

May 27, 2014

County Service Building
Hyattsville, Maryland 20781

THE BOARD OF LICENSE COMMISSIONERS MET IN REGULAR SESSION:

ATTENDANCE:

Franklin D. Jackson, Chair
Shaihi Mwalimu, Vice Chairman - absent
Earl Howard, Commissioner
David Son, Commissioner
Charles Caldwell, III, Commissioner
Edmond B. O'Connell, Counsel
Diane M. Bryant, Administrative Assistant
Kelly E. Markomanolakis, Administrative Aide
Albert Fanelli, Chief
Cristian Mendoza, Deputy Chief

Time: 10:07 a.m.

In the matter of Jose Escobar, President, Jose Andres Portillo, Secretary, Dora Escobar, Treasurer, JRE Corp., **t/a La Chaquita Restaurant**, 1500 University Blvd., E., Hyattsville 20783 – conversion from a Class B, BLX, Beer, Wine and Liquor license to a Class B, Beer, Wine and Liquor license.

- Statements were provided by:
Matthew Gorman (Attorney)
Jose Escobar (Applicant for establishment)
- **Mr. Son moved to convert this alcoholic beverage license from a Class B, BLX, Beer, Wine and Liquor license to a Class B, Beer, Wine and Liquor license, seconded by Mr. Howard and made unanimous by Mr. Caldwell and Mr. Jackson.**

In the matter of Substitution of Corporate Officers application, Barbeque Integrated, Inc., **t/a Smokey Bones Bar and Grille**, 15209 Major Lansdale Blvd., Bowie Mark Hajduch to serve as Vice President, Asst. Secretary, Jon Shell to serve as CFO/Treasurer in the place and stead of Bruce Hawkins, Chief Financial Officer, applicants failed to appear for the hearing. So noted by the Commissioners.

In the matter of Leon S. Bathersfield, President/Treasurer, Vaughn Jordan, Vice President/Secretary for a Class B, Beer, Wine and Liquor License for the use of Taste of the Caribbean, Inc., **t/a Taste of the Caribbean**, 505 A Hampton Park Blvd., Capitol Heights, 20743 transfer from Taste of the Caribbean, Inc., t/a Taste of the Caribbean, Lorraine Newton, President/CEO, Leon Bathersfield, Vice President, licensee represented by Linda Carter, Esquire.

- Statements were provided by:
Linda Carter (Attorney)
Vaughn Jordan (Applicant for establishment)
Lorraine Newton (Licensee)

- **Mr. Son moved approval of the transfer, seconded by Mr. Howard and made unanimous by Mr. Caldwell and Mr. Jackson.**

In the matter of Cyrus Kibunja, Managing Member, Michelle Kibunja, Member for a Class B(R), Beer, Wine and Liquor License for the use of Heritage Hall, LLC, **t/a The Original Kilimanjaro**, 13501 Baltimore Avenue, Laurel, 20707 transfer from Rio Sports Enterprises, Inc., t/a Rio Restaurant & Lounge, Tak Yoon, President/ Secretary/Treasurer, Cornel Greene, Recording Secretary, applicants represented by Abigale Bruce-Watson, Esquire.

- Statements were provided by:
Bridget Warren (Opposition to establishment)
Cyrus Kibunja (Applicant for establishment)
Michelle Kibunja (Applicant for establishment)
Garold Stone (Opposition to establishment)
Ruflik Johnlick (Witness for establishment)
Patricia Hamilton (Witness for establishment)
Walter Lancaster (Witness for establishment)
M. Young (Witness for establishment)
Ted Ayres (Opposition to establishment)
Pastor Wale Maye (Opposition to establishment)
Jarett Abarlson (Opposition to establishment)
Frank Coccrell (Opposition to establishment)
Abigale Bruce-Watson, Esquire (Attorney)
- **Mr. Son moved to deny the transfer application of a Class B, Beer, Wine and Liquor license, seconded by Mr. Howard and made unanimous by Mr. Caldwell and Mr. Jackson.**

In the matter of Chang Baek Choi, President, Constance Arlene Duncan, Vice President for a Class B+, Beer, Wine and Liquor License for the use of Laurel Spirit, Inc., **t/a Laurel Bowie Liquor & Deli**, 9830 Mallard Drive, Laurel, 20708 transfer from PKP Liquor & Deli Inc., t/a Laurel-Bowie Liquor & Deli, Joon H. Pak, President/Secretary/Treasurer, Sheri D. Simpson, Vice President, applicants represented by Sam Kim, Esquire.

- Statements were provided by:
Sam Kim (Attorney)
Constance A. Duncan (Applicant for establishment)
Chang Choi (Applicant for establishment)

Robert Kim (Attorney)
Joon K. Pak (Licensee)

- **Mr. Son moved approval of the transfer, seconded by Mr. Howard and made unanimous by Mc. Caldwell and Mr. Jackson.**

In the matter of Jing Sheng Huang, President, Mark Wang, Vice President/Treasurer, Xuan Huang-Fu, Vice President/Secretary for a Class B(BLX), Beer, Wine and Liquor License for the use of Affluent MD, Inc., **t/a Bon Chon Hyattsville**, 6507 America Blvd., #101, Hyattsville, 20782 transfer from Hyattsville Center, LLC, t/a Hank's Tavern and Eats, Matthew Davis Burbank, Authorized Person, applicants represented by Robert Kim, Esquire.

Statements were provided by:

Robert Kim (Attorney)
Mark Wang (Applicant for establishment)
Xuan Huang-Fu (Applicant for establishment)
Jing Sheng Huang (Applicant to establishment)

- **Mr. Son moved approval of the transfer application, seconded by Mr. Howard and made unanimous by Mr. Caldwell and Mr. Jackson.**

In the matter of Cecil Deonauth, President/Secretary/Treasurer for a Class B(R), Beer, Wine and Liquor License for the use of Penguin Liquors, LLC, **t/a Sportsman's Pub**, 109 Second Street, Laurel, 20707 transfer of location from Penguin Liquors, t/a Sportsman's Pub, 116 Washington Blvd., Laurel, 20707, Andrew Sancomb, President/Vice President/Secretary/Treasurer.

- Statements were provided by:
Cecil Deonauth (Applicant for establishment)
Linda Carter (Attorney)
- **Mr. Son moved approval of the transfer of location application, seconded by Mr. Howard and made unanimous by Mr. Caldwell and Mr. Jackson.**

In the matter of Brian McClimens, Managing Member, Benjamin Epstein, Managing Member for a New Class B, Beer and Wine License for the use of Ben and Brian Games, LLC, **t/a The Board and Brew**, 8150 Baltimore Avenue, Suite F2&G, College Park, 20740.

- Statements were provided by:
Bob Ryan (Director of Public Services for College Park)
Brian McClimens (Applicant for establishment)
Ben Epstein (Applicant for establishment)

- **Under Advisement by the Commissioners. This is a competitive Class B, Beer and Wine between t/a Board and Brew and t/a Daisy's Grill Restaurant; that only one applicant will be awarded the alcoholic beverage license.**

In the matter of Deisy M. Alvarez, President, Pedro A. Alvarez, Vice President for a New Class B, Beer and Wine License for the use of Daisy's Grill Restaurant, Inc., **t/a Daisy's Grill Restaurant**, 8503-5 Oxon Hill Road, Fort Washington, 20744, applicants represented by Jason Deloach, Esquire.

- Statements were provided by:
Jason Deloach (Attorney)
Pedro A. Alvarez (Applicant for establishment)
Daisy Alvarez (Applicant for establishment)
- **Mr. Son moved that the Class B, Beer and Wine license be awarded to t/a Daisy's Grill Restaurant because the license will best serve to accommodate the public, seconded by Mr. Howard and made unanimous by Mr. Caldwell and Mr. Jackson.**

In the matter of Stuart R. Damon, Managing Member for a New Class B (BLX), Beer, Wine and Liquor License for the use of Oyster Bar Management, LLC, **t/a The Walrus Oyster & Ale House**, 152 Waterfront Street, National Harbor, 20745, applicants represented by Linda Carter, Esquire.

- Statements were provided by:
Linda Carter (Attorney)
Stuart R. Damon (Applicant for establishment)
- **Mr. Son moved approval to the issuance of a Class B, BLX and a Sunday Sales Permit, seconded by Mr. Howard and made unanimous by Mr. Caldwell and Mr. Jackson.**

In the matter of Andrew Sancomb, President, Penguin Liquors, **t/a Sportsman's Pub**, Class B (R) Beer, Wine and Liquor, 116 Washington Blvd., South Laurel 20707, is summoned to show cause for alleged violations of Sections 6-201(r)(ii)1A-F, 16-301 of Article 2B of the Annotated Code of Maryland and Rules 26(A)(3), 26(A)(14), 29, 34, 58 of the local rules and regulations of the Board of License Commissioners to wit: That on Thursday, December 12, 2013, Inspectors Joseph Tredway and Kenneth Miles, Liquor Inspectors for the Board of License Commissioners observed that there was no food, that there was no formal kitchen, no food prep area, no proper kitchen utensils, no menus and no certified food handler on the premises.

- **Mr. Son moved that the licensee be found in violation of the charges as outlined in the summons and that a fine of \$3,500 is imposed, seconded by**

Mr. Howard and made unanimous by Mr. Caldwell and Mr. Jackson. Mr. Jackson stated that the premises shall remain closed until such time as the transfer of location application is affected.

In the matter of Joon K. Pak, President/Secretary/Treasurer, **t/a Laurel Bowie Liquor and Deli**, Class B+, Beer, Wine and Liquor, PKP Liquor and Deli Inc., 9830 Mallard Drive, Laurel 20708, is summoned to show cause for alleged violations of Sections 6-201(r)(2)2(v), 10-401(a)(iv) of Article 2B of the Annotated Code of Maryland and Rules 26(A)(1), 26(A)(2), 26(A)(3), 26(B)(12), 34, 58, 60 of the local rules and regulations of the Board of License Commissioners to wit: That on Friday, August 23, 2013, at approximately 10:20 p.m., Inspectors Sherman Calloway and William Taylor of the Board observed that the restaurant portion of the licensed establishment was closed, that there was no certified food handler on the premises; that the off sale portion of the business was open and operating; further that the licensee was found in violation of having the restaurant closed and operating the off sale portion of the licensed establishment during the Regular Session of April 11, 2012 and that during the Regular Session of August 7, 2013, the licensee was found in violation of selling off sale of liquor on Sunday.

- **Mr. Son moved that the licensee be found in violation of the charges as outlined in the summons and that a fine of \$5,000 be imposed, seconded by Mr. Howard and made unanimous by Mr. Caldwell and Mr. Jackson.**

In the matter of Joon K. Pak, President/Secretary/Treasurer, **t/a Laurel Bowie Liquor and Deli**, Class B+, Beer, Wine and Liquor, PKP Liquor and Deli Inc., 9830 Mallard Drive, Laurel 20708, is summoned to show cause for alleged violations of Sections 6-201(r)(2)2(v), 10-401(a)(iv), 11-403, 11-517 of Article 2B of the Annotated Code of Maryland and Rules 9(A), 9(B), 26(A)(1), 26(A)(2), 26(A)(3), 26(B)(2), 26(B)(12), 29, 34, 58, 60 of the local rules and regulations of the Board of License Commissioners to wit: That on Sunday, September 22, 2013, at approximately 4:55 p.m., Inspectors William Taylor and Susan Crossley Liquor Inspectors of the Prince George's County Board of License Commissioners observed that the restaurant portion of the licensed establishment was closed, that there was no certified food handler on the premises; that the off sale portion of the business was open and operating; additionally, that the Inspectors observed the off sale of 750 ml bottle of Bacardi Gold Rum; further that the licensee was found in violation of having the restaurant closed and operating the off sale portion of the licensed establishment during the Regular Session of April 11, 2012 and that during the Regular Session of August 7, 2013, the licensee was found in violation of selling off sale of liquor on Sunday.

- **Mr. Son moved that the licensee be found in violation of the charges as outlined in the summons and that a fine of \$7,500 be imposed, seconded by Mr. Howard and made unanimous by Mr. Caldwell and Mr. Jackson.**

In the matter of Joon K. Pak, President/Secretary/Treasurer, **t/a Laurel Bowie Liquor and Deli**, Class B+, Beer, Wine and Liquor, PKP Liquor and Deli Inc., 9830 Mallard Drive, Laurel 20708, is summoned to show cause for alleged violations of Sections 6-201(r)(2)2(v), 10-401(a)(iv) of Article 2B of the Annotated Code of Maryland and Rules 26(A)(1), 26(A)(2), 26(A)(3), 26(B)(12), 34, 58, 60 of the local rules and regulations of the Board of License Commissioners to wit: That on Saturday, September 28, 2013, at approximately 9:40 p.m., Inspector Hector Cuellar and Susan Crossley of the Prince George's County Board observed that the restaurant portion of the licensed establishment was closed, that there was no certified food handler on the premises; that the off sale portion of the business was open and operating; further that the licensee was found in violation of having the restaurant closed and operating the off sale portion of the licensed establishment during the Regular Session of April 11, 2012 and that during the Regular Session of August 7, 2013, the licensee was found in violation of selling off sale of liquor on Sunday.

- **Mr. Son moved that the licensee be found in violation of the charges as outlined in the summons and that a fine of \$5,000 be imposed, seconded by Mr. Howard and made unanimous by Mr. Caldwell and Mr. Jackson.**

In the matter of Ben K. Han, President, Thomas Yeung Kim, Vice President, **t/a Jock's Liquors**, Jock's Liquors, Inc., 1005 Eastern Avenue, Capitol Heights 20743 is summoned to show cause for alleged violations of Sections 9-101(a), 9-101(a)(3), 9-101(d)3, 9-101(d)(5)(i), 9-103, 9-217(j), 10-103(b)(4), 12-202(a)(2)(ii)2, 10-202(a)(2)(ii)3, 10-202(a)(2)(ii)4, 10-202(a)(2)(ii)6, 10-401(a)93(iii), 10-401(g)(6), 16-501 of Article 2B of the Annotated Code of Maryland and Rules 10, 12€(1), 26(A)(3), 26(A)(16), 26(B)(8), 26(B)(4), 29, 31, 70 of the local rules and regulations of the Board of License Commissioners to wit: That the applicant is operating the licensed establishment without a valid Use and Occupancy Permit; that the corporation does not have a Prince George's County resident serving as a resident agent owning 25% of the outstanding stock in the corporation; that the applicant perjured himself and has made material false statements to the Board of License Commissioners regarding the Use and Occupancy Permit; that the applicant is in breach of an agreement that he made with the Board regarding the restoration, renovation, re-building of the licensed establishment, licensees represented by Matthew Gorman, Esquire.

This case is a part of a special session where the administrative staff requested that the license not be renewed because of material misstatements in the application.

- Statements were provided by:
Matthew Gorman (Attorney)
Kelly Markomanolakis (Board Witness)
Ben Han (Licensee)

- **Mr. Son stated that the building is an eyesore; that the licensee be found in violation of the charges as outlined in the summons and that a fine of \$5,000 be imposed for not having a resident agent for this entity for two years; that additionally the Class A, Beer, Wine and Liquor license be suspended for 30 days in order to give the licensee an opportunity to file a transfer application; that if a transfer application is not filed within 30 days the alcoholic beverage license will expire, seconded by Mr. Caldwell and carried by Mr. Howard. Mr. Jackson votes no and stated that the license should not be renewed.**

In the matter of Jin Suk Seo, President, **t/a Cedar Hill Inn**, Cedar Hill Inn Inc., 4400 Suitland Road, Suitland 20746 is summoned to show cause for alleged violations of Sections 9-101(a), 9-101(a)(3), 9-101(d)(3), 9-101(d)(5)(i), 9-103, 9-217(j), 10-103(b)(4), 10-202(a)(2)(ii)2, 10-202(a)(2)(ii)3, 10-202(a)(2)(ii)6, 10-302(b)(1), 10-401(a)(3)(iii), 10-402(g)(6), 16-501 of Article 2B of the Annotated Code of Maryland and Rules 12(E)(1), 26(A)(3), 26(A)(4), 26(B)(12), 29, 31, 44(C)(1), 44(C)(2), 46(F), 46(G), 46(H), 46(I), 46(J), 57(A) of the local rules and regulations of the Board of License Commissioners to wit: That the applicant filed renewal applications for license years 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015 indicating a home address for the sole licensee as not being located in Prince George's County; that the information provided in the renewal applications are fraudulent; that the applicant filed a revised renewal application on April 29, 2014, indicating a home address located in Prince George's County commencing on July 1, 2013; that the applicant's Maryland Driver's License is issued to Jin Suk Seo, 8300 Berry Place, Laurel, Maryland 20723 which is not located in Prince George's County; that the corporation does not have a Prince George's County resident serving as a resident agent owning 25% of the outstanding stock in the corporation; that the applicant made material false statements in their renewal application, licensees represented by Matthew Gorman, Esquire.

This case is part of a special session where the administrative staff requested that the license not be renewed because of material statements in the application.

- Statements were provided by:
Kelly E. Markomanolakis (Board Witness)
Matthew Gorman (Attorney)
Jin Suk Seo (Licensee)
Helen Pang (Witness for establishment)
- **Mr. Caldwell moved that the licensee be found in violation of the charges as outlined in the summons and that a fine of \$5,000 be imposed, seconded by Mr. Son and carried.**
- **Mr. Jackson votes no to the motion on the basis that the license should not be renewed; Mr. Howard abstains from voting on this matter.**

In the matter of Hazari L. Kapur, Member, **t/a Tick Tock Liquors and Restaurant**, ARD Malhi, LLC, 1820 University Blvd., Hyattsville 20783, is summoned to show cause for alleged violations of Sections 9-102(a-1), 9-217(f)(1), 9-217(f)(4), 9-102(a), 10-103(b)(9)(iv), 10-302€, 10-103(b)(10), 10-103(b)(12), 10-103(b)(15), 10-401(a)(3)(iii), 10-401(g)(15)(i), 10-501(b), 12-104(b)(3), 16-501 of Article 2B of the Annotated Code of Maryland and Rules 12€(1), 19, 21, 26(A)(1), 26(A)(2), 26(A)(3), 26(A)(4), 26(A)(5), 26(B)(12), 29, 46(H) of the local rules and regulations of the Board of License Commissioners to wit: That the applicant and stockholder of the corporate entity do not hold a financial interest in the business; that persons other than the applicant and stockholder are deriving a profit from the sale of alcoholic beverages; that Ravinder Kaur Melhi a convicted felon is alleged to be the owner of both t/a Tick Tock Restaurant and Liquors and other licensed establishments to include t/a Golden Bull which is a licensed establishment located in Prince George's County; that the applicant has made material false statements in the renewal application for 2014-15, applicants represented by Edward Leyden, Esquire.

This case is part of a special session where the administrative staff requested that the license not be renewed because of material statements in the application.

- Statements were provided by:
Kelly E. Markomanolakis (Board Witness)
Lou Berman (Agent for Comptroller of Maryland)
Edward Leyden (Attorney)
James Olienyk (Agent for Comptroller of Maryland)
Sergeant Renee Plumb (Police)
Abigale-Bruce Watson (Attorney)
Cristian Mendoza (Deputy Chief Liquor Inspector)
Hazari Kupar (Licensee)
Mohammed Salim (Witness for Establishment)
Ravinder Melhi (Witness for Establishment)
- **Mr. Caldwell moved that the licensee be found in violation of the charges and that the license not be renewed for 2014-15, seconded by Mr. Howard and carried by Mr. Son and Mr. Jackson.**

Respectfully Submitted,

Diane M. Bryant
Administrative Assistant

Adjourned: 9:10 p.m.