

September 2, 2020
9200 Basil Court
Largo, MD 20774

THE BOARD OF LICENSSE COMMISSIONERS MET IN REGULAR SESSION:

PRESENT:

Daphne Turpin Forbes, Chairman
Armando Camacho, Vice Chairman
Tammie Norman, Commissioner
Tammy Sparkman, Commissioner
Jason DeLoach, Esquire, Counsel
Terence Sheppard, Director
Robert Clark, Chief Liquor Inspector
Cristian Mendoza, Deputy Chief Liquor Inspector
Johnny Toles, Deputy Chief Liquor Inspector
Patricia Bell, Administrative Manager
Leonard Vauss, Administrative Assistant
Katrice James, Administrative Aide
Keyanna Little, Administrative Aide

Time: 7:05 p.m.

In the matter of t/a **JB Atlantic**, Class BL(R), Beer, Wine and Liquor, 9624 Fort Meade Road, Laurel, 20707 – Request for a Special Entertainment Permit.

Licensee is represented by Linda Carter, Esquire.

James Natty stated that he is a resident of Silver Spring.

Jack Gates stated that he is a resident of Silver Spring.

Mr. Camacho stated that the Board normally requires a security plan but see no record of one being submitted.

Linda Carter, Esquire stated that it was submitted to the Laurel Police Department and to Tammy Cicale and also filed a special form that is required by the County Police.

Corporal Tammy Cicale, of the Prince George's County Police Department's Office of Secondary Employment, stated that she met with the owners in early March 2020. She emailed a letter to Nikole Bennett on March 9, 2020 at 1:45 p.m. stating that she found the plan to be adequate and found no issues with the security plan or the entertainment that was proposed.

Mr. Camacho moved to grant the Special Entertainment Permit for t/a JB Atlantic, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

In the matter of t/a **Town Center Market**, Class BL+, Beer, Wine and Liquor, 4705 Queensbury Road, Riverdale Park, 20737 – Request for Delivery Permit.

Jim Spiropoulos stated that he is a resident of West Friendship.

Jim Spiropoulos stated that since the pandemic began in March, they developed an online ordering platform which constituted the ability for curbside pick-up or home delivery. We feel that our customer base is very appreciative and would like to continue to deliver once the State mandate is lifted and to continue under the County's ruling.

Ms. Turpin Forbes stated that under the special exception, the Board allowed licensees to apply through a portal to be able to make alcohol delivery under specific rules and guidelines that's still in place and available 30 days after the order is lifted.

Director Sheppard stated that right now, mixed drinks are allowed to be delivered. When the pandemic or the emergency is declared over, only sealed drinks can be delivered.

Jim Spiropoulos stated that they do not currently deliver mix drinks, solely packaged goods.

Mr. Camacho moved to approve the request for a delivery permit for t/a Town Center Market, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

In the matter of t/a **Lee's Restaurant**, Class A, Beer, Wine and Liquor, is summoned to show cause why the Alcoholic Beverage License should not be converted back to a Class BL+. Licensee is represented by Robert Kim, Esquire. Maryland News Center is represented by Bradley Farrar, Esquire of the firm Shipley and Horne. James Chandler appears on behalf of the Mayor and Council for the City of Hyattsville. Mr. Sharma is the licensee and resides in Silver Spring.

Robert Kim, Esquire objects to Maryland News Center's opposition as he does not know why they are objecting. On August 25, 2020 a two (2) page memo with exhibits was submitted to the Board. Mr. Kim noted that the Board had absolute right to approve the conversion of the license from a B+ to a class A.

Bradley Farrar, Esquire stated that the language of statute 26-1602 is very clear from case laws and the opinion of the Attorney General. It is Mr. Farrar's opinion that conversion is the same as issuing a new license. The 47th alcoholic beverage district, which is where Lee's Restaurant is located, prohibits the granting of new alcoholic licenses. Mr. Farrar believes that the Board was prohibited by statute in granting a conversion. He believes that the Board's action should be voided.

James Chandler appears before the Board to affirm the City of Hyattsville's opposition both of the conversion and transfer of the license. It is the opinion of the City that the Board cannot issue off-sale liquor licenses in Hyattsville. Mr. Chandler would like to submit additional documentation and was told by the Chair that he has a ten (10) window to do so.

Ms. Turpin Forbes stated that the Board will provide a response at the next hearing after the ten (10) day window.

In the matter of t/a **Nipsey's Restaurant and Grill**, Class B, Beer, Wine and Liquor, is summoned to show cause for an alleged violation of Section 26-1103(d)(1)(ii). The permit holder shall comply with all requirements under County Law including Use & Occupancy, laws of the Alcoholic Beverage Article of the Annotated Code of Maryland R.R. No. 75, "Having Special Entertainment past midnight, which is not in compliance with the Use & Occupancy requirements of the establishment" of the Rules and Regulations for Prince George's County. On or about Saturday, March 14, 2020 at approximately 12:29 a.m., Inspector Maleek Caraway and Inspector George Patterson observed a Go-Go Band and DJ performing in the restaurant past 12:00 a.m. which is outside the guidelines of the Use & Occupancy for the establishment. Lonnie Moses Jr. stated that he is a resident of Gambrills, MD. Mr. Moses understands that he has the right to have an attorney present and gives up the right. He had the hearings dates confused and will move forward with the hearing.

Inspector Patterson testified before the Board as to what he observed on March 14, 2020.

Inspector Carraway did not have any additional information to add to the testimony.

Lonnie Moses, Jr. stated that he was not there at the night in question. Prior to that evening, he stated that he spoke to the Director of DPIE and was told to apply for a revision to the U & O Permit. He stated that he spoke to the task force and was told he did not have the proper U & O for entertainment and that the letter he received from DPIE was very confusing. He has been operating without any problems and have no intentions of violating any rules and regulations.

Ms. Turpin Forbes wanted Mr. Moses to understand that the U & O process is with a different agency than the one he is speaking to today and that special entertainment is extended beyond what the current U & O allows. As the licensee, he is responsible for adhering to those rules. When rules are violated, he is responsible for fines and penalties associated with the violation.

Director Sheppard stated that the licensee was issued an offer letter in March 2020 and that he failed to pay within the allotted time, therefore, an additional fee of \$500 is required. The letter also stated that he could pay the fine or request a hearing, he did neither.

Ms. Turpin Forbes stated that on the table now is \$1,500 plus \$500 for failure to act, totaling \$2,000.

Lonnie Moses Jr. stated that he tried to contact the Board on a number of occasions to pay the fine. He knows that the office was not open.

Ms. Turpin Forbes stated that he had the opportunity to mail or pay electronically. He needs to understand that the payment must be paid by September 22, 2020.

Mr. Camacho motioned for the payment of \$1,500 plus the \$500 penalty for the licensee t/a Nipsey's Restaurant and Grill, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

In the matter of t/a **Fratelli Italian Restaurant**, Class B, Beer, Wine and Liquor, is summoned to show cause for an alleged violation of Section 6-311, Restrictions on purchases and sales by retail detailers, of the Alcoholic Beverage Article of the Annotated Code of Maryland and R.R. No. 11, Purchases of alcoholic beverages by other than a wholesaler, of the Rules and Regulations of Prince George's County. On or about Wednesday, February 12, 2020 at approximately 7:01 p.m., Inspectors Maleek Caraway and Jerry Glenn of the Prince George's County Board of License Commissioners, responded to 5820 Landover Road, Hyattsville, MD 20781 and located four boxes of (12 ct.) Red Stripe Beer, which two of the boxes had a label from another establishment, which was Greenbelt Liquors.

Licensee is represented by Robert Kim, Esquire.

William Conway is a resident of Poolesville and Alex Caballero is a resident of Alexandria, VA.

Inspector Carraway testified before the Board that on February 12, 2020, he and Inspector Glenn conducted an inspection at the establishment and observed in the cooler two (2) boxes of 12-count Red Stripe Beer that had labels from Greenbelt Liquors. He testified that Mr. Caballero stated that it was leftover from an entertainment night last year. A guest brought the beer in and left it there.

Robert Kim, Esquire asked Inspector Carraway if the bottles were unopened and stated that Deputy Chief Mendoza sent photographs of the boxes and he could see that the labels had the date June 25, 2019 on them. This matches what Mr. Caballero told Inspector Carraway. It's been there 7-8 months.

Mr. Camacho asked for clarification that the licensee stated that the beer was left there during a party or event at the restaurant.

Robert Kim, Esquire stated that he does not dispute the inspector's report. It is a violation of 11C but not A or B. The beer has been there since June 2019 and is still unopened. They didn't buy the beer for the purpose of reselling. A beer list from the restaurant was submitted to show that the restaurant does not sell Red Stripe Beer. There was no intent involved.

Ms. Turpin Forbes stated that it was a violation, non-the less.

William Conway stated that the restaurant has been closed and they have been trying to do carry-out to sustain the restaurant. Revenues at only 2%-3% of what they would normally take-in if they were opened. He asked for leniency from the Board, the restaurant is struggling. He does acknowledge that the beer was there.

Mr. Camacho moved to find the licensee guilty of the violation, as charged, and to assess a fine of \$4,500 payable in three (3) equal payments over 90 days, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

In the matter of t/a **Martini's Restaurant & Lounge**, Class B, Beer, Wine and Liquor, is summoned to show cause for an alleged violation of Section 26-1903, A license holder may not provide entertainment unless authorized to do so, of the Alcoholic Beverage Article of the Annotated Code of Maryland and R.R. No. 26(B)(7), Repetitive disturbances or disorders occurring on or about the licensed premises; and R.R. No 26 (B) 14 The commission of any act by licensee, his/her agents or employees that constitutes a danger to the peace and safety of the neighborhood, and R.R. No 37 (E) Change in mode operation (Having entertainment without a permit), of the Rules and Regulations for Prince George's County, to wit; That on or about Thursday, July 16, 2020 at approximately 10:40 p.m. Detective Andrew Williams # 3837, Detective Cameron Coiner #2806 and Detective Scott Anselmo #3597 of the Prince George's County Police Department, responded to 725 Cady Drive, Fort Washington, MD 20744 (Martini's Restaurant & Lounge) for a shooting incident. The Detectives discovered two victims had been shot in front of the establishment and over thirty rounds of ammunition were fired between three different handguns. It was also discovered that entertainment was held inside the establishment during this incident.

Jedeka Hayes and Kenneth Mundy both reside in Fort Washington and Ron Collins resides in Temple Hills. Ms. Hayes understands that he has the right to have an attorney present and gives up the right.

Sergeant Hayes, Detectives Williams, Dalton, Anselmo and Coiner appears on behalf of the Prince George's County Police Department.

Detective Williams is the lead detective in the case and testified that on July 16, 2020 at 22:40 hours, he responded to Martini's for a report of a shooting. There were two (2) victims suffering from gun shot wounds. 30 spent shell casings, 2 bullets and 1 ammo cartridge were recovered.

Kenneth Mundy stated that the lounge was not opened for service yet that night. He has video that showed that there were no cars in the parking lot. He also has video that shows that the gentleman was shot in another lot, #9. He allowed Detective Dalton to come into the establishment to view the camera. Detective Dalton was supposed to come back and retrieve a copy of the video but never returned because he obtained a copy from another source.

Ron Collins stated that he is the operations manager for the establishment and has been employed there for eight (8) months. At the time in question, they were not opened. He's the one that opens the doors. They were there getting things geared up to open.

Jadeka Hayes stated that the establishment has been known as a Go-Go club. When they received their special entertainment permit, they changed the format of the club. They brought back the dining experience. She is 40 years old and learned to change the demographics. They are trying to help better the community.

Detective Dalton stated that he went to the hospital to interview gun-shot victim #1. The victim was waiting to get inside Martini's. He stated that Kenneth Mundy allowed him to come observe the footage, but they were never able to access the camera.

Ms. Turpin Forbes asked if he ever received the footage.

Detective Dalton responded no. The footage was offered but no one could access the system.

Detective Williams stated that everyone was waiting for them to pen. It was a social media event that was ran by a DJ Adam West, Slime Fest. A witness stated that he came to the club and was sitting in his car. While sitting, he heard the shots. He left and only came back when the scene was safe. He mentioned that the event was at Martini's. Everyone was waiting for the open mic concert at Martini's.

Kenneth Mundy stated that they haven't had any concerts. There is more than one (1) Martini's. We are a restaurant and lounge. We didn't have any concerts. He showed a video of Detective Dalton acknowledging cooperation from the establishment.

Ms. Turpin Forbes stated that there is a 10-day window to submit evidence for the Board to consider.

Detective Dalton stated the Kenneth Mundy was attempting to cooperate. The intent was there. The victims stated to him that there was an attempt for special entertainment there.

Calvin Hawkins stated that he is a representative of the County Council, Member-at-Large. He was contacted by Kenneth Mundy and asked to stop by to see where the incident happened. The shooting took place at near the Satin Dolls in the other parking lot. Martini's was not opened. We walked around to see the different lots. I was under the impression that the camera from the facility down the street supported that the shooting did not take place at Martini's.

Jadeka Hayes stated that people are using the police as a tool. People are being belligerent with the business when they don't get what they want, and they use the police as a tool.

Jason DeLoach, Esquire asked for clarification on Kenneth Mundy's testimony. Mr. DeLoach asked Kenneth Mundy if he was testifying under oath that there was not a Slime Fest event on the evening in question and if there is another Martini's?

Kenneth Mundy stated that ten (10) customers came to a drag lunch that they didn't have. They are working to get their entertainment permit back.

Jason DeLoach, Esquire asked where the other Martini's was located and if they had any ownership in it?

Kenneth Mundy responded White Plains and no.

Ms. Norman asked if there were issues with the camera for over a year and if money was spent to get the system updates, why is it difficult to get the feed?

Kenneth Mundy stated that he is not computer savvy. On the advice of Corporal Cicale from the police department, he added more drive to make it longer. He hired someone to burn CD's and make copies.

Mr. Camacho asked Detective Williams how many people were waiting to get in?

Detective Williams responded that countless number of cars were in the parking lot. Keep in mind that other establishments were closed. There were quite a few cars.

Mr. Camacho asked was the parking lot full?

Detective Williams answered yes.

Mr. Camacho asked if Martini's was the only establishment opened when he got there? Answer to your best recollection. Were there a lot of cars parked in the lot?

Detective Williams answered yes. A lot of cars drove out and left. Based on camera footage, the lot was so packed.

Ms. Turpin Forbes stated that everything has been heard. Submit any documentation, CD's that will serve your case. Detectives should do the same thing to supplement their case within the ten (10) days. The Board will take evidence under advisement and report back with a decision. Are they all clear with how to submit documents? The testimony part has concluded.

Detective Dalton stated that there is a flyer adverting the event.

Jason DeLoach, Esquire asked if the licensee have a copy of the flyer? The Board is waiting for officer to submit the flyer.

Jadeka Hayes stated that anyone can make a flyer. They have video that no one was in the parking lot.

Ms. Turpin Forbes advised Jadeka Hayes to share your information. Take advantage of the ten (10) day window.

Calvin Hawkins stated that it was quite an impressive evening. He was better prepared and informed regarding hearings.

Director Sheppard stated that the license is currently suspended and will remain suspended until the Board makes its decision.

Adjourned 9:11 p.m.