

April 14, 2021
9200 Basil Court
Largo, MD 20774
Virtual Hearing

Present:

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

Start Time: 7:05 p.m.

Commissioner Forbes:

Before we get started with tonight's hearing, it is with a heavy heart that we inform you that one of our Commissioners, Kenneth Miles, has passed away as of March 26, 2021. For those of you that have frequented our agency, you will remember Commissioner Miles as a respected member of our agency and of the Board. He was someone that we could always rely on to support us, even when he wasn't feeling well. Commissioner Miles was a Commissioner since 2013 and like Commissioner Camacho, we "new kids on the block" relied on them a lot to navigate through all that is the BOLC. He will be greatly missed. What you might not know about Commissioner Miles was that he was a Liquor Inspector before becoming a Commissioner and was very active in Prince George's County. He served as a member of the Democratic Central Committee in Prince George's County and prior to that, he did work as a union rep in many industries. His wealth of knowledge in Corporate America and elsewhere were things that we relied upon heavily as he worked for the Commission. So, on this day, we remember him and his service to the BOLC by taking this moment to thank Mr. Miles for all his work. Your presence will be missed. May you rest in peace and power.

A Moment of Silence is held in Mr. Kenneth James Miles' Honor.

This is an open meeting for the Prince George's County Board of License Commissioners. To ensure compliance with the law (Maryland Open Meetings Act) and our goal of transparency, to please identify yourself when speaking and speak audibly. As a professional courtesy, when not speaking, please mute your device. If someone from the public that is not providing testimony as a witness today, I will recognize you in the hearing and give you an opportunity for your voice to be heard. Everyone's voice matters at the BOLC. We understand that some of you may be passionate about what you have to say and that passion, in this regard, is permissible. What is not permissible is if truth, facts, and respect are not grounded in your voice. Thank you in advance for being truthful, respectful and honest during the entire proceeding.

Director Sheppard: During a typical hearing, there would be an exchange between the Board and the attorneys to exchange information as exhibits. Because this hearing is now virtual, we have implemented a 10-day rule to give those individuals here today, 10-days from today's date to add to the official record. I would ask that you email myself or the administrative staff for the BOLC. You may add information to the record long as it is information that has been discussed in this hearing.

1. **t/a Crescent Wine & Spirits** – Request for a Delivery Permit.

Licensee is represented by **Linda Carter, Esquire**. Licensee, **Chinchode Shravan “Sean” Reddy**, is sworn in.

Ms. Carter: Madam Chair, we have previously requested and been granted a Temporary Delivery Permit under the Covid-19 Regulations. Tonight, we are coming before you to request permanent delivery. We propose that the zip codes for delivery be limited to 20715, 20716, 20717, and 20718, all of which are in the Bowie area. Mr. Reddy is already aware and fully understands that no deliveries may be made to the school campus area and/or to any place that sells alcoholic beverages/ holds an alcoholic beverage license. I'm comfortable that Sean knows all the rules that I've reviewed with him. He will also only use Alcohol Awareness certified employees that are over the age of 21 (knowing the legal age is 18), even though he, himself, will be the primary person making these deliveries. He understands that there will be an extensive checklist and protocol in place to determine who places the order and that it is the same person receiving the order. All IDs will be checked before the product is delivered and the recipient will be known before transaction takes place. I would proffer that this request be accepted for post- Covid-19.

Commissioner Forbes: Are you asking for continued delivery services after the Covid-19 Pandemic scenario?

Ms. Carter: That is correct, Madam Chair.

Commissioner Forbes: Mr. Director, is that our understanding, or do we have limits on that?

Director Sheppard: Yes, that is our understanding. Currently, under the current governor's order, licensees may provide alcohol through delivery. As it stands now, the licensee is requesting to keep this privilege permanently in the post Covid-19 setting.

Ms. Carter: The state law allows delivery in most jurisdictions, but until very recently, many Boards didn't recognize that they had that power. This Board has, and I believe that is what led to Rule 61 and 23.

Commissioner Forbes: Sean, what is your process to ensure proper delivery under our rules and guidelines? How are you sure that they are over 21 years of age; do you card them at the entryway?

Sean: So, basically, once we get an order, we take that information, then schedule the time and date of delivery. Once we reach the destination, before even showing them the product, we go to the door and check ID to confirm the person is the one who made the order and that person is over 21 years of age. Only after that is confirmed do we drop off the product. There is an app that we use that we store the documents from deliveries in, if needed, so all the information can be retrieved. We do also keep all our records on file.

Commissioner Forbes: Thank you. I trust that when your lawyer says that you are familiar with the rules and regulations, that you are. This is ultimately your responsibility if something were to go awry.

Sean: Yes, I understand. As of now, I have been doing the deliveries and I have trained my people. We did just start doing it and everything has been running smoothly. We will make sure that for the future, everything is handled properly.

Chief Clark: Ms. Carter referenced 2 RR's. One of which is a BLX definition- you should have quoted RR 76. The rule is the same, just the wrong number.

Ms. Carter: Thank you for catching that. I must have mistaken page 61.

Commissioner Camacho makes a motion to grant the delivery permit for **t/a Crescent Wine & Spirits**, seconded by **Commissioner Norman**.

After Board vote, the motion carries.

2. Esmeralda Olmos Rosa, President/Secretary/Treasurer, Rincon Escondido Deli Bar and Restaurant, LLC, **t/a Rincon Escondido Deli Bar and Restaurant**, 5701 Columbia Park Road, Hyattsville, 20785, Class B, Beer, Wine and Liquor, is summonsed to show cause for an alleged violation of 6-304 of the Alcoholic Beverage Article of the Annotated Code and R.R No. 1 of the Rules and Regulations for Prince George's County, to wit; That on or about March 9, 2021 at approximately 6:30 p.m. One underage operative (19 years old) of the Prince George's County Cadet Program entered Rincon Escondido Deli Bar and Restaurant located at 5701 Columbia Park Road, Hyattsville MD. The 19-year-old operative was sold one 12-ounce bottle of Bud Light beer. The sale was witnessed by an uncover police officer of the Prince George's County Police Department. Inspectors Bowden and Hamilton of the Prince George's County Board of License Commissioners spoke to the manager via telephone, Esmeralda Olmos, on the scene.

Commissioner Forbes asks Ms. Rosa is she is represented by an Attorney. **Ms. Rosa** replies "No" and agrees to move forward without representation. **Ms. Esmeralda Olmos Rosa** is sworn in.

Inspectors Bowden and **Hamilton** of the BOLC are sworn in.

Inspector Hamilton: I will be reading the violation report. On Tuesday March 9th, 2021, at approximately 6:30 p.m., and underage operative of the Prince George's County Cadet Program, 19 years old, with an undercover officer, Hill, from Prince George's County Police Department, arrived at **Rincon Escondido Deli Bar and Restaurant**. Once inside the restaurant, the uncover cadet and officer were seated at a table where a server would take their order. The server accepted the order from the underage cadet, of 12 oz bottle of Bud light. They did not ask the operative for ID. The server later returned with the 12 oz bottle of Bud light, opened, and served to the underage operative, which is a direct violation of Rule and Regulation No. 1, serve to or possession of an underage person(s). At that point, notification was made via text to inspectors **Bowden** and **Hamilton** outside the establishment from the undercover operative and officer. Inspectors **Bowden** and **Hamilton** both entered the establishment and made direct contact with the undercover operative and officer before they left the establishment. Inspectors **Bowden** and **Hamilton** observed the opened 12 oz bottle of Bud light and recovered a picture for evidence. We asked who served the beer, and who the beer was served to. The officer pointed out the server who served the beer to the underage operative. Inspectors **Bowden**

and **Hamilton** approached the server and asked to speak with the manager of the business. The server contacted **Ms. Rosa** via phone, where we informed her of the server providing a beer to an underage operative. The manager on duty at the restaurant signed the underage sales prevention report and all members of **Rincon Escondido Deli Bar and Restaurant** were cooperative in accordance with our Rules and Regulations. The picture of the 12 oz bottle of Bud light was submitted to Board for evidence and we left the establishment at approximately 6:52 p.m.

Ms. Rosa: I'd like to start by saying that I had suspended my employee, the server of the underage person, for 2 weeks following the incident. I then printed out multiple "We ID" signs and made sure that she was made fully aware of the 6 acceptable forms of ID for purchasing alcoholic beverages. I remade my staff take the Alcohol Awareness Certification Course the following Monday. We have meetings every Friday at 6:00 p.m. regarding Alcohol Awareness so that the staff has a constant reminder and resource if they have unanswered questions. I also spoke with my security guards about always checking ID and not allowing any minors on the premises after 10:00 p.m. I truly apologize for the incident that occurred and appreciate the inspectors reaching out to me to help me be aware of this happening in my business. I hope that I can continue to have and use my license and hopefully better all my employees in the knowledge of safe serving and IDing every time they serve alcohol.

Commissioner Camacho: You just got this license 6 months ago, correct? (Ms. Rosa-yes.) You are a new restaurant and this is a very serious offense. I am happy that you have used this as an opportunity to better educate your staff and implement new rules, but you have to keep this level of attention to the issue consistent to avoid violation like this in the future. Two more violations within a 2-year period, and you could lose your license. We would not like to have to come to that decision. We are asking you to continue your efforts and make sure that your staff is operating under the rules and regulations as well as the law.

Ms. Rosa: Thank you, I appreciate that.

Commissioner Camacho makes a motion the find the licensee for t/a Rincon Escondido Deli Bar and Restaurant in violation as charged with a fine of \$1,500, seconded by **Commissioner Norman**.

After Board vote, the motion carries.

3. Maria Aguilar, President/Secretary/Treasurer, Sofia and Gicelle, Inc., **t/a Fast Eddie's**, 4801 Allentown Road, Suitland, 20746. Class B(BLX), Beer, Wine and Liquors, is summonsed to show cause for an alleged violation of R.R. No. 10 (2) failure to comply with all State laws and R.R. No. 26 (B)(4) failure to comply with all State laws of the Rules and Regulations for Prince George's County, to wit; That on or about March 6, 2021 at approximately 11:45 p.m., Inspectors Bowden and North of the Prince George's County Board of License Commissioners conducted an inspection at the licensed premises located at 4801 Allentown Road, Suitland, MD. Inspector Bowden and North observed patron dancing in the establishment, not wearing face masks, not social distancing and the establishment was over capacity. Dancing was not permitted under the County Executive's Order at that time. Licensee is represented by Victor Ramirez, Esquire.

Mr. Ramirez: I would like to address a preliminary matter before we get started, Madam Chair. I have not been in receipt of much evidence or documentation prior to this hearing. I would like to have an opportunity to look over the evidence to that I may properly represent my client.

Commissioner Forbes: Mr. DeLoach, what are your thoughts here? I am thinking that we should give testimony and then invoke the 10-day rule so that he may review the evidence.

Mr. DeLoach: Let me just ask Mr. Ramirez a few questions. So, you (Mr. Ramirez) have not received the allegation? The notice?

Mr. Ramirez: I have received the allegation. That's written on the letter. It's straight forward. My question is, if there is to be evidence presented, I was not given that evidence from the Board. I was not given that information.

Mr. DeLoach: Did you formally enter your appearance in the case?

Mr. Ramirez: I sent a letter in saying that I was not presented evidence. I sent it to Terence Sheppard, the director. I could read the letter.... Nevertheless, I just think it would be fair to be able to review the evidence with my client first.

Mr. DeLoach: Did you request it?

Mr. Ramirez: Request it? I thought that was a normal procedure.

Mr. DeLoach: What exactly is your understanding of what will be discussed here? What was provided in the letter?

Mr. Ramirez: I have no idea what is going to be presented, that's why I'm asking. There are things that will be presented that I should have the opportunity to review and talk with my client about.

Mr. DeLoach: Do you have a report?

Mr. Ramirez: I have the letter that was handed to my client. I have the paperwork that was given to her from the Health Department of Prince George's County. That's what I have.

Mr. DeLoach: So, what request are you making?

Mr. Ramirez: I have no idea what anyone is about to testify to. I think that it would be fair to have that and to review it first. I think that's only fair.

Mr. DeLoach: Mr. Sheppard, what have we provided?

Mr. Sheppard: The record shows we provided the letter and a copy of the summons. We do not have record that he requested a copy of the documentation. So, we have not provided the pictures, report or video.

Mr. DeLoach: Do we usually send that to the licensee?

Mr. Sheppard: Only upon request.

Mr. DeLoach: Mr. Ramirez, what exactly are you asking of the Board? Be specific. It looks like there are only pictures and video.

Mr. Ramirez: Yes, it seems like there are a lot of things that will be testified to and I'd like an opportunity to review that with my client.

Mr. DeLoach: Do you want it moved further down the docket? I mean, what are you asking for? You're saying you want time. Do you want time for tonight? A postponement?

Mr. Ramirez: I would ask for a postponement, next month if that's possible.

Mr. DeLoach: That's up to the Board if they would like to do that.

Commissioner Forbes: When is our next available hearing date? We are leaning in on a postponement; however, there are rules for postings and such.

Ms. Little: The next available date is May 12th.

Commissioner Forbes: We have received word from our counsel about an available date, May 12, 2021 at 7:00 p.m. This is one option. The other option, Mr. DeLoach, keep me honest, we can provide testimony and then invoke the 10-day rule for Mr. Ramirez to review the evidence with his client and return for a ruling at the next hearing before May 12th.

Mr. Sheppard: I would like to note that I believe the entertainment privilege for this business as been suspended for 30 days until this hearing. Would we need to continue the suspension until they are heard next?

Commissioner Forbes: We are in a position right now where the special entertainment permit for this business has been suspended for 30 days as of March 23rd. So, the delay could potentially mean that the special entertainment permit is delayed as well. This would be up to the commissioners to make a ruling. We would be taking a few steps to determine what the next actions are.

Mr. DeLoach: I have a few initial points on the 10-day rule. If the board is inclined to allow Mr. Ramirez the benefit of the 10-day rule, which he has the right to, I think that part of his review would partially aide his defense for his client. So, I don't think that the 10-day rule would give him the opportunity to provide cross-examination of the inspectors. I don't believe the 10-day rule would necessarily give him what he believes is due process.

Commissioner Norman: I have a question for Ms. Aguilar. Was she there on the night of the incident? Would she be able to provide her account of what happened?

Mr. Ramirez: I object, Madam Chair.

Commissioner Forbes: I'll sustain. She hasn't even been sworn in and we haven't gotten to that point yet. This is merely a preliminary matter. So, Mr. Ramirez, as Mr. DeLoach had said, the 10-day rule probably isn't as effective due to your inability to cross-examine the inspector testifying against your client without that information, if that correct?

Mr. Ramirez: This allegation of a violation just occurred last month. Quite honestly, the establishment has been closed since about March 13th, so the conditions wouldn't be an issue if we were granted a continuance. I'm sure they would have no issues with carrying the suspension on entertainment until we return for the next available hearing, if that is the wish of the Board. I would like to be able to review the video and ask my client questions.

Commissioner Forbes: Commissioners, you've heard the words of Mr. Ramirez and his request, as well as counsel from Mr. DeLoach. He is asking to postpone in order to effectively review the evidence to better represent his client and cross-examine the inspectors. I will entertain a motion on that, then we will deal with the Special Entertainment Permit.

Commissioner Camacho makes a motion to extend the meeting to May 12, 2021 at 7:00 p.m., seconded by **Commissioner Sparkman**. After Board vote, the motion carries. **Commissioner Camacho** makes a motion to extend the suspension of the Special Entertainment Permit to the next available hearing date on May 12, 2021 at 7:00 p.m., seconded by **Commissioner Norman**. **After Board vote, the motion carries.**

4. Mark Dawejko, Managing Member/Authorized Person, Tracy Kirby, Authorized Person, Terrapin Restaurant Partners, **t/a Gus's World Famous Fried Chicken**, 5810 Greenbelt Road Greenbelt, 20770, Class BL(R), Beer, Wine and Liquor, is summonsed to show cause for an alleged violation of R.R. No. 35 Trade Name (no licensee shall use a trade name without Board approval), of the Rules and Regulation for Prince George's County, to wit; That on or about August 12, 2020 at approximately 10:00 p.m. Inspector Golato of the Prince George's County Board of License Commissioners conducted an inspection at the licensed premises located at 5810 Greenbelt Road, Greenbelt, MD. Inspector Golato noticed that the establishment was closed and that a banner was hanging from the establishment with a new trade name of Miss Mabel's. The investigation revealed that the licensee has not requested Board approval prior to making this change.

Licensee is represented by **Linda Carter, Esquire**. Licensee, **Mark Dawejko**, is sworn in. **Inspector James Golato** is sworn in.

Inspector Golato: On Wednesday August 12, 2021, at approximately 10:00 p.m., I made an inspection at Gus's World-Famous Fried Chicken. I determined that the establishment was closed. I also observed a banner hanging on the establishment identifying a name change to, "Miss Mabel's", which is a direct violation of RR No. 35- Trade Name. This states that no licensee shall change a Trade Name without the Board's approval prior to the change. I have provided 3 pictures for evidence, showing Miss Mabel's new name being displayed. I left the establishment around 10:15 p.m.

Ms. Carter: Mr. Golato, just one question. Could you please repeat the date on which you witnessed this?

Mr. Golato: It was August 12, 2020.

Ms. Carter: So, during the Covid-19 timeframe? (**Mr. Golato-Yes.**) No further questions for the inspector. Mr. Dawejko, is Gus's a franchise or licensing agreement?

Mr. Dawejko: Yes, it was. The Greenbelt location was my first and only store. We opened under the Gus's banner.

Ms. Carter: Is it fair to say that you put your life savings into this location? (**Mr. Dawejko- Correct.**) Did Covid-19 adversely affect your business?

Mr. Dawejko: Tremendously. It accounted for the loss of 60% of our sales.

Ms. Carter: How much were you losing per month?

Mr. Dawejko: Between \$15,000-\$30,000 per month. I personally funded the business with \$200,000 since Covid-19 had started.

Ms. Carter: And that was done it part of keeping you employees employed, correct?

Mr. Dawejko: Absolutely. If we closed the restaurant, the chances of reopening were nil. The business decision I made was to keep the business going for delivery and take-away meals.

Ms. Carter: In the period leading up to this time, we aren't suggesting that you did not change the name before the Board had been made aware and gaining approval, correct?

(Mr. Dawejko- Yes, we did ask permission. At one point we sent a letter...) But it was subsequent to the banner going up, correct? **(Mr. Dawejko-Correct).** You and the company got into a dispute, correct?

Mr. Dawejko: Yes, that is correct. Long story short, they had stolen money from my account and we sued them in Prince George's County. This was pre-Covid-19. Then post-Covid (mid-Covid-19), following the lawsuit, they terminated my agreement.

Ms. Carter: As part of that termination, under court-ordered relief, they required you not to trade under their name, correct?

Mr. Dawejko: Correct. So, we were prepared to address that when we filed lawsuit, but we had also assumed there would be a negotiated time period. We sued them in Prince George's County, then they sued us in Federal Court in western Tennessee. There was a temporary restraining order hearing. They issued us an order in which we had to have their name completely removed from our business within 15 days. We got our Miss Mabel's sign up within that period.

Ms. Carter: Now, I know you were focused on keeping your business and your employees amid a lawsuit, not only in Maryland, but also in Tennessee. Did you deliberately decide that you weren't going to notify the Board? This was simply an oversight, correct?

Mr. Dawejko: Oh, absolutely.

Ms. Carter: During this time, we had requested that we wanted to come before you to discuss the change in name, also the change in concept. This was in part necessitated by the Gus's dispute, but also, trying to keep the business open in the Covid-19 environment. Mark, can you please describe this new concept?

Mr. Dawejko: This concept is called "Ghost Kitchen". It's one building, one kitchen, and instead of one restaurant (like Chinese, Italian, etc.), we are operating 4 different restaurants out of that building. We do delivery though all the 3rd party delivery services, we do our own delivery, and we provide take-away. When we are finally open to the public again, we will be serving 4 different styles of restaurants out of Miss Mabel's.

Ms. Carter: These concepts will change on a fairly regular basis?

Mr. Dawejko: Actually, they'll stay about the same once everything is put in place. As in, long as they are successful. We want to have a lot of good traction with our concept.

Ms. Carter: How many employees do you have? **(Mr. Dawejko- 20.)** What percentage is related to the sale of alcohol?

Mr. Dawejko: We went to zero alcohol sales when Covid-19 started. I had no dine-in and it really didn't make sense. We recently just started again. Even pre-Covid-19, we probably only sold about \$60,000 in alcoholic beverage sales in just beer and wine. A very small percentage.

Ms. Carter: When you talk about delivery, you did not deliver, correct? **(Mr. Dawejko-**

No, not at all.) Are you selling alcohol to go? **(Mr. Dawejko-** only within the guidelines of the Board, and no mixed drinks/cocktails.) You would like to do this on a permanent basis because you have an unrestricted Class B, correct? **(Mr. Dawejko- Correct.)** You

know that all of these to go sales (not on Sundays) must come from behind the main bar?

(Mr. Dawejko- Yes.) This, Madam Chair and members of the Board, is the short version.

I've worked with Mark for a long time. I will tell you that he trains his staff very carefully, he did not want to lose his employees, and he was working very hard just to keep things open and afloat to the best of his ability. The failure to notify the Board of

this name change was not a deliberate omission on his part. It was an accident. This is his first violation. Mark how long have you been in this business? (**Mr. Dawejko**- 4 years now.) Under Code 26-2802, for a first violation, the Board cannot impose a fine greater than the amount of \$1,500.00. Considering the incredible hardship caused by the Covid-19 Pandemic, we understand that the violation occurred. We are not minimizing it. It should not have happened and we will never do anything like that again. We would respectfully ask that, if the Board deems a penalty appropriate, to please make it nominal or put a suspension in place so that if another violation were to occur, that it would “up the ante” for the following violation, should one occur.

Commissioner Camacho makes a motion to find the licensee in violation, as charged, with a fine of \$1,500.00, payable in a lump sum in 90-days, seconded by **Commissioner Norman**.

After Board vote, the motion carries.

Adjourned: 8:15 p.m.

Respectfully Submitted,

Jamie Schaefer
Administrative Aide BOLC