

July 10, 2019
9200 Basil Court
Largo, MD 20774

THE BOARD OF LICENSE COMMISSIONERS MET IN REGULAR SESSION:

PRESENT:

Daphne Turpin Forbes, Chairman
Armando Camacho, Vice Chairman
Tammie Norman, Commissioner
Tammy Sparkman, Commissioner
Terence Sheppard, Director
Robert Clark, Chief Liquor Inspector
Cristian Mendoza, Deputy Chief Liquor Inspector
Derrick Anthony, Deputy Chief Liquor Inspector
Kelly Markomanolakis, Administrative Assistant
Nikole Bennett, Administrative Aide

Time: 7:36 p.m.

In the matter of Paschal Agubozo, President/Secretary/Treasurer, DeRevolution 2000, Inc., t/a **DeRanch Restaurant**, Class B, Beer, Wine and Liquor, is summonsed to show cause for an alleged violation of Sections 6-329 and 26-1513 of the Alcoholic Beverage Article of the Annotated Code of Maryland and Rules 26 and 46 of the Rules and Regulations for Prince George's County, to wit; That the licensee's signed and notarized applications filed with the Board of License Commissioners on or about June 8, 2017; March 2, 2018; and/or March 6, 2019 stated, under oath, that the licensee has not been found in violation of the laws or rules governing the sale, use or control of alcoholic beverages, however, in 1994 the licensee was given three (3) years' probation and fined \$1000 for the unlicensed sale/possession of alcoholic beverages, a violation of the laws and rules governing the sale, use or control of alcoholic beverages.

Licensee is represented by Robert Kim, Esquire.

Kelly Markomanolakis requested that the summons be revised to add R.R. No. 12 and remove Section 6-329.

Mr. Camacho moved to amend the summons, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

Terence Sheppard stated that he is the Director for the Prince George's County Board of License Commissioners; that during his research of recent criminal background checks he found Mr. Agubozo was found guilty of an alcohol violation in 1994; that he obtained a copy of the disposition to ensure the information was accurate; that he reviewed the Master File and found that in the application filed June 8, 2017 Mr. Agubozo answered No to the question "Have you ever been found in violation of the laws or rules governing the sale, use or control of alcoholic beverages?"; that he also answered No on the 2018 and 2019 renewals as well; that he pulled the file as a result of the investigation and found that Mr. Agubozo was charged with unlicensed alcohol sales in the District Court of Prince George's County; that the matter was not handled in front of the Board of License Commissioners since Mr. Agubozo was not a licensee; that he was

not aware that the conviction has been expunged; that he's not sure who's business was at fault for the violation or if they had a license; that he believes that the question asks about any alcohol violation, not just those governed by the Board of License Commissioners; that the question on the affidavit doesn't say that he must hold a license when found in violation or that it must be a violation with the Board; that nothing was said when he did a background check to become a licensee or in 2018 for the renewal; that he was not with the Board of License Commissioners at that time.

Ms. Turpin Forbes stated that she understands the violation was for him selling alcohol without having a license.

Robert Kim, Esquire stated that Mr. Agubozo can't be in violation without a license; that he didn't appear before the Board; that it wasn't intentional; that he knew it would show on a background check and wouldn't intentionally make a false statement.

Ms. Turpin Forbes stated that Mr. Agubozo had three times to come clean and correct the affidavits and he did not.

Robert Kim, Esquire stated that he completed the application with counsel and they didn't think that his violation was the type they were asking about; that they felt the question didn't relate to the charge 25 years ago.

Mr. Camacho stated that there is not a time limit listed on the question; that it does not say violations specific to any one agency.

Ms. Norman asked how long Mr. Kim has been Mr. Agubozo's attorney.

Robert Kim, Esquire stated two weeks.

Ms. Norman stated that Mr. Agubozo is still responsible to know the Rules and Regulations; that he answered the question "No"; that it is still untrue.

Robert Kim, Esquire stated that it was not done fraudulently; that having a violation doesn't bar him from applying for or being granted an alcoholic beverage license.

Ms. Norman stated that he should have asked; that if she were unsure she would have asked.

Ms. Turpin Forbes stated that she agrees; that it would have been the right thing; that mistakes do happen; that even though mistakes happen, they matter; that this matters a lot; that he wrote the wrong answer for three years; that he never changed or corrected the question; that they are correcting the mistake now.

Paschal Agubozo stated that he is a resident of Bowie; that he talked with Mr. Kim prior to the hearing; that he put "No" because he thought it involved an alcoholic beverage license; that he has never had a license before; that he put "Yes" about having worked at an establishment that holds an alcoholic beverage license received a violation; that the violation then was for having Special Entertainment without having a permit; that he is just now finding out that answering "No" for the original question is the wrong answer.

Robert Kim, Esquire stated that there is an Order of Expungement; that it is dated June 27, 2019; that it was just expunged last week.

Paschal Agubozo stated that he understands the issue was expunged, but he will always answer the question about previous alcohol violations with "Yes" and explain going forward.

Robert Kim, Esquire stated that the question says, "Have you ever been found in violation of the laws or rules governing the sale, use or control of alcoholic beverages?"; that this was a case before the District Court; that a guilty verdict is not the same as being found in violation; that it is a judicial determination.

Mr. Camacho stated that since he wasn't on the license at the time, it wouldn't have been before the Board.

Robert Kim, Esquire stated that doesn't have jurisdiction over this charge; that he requests the Board to consider the intent behind the error; that it wasn't intentional.

James Carmon stated that he is here to oppose the Special Entertainment Permit; that he thought it would be discussed tonight as well.

Ms. Turpin Forbes stated that Mr. Carmon will be notified if the Special Entertainment Permit matter ever comes back up.

Mr. Camacho moved to find the licensee in violation and to fine the establishment \$7,500, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

Robert Kim, Esquire requested that Mr. Agubozo be given additional time to pay.

Mr. Camacho moved to allow for a 90-day payment with the first payment due within 30 days, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

In the matter of Chung Soon Lee, President, Amita Inc., **t/a Lee's Deli Mini Mart**, Class D, Beer and Wine, is summonsed to show cause for an alleged violation of Section 4-109 of the Alcoholic Beverage Article of the Annotated Code of Maryland and Rules 37 and 46 of the Rules and Regulations for Prince George's County, to wit; That on May 6, 2019, Deputy Chief Derrick Anthony of the Prince George's County Board of License Commissioners observed that someone other than the licensee is operating the business and receiving a pecuniary interest in the alcoholic beverage license and further that unauthorized alterations are occurring on the licensed premises.

Licensee is represented by Robert Kim, Esquire.

Derrick Anthony stated that he is the Deputy Chief Inspector for Prince George's County Board of License Commissioners; read his report into the record.

Robert Kim, Esquire requested an opportunity to explain why this incident occurred in this way; that he was retained recently; that part of the problem is that Ms. Lee does not speak English fluently; that she was taken advantage of by a business broker licensed in Virginia, but not licensed in Maryland; that the broker drafted agreements himself; that an example of the many problems with his documents is that one contract states both the buyer and seller will pay him, but he doesn't represent either party; that they aren't really equipped to handle the transfer and sale in Maryland; that they claim they will file documents, but haven't; that the documents prepared are insufficient; that the management agreement drafted does not meet the state requirements; that it is all a mess.

Ms. Turpin Forbes stated that she understands the problems the licensee is having; that she feels bad; that they never want to see a licensee taken advantage of; that with the violation had she notified the Board, per the Rules and Regulations, perhaps she may have had some help; that they also are supposed to notify the Board of the sale and also before any alterations were done.

Robert Kim, Esquire stated that the alterations were done by the buyers; that the Broker gained trust; that he told her she would be taken care of; that the Board couldn't have done much to help and prevent the violation; that it was fraud by the Broker and the attorney.

Mr. Camacho moved to find the licensee in violation and fine the establishment \$1,500, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

In the matter of Donnell Long, Member, Scott Bell, Member, Ralph W. Powers, Member, New Olde Town Inn, LLC, **t/a Old Town Inn**, Class B(R), Beer, Wine and Liquor, is summonsed to show cause for an alleged violation of Sections 4-109 and 26-902 of the Alcoholic Beverage Article of the Annotated Code of Maryland and Rule 32 of the Rules and Regulations for Prince George's County, to wit; That on or about May 20, 2019, the Prince George's County Health Department attempted to inspect the licensed premises to respond to a complaint of cockroaches. That a member of the staff contacted Mr. Long on the telephone and that the inspector was told to leave the premises, preventing the inspection from occurring. Licensee is represented by Jamar Creech, Esquire.

Robin Sleeman stated that she is with Prince George's County Health Department; that she understands that there is a new era of cooperation with the departments; that her primary concern occurred when inspectors tried to inspect recently and earlier this year; that she is not privy to the information about inspections prior to 2017 when this area became her responsibility; that there was an incident in February this year involving two of her inspectors and Mr. Long; that she could hear him shouting at the inspectors over the phone; that her and the inspectors wrote and signed statements detailing the incident and his interference with the inspection; that on May 20, 2019 her and another inspector responded to complaints of cockroaches; that the employee they encountered told them to come another day or wait for Mr. Long to arrive; they waited approximately 15 minutes and were told to wait longer; they started to inspect behind the bar and the employee called Mr. Long; that they were told Mr. Long told them to leave immediately; that they told the employee their policy is if they're told to leave before completing the inspection they take the permit with them; that the employee said that Mr. Long said to leave immediately and take nothing; that they left to avoid further confrontation; that they have received five complaints of cockroaches; that they were only able to complete four inspections; that they found cockroaches the other times.

Debra Freeman stated that she is the Program Chief with the Prince George's County Health Department; that on May 20, 2019 Mr. Long called her and was very upset about the incident; that she has dealt with him a lot over the years; that personally she doesn't have an issue with him; that he has had problems with inspectors over the years; that he tries to dictate the inspectors ability to come in and which inspectors come to the restaurant; that she wants her inspectors to be inspecting, not writing incident reports; that they should have pulled the permit when they left; that the inspectors are told to leave when threatened; that they haven't taken any other action since the incident; that they wanted to see the outcome of the hearing; that they don't typically have to take permits for intimidation; that it was not resolved; that they need to complete the inspection; that the matter from February was completed, but not the one from May; that the inspectors need to not be intimidated.

Donnell Long stated that he is a resident of Upper Marlboro; that he has owned and operated the business for 13 years; that they have not had issues until recently; that the cockroaches is new and is a small infestation; that they have never been notified after an inspection they have a problem with cockroaches; that the day of the incident in May he was on his way back to the restaurant from his mom's funeral; that the complaint was for the bar area; that he feels offended that the inspector felt intimidated; that he did not intend to come off that way; that he was passionate about his business; that when he was told about the issue, the employee probably piggybacked off of him; that he thought it was Ms. Freeman at the restaurant in May, not Ms. Sleeman; that he thought with how long they had worked together she would have some

leniency; that he was more comfortable with her; that he never gave his employee guidelines to not allow the inspection; that with the health department they can correct issues then to avoid a violation; that the employee could not do her job and show the inspector around and correct any possible issues; that he apologizes to Ms. Sleeman; that he didn't mean to be intimidating; that he has letters from customers that were in the restaurant at the time; that the intent was not to not work with anyone; that he didn't mean to interfere with inspections; that in February he wasn't aware there was a problem with insects; that he noted the use of a different pest control company to show that he was making progress.

Ms. Turpin Forbes stated that we are dealing with R.R. No. 32 – Inspections; that we are not to deal with the insects; that as a licensee Mr. Long must cooperate with all inspectors; that it's all about cooperation and in the reports the inspectors say otherwise; that she's not sure if it's the employees or him, but he still needs to comply; that she understands his passion; that there is a difference between being passionate and acting professional and respectful.

Ms. Sparkman stated that he says he has been in operation for 13 years; that they shouldn't be here; that he should know how to cooperate.

Donnell Long stated that he doesn't think he's uncooperative; that he works with people who work with him; that respect goes two ways as well; that public officers should be respectful as well; that he wasn't aware his employee wasn't respectful; that he doesn't intend to be in opposition; that he has never had any major issues; that he knows Ms. Freeman and goes to her if there's a problem.

Ms. Turpin Forbes asked about others; that there is more than one incident; that he must cooperate; that he can't be rude; that he needs to accept paperwork; that his employees need to follow as well.

Ms. Norman asked if the incident occurred in May and it is now July, why not invite the inspectors back.

Debra Freeman stated that an employee did call a week later to invite them back; that she said they would come back out at the next scheduled visit; that they don't schedule visits.

Donnell Long stated that he told the employee to call him first and then comply with the Health Department; that the Health Department is always able to do their job; that he doesn't want to be contentious with anyone; that he doesn't want any bickering or arguing; that he wants to work with the county.

Mr. Camacho moved to find the licensee in violation and fine the establishment \$1,500, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

In the matter of Donnell Long, Member, Scott Bell, Member, Ralph W. Powers, Member, New Olde Town Inn, LLC, **t/a Old Town Inn**, Class B(R), Beer, Wine and Liquor, is summonsed to show cause for an alleged violation of Sections 4-109 and 26-902 of the Alcoholic Beverage Article of the Annotated Code of Maryland and Rule 32 of the Rules and Regulations for Prince George's County, to wit; That on May 23, 2019, Deputy Chief Derrick Anthony attempted to serve a summons dated the 21st day of May 2019 to a licensee, Donnell Long, at the licensed premises. Mr. Long refused to accept the summons. Licensee is represented by Jamar Creech, Esquire.

Derrick Anthony stated that he is the Deputy Chief Inspector for Prince George's County Board of License Commissioners; read his report into the record; that he did ask Mr. Long to sign for

the other licensees as well; that Mr. Long refused to; that no one signed; that he left a copy; that he returned to the office.

Donnell Long stated that he is a resident of Upper Marlboro; that he does need to contradict Mr. Anthony; that he never said he needed to sign for the summons; that he called the Board of License Commissioners after Mr. Anthony left; that he was not aware the Board was involved with the Health Departments complaints; that he was told he had a summons; that he was not told he needed to sign; that when Mr. Mendoza came in and told him he needed to sign, he signed.

Derrick Anthony stated that he disputes Mr. Long's statement; that he came in and identified himself and his purpose once Mr. Long questioned his purpose for being there and the Board's involvement; that he told him what the violation was for; that Mr. Long refused to sign; that Mr. Long was on the phone when he left.

Donnell Long stated that he didn't think he needed to sign; that he thought the summons was to notify him of a hearing; that he didn't think he also needed to sign; that he tried to cooperate; that he told Mr. Anthony he was aware of the hearing and that he would be there.

Ms. Turpin Forbes stated that the Rule has been in effect for years to cooperate; that he should know what to do with a summons.

Donnell Long stated that he is here today because he was made aware to be here; that Mr. Anthony told him to be here; that Mr. Mendoza came in and he signed without a problem.

Derrick Anthony stated that he said he was there to obtain a signature and Mr. Long said he wasn't signing the summons.

Ms. Norman stated that part of being part of a corporation he should understand the responsibilities.

Donnell Long stated that he understands, and he is still here whether he signed or not.

Ms. Turpin Forbes stated that it is his responsibility to comply; that he refused to accept the paper either way.

Derrick Anthony stated that he left Mr. Long's copy on the bar and wrote "Refused to Sign" on the office copy.

Mr. Camacho moved to find the licensee in violation and fine the establishment \$6,500, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

In the matter of Proposed Revisions to R.R. No. 32 – Inspections.

Mr. Camacho moved to approve the proposed revisions, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

In the matter of Proposed Revisions to R.R. No. 61 - Class BLX, Beer, Wine and Liquor License (Luxury Restaurant/Movie Theatre).

Mr. Camacho moved to approve the proposed revisions, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

In the matter of Proposed Revisions to R.R. No. 65 – Class B-ECF/DS – University of Maryland College Park Department of Dining Services.

Mr. Camacho moved to approve the proposed revisions, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

In the matter of Proposed Revisions to R.R. No. 75 – Special Entertainment Permit/Family Entertainment Permit.

Mr. Camacho moved to approve the proposed revisions, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

In the matter of Proposed Revisions to R.R. No. 85 – Distillery on Premises Permit

Mr. Camacho moved to approve the proposed revisions, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

Respectfully Submitted,

Nikole Bennett
Administrative Aide

Adjourned 9:23 p.m.