

July 07, 2021
9200 Basil Court
Largo, MD 20774
Virtual Hearing

Present:

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

Start Time: 7:15 p.m.

Commissioner Forbes: This is an open meeting for the Prince George's County Board of License Commissioners. Welcome to our house.

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. Substitution of Corporate Officers application, t/a **Muse Paintbar**, Class D(NH), Beer and Wine, 122 Waterfront Street, National Harbor, 20745, Marissa Pippins, to serve as Authorized Person in the place instead of Denise Conroy, Authorized Person. Marissa Pippins recognizes that she does not have legal representation and agrees to move forward without an attorney. **Marissa Pippins** is sworn in.

Ms. Forbes: I understand today that you are looking to serve as an authorized member of t/a Muse Paintbar, is that correct? (**Ms. Pippins**-correct.) You are not a resident of the state of Maryland, correct? (**Ms. Pippins**-correct.) Have you ever held a license for the sale of alcoholic beverages? (**Ms. Pippins**- yes, for this business, in fact.) For Muse Paintbar? (**Ms. Pippins**- yes.) Do you have a direct or indirect interest in any other business with an alcoholic beverage license? (**Ms. Pippins**- no.) Have you ever been found in violation of any alcoholic beverage laws in your capacity with this current licensee? (**Ms. Pippins**- I have not.) Have you ever been convicted of a felony? (**Ms. Pippins**- No.) Have you been charged with violating any gambling laws? (**Ms. Pippins**- I have not.) Are you familiar with the laws, rules, and regulations of the Board of License Commissioners? (**Ms. Pippins**- Yes.) Did you understand those laws, rules, and regulations? (**Ms. Pippins**- I do.) Do you agree to abide by those laws, rules, and regulations? (**Ms. Pippins**- I do.) Do you agree that the business is operating according to those laws of the State of Maryland as well as those of Prince George's County? (**Ms. Pippins**- I do.) Are you aware that if you make any alterations to the business, you must notify the Board prior to doing so? (**Ms. Pippins**- I am.) Are you aware that the Board will hold you accountable for any violations should one occur? (**Ms. Pippins**- I am.) Do you know the minimum age required to purchase alcoholic beverages? (**Ms. Pippins**- 21.) And the minimum age to sell alcoholic beverages? (**Ms. Pippins**- 18. All our employees are 21 years of age and older.)

Ms. Pippins is given extra time to be able to list all 6 acceptable forms of ID.

After an intermission, **Ms. Pippins** proves her knowledge of the 6 acceptable forms of ID.

Commissioner Camacho makes a motion to grant the SCO for t/a Muse Paintbar, seconded by **Commissioner Norman**.

After Board vote, the motion carries.

Director Sheppard: Curbside Cookout was decided to be moved to the next available Hearing.

- 1) Manuel Sanchez, Member, Diego Sanchez, Member for a Class D, Beer and Wine for the use of Bufinat, LLC, t/a **BurgerFi**, 161 Fleet Street, Suite K1-9, National Harbor, 20745. Sean Morris, Esquire is representing.

Maps Presentation Chief Clark: In the matter of t/a BurgerFi, there are no schools within 1,000 ft and no churches within 500 ft of the establishment. There are 24 liquor-selling establishments in a 1-mile radius.

Manuel and Diego Sanchez are sworn in.

Mr. Morris: I would like to briefly qualify the two applicants and give Mr. Diego Sanchez an opportunity to tell you about his establishment. Mr. Diego Sanchez, how long have you lived in the state of Maryland? (Diego- I have been a Maryland resident for 12 years.) What is your role with this restaurant? (Diego- I am one of the owners and the

Day-to-Day operations manager.) Could you describe the concept of BurgerFi for the Board?

Diego Sanchez: BurgerFi is the better burger concept. It specializes in delivering the highest quality ingredients. We believe in transparency in all the food that we serve. The beef we serve is sourced and age verified with no hormones, steroids, or chemical additives. Our chicken is organic and free range. All our produce is fresh and highest quality available. We strive to create a family friendly environment. We also heavily believe in sustainability. We like to use recycled materials in our restaurant, such as recycled Coca-Cola bottles for our dining room chairs and recycled compressed pallets for our dining room tables. We do our best to make an impact for the environment and for our guests.

Mr. Morris: Is there anything about BurgerFi that you think makes it unique within the restaurant landscape of National Harbor?

Diego Sanchez: We really try to create an upscale feel for the restaurant. We have TV's that broadcast sports and other programming. So really the theme is an upscale feel for a more moderate price.

Mr. Morris: Why do you want a Beer and Wine license for your restaurant?

Diego Sanchez: The beer and wine are simply to serve as a compliment for our higher quality ingredients. We believe that having wagyu burgers- people deserve more than a soft drink. Having beer and wine also sets aside from fast food competitors because, like I said, we strive to create that upscale feel to our customers' dining experience.

Mr. Morris: Approximately what percentage of your profits will come from selling beer and wine?

Diego Sanchez: Only about 2-3%.

Mr. Morris: Do you have a percentage ownership in other BurgerFi Restaurants?

Diego Sanchez: Yes, that is correct. I am a member and part owner of 5 in Maryland and one in Virginia.

Mr. Morris: Do each of these locations also have beer and wine licenses?

Diego Sanchez: All but one in Nottingham County.

Mr. Morris: Have all of those had similar ratios or percentages of revenue from beer and wine sales?

Diego Sanchez: Absolutely, the highest we've had has been 3%.

Mr. Morris: In any of those locations, have you ever had a violation involving the sales of alcoholic beverages? (**Diego-** Never.) Can you describe to the Board the process in which a customer orders a beer or wine beverage?

Diego Sanchez: Absolutely. When a guest walks in, they walk up to the front counter to order their beverage from the cashier. We always have a manager or general manager on staff; the cashier will notify the manager on duty. The manager will verify the ID of the guest, complete the transaction, and prepare their drink for them. The managers handle 100% of the transaction of alcoholic beverages.

Mr. Morris: Do you check everyone's ID when ordering an alcoholic beverage?

Diego Sanchez: Yes. Our policy is "One ID, One drink". We have that policy in place in case someone tries to order multiple drinks at one time while only presenting one ID, giving them the chance to bring the drink back to the table to give it to someone underage. So, to prevent this, for orders of multiple drinks, we have the members from that table present IDs as well.

Mr. Morris: Could you tell me the legal age to purchase alcoholic beverages? (**Diego-** 21.) And the legal age to serve? (**Diego-** 18. All our managers that serve are over 21 years of age.) Will you accept vertical IDs at BurgerFi? (**Diego-** No, even if the person is of age, we will not serve one with a vertical ID.)

Diego Sanchez proves his knowledge of the 6 acceptable forms of ID for purchasing alcoholic beverages.

Mr. Morris: You said that you will be the day-to-day manager; do you understand that if a violation should occur that you will be personally responsible? (**Diego-** yes.) Have you familiarized yourself with the laws of Maryland as well as the rules and regulations of this Board? (**Diego-** yes.)

Mr. Morris: Do you have any other qualifications?

Diego Sanchez: I have completed TIPs/ Safe Serve courses as well as the BurgerFi Operations training, which coincides with alcohol awareness training.

Mr. Morris: Have there been any changes to yourself or the business since this application has been submitted? (**Diego-** no.) I'd like to ask Mr. Manuel Sanchez some questions. Mr. Sanchez, what will your role be at this restaurant?

Manuel Sanchez: I am the owner of the 6 BurgerFi locations and have a supervisory role for all locations as well. I ensure the restaurant and teams are working and operating well.

Mr. Morris: So, all the locations Diego had mentioned, you also play a role in these businesses? (**Manuel-** yes.) As we said, none of those businesses have had a violation, correct? (**Manuel-** yes.) How much do you plan to be present at this restaurant?

(**Manuel-** once the restaurant has been in operation for 6 months, I go to each restaurant once every 7-10 days.) You also understand that even while you are not on the premises, you are personally responsible for any violation should one occur? (**Manuel-** yes.) Have you reviewed and familiarized yourself with the rules and regulations of this Board?

(**Manuel-** yes.) Will you work with Mr. Diego Sanchez to ensure that the laws, rules, and regulations of the state of Maryland and Prince George's County, the policies that have been listed will be upheld in your restaurants? (**Manuel-** yes.) Are you aware of any changes to yourself or the business since you've turned in your application? (**Manuel-** No.) Madam Chair, I have no further questions of my clients.

Ms. Forbes: Mr. Manuel, I have a question for you. Can you tell me what the 6 acceptable forms of ID are for the purchase of alcoholic beverages?

Manuel Sanchez proves his knowledge of the 6 acceptable forms of ID.

Commissioner Camacho makes a motion to grant the Class D Beer & Wine license to t/a BurgerFi, seconded by **Commissioner Norman**.

After Board vote, the motion carries.

- 2) **t/a El Mexireno Restaurant**, Class B Beer, Wine & Liquor, Jesus Mejia, President/Secretary/Treasurer, 5494 Saint Barnabas Road, Oxon Hill, 20745 – Request for a Special Entertainment Permit. Continued from January 8, 2020 Hearing. Licensee is represented by Melvin Kodenski, Esquire- substituted by **Abraham Hurdle, Esquire**. Jesus Mejia is sworn in.

Mr. Hurdle: My client previously had entertainment privileges at this location, I believe in 2019, and due to miscommunication and Mr. Mejia being out of town, this permit was expired. Getting this privilege back has been a process. Given the circumstances with

Covid-19 and since January of 2020, it has been difficult to be able to come before the Board. Since that time of applying for the Special Entertainment license, my client received a violation from the Board for live entertainment. He has worked thoroughly with police officers, both corporals, to come up with security plans, operating plans, and addressing any potential concerns for the business following that violation. I believe it was heard just a few weeks ago and Mr. Kodenski was present for that hearing. As a result, we are once again asking for live entertainment. Mr. Mejia never had issues when he had his Entertainment Permit and he has been licensed with the Prince George's County Liquor Board for 2 years. The only violation was the recent one and there will be no dancing.

Tanya Proctor is sworn in.

Ms. Proctor: On June 30, 2021 at 11:00 AM, I met with Mr. Mejia at his establishment. We went over the security plan together, he understands that there is no dancing allowed without proper permitting, he is not to have any promoters, and there is to be no adult entertainment. All cameras on the premises are operating and are backed up for 1-year. As of June, the 30th, his security plan is adequate as proposed.

Commissioner Camacho makes a motion to grant the Special Entertainment Permit to t/a El Mexireno, seconded by **Commissioner Norman**.

After Board vote, the motion carries.

- 3) **t/a Drinx Market**, Class A Beer, Wine & Liquor, Andrey Nikolaev, President/CEO, 1409 Ritchie Marlboro Road, Capitol Heights, 20743 – Request to expand the premises from 6,445 square feet to 9,529 square feet.

Licensee is represented by **Leanne Schrecengost, Esquire**.

Andrey Nikolaev is sworn in.

Ms. Schrecengost: We are before you today to request an increase in the square footage of the premises by taking over the space of 2 adjacent tenants. We are requesting to increase the square footage from 6,445 square ft to 9,529 square ft on the property. Two tenant spaces have been made available and his landlord has given my client permission to use that space. I have submitted renderings so that the increase of space is clear to the Board. This will allow my client to relocate the restrooms to a more convenient location as well as increase their storage. My client wishes to create proper, wider, checkout lanes to ensure more comfortability in the establishment. He will include sliding glass doors as well as a designated tasting area.

Commissioner Camacho: You said that you would be taking over two additional units. Will the address stay the same? (**Ms. Schrecengost-** Yes, the address will remain the same.)

Commissioner Camacho makes a motion to grant the expansion of space for t/a Drinx Market, seconded by **Commissioner Norman**.

After Board vote, the motion carries.

- 4) Jay Patel, Member-Manager, Kirti K. Patel, Member-Authorized Person, Nicki, LLC, **t/a Meyers Liquors**, 3601 Old Silver Hill Road Silver Hill, 20746, Class A, Beer, Wine, and Liquor, is summonsed to show cause for an alleged violation of Section 6-311, Purchase Alcoholic Beverages from other than a Wholesaler of the Annotated Code of Maryland and R.R. No. 11 of the Rules and Regulation for Prince George's County, to wit; That on

or about March 1, 2021 at approximately 4:30 p.m., Inspector Bagby of the Prince George's County Board of License Commissioners entered Meyers Liquors located at 3601 Old Silver Hill Road, Silver Hill, MD to conduct a routine inspection. While checking inventory boxes, Inspector Bagby came across three (3) cases of Stoli Vodka, one (1) mango flavored and two (2) pineapple flavored that had the name of Distler Bob as the establishment of receivership. The establishment could not produce invoices to show that the alcohol belonged to Meyers Liquors. These items were confiscated as evidence. Continued from the May 12, 2021 Hearing.

Licensee is represented by Robert Kim, Esquire.

Jay Patel and Kirti Patel are sworn in. Inspector Bagby is sworn in.

Ms. Forbes: So, this is a continuation for the previous hearing. Mr. Bagby, can you attend for the record that the statement you made in the previous hearing is true and accurate. (**Mr. Bagby-** Yes.)

Mr. Kim: In review of the record, this is Meyer's Liquor's first offense in which they have purchased from an authorized wholesaler. I would like to discuss the assessment of the fine because Meyer's did fail to produce the invoices in a timely manner.

Mr. DeLoach: Have the charges been amended? There were 2 charges- purchase from other than an authorized wholesaler and failure to produce invoices. Based on our discussion, I believe we were to revert to the original charge, purchase from other than an authorized wholesaler.

Mr. Kim: The beverages always came from Breakthrough Beverage though. We were only unable to produce the invoices.

Ms. Forbes: We cannot prove that the alcoholic beverages came from an authorized wholesaler due to no proof of invoice. The reason why we are having this discussion is because of the violation, purchase from other than an authorized wholesaler. Whichever previous purchase was made is no longer there and we cannot confirm where the beverages came from. The Amendment was to add the inability to produce the invoice records afterward and this Board is not convinced. The authorized wholesaler box does not match the invoice provided to us. We could not prove the purchase with the invoices that were later provided.

Mr. Kim: That's the issue. We couldn't find the invoices.

Ms. Forbes: When the purchase is made, there is a specific Customer or "CR" Number. They did not align.

Mr. Kim: Even though it says, "Breakthrough Beverage"?

Ms. Forbes: We cannot confirm what we do not know. What we do know is that the Stoli Vodka was placed on the truck. The invoice date said July 31, 2019, the date on the box in which the product was to be delivered. The date provided to us was from October. These dates should align with Meyer's Liquors, we are not dealing with the wholesaler.

Mr. Kim: The product went to Meyer's Liquors in a legitimate way, though.

Mr. DeLoach: Your client was charged with two different charges. Now it's only the failure to keep records charge that you want. Are there 2 charged on the amended show cause

Patty Bell: The summons was signed by Mr. Kim.

Ms. Forbes: We will waive the second charge. The charge will be litigated to the purchase from an unauthorized wholesaler charge. So, waiving the second charge does

not appropriate the given conversation. Therefore, we are continuing with the charge of purchase from other than an authorized wholesaler.

Mr. Kim: My apologies, I understand.

Commissioner Camacho makes a motion to find t/a Meyer's Liquors in violation as charged with a fine of \$1,500.00, seconded by Commissioner Sparkman.

After Board vote, the motion carries.

- 5) Chung Soon Lee, President, Secretary and Treasurer, Amita, Inc., t/a Lee's Deli Mini Mart, 5400 Marlboro Pike, Forestville, 20747, Class D, Beer and Wine, is summonsed to show cause for an alleged violation of Section 6-304, of the Alcoholic Beverage Article of the Annotated Code of Maryland and R.R. No. 1 of the Rules and Regulations for Prince George's County, to wit; That on Thursday May 6, 2021, at approximately 7:20 pm, Inspectors Caraway and Patterson of the Prince George's County Board of License Commissioners entered Lee's Deli Mini Mart, one (1) underage male operative (19 yr. old) of the Prince George's County Cadet Program and one (1) undercover police officer from the Prince George's County Police Department entered Lee's Deli Mini Mart located at 5400 Marlboro Pike, Forestville, MD 20747. The operative retrieved one (1) 24 oz can of Modelo Chelada (beer) from the standing refrigerator and then took the item to the cashier for payment. The cashier accepted the payment (money exchange) without requesting the operative's ID.

Licensee is represented by Abraham Hurdle.

Ms. Forbes: Mr. Hurdle, is your client on the line?

Mr. Hurdle: My client is not on the line. Ms. Bell has worked with me on this case extensively. Ms. Lee is no longer running the store and it is being operated by the perspective licensees. I have been in contact with the perspective licensees; however, I have been unable to get in contact with them any further. I am here to ask the Board to Postpone the hearing, and I am very sorry. Should we continue?

Mr. DeLoach: Has this happened before?

Mr. Hurdle: Not for this violation. The violation is subject to loitering and extending credit since Spring of 2020. The Covid-19 Pandemic had pushed back this hearing. They were not present for the first call.

Mr. DeLoach: Was the summons validly served?

Mr. Hurdle: I worked with Ms. Bell. I accepted service and I have been in communication with my clients.

Mr. DeLoach: Were they made aware of this hearing date?

Mr. Hurdle: Yes, not Ms. Lee, the perspective licensees.

Mr. DeLoach: We may continue. It is up to you.

Mr. Hurdle: My concern with proceeding- my clients have been present in the establishment for 3 violations. Given the trajectory, the charges will be significant, such as suspension or revocation of the license. Even though there are failures, I do take full responsibility for my clients.

Commissioner Camacho makes a motion for revocation or transfer of license in a continuation hearing following the violation RR NO. 1- sale to a minor, then a show cause for revocation/transfer, seconded by **Commissioner Norman**.

After Board vote, the motion carries.

- 6) Sil Mudsi, Member-Manager, Balkonie Restaurant Group, LLC, t/a **Balkonie**, 6323 Greenbelt Rd, Berwyn Heights, 20740, Class B (BLX), Beer, Wine and Liquor, is summonsed to show cause for an alleged violation of R.R. No. 37 (Change in Mode of Operation) of the Rules and Regulations for Prince George's County: Section 4-508 (Display of License) of the Alcoholic Beverage Article of the Annotated Code of Maryland and Rule and Regulation 30 (Display of License); Rule and Regulation 78 (Use of Promoters Not Permitted); and Rule and Regulation 32 (Inspections: Uncooperative). to wit, that on Saturday, May 15, 2021, at approximately 10:15 pm, Inspectors Caraway and Patterson of the Prince George's County Board of License Commissioners entered Balkonie, arrived at the establishment located at 6323 Greenbelt Road, Berwyn Heights, MD and noticed an DJ accompanying a turntable outside of the facility. Once inside, they noticed that the license was not displayed or accessible. Additionally, they were greeted by someone who introduced himself as the promoter; and the manager never appeared to speak with the inspectors, as requested. Robert Kim, Esquire has agreed to represent the licensee.

Mr. Kim: I have recently offered to take this case for my client; however, I am not fully prepared to represent them based on the time given to review the evidence. I would kindly ask for a continuation of this case.

Ms. Forbes: Are there any objections to continuing this case in the next available hearing?

No Objections from the Commissioners.

The case will be moved to the next available hearing.

No questions or further commentary from the Commissioners, staff, or public.

Adjourned: 8:32 p.m.

Respectfully Submitted,

Jamie Schaefer
Administrative Aide BOLC