

August 7, 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
Benjamin Rupert, Esquire, Counsel
Terence Sheppard, Director
Robert Clark, Chief Liquor Inspector
Cristian Mendoza, Deputy Chief Liquor Inspector
Kelly Markomanolakis, Administrative Assistant
Nikole Bennett, Administrative Aide

Time: 7:05 p.m.

In the matter of a presentation by representatives from CLEAR to provide information related to biometric identity and age verification.

Representatives represented by Leanne Schrecengost, Esquire.

Leanne Schrecengost, Esquire stated that CLEAR can connect credit cards to a CLEAR account with a fingerprint or other biometric information; that it can tell a cashier if someone is over 21 or under 21 and provide identification for them; that it can be used at stadiums.

Tom Stein stated that he is the Deputy General Counselor for CLEAR; that it is an identity platform; that it is most known for airport security; that they hope to replace the wallet except for cash; that they hope to use it also to allow building access; that it can be used for credit card payments; that they currently have four million members; that they are in 30 airports and 20 stadiums; that in the airport they link tickets to identification skipping the person that checks tickets against identification; that they store date of birth as well; that they use the same forms of identification as Prince George's County Board of License Commissioners recognizes as acceptable; that they are used in some stadiums for game access; that they can also be used to verify age and payment; that they are in talks with the Washington Redskins to add CLEAR to the stadium; that the hope is to also have a CLEAR lane at the concession stand; that they can order food, click pay, confirm payment and that the person is over 21; that if they are over 21 the payment processes, if not the transaction is cancelled; that the picture of the person doesn't come up currently, but they can set it to show the picture; that they recommend keeping the system automated; that most errors are made by humans; that it comes from people not asking for identification or doing the math incorrectly.

Ms. Turpin Forbes stated that sometimes technology has a glitch; that she wants to know what happens if it has a glitch; what if it says someone is over 21, but they aren't; that she wants to know who would be responsible.

Tom Stein stated that they have done over 40 million transactions and the Transportation Security Administration has verified over one million of the transactions; that they haven't found an error; that the technology is pretty good; that they are pretty confident in their product; that if they discovered an error they would notify the customer; that if the customer knows there is a problem they shouldn't use it; that CLEAR for age verification is free; that the airport verification has a cost, but they don't charge other users; that it doesn't exclude checking for identification, but it is only an option.

Terence Sheppard asked what states CLEAR is authorized in.

Tom Stein stated that they are licensed in California, Washington, Florida, North Carolina, Arizona and the City of Las Vegas; that they can be contacted for reference; that they are authorized everywhere; that establishments just have to ensure that patrons are over 21; that they are asking for the Board to allow the same accountability with CLEAR as given to the other forms of identification.

Mr. Camacho asked who pays for the violation if the system has an error.

Tom Stein stated that he's sure that will be in the contract with the companies and vary by company; that they stand behind their products; that using the card attached to the CLEAR account helps with the security; that the cashier then can't override the system; that the system can catch look a likes; the validity of the identification and human error; that it will almost never allow an underage sale; that it also allows for the privacy of individuals; that it controls even more who has access to their identification; that it doesn't put the identification in the hands of the bartender.

Mr. Camacho asked where people would need to sign up.

Tom Stein stated that the preliminary registration is down online; that to complete the registration they must go into one of the locations that currently uses the technology.

Daphne Turpin Forbes stated that the technology is innovative; that to allow for the change they will have to enact a rule change; that there is a process to follow.

Tom Stein stated that the system used to verify is called biometric verification device; that most places where they are authorized say they fall into current rules, but he understands.

Mr. Camacho moved to move forward for the rule change to allow biometric verification device to be an acceptable form of identification, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

In the matter of Ramanbhai R. Patel, Member, Sahil, LLC, **t/a Gem Liquors**, 9443 Annapolis Road, Seabrook, 20706, Class A, Beer, Wine and Liquor, is summonsed to show cause for an alleged violation of Section 26-208 of the Alcoholic Beverage Article of the Annotated Code of Maryland and Rule 70 of the Rules and Regulations for Prince George's County, to wit; That on Sunday, July 7, 2019, Inspector Jeffrey Brockington observed an excessive amount of signs on the front exterior of the building obstructing the view into the licensed premises.

Licensee is represented by Robert Kim, Esquire.

Jeffrey Brockington stated that he is an Inspector for the Prince George's County Board of License Commissioners; he read his report into the record; that he has nothing else to add.

Robert Kim, Esquire asked if there was an order given by the Board to remove the signs.

Jeffrey Brockington stated that there was not an order from the Board; that he is not sure if the signs were removed while he was there; that he was there for 37 minutes; that he has not been back to the establishment since and is unsure if the signs have been removed.

Ramanbhai Patel stated that the signs have been removed; that he has brought pictures that show the business currently.

Robert Kim, Esquire requested that the violation be dismissed; that it is procedural and substantive; that R.R. No. 70 states that signs can't be restrictive/obstructive of view into the business; that the Board can order the signs to be removed; that the amount of signs that qualifies as excessive is subjective to the inspector; that they have been removed; that the Board can fine, suspend, or revoke anyone that does not comply with the order; that the Inspector gave the order; that they are given the power to visit and inspect and report to the Board; that the Board then makes the decision on what to do; that didn't happen in this case and it is improper; that Inspector Brockington said to remove and has not been back to check; that they complied with the Board's request before the Board had ordered the signs to be removed; that they can't fail to comply if it is not ordered; that if the Board says the Inspector can order, they did comply as well; that they removed the signs that day; that there are photos that show the signs were removed.

Ms. Norman asked if the photos are date stamped.

Robert Kim, Esquire said that the photos are not date stamped; that they were taken within a few days of the Inspectors visit.

Piyush Patel stated that he is a resident of Crofton; that the photographs are the inside and outside of the property; that they were taken a few days after the Inspector left, when they received the letter about the violation; that he does not have the exact date; that the Inspector said to remove the signs, he did, then he got the letter, then he called Mr. Kim, and was told to take the photos; that it was probably around July 30, 2019 when he took the photos.

Ms. Turpin Forbes stated that the rule is in place to ensure public safety; that it is not in the rule, but it is the practice that there must be less than 50% of an obstruction of the view vertically; that they understand Mr. Kim's opinion about things were not done in the correct order procedurally; that they must maintain more than 50% viewable from the ground up going forward; that this is to be considered their order.

Piyush Patel stated that he understands what he must do; that he understands the importance of being able to see into the establishment; that he will ensure there are no further problems.

Mr. Camacho moved to impose an order that the establishment remove any signs or fixtures that obscure more than 50% of the window space and to dismiss the alleged violation, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

In the matter of Ajay Sjarma, Member, Lee's Liquors and Restaurant, LLC, t/a **Lee's Restaurant**, 2903 Hamilton Street, Hyattsville, 20782, Class B+, Beer, Wine and Liquor, is summonsed to show cause for an alleged violation of Section 26-208 of the Alcoholic Beverage Article of the Annotated Code of Maryland and Rule 70 of the Rules and Regulations for Prince George's County, to wit; That on Thursday, June 27, 2019, Deputy Chief Cristian Mendoza and Inspector James Golato observed an excessive amount of signs on the front exterior of the building obstructing the view into the licensed premises. Further, the licensee was found in violation of Sales to a minor on May 21, 2019.

Licensee is represented by Robert Kim, Esquire.

Cristian Mendoza Muñoz stated that he is the Deputy Chief Inspector for Prince George's County Board of License Commissioners; he read his report into the record; that he has pictures of the establishment; that the employee was very cooperative; that he has nothing else to add.

Robert Kim, Esquire asked if Mr. Mendoza requested the signs to be removed.

Cristian Mendoza Muñoz stated that he told them that were too many; that he is unsure if they removed the signs before he left; that he was there for approximately fifteen minutes; that he has not been back since.

Robert Kim, Esquire asked what Mr. Mendoza intended the next step to be and if he intended for the matter to be an order from the Board or a show cause.

Cristian Mendoza Muñoz stated that he intended for it to be scheduled for a show cause.

James Golato stated that he has nothing else to add.

Robert Kim, Esquire stated that he has the same argument as he did for the first case; that the signs were removed, and the licensee complied with the Board.

Ms. Turpin Forbes asked if there are pictures to prove that the signs were removed; that she asked if they were date stamped.

Ajay Sjarma stated that the only sign left on the window is the *We ID* sign; that there are pictures; that the pictures were taken last week; that they took the signs down immediately; that the pictures reflect what it looks like currently; that the other signs in the picture are not on the window, but on the solid wood wall behind the window.

Ms. Turpin Forbes asked if Mr. Sjarma understands the importance of public safety.

Ajay Sjarma stated that he understands the importance of having a clear view; that he understands there must be at more than 50% visibility vertically; that he will ensure that it is kept clear.

Robert Kim, Esquire stated that he believes the establishment is in compliance now; that he suggests there not be a fine, revocation or a suspension.

Benjamin Rupert, Esquire stated that it's not just signs that can be obstructive; that there is a dividing wall behind the window; that they still must be able to see into the establishment.

Ajay Sjarma stated that it is a half wall; that it has been there for 17 years; that it is a solid wood wall; that you can see the store from the outside; that it is about four to four and a half feet tall; that you can see the cashier still; that there are shelves on the other side of the wall.

Benjamin Rupert, Esquire asked Mr. Mendoza if he was able to see over the wall when he went there.

Cristian Mendoza Muñoz stated that he didn't think it was too much of a problem; that they have two doors, one to walk in and an exit.

Ms. Turpin Forbes stated that this should be considered the order that the wall needs to be shortened to be able to see into the business; that the wall holds the same safety concern as the signs do; that they will send an inspector to the business in about a week to ensure they have complied and to check in with them.

Mr. Camacho asked if behind the Corona sign is the wall a flat surface; asked if the wall can be removed.

Ajay Sjarma stated that he is not sure of the type of wood, but that it appears to be flat; that they can remove the wall if they need to.

Ms. Turpin Forbes stated that the sign on the wall should be removed initially and then see if that fixes the problem.

Mr. Camacho moved to impose an order that the establishment remove any signs or fixtures that obscure more than 50% of the window space and to dismiss the alleged violation, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

In the matter of Jatinder S. Gosal, President/Secretary/Treasurer, Community Beverages, LLC, **t/a Bill's Wine & Liquor**, 7431 Annapolis Road, Hyattsville, 20784, Class A, Beer, Wine and Liquor, is summonsed to show cause for an alleged violation of Section 26-208 of the Alcoholic Beverage Article of the Annotated Code of Maryland and Rule 70 of the Rules and Regulations for Prince George's County, to wit; That on Thursday, June 27, 2019, Deputy Chief Cristian Mendoza and Inspector James Golato observed an excessive amount of signs on the front exterior of the building obstructing the view into the licensed premises.

Jatinder Gosal stated that he does not have an attorney; that he understands he has the right to an attorney; that he does not want an attorney.

James Golato stated that he is an Inspector for the Prince George's County Board of License Commissioners; he read his report into the record; that he has nothing else to add.

Cristian Mendoza Muñoz stated that he had nothing else to add to the report.

Jatinder Gosal stated that he took the signs down the same day the Inspectors came; that he has pictures with him; that the pictures were taken one week later; that they were taken around July 4th; that the establishment looks the same today as it does in the pictures.

Ms. Turpin Forbes asked if Mr. Gosal heard the talk with the other licensees about the importance of public safety; that the Inspectors need to be able to see into the establishment; that the establishment looks much better.

Jatinder Gosal stated that he understands the importance of being able to see into the business; that he does understand public safety.

Mr. Camacho moved to impose an order that the establishment remove any signs or fixtures that obscure more than 50% of the window space and to dismiss the alleged violation, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

In the matter of Jadaka Hayes, Authorized Person, Up At Night, LLC, **t/a Martini's Restaurant and Lounge**, 725 Cady Drive, Fort Washington, 20744, Class B, Beer, Wine and Liquor, is summonsed to show cause for an alleged violation of Sections 26-1103, 26-1513, 26-2102 of the Alcoholic Beverage Article of the Annotated Code of Maryland and Rules 16, 29, 32 and 75 of the Rules and Regulations for Prince George's County, to wit; That on July 8, 2019 a double shooting occurred on the licensed premises; that the security cameras were not functional as required by the security plan and the Board decision on the January 9, 2019 hearing; that the security plan was not adequate; that the owner/manager of the business failed to cooperate with the Prince George's County Police Department; that the operation of the business is a threat to the peace and safety of the community.

Licensee is represented by Dennis Whitley III, Esquire.

Sergeant Dillingham stated that he is a Sergeant with the Prince George's County Police Department; that he is here with Corporal Cicale; that they are requesting on behalf of the Prince George's County Police Department that the Special Entertainment Permit for Martini's Restaurant and Lounge be revoked; that the reason behind the request is the number of calls for service, incidents, and the violence going on; that a lot of the violence is also being escalated by the security; that there have been citizens calling to request that the business be closed; that since

January 2018 there have been over 60 calls for service; that the majority of the calls are for assaults, fights, and many are also hang ups; that the manager and security have also placed calls to 911; that there have been calls for violence and then the victims won't come forward for fear of retaliation; that there is believed to be gang affiliations; that the Police Department revoked the ability for the establishment to have part-time Prince George's County officers work security; that in November of 2018 there was a fight that involved a member of the band that he ended up with a broken jaw by security; that the cameras don't work; that a patrol officer saw an armed person walking towards people in the parking lot; that later the armed person was found to be a member of security and no firearm was found once back up arrived; that they did find a scope and ammunition upon searching the security officer's van; that mace has been sprayed several times, but patrons refuse medical treatment; that in January 2019 a new video camera system was installed; that it still doesn't work because it's missing a Digital Video Recorder; that in June 2019 they responded to another incident of mace being sprayed by security and Mr. Munday cursed at the officer's and went back inside the establishment; that in July 2019 a woman said that management threw a drink at her, took her food and forced her out of the establishment; that also in July 2019 there was an assault with two victims shot at the order of the manager; that they have attempted to work with management several times and each time they are met with cooperation, but no follow through; that the security personnel are an issue; that they threaten and force the patrons not to call the cops or cooperate.

Dennis Whitley, Esquire asked if most of the incidents involved Mr. Munday; asked if Mr. Munday is the problem.

Sergeant Dillingham stated that some of the incidents do involve Mr. Munday; that he is some of the problem, but it is also from inadequate security; that it is untrained security; that most of the problems take place outside the establishment; that the security plan is inadequate.

Corporal Cicale stated that she is a Corporal with the Prince George's County Police Department; that the Security Plan is inadequate currently; that she is unaware of the security company being used.

Dennis Whitley, Esquire stated that the Security Plan was adequate in January; asked why it is inadequate now since nothing has changed.

Corporal Cicale stated that the person listed on the Security Plan is not adequate when those listed are involved in a shooting.

Dennis Whitley, Esquire asked if they swap out the people listed on the Security Plan, will it be adequate.

Detective Mischo stated that he is a Detective with Prince George's County Police Department; that at this time Joseph Richard Jackson and Kenneth Munday have been issued arrest warrants.

Corporal Cicale stated that the Security Plan still isn't adequate; that they are employees and part of the Security Plan; that they must remove them from the plan and all employment from Martini's; that there are still issues; that there aren't working cameras; that they do not have a working Digital Video Recorder for the cameras; that they were supposed to replace the previous one that was damaged during a storm.

Dennis Whitley, Esquire stated that they will remove Jackson; that the cameras were installed to resolve the security plan issue; that they never had the Digital Video Recorder returned from the previous investigation.

Detective Mischo stated that they are currently being investigated about a shooting that occurred July 8, 2019 at approximately 2:30 a.m.; that Mr. Munday is listed as an employee, but claims to

be the owner; Mr. Jackson is listed as the manager; that the report was for a shooting; that there were two victims with gunshot wounds; that victim one was treated at MedStar and put into a medically induced coma from his wounds; that victim two was reported later; that victim two went to the hospital on his own for a gunshot wound to the buttocks; that suspect 2, Mr. Jackson, was in a verbal altercation with victim #1 outside; that victim #1 was identified as the lead singer for the band that was playing that night; that at approximately 2:00 a.m. the verbal altercation began; that Mr. Munday punched victim #1; that victim #1 got to his feet and followed Mr. Munday inside; that Mr. Munday told Mr. Jackson to shoot victim #1; that Mr. Jackson initially shot into the air; that victim #1 suffered a gunshot wound to the chest and to the knee; that they searched the business and found one firearm with the serial number scratched out, another firearm that was reported stolen in Charles County; that they found several rounds of ammunition and clips; that they found a bulletproof vest as well; that they also found a firearm at Mr. Munday's residence; that Mr. Munday was detained in Virginia initially, moved to Prince George's County and is out on bond.

Dennis Whitley, Esquire asked if the weapons were found in a locked safe.

Detective Mischo stated that two were found in a safe, two were found in lockers; that the lockers were for the use of the special security; that Mr. Munday was not at the business when the search was performed; that he was not seen with the firearms.

Dennis Whitley, Esquire stated that the firearms were found on the property; that they acknowledge the shooting took place; that they feel it is the result of allowing that particular band to play; that the band was on a list provided by the county that should not be allowed; that they understand now why they were on the list; that they won't have them back or similar bands; that the Digital Video Recorder was turned over in January; that it was functioning; that now it is not; that they will install a new Digital Video Recorder; that the Digital Video Recorder was not in the establishment for several months; that this is the first he heard of it not functioning properly.

Ms. Turpin Forbes stated that the Security Plan was accurate, but now it is inaccurate; that they blame the Prince George's County Police Department for having their stuff; that they must understand they have to replace the Digital Video Recorder if they didn't get it back; that she wants to know the steps taken to correct the situation.

Dennis Whitley, Esquire stated that prior to today they were still hoping to get the original Digital Video Recorder back; that they will bring in a new one if able to keep the Special Entertainment Permit.

Ms. Sparkman stated that they were here in January; that she was on the Board at that time; that the cameras were working; that whether they work today or tomorrow and are recording it is too late; that they should have been recording from January; that they should have recorded this incident; that based on what they were told previously she should be hearing they still haven't corrected the issue.

Corporal Cicale stated that the cameras were installed but are not recording; that the new cameras were installed sometime after November 3, 2018.

Dennis Whitley, Esquire stated that they will do what is needed to keep the Special Entertainment Permit; that they will get a new Digital Video Recorder, terminate Mr. Jackson, terminate Mr. Munday, that they won't have go-go bands; that they are willing to do what is necessary; that they are next to the Game Room; that some calls for service were for there as well.

Ms. Turpin Forbes stated that the calls for service are not the only problem; that four of the Rules and Regulations for the Board were broken; R.R No. 16 – Noise – Not disturb the peace, safety and tranquility of the neighborhood; R.R. No. 29 – Licensee’s Responsibility – Responsible for the actions of employees; R.R. No. 32 – Inspections – Cooperate with the Inspectors including Prince George’s County Police Department; R.R. No. 75 – Special Entertainment Permit – Security Plan not currently adequate and was not at the time of the incident; that hearing all of the drama going on is a cause for concern; that being back before the Board for another violent incident offends this Board; that they were here in January for a public safety issue; that is the licensees responsibility to follow the rules and keep patrons safe.

Dennis Whitley, Esquire stated that he disagrees; that these are allegations; that no one has been convicted; that aside from this incident there haven’t been charges pressed; that there is no proof.

Mr. Camacho stated that people have been shot; that someone is in a medically induced coma; that it is very serious.

Dennis Whitley, Esquire stated that everything else is an allegation; that they will correct the issues.

Ms. Turpin Forbes stated that the Special Entertainment is a privilege; that they consider it to be a crown jewel to let shine, not to tarnish; that these allegations are tarnishing that privilege.

Jadaka Hayes stated that she understands the issues and what the Board is saying; that they’ve been trying to make things better; that they have been talking to Prince George’s County Police Department; that they want to try to do what they’re supposed to do; that in the hearing in January they thought they had resolved most of the issues; that they had a meeting with Corporal Cicale and after that received a letter that the Security Plan was adequate; that they replaced the security cameras.

Dennis Whitley, Esquire stated that they appeared previously without counsel; that they have now hired counsel to act as a buffer; that he will ensure things are done adequately and timely.

Mr. Camacho stated that people have been shot; that they are currently close to death; that the Board won’t wait until someone is killed to act.

Jadaka Hayes stated that she is willing to do whatever to keep the Special Entertainment Permit; that it is a matter of being able to pay her children’s tuition.

Mr. Camacho stated that at this time he can’t see how they can be allowed to continue to keep the Special Entertainment Permit; that at the previous hearing it was made very clear that if they came before the Board again it would be dismissed.

Mr. Camacho moved to revoke the Special Entertainment Permit, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

Ms. Turpin Forbes stated that there is a 12-month time frame before the business is eligible to apply for another Special Entertainment Permit.

Respectfully Submitted,

Nikole Bennett
Administrative Aide

Adjourned 8:55 p.m.