the suitability of the location of proposed liquor permit premises is vested with the Liquor Control Commission. Brown v. Liquor Control Commission, 176 Conn. 428, 407 A.2d 1020 (1973). Accordingly, we hereby deny the remonstrance and grant the final restaurant liquor application of David M. Geremia and Lazy Frog's.

**DEPARTMENT OF CONSUMER PROTECTION  
LIQUOR CONTROL COMMISSION**

BY:

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Elisa A. Nahas, Esq.  
Designated Presiding Officer

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Angelo J. Faenza, Commissioner

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Stephen R. Somma, Commissioner

**Parties:**

David M. Geremia, 10 Evans Passway, Morris, CT 067063

(Via US Mail and Certified Mail # 7011 2000 0001 0653 1865)

David Robert, 9 Watertown Road, Morris, CT 06763

(Via US Mail and Certified Mail # 7011 2000 0001 0653 1872)

**Nonparties:**

John Suchy, Director, Liquor Control Division

Connecticut Beverage Journal

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