

**August 11, 2021
9200 Basil Court
Largo, MD 20774
Virtual Hearing**

Present:

**Daphne Turpin-Forbes, Board Chair
Armando Camacho, Vice Chairman
Tammie Norman, 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
Keyanna Little, Administrative Aide
Jamie Schaefer, Administrative Aide**

Start Time: 7:12 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. Selvaraj Jayaraman, CEO, Great American Italian Restaurant, LLC, **t/a Indish Exotic India Restaurant & Bar**, 15908 Crain Highway SE, Brandywine, 20613, Class B (BLX), Beer, Wine and Liquor, is summoned to show cause for an alleged violation of Section 6-304, Selling alcoholic beverages to an individual under the age of twenty-one of the Alcoholic Beverage Article of the Annotated Code R.R. No. 1 Sales to a Minor of the Rules and Regulations for Prince George's County, to wit; That on or about June 22,

2021 at approximately 3:34 p.m. One underage operative (20 years old) of the Prince George's County Cadet Program entered Indish Exotic India Restaurant & Bar located at 15908 Crain Highway SE, Brandywine, MD. The 20-year-old operative was sold one glass of Bud Light on Draft. The sale was witnessed by an undercover police officer of the Prince George's County Police Department. Inspectors Brockington and Glenn of the Prince George's County Board of License Commissioners spoke to the manager Ravi Kumaran, on scene.

Licensee is represented by **Linda Carter, Esquire.**

Selvaraj Jayaraman, Ravi Kumaran (General Manager) and Inspectors Glenn and Brockington are sworn in.

Inspector Brockington: I want to apologize in advance for any mispronunciations of names. On Tuesday, June 22, 2021, at approximately 3:34 PM, an underage female operative with the Prince George's County Cadet program and an undercover officer entered the establishment known as Indish Exotic India Restaurant & Bar. Once inside, the operative and police officer sat at a table and the underage operative ordered a Bud Light. The Server/Manager requested to see the ID then accepted the order for a Bud Light and brought the beverage to her. This is in direct violation of R.R. No. 1- Sales to or possession of alcohol to a minor. The undercover police officer made text message notification to me and inspector Glenn in the parking lot and we proceeded to enter the building. We addressed Mr. Kumaran and the server to inform them a violation had been made. Mr. Kumaran signed the violation report, the glass was confiscated by the inspectors, and a picture of the Bud Light was secured and submitted to the BOLC as evidence. The investigative team left the premises at approximately 3:50 PM. All members of the establishment were cooperative with the investigative team per R.R. 32-Licensees must cooperate with all officials.

Ms. Forbes: Ms. Carter, do you have any questions for the inspectors, underage operative, or undercover officer?

Ms. Carter: Thank you madam Chair, I have no questions of the inspectors, officer, or underage operative. My clients admit that the sale took place and if I could proffer what their testimony would be then have them acknowledge it, it would save us considerable time, with the Board's permission. (**Ms. Forbes-** Absolutely. Thank you and you may proceed.) So, this truly is a restaurant. They are open 11 AM–9 PM Mondays through Thursdays, 11 AM-9:30 PM Fridays and Saturdays, and 11:30 AM–9 PM on Sundays. Pre-Pandemic, they had a whopping 95% food to 5% alcohol sales ratio; however, during the pandemic, they were 100% food sales because they chose not to do carry out alcoholic beverages. In the transition phase (opening up from Covid-19 restrictions), they are now 97% food to 3% alcohol sales. They have 7-employees total; 3 in the kitchen, 4 in the front of the house, and 2 of those are part time employees. I provided the Board with Alcohol Awareness Certificates for 2 of their employees. We are in the process of arranging for the other 2 employees to be Alcohol Awareness Certified. The individual/server of the beverage is no longer an employee for the establishment. I know there is some confusion with the names; Ravi Kumaran was there that evening but was not the individual to make the sale. They have an in-house program for their employees where they meet once a month, focusing on responsible handling of alcohol and alcohol awareness. Every day they have a shift meeting with their employees, at least 5 minutes long, focusing on alcohol and responsible service. If the board will allow me, per the 10-

day rule, to submit to them posters as evidence. They recently put posters in places where the employees can see them. They say, "To serve alcohol, the person must be 21 years of age and born after..." then it displays the proper minimum date to serve alcohol and ensure proper age of the customer. There is a poster hung in the bar, the dining room, and behind the register. We are making every attempt at the prevention of this violation being repeated. This is primarily a family establishment- families or people over the age of 45. In my many years of experience, restaurants that don't sell a lot of alcohol are at greater risk of making a mistake because they are not used to underage people coming in. I believe that this has sent a very strong warning to the licensee and to his manager. They both understand how serious this is. The renewal of this license is almost \$4,000. This is a restaurant doesn't make any money off of selling alcohol. They clearly do this just as a convenience to their customer; the occasional customer who just wants a beer, a glass of wine, or perhaps a cocktail with their drink. On a weekly basis, they are maybe serving 20 glasses of wine, maybe 15 beers, and maybe 5 mix drinks. It is purely an accommodation. I ask that the Board take that into consideration. Mr. Selva, would you say that my testimony has been accurate and correct? (**Mr. Selva-** Yes.)

Ms. Forbes: Do the Commissioners have any questions? Then, Ms. Carter, you may give your closing statement.

No questions from the Commissioners.

Ms. Forbes: I just have a few comments. Linda, I would like to thank your client for cooperating with our inspectors; that is very important. I know you mentioned the 10-day rule earlier. I would have to respectfully decline that offer, though you are always welcome to submit items, you have admitted to your client selling alcohol to a minor and we will be ruling on this case today.

Ms. Carter: Thank you, madam Chair, and this is understood. I think the signage, we've acknowledged that we have it and the Board accepts that proffer. As the Board is acutely aware, there was a time in which the liquor board would assess fines for violations that were absolutely egregious. As a result, the legislature passed a Bill that restricted this Board's authority in opposing fines for violations that occurred outside of a 2-year period; every 2-years you start fresh. The maximum that this Board can impose is \$1,500. This Board has had a standard practice of sending an offer and compromise to licensees that have not had a violation within the past 2-years. Those licensees have the option of paying \$1,500 and do training rather than meet before the Board. Had an offer and compromise been offered, they would have spent no more than they already have trying to set their mistake right. I would respectfully request that in this particular case, the Board would consider a lesser fine being imposed. Thank you.

Commissioner Camacho makes a motion to find the licensee in violation as charged and assess a fine of \$1,500, seconded by **Commissioner Norman**.

After Board vote, the motion carries.

- Matthew D. Behler, President/Secretary/Treasurer, Bonefish Brandywine, LLC, t/a **Bonefish Grill**, 15910 Crain Highway SE, Brandywine, 20613, Class B (BLX), Beer, Wine and Liquor, is summoned to show cause for an alleged violation of Section 6-304, Selling alcoholic beverages to an individual under the age of twenty-one of the Alcoholic Beverage Article of the Annotated Code R.R. No. 1 Sales to a Minor of the Rules and Regulations for Prince George's County, to wit; That on or about June 22, 2021 at

approximately 3:05 p.m. One underage operative (20 years old) of the Prince George's County Cadet Program entered Bonefish Grill located at 15910 Crain Highway SE, Brandywine, MD. The 20-year-old operative was sold one sixteen-ounce glass of Bud Light on Draft. The sale was witnessed by an undercover police officer of the Prince George's County Police Department. Inspectors Brockington and Glenn of the Prince George's County Board of License Commissioners spoke to the manager Nate Brusberg, on the scene.

Licensee is represented by **Nick Kallis, Esquire.**

Matthew Behler and Inspectors Glenn and Brockington are sworn in.

Ms. Forbes: Inspector Glenn or Brockington will now read their report.

Mr. Kallis: Madam Chair, we were going to waive reading and submit.

Ms. Forbes: You may say what you were going to say; I'm sorry sir.

Mr. Kallis: In respect of the time of the Board, we believe the inspectors provided a true and accurate reflection of the case and we are admitting to the violation. We desire to address the Board with mitigation with the steps we have taken as a result of this violation to, hopefully, ensure this never happens again.

Ms. Forbes: That's great; thank you, Mr. Kallis. I'd love to hear what kind of remediation your client has in place. We take all of our Rules and Regulations very seriously.

Mr. Kallis: This is a big deal and a big deal to our licensee as well. Mr. Behler, you were immediately made aware of the violation as stated in the statement of facts we have reviewed together. Everything in the statement of facts true and correct, correct? (**Mr. Behler-** Yes.) As a result of that, being informed a violation had occurred, what did Bonefish do in respect to the offending server of the minor?

Mr. Behler: As per our policy, any violators in serving a minor are to be terminated immediately.

Mr. Kallis: Was this employee terminated? (**Mr. Behler-** Yes.) As a result of this offense, what efforts did you take on behalf of the restaurant, to ensure this type of violation never happens again?

Mr. Behler: As soon as I was informed of the violation, we scheduled an all-staff meeting, including the back and front of the house- every single employee working in that building, because responsible service of alcohol is not just a server job. It's an everyone job. Everyone needs to have a voice. We scheduled a meeting to review company policy on the sale and service of alcohol, which is in policy with Safe-Serve. We had each employee sign the policy agreement for responsible sales and service of alcoholic beverages, which have all been submitted to the Board. We had 37 employees and 37 policy agreements. The results of our internet course on the responsible sale and service of alcoholic beverages were also submitted to the Board as evidence with the active roster of our employees to prove they all signed the policy, took the course, and passed the course.

Ms. Forbes: Mr. Behler, thank you for that. We acknowledge and have admitted those into evidence.

Mr. Kallis: Mr. Behler, in addition to the usual courses of action taken, there is a written form of checks made available to them, is that correct?

Mr. Behler: We have a calendar similar to one mentioned in the previous case in which one tears off the top page to the most current date. At the top in reads, “Don’t Serve Anyone Born After This Date”.

Mr. Kallis: Madam Chair, that concludes our mitigation for this case. If I may make some closing comments... Bonefish is not predominately an alcohol-serving establishment. Only 10-12% of sales account for alcoholic beverage purchases during good times. There is no excuse and Mr. Behler is aware that his job is to be perfect. I believe the inspectors will attest to our staff cooperating fully. We have made no effort obfuscate or justify what had transpired. We understand the Board must take aggressive action following the event. We would like the Board to know that we have also taken aggressive action and take this very seriously. We ask that the Board consider this while making their decision.

Ms. Forbes: Thank you Mr. Kallis and Mr. Behler. Commissioners, are there any more questions of Mr. Kallis or Mr. Behler?

No questions from the commissioners.

Commissioner Camacho makes a motion to find the licensee in violation as charged and assess a \$1,500 fine, seconded by **Commissioner Norman**.

After Board vote, the motion carries.

3. Ankit Kavi, President/Secretary/Treasurer, Wine and Liquor Depot, Inc., **t/a Wine & Liquor Depot**, 16002 D Crain Highway SE, Brandywine, 20613, Class A, Beer, Wine and Liquor, is summoned to show cause for an alleged violation of Section 6-304, Selling alcoholic beverages to an individual under the age of twenty-one of the Alcoholic Beverage Article of the Annotated Code R.R. No. 1 Sales to a Minor of the Rules and Regulations for Prince George’s County, to wit; That on or about June 22, 2021 at approximately 2:25 p.m. One underage operative (20 years old) of the Prince George’s County Cadet Program entered Wine & Liquor Depot located at 16002 D Crain Highway SE, Brandywine, MD. The 20-year-old operative was sold one six pack 12-ounce of Mike’s Hard Lemonade. The sale was witnessed by an undercover police officer of the Prince George’s County Police Department. Inspectors Brockington and Glenn of the Prince George’s County Board of License Commissioners spoke to the manager Ashok Kavi, on the scene.

Licensee is represented by **Robert Kim, Esquire**.

Ankit Kavi and **Inspectors Brockington and Glenn** are sworn in.

Mr. Kim: I don’t believe Ashok Kavi’s testimony will be necessary, but he is here.

Inspector Glenn: On Tuesday June 22, 2021, at approximately 2:25 p.m., a female underage operative and an undercover police officer entered the establishment, t/a Wine & Liquor Depot. Once inside the establishment, the underage operative retrieved one package of (6) Mike’s Hard Lemonade. The underage operative proceeded to the cash register. The cashier did not request her ID and completed the sale. This is in direct violation of R.R. No. 1- Sale to or possession of alcohol to a minor. The undercover officer made text notification to me and Inspector Brockington, then we entered the establishment to contact the cashier and Ashok Kavi to inform them of the violation. The manager signed the report and a picture of the 6 pack was submitted to the Board as evidence. Both inspectors left at approximately 2:45 p.m. and all members were

cooperative with the inspection staff as per R.R. No. 32- All members must be cooperative with all officials.

Ms. Forbes: Mr. Kim, we do have the underage operative and officer on the line. They are on the line, correct? (**Chief Clark**-Yes, they are online.)

Mr. Kim: Could I ask the underage operative her date of birth?

Underage Operative, Michelle Zagalia, is sworn in.

Mr. Kim: Ms. Zegalia, what is your date of birth?

Ms. Zegalia: March 27, 2001.

Mr. Kim: That is the only question I have of the operative and officer. Madam Chair, I'd like to be operating on the same facts. I believe there was a sale to a minor at this establishment on July 18, 2019, is that right?

Ms. Forbes: Correct.

Mr. Kim: That would be just about 23 months ago. Madam Chair, we do not have an explanation nor an excuse. Unfortunately, the ID wasn't checked. My clients have acted following this event so that hopefully, this never happens again. Mr. Mikesch Patel has been recertified in alcohol awareness. I have recommended to all of my clients at risk of this type of violation to do their own undercover program; to set up a "sting operation" with their own underage operatives. There should be a reward program in preventing the sales to the underage in this program or employment should be terminated should they fail. I know this is not an excuse, but Covid-19 has made it difficult to find people to work. With people coming in wearing masks, many customers don't like having their ID checked. Another thing that we have completed is, we have required that every shift have a manager and assistant manager. As you can see from the submission, there is a list of actions taken, including the Alcohol Awareness Certificate, Alcohol Sales Policy, and Sobriety Verification, even though this is not a restaurant it's to check for sobriety, so no one can make a purchase while intoxicated. We have also had Mr. Patel sign an acknowledgement stating he understands the age verification requirement and the sobriety check agreement. We have also required a mandatory use of the ID scanner for each sale. A date of birth calculation board will be posted next to every register and they have increased signs against underage sales. This is something that the employee must pay attention to and we hope by requiring a mandatory use of ID scanners, 100% ID checks, that this underage sale will not occur again. We ask the Board to take this into consideration in making their decision, especially in assessing a fine.

Commissioner Camacho: I have a question for the chief liquor inspector. What was their first violation?

Chief Clark: It was sale to a minor- same violation.

Mr. Kim: July 18, 2019 is what I have in my record. We just needed about a month and 3 days to be out of the 2-year record.

Ms. Forbes: Timing is everything. Let me say this; there are 2 things. First, thank you for your cooperation. It matters to us that you cooperate with our inspectors. Secondly, I love the innovation and creativity you put into creating a private undercover operative method for keeping employees more aware of underage sales. I hope that this method goes a long way. All of our rules are important, but this rule is particularly important to us. So, thank you for that. If there isn't anything else, I will entertain a motion.

Commissioner Camacho makes a motion to find the licensee in violation as charged and assess a fine of \$5,000, seconded by **Commissioner Norman**.

Mr. Kim: Could I respectfully request for this fine to be made in installments? There are usually 3, correct?

Commissioner Camacho: There are 3 maximum installments over 90 days.

Ms. Forbes: Can I have an amended motion?

Commissioner Camacho: I will amend my motion to reflect the payment to be made over 90 days, in 3 installments of \$2,000, \$2,000, and \$1,000. Amended motion is seconded by **Commissioner Norman**.

After Board vote, the motion carries.

4. Sil Mudsi, Member-Manager, Balkonie Restaurant Group, LLC, t/a **Balkonie**, 6323 Greenbelt Road, Berwyn Heights, 20740, Class B(BLX), Beer, Wine and Liquor, is summoned to show cause for an alleged violation of Rule and Regulation 37 (Change of Mode of Operation) of 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). Licensee is represented by **Robert Kim, Esquire**.

Sil Mudsi and **Inspectors Patterson and Caraway** are sworn in.

Inspector Caraway: On Saturday May 15, 2021 Inspector Patterson and I entered Balkonie at approximately 10:15 p.m. Upon arrival, we noticed there was a DJ at a turntable outside and that entertainment was taking place. Being that this licensee does not have a Special Entertainment Permit, this is a direct violation of R.R. No. 37- Alterations/Mode of Operation. We were greeted by security guards who showed us to the bar area once we had announced that we are liquor inspectors conducting an entertainment inspection. We requested to see the liquor license, which was not displayed or accessible from the bartender identified as, Ms. Reyes. No liquor license was displayed or ever produced. This is a violation of R.R. No. 30- Display of License. While inside, we noticed a DJ booth next to the bar that was being occupied by multiple people periodically. We were then greeted by a promoter who gave us no name but is described as a black male, approximately 5'6" in height, and wearing a black top with blue jeans. This is a direct violation of R.R. No. 78- Use of Promoters Not Permitted. After about 30 minutes elapsed, we asked again to speak with a manager or someone that could produce the liquor license. The promoter confirmed that someone would be with us in "Just a moment". About 10 more minutes passed and Inspector Patterson and I advised the bartender, Ms. Reyes, that the inspection team would need to meet with the manager to discuss why the license was not being presented. Ms. Reyes came back and told us that she received permission to sign our report, which is in direct violation of R.R. No. 32- Uncooperative with inspection staff. They were unable to produce a manager for us to speak with. We have a flyer that was posted to a local events site for "The Aftermath- wit 2Chainz, Hosted by DJ Camo" at Balkonie. There were numerous hookahs available for use outside the facility. The proper departments were notified. Inspector Patterson and I left at approximately 11:07 p.m.

Ms. Forbes: Mr. Kim, do you have any questions of our inspection staff?

Mr. Kim: Thank you, Madam Chair. Inspectors, you said you arrived there at about 10:15 p.m.? (**Mr. Caraway-** Yes.) How many people were outside? This was a parking lot, right?

Mr. Caraway: Enough to suggest that there was an event taking place.

Mr. Kim: I'm not refuting that. I'm asking, if you could estimate, how many people were outside?

Mr. Caraway: I did not count.

Mr. Patterson: I can give an estimate. There were a combination of patrons and employees outside. There were about 40-50 people set up with seats and barriers.

Mr. Kim: What about inside?

Mr. Patterson: Possibly about 30 people, but it was growing in numbers as we were there.

Mr. Kim: Restaurant services were available inside, were they not?

Mr. Patterson: No one was eating dinner.

Mr. Caraway: There were more people around the bar.

Mr. Kim: Inside, the mode of operation violation, what do you think was changed?

Mr. Caraway: They did not possess a Special Entertainment permit and there was no liquor license on display.

Mr. Kim: That is the allegation, okay. Did you see evidence that there was work being done inside? Evidence of painting?

Mr. Caraway: There was no evidence of painting.

Mr. Kim: Did you notice if there were any other licenses or permits on the wall?

Mr. Caraway: No evidence of any other licensing; however, we weren't there to see anything except the liquor license.

Mr. Kim: Could it be because there was work being done and it was all taken off of the walls?

Mr. Caraway: There was no evidence of that either, sir.

Mr. Kim: You are aware this is a Class B (BLX) license? (**Mr. Caraway-** Yes.) The license was not being displayed, you asked for the license, and they could not produce it? (**Mr. Caraway-** Yes.) Did Ms. Reyes tell you that Mr. Mudsii had gone home to get a copy of his license and bring it back? (**Mr. Caraway-** No, she did not.) You are alleging that this was a refusal to cooperate. Was this not more than someone simply not knowing where the license was? They didn't tell you, "Go jump in a lake", right? They didn't say "We're not going to give it to you".

Mr. Patterson: We asked several times for the license and for a manager and neither one could be produced.

Mr. Kim: I understand, but no one refused to give it to you. It wasn't an act of defiance. Didn't it seem more like they just couldn't figure out where it was?

Mr. Patterson: I did not feel that way.

Mr. Kim: You felt that you were being disrespected because they couldn't produce the license?

Mr. Patterson: I personally and professionally felt as though we had asked everyone that we could who seemed like they could potentially know where we could see the license and a manager. Everyone would say, "We have it in the back.", promised to bring it back, and that never happened.

Mr. Kim: I know but there is failure to come up with a license, not failure to cooperate.

Mr. Patterson: The license should always be in public view and available.

Mr. Kim: I'm not disputing that they couldn't produce the license. What I want to figure out is why you felt there was defiance of your request. I don't think it was a failure to cooperate. They just didn't know where it was.

Mr. Patterson: As an owner or manager, someone need to know where that license is.

Mr. Kim: Yes. We admit that we couldn't produce the license. Everyone knows we have it, just not where it was.

Mr. Patterson: They still did not produce a license, which is still a violation. The manager also did not come out to speak with us about the affirmation you said earlier that he was leaving the premises.

Mr. Kim: That's why I asked if anyone had told you. He went home to try to get a copy of his license. Had no one told you that?

Mr. Caraway: That was not communicated.

Mr. Kim: I saw that you had submitted this Eventbrite information that says, "The Aftermath- Hosted by 2Chainz"; that was the same night, wasn't it? (**Mr. Caraway-** Yes.) I'll be honest, I don't know who 2Chainz is and I don't know who DJ Camo is. Did you see and would you know who 2Chainz is? (**Mr. Caraway-** Of course.) Was he/she there?

Mr. Caraway: I do not believe so because the event was from 9 p.m. to 2 a.m. We left the premises around 11:07 p.m.

Mr. Kim: That's almost an hour! (**Mr. Caraway-** Exactly.) Did you see 2Chainz?

Mr. Caraway: I saw DJ Camo.

Mr. Kim: You saw DJ Camo. Is that the name of the DJ? (**Mr. Caraway-** Yes.) Where

was DJ Camo? (**Mr. Caraway-** DJ Camo was outside.) Was he playing music? (**Mr.**

Caraway- Yes.) Could it be possible he was playing for a different event?

Mr. Caraway: That is highly improbable.

Mr. Kim: Did you ask him if DJ Camo was there because of the Eventbrite function?

(**Mr. Caraway-** No.) That's all I have at this time.

Ms. Forbes: Thank you, Mr. Kim. Commissioners, any questions?

Commissioner Norman: Good evening, inspectors. Were the people outside still on the premises? (**Inspectors-** Yes.)

Ms. Forbes: Was there music playing inside the establishment? (**Inspectors-** Yes.) Was it being manipulated from inside of a DJ booth? (**Inspectors-** Yes.) Did you never receive a copy after patiently requesting the liquor license?

Mr. Patterson: We had requested the license to scan and no one seemed to know anything about that. We spoke to numerous people. They told me they were looking but no one produced a license.

Ms. Forbes: Mr. Patterson, how long did the back and forth continue with whom you requested the license from? Approximately how much time did it take?

Mr. Patterson: It was probably at least 20-30 minutes because employees would come up to us and ask, "Has anyone helped you yet?". They knew we were not part of that crowd. After some time, Inspector Caraway and I felt that we were being let along.

Ms. Forbes: In that being "let along", that was part of the uncooperative nature you were speaking of? (**Inspectors-** Yes.) Alright, thank you Inspectors. Mr. Kim, I will turn it over to you to talk to your client.

Mr. Kim: Madam Chair I have submitted photographs and documents. I submitted multiple photos of the interior of Balkonie Restaurant, including what the inspectors

referred to as a DJ booth and a picture of the “Balkonie Restaurant Presents a Homegoing Celebration, Close Family and Friends, Send-Off Celebration for Sylvester Niobe Balika”. It is for May 15, 7 p.m. to 9 p.m. It was really a private function for a relative of Mr. Mudsii. With that, Mr. Mudsii, are you there? (**Mr. Mudsii-** Yes.) Let’s go through the reports from the 2 inspectors together. That evening, the function was a private event for Mr. Balika, right? (**Mr. Mudsii-** Yes, it was an event for my elder cousin.) Who passed away? (**Mr. Mudsii-** Yes.) So, this is what we would call a “Celebration of Life”? (**Mr. Mudsii-** Yes. We had family and friends from out of town come here.) How many people were there? (**Mr. Mudsii-** I would say at least 40 in that section. We had the chairs, seats and barriers set up outside for them. Then a windstorm came and we had to move everyone inside.) People were just going in and out of Balkonie. (**Mr. Mudsii-** That’s correct.) This is a pretty decently sized restaurant, correct? (**Mr. Mudsii-** Yes, we have a capacity of about 276 people.) You recently secured the Class B (BLX) license not so long ago? (**Mr. Mudsii-** Yes.) So, as the Chairwoman said, your timing wasn’t very good. You picked up the license right in the middle of the Covid-19 Pandemic, correct? (**Mr. Mudsii-** Yes.) You do have a valid Class B (BLX) license, correct? (**Mr. Mudsii-** Correct.) Why was the license not on display?

Mr. Mudsii- During the week, we did some painting in the lobby area. All of the licenses were removed from the wall then put behind the office. When I came back, it looked like things had been moved around and I couldn’t find it. I thought that I would have a copy at home, so, I panicked and drove home to get it. By the time I had gotten back, the inspectors were leaving. I would like to say I have the license. About 2 days after, Inspector Glenn came and saw the license and I explained to him what had transpired. It was my fault. With everything I was going through, I thought it was in the office but I forgot where I put it.

Mr. Kim: Did someone come to you and tell you that the liquor inspectors were there and that they wanted to see the liquor license? Didn’t someone come tell you that? (**Mr. Mudsii-** When I got back, yes. Ms. Reyes told me. No one else told me anything.) No one told you while the inspectors were there? (**Mr. Mudsii-** They told me they needed the liquor license and I was looking for it back here. When I couldn’t find it, I said, “I’m going home to get the license”.) It didn’t occur to you to explain to the liquor inspectors what was going on as the licensee?

Mr. Mudsii- Yes, that is correct. Ms. Reyes was the bar manager on duty. She said she would talk to them while I left to get the license. I panicked. I know I was supposed to talk to them. I just couldn’t believe there wasn’t a license up front.

Mr. Kim: So, in hindsight, you should have explained the liquor inspectors what was going on and why you didn’t have the license. You couldn’t find it, correct? (**Mr. Mudsii-** Yes.) Was there any intention on your part to hide something or not to cooperate?

Mr. Mudsii: There was no reason whatsoever because Inspector Glenn came 2-days after and saw the license. I know I was the problem and I was able to explain what had transpired.

Mr. Kim: This event, it’s called, “The Aftermath” on May 15th take place at Balkonie?

Mr. Mudsii: I had no idea what was going on. There was no event. I was only preparing and hosting my cousin’s party. There was no event here on that day. There was no band here. As far as I know, the only time I had left the restaurant was to go home to retrieve

my liquor license. There was no event here or musicians that were to come and play. That is not something I am aware of.

Mr. Kim: Were you aware before I showed you this Eventbrite documentation? (**Mr. Mudsi-** No. I was not aware until you showed me.) So, it was just something you didn't know about.

Mr. Mudsi: I dropped the ball. I am supposed to stay on top of my license. When I asked Ms. Reyes to tell me what had actually transpired, I told her the only event to take place was my cousin's celebration.

Mr. Kim: Where is Ms. Reyes now?

Mr. Mudsi: Ms. Reyes is no longer with us (Balkonie) and I had to let her go.

Mr. Kim: Do you believe that she may have been doing things behind your back?

Mr. Mudsi: I believe that because what she has been telling me doesn't quite add up. I asked if she had reserved any parties here or if she had arranged anything. She just told me, "No". I think that she must have done something that I wasn't aware of.

Mr. Kim: Have you taken better control of Balkonie?

Mr. Mudsi- Yes, I am in full control now.

Mr. Kim: Have you located the original Class B (BLX) license?

Mr. Mudsi: Yes, the next day I found it and I put it back on the wall. I showed the inspector the day after so that he could scan it and I could explain things to him.

Mr. Kim: We don't dispute that you couldn't find it on May 15th.

Mr. Mudsi: No, I simply panicked, drove as quickly as I could home to get my license, then as quickly as I could to get back here.

Mr. Kim: You didn't get a speeding ticket, did you? (**Mr. Mudsi-** No.) Madam Chair, I have no further questions of my client. Obviously, Mr. Mudsi apologizes for the error. I don't believe there was any will to evade the Board or intentionally be uncooperative. I hope the Board takes that into consideration in making their decision.

Mr. Patterson: Some things are overlapping. I just want to make sure we are very clear. I know you mentioned a homecoming or repass being held that day up until 11:00 p.m. Unfortunately, I have been to many. With the way the women were dressed and behaving, it was inappropriate. The music being played was inappropriate as well. Both of these were inappropriate for any kind of homecoming service. I don't know what happened that night or what was supposed to happen, but I wanted to get on the record that we were at an event where a DJ, alcohol, and dancing were occurring.

Commissioner Norman: So, Mr. Mudsi, you were not aware of this flyer. Did you ask Ms. Reyes about it?

Mr. Mudsi: I asked Ms. Reyes if she was aware that there was a party going on. She did reserve a party in the room in the back. There were a few people in the room at that time. The party occurred in the seating area on the left side of the bar and I don't think the liquor inspectors went to that side.

Commissioner Norman: So, you are saying that someone made advertisement at your restaurant, was charging a fee, and you simply weren't aware of it. Is that your testimony?

Mr. Mudsi: Yes. There is no way I'd allow someone to do something like that. The first time I saw that flyer or heard about it was from Mr. Kim. There was DJ outside for my guests before the windstorm forced us inside.

Ms. Forbes: So, your testimony is that there was a DJ, yes or no?

Mr. Mudsi: Yes, outside the front of the restaurant. There was a DJ playing music for my guests before we moved inside. After the storm, we moved back outside.

Ms. Forbes: Is your testimony also that you did not have your liquor license displayed, though you made a heroic effort to try to produce it, you weren't able to do so until a day or so after the inspectors asked for it?

Mr. Mudsi: That is correct. The license was in the back office on top of other documents. I called the liquor board to see if I could get a copy. While I was on the phone, I was able to find the license.

Ms. Forbes: Have you talked to your staff about how whenever our inspectors are there, how important it is for them to at least communicate with someone in management who has decision making authorities? The inspectors are not just in there to hang out. They have a good reason to be there. When they don't get the service or information that they are seeking, it does appear that you guys are not cooperating with us. So, have you made provisions to make sure that whenever our inspectors are there, you must cooperate with them in terms of getting them the information that they need?

Mr. Mudsi: Yes, I have made all efforts. I have been there most of the time. I am the one dealing with the inspectors. I am typically the only one speaking with them. On this day, I was not.

Ms. Forbes: I just want to make sure that you understand that you, as the licensee, have a responsibility to make sure that you know our Rule and Regulations. Even if you are not the person who violates them, you are still the one to be held responsible for them being enforced.

Mr. Mudsi: Yes ma'am, I fully understand.

Ms. Forbes: Even if you haven't seen it, I know that Mr. Kim has. That Eventbrite flyer is real. It is your establishment and the exact date that are on there. It does truly seem like there was an Aftermath party with 2Chainz that occurred. We have testimony from both inspectors that the DJ was there. So, we have music, we've got a DJ; whether it was a homegoing service or "The Aftermath", the fact of the matter is that you were having entertainment without a Special Entertainment Permit, as well as the other things we have talked about today. I just want to make sure that we are all on the same page.

Mr. Mudsi: My apologies. I am going to take the blame for it. I have to do my due diligence and I have to take full responsibility. I still say the Eventbrite; I was not aware of it. I'm sorry and I will make sure it never happens again.

Ms. Forbes: Thank you Mr. Mudsi. Commissioners, if there are no more questions, I will entertain a motion.

Commissioner Norman: I have something I would like to clarify. Mr. Mudsi, are you usually there on Saturday nights?

Mr. Mudsi: Yes. I am here in the morning and I am the last person to leave at night.

Commissioner Camacho: I have a quick question. Chief Clark, do they have a prior violation?

Chief Clark: Yes, they have a prior violation from January 17, 2020 for having entertainment without a Special Entertainment Permit- same violation.

Mr. DeLoach: I don't know if Mr. Kim has a closing statement or not.

Ms. Forbes: On January 17, 2020 there was a violation for entertainment without a Special Entertainment permit. Now that we have clarified, Mr. Kim, do you have a closing statement?

Mr. Kim: Madam Chair, I do not. I believe the Board has the information and Mr. Mudsri has explained what happened that evening to the best of his ability. I would ask the Board to take that into consideration.

Ms. Forbes: Commissioners, I will entertain a motion.

Commissioner Camacho makes a motion to find the licensee in violation as charged for the 4 violations and assess a fine of \$10,000.

Commissioner Norman: Could we add a payment plan to that motion before it moves forward?

Ms. Forbes: Can we move forward with the motion on the floor first?

Mr. Kim: Doesn't the second violation cap at \$6,000?

Commissioner Camacho: There are 4 violations here.

Mr. Kim: If there are 4 violations out of the same incident, doesn't the Board consider it one?

Commissioner Camacho: I disagree.

Mr. Kim: I have never seen it. It becomes a lesser offense when they are merged into one charge. I didn't realize that there was a prior violation.

Commissioner Camacho: There is testimony to multiple violations this evening.

Ms. Forbes: Let's hear from the Director or Chief.

Director Sheppard: We have had multiple violations be assessed in one night. If another violation occurs, the priors may be rolled back into one. We have previously given multiple violations in one night.

Commissioner Camacho makes a motion to find the licensee in violation as charged and assess a fine of \$10,000, seconded by **Commissioner Norman**.

After Board vote, the motion carries. Chair is Nay, motion carries by majority.

5. Paschal Agubuzo, President/Secretary/Treasurer, De Revolution 2000, Inc.,
t/a De Ranch – Request to approve outside seating, eating, and drinking. Continued from July 7, 2021. Licensee is represented by **Robert Kim, Esquire**.

Ms. Forbes: Mr. Kim, is your client on? We will get him sworn in. Councilwoman Ivey, it's nice to see you. We will get you sworn in as well.

Paschal Agubuzo and Jolene Ivey are sworn in.

Mr. Kim: As stated in Mr. Agubuzo's request and the photograph with the gazebo and his drawing, this is a relatively straight forward request with a total of 8 tables and 32 seats. Based upon the info before you this is a relatively commercial area. The only residential property has been vacant for years. Nothing in that area that could cause a disturbance due to outdoor seating. With the mask mandates and rules surrounding Covid-19, Mr. Agubuzo feels he needs outdoor seating to make his customers more comfortable. As it stands, food service is at about 95% of sales with alcohol at 5% of sales. Paschal, do you have anything you'd like to add?

Mr. Agubuzo: We are in a community where people are hesitant to get vaccinated. My customers are the ones to encourage me to do outdoor seating. All we have done for 20 years is eating and dining. Right now, food is mostly carryout. I have to tell my customers that in order to sit outside, the restaurant needs a permit.

Mr. Kim: You have had customers ask you to have outdoor seating at your restaurant?

Mr. Agubuzo: 60% of my regular customers request outdoor service in order to feel safer in the pandemic.

Mr. Kim: Do you believe that having outdoor service will help you survive the pandemic and increase your business in regard to dining services?

Mr. Agubuzo: Yes, but we cannot do anything without following the rules.

Mr. Kim: If the Board could approve this, this is what we need. We would respectfully ask that De Ranch be able to have outdoor seating. Permission from the Board is required for 8 tables and 32 chairs outside of the restaurant. We respectfully request this addition.

Ms. Forbes: Any questions from the Commissioners?

Commissioner Camacho: Are you located in a little strip mall? Are you the only occupant?

Mr. Agubuzo: No. I am not the only occupant but 80% of occupants affiliate with us.

Commissioner Camacho: For example, I see a sign in one of your pictures that says, "\$6.99 Yes, Yes, Lunch Special-"

Mr. Agubuzo: That is us.

Commissioner Camacho: So, that's you. From the other side, there is a photo it has more round tables with another table a red umbrella; this is all your occupancy?(**Mr. Agubuzo-** Yes.)

Commissioner Camacho: There is a platform out back with a gazebo. How far is that from your building?

Mr. Agubuzo: About 20 ft. because we have a drive thru behind the building.

Commissioner Camacho: You have a drive-thru on the side of your building?

Mr. Agubuzo: Not a public one.

Commissioner Camacho: Explain what a drive-thru is if it is not public.

Mr. Agubuzo: It is our backyard. Our immediate yard. The gazebo is 20 ft. from the line of the building.

Commissioner Camacho: So, the distance to the platform is 20 ft. from the back of the building? (**Mr. Agubuzo-** Yes.) And the drive thru goes between the building and platform? (**Mr. Agubuzo-** Yes.) The drive thru goes through that 20 ft. space between the building and the platform? (**Mr. Agubuzo-** Yes.) Is carryout from the drive thru?

Mr. Agubuzo: It is a private drive thru. They come from the front to pick up food. The drive thru is for delivery.

Commissioner Camacho: The problem is, we license premises. This space, this platform, is not connected to your building. There needs to be a physical connection to the building. It can't be 20 ft. away from the building because then you are in public space.

Mr. Agubuzo: It's our private space. It's our yard.

Commissioner Camacho: We have to have a security perimeter. So, with this not being connected to the building, it is not connected to the premises.

Mr. Agubuzo: We have a walk-thru from the back to the gazebo. The back yard of De Ranch is on our property.

Commissioner Camacho: Do you own the property? (**Mr. Agubuzo-** We do.)

Ms. Forbes: You said there is a walk-thru? Is that a tunnel?

Mr. Agubuzo: It is from the back door to the gazebo.

Ms. Forbes: 20 ft away, right? (**Mr. Agubuzo-** Yes.)

Commissioner Norman: I'm looking at a photo labeled Image #3. Is the blue building your building? (**Mr. Agubuzo-** Blue building?)

Mr. Kim: It's a photo from the gazebo toward the building.

Mr. Agubuzo: Yes, that is my building.

Commissioner Norman: That's his building?(**Mr. Kim:** Yes.)

Commissioner Camacho: That is far more than 20 ft. away, just from eyeballing this picture.

Commissioner Norman: We're calling this platform a gazebo? It's not secure on all sides. There is only fencing on 3 sides of it.

Commissioner Camacho: We will have to have our inspectors go out there to look and measure because I could not approve this right now.

Mr. Kim: Could the gazebo be relocated?

Mr. Agubuzo: I could bring it to the immediate back of the restaurant.

Mr. Kim: That's what Mr. Camacho was saying. It needs to be contiguous to the restaurant.

Ms. Forbes: Councilwoman Ivey, did you have anything you wanted to add?

Ms. Ivey: Yes please, that is much appreciated. There is one thing that Mr. Kim said that I agree with, Covid-19 is a concern and I understand why anyone would want to have outdoor seating. However, there is one thing he said that was extremely incorrect, which is where the building is in relation to the residents. I know the house that he is talking about that is now vacant because I used to know the person who owned the house. One of the residents of the houses on Old Landover Road is in very close proximity. They are here tonight. If you can see her, there is a woman and her husband. They go by Sandra and James Carmon. I just wanted to acknowledge that they showed up to this event and make their presence known. They have come to previous hearings for an entertainment permit in this location. The concern they had then and I will not speak for her, but the concern before had to do with noise. I believe that having outdoor seating, I'm not sure the hours that De Ranch would be open outside, there would be concern of people sitting outside and causing a disturbance. We were concerned about noise when entertainment was requested indoors. Now the noise is being brought outside of the building. So, people talking, laughing, and having a great time could be great fun, but doing it in close proximity to people's homes is going to disturb them. They have already been fighting other kinds of noise in that area and it has been a constant battle for them. Mr. Kim, I would suggest you take a drive by one day and take a peek so that you can see what I'm talking about.

Mr. Kim: I believe the inspectors have been out there already and Mr. Agubuzo has spoken with them as well.

Ms. Ivey: But you have not been out there because you had made a statement that it wasn't near home. So, I'm assuming that you haven't been because I'm sure you wouldn't say that if you had been. I know attorneys can get in a lot of trouble if they are not truthful. If you've been there, you would know that they are very close to homes. I believe Mr. Camacho was discussing the importance of sending someone out to eyeball it. The gazebo thing, I don't know. I know that at the far end of this stretch of stores is a used tire business. It goes all the way down into that parking lot and all the way to where route 50 meets 202. I have a hard time imagining how this works, but I'm not a traffic person, so I can't really have an opinion on that. I haven't been behind his building to look at the area directly behind it. From a patron's viewpoint, I wouldn't want to sit in the back of his building next to the used tire business. I am more concerned about the residents who live on Old Landover Road; that stretch of houses will be impacted. I

would hate to be against everything that Mr. Agubuzo wants to do with his restaurant, but because of where he is located, noise is just an issue. Every time he comes up with something that he'd like to do that will create noise for the neighbors, that's when I have to speak up.

Ms. Forbes: Thank you Ms. Ivey. I will be honest with you; I wasn't aware there was to be opposition in this case and having people that will want to testify. Director, my apologies-

Ms. Ivey: I'm sorry. It's really my fault. I didn't notice this on the email that went out until today. I also thought this case was going first.

Ms. Forbes: No worries; we try to be flexible here. Mr. Kim, I apologize that we've gone a little bit out of order. Ms. Carmon, are you the one that councilwoman Ivey mentioned would be speaking today? (**Ms. Carmon-** Yes.)

Sandra and James Carmon are sworn in.

Ms. Carmon: I would like to say that we are not in opposition of the outdoor seating. Our concerns are for the noise level, the hours in which patrons are outside, how many people allowed to be outside, the length of time they are outside, and how clean the space will be with Covid-19 precautions. Our main concern really is the noise level.

Mr. Carmon: I'd like to say that Jolene and my lovely wife have done a wonderful job and I'll give me time to them.

Ms. Forbes: Thank you. Mr. Kim, do you have any questions for the Carmon's?

Mr. Kim: Yes. You are just concerned about noise, is that correct?

Mr. Carmon: Absolutely. We are concerned about the noise and traffic.

Mr. Kim: Is that traffic caused by diners who are eating outside?

Mr. Carmon: There has been an immense number of vehicles that transport up and down Old Landover Road right now. If the patronage increases on the outside over there (at De Ranch), the traffic will increase as well as the time of the traffic.

Mr. Kim: You understand that these patrons will be enjoying mostly lunch hours and dinner hours, right? We are talking 8 tables and maximum of 32 seats total if the Board approves both front and back. It looks like, based upon what I'm hearing, the Board has some concerns about the gazebo in the back. So, we are looking at maybe 4 tables if the Board approves the front, and that's 12 chairs. We aren't talking about 100 people: we're talking about maximum 12 diners over a period of hours. We aren't asking for music; we're asking for service outdoors. We aren't asking for entertainment.

Ms. Carmon: Okay. What are the outside hours for patrons?

Mr. Kim: Paschal, can you answer that? I assume lunch hours will not be an issue.

Ms. Carmon: Excuse me Mr. Kim, lunch hours are not an issue. It is at night when there are families at home that would like to get rest. We have had issues in the past with people being inside and having noise issues. If the people are going to be outside at night, that is definitely an issue for us. That is why we would like to know the hours that people will be allowed to congregate outside.

Mr. Kim: Paschal, are you willing to have some restricted hours for outdoor seating? I believe the front of the restaurant faces away from your home, correct?

Mr. Agubuzo: Just so you know, the front of the restaurant is our personal area. So, they sit over there, no noise comes out of anybody. Be we are human beings.

Ms. Forbes: May I ask a question, Mr. Agubuzo? Let me ask Mr. & Mrs. Carmon. Where is your home in relation to the restaurant?

Ms. Carmon: It is near the front of the restaurant.

Ms. Forbes: Let me offer this: What I had intended to do was to make sure Mr. Agubuzo understood the concerns that the Board has. Now we understand that we have residents who have concerns as well. Let me offer this Commissioners, we send our inspectors out to take a fulsome look at the front and the back, keeping in mind that we have a residential issue, someone who has concerns about noise and traffic; we have concerns about making sure that we are consistent with our rules. This is a licensed premise and this does not appear to be a premise, at least the gazebo. What would be great... you have neighbors, Mr. Agubuzo, who have concerns. They want to know specific things and to have those concerns addressed such as, how long, how many people; these are things they are concerned about. If you could give some thought into how you might be able to achieve your objectives as well as taking into consideration what your neighbors wish as well. I think Mr. & Mrs. Carmon have come up with some very thoughtful questions. They said, "We are not in opposition but we do have a concern" so that they can have the enjoyment and peace of their own home. I am not comfortable putting a motion forward one way or the other without having a little more due diligence. I do want to take into consideration our practice in having outdoor seating attached to the premises and residents such as Mr. & Mrs. Carmon's concerns addressed as well. So, Commissioners, unless you are violently opposed to what I'm saying, I'd like to continue this matter and acquire some more due diligence on this so that we can make an informed decision while trying to balance the wishes of the residents as well as the business owner. Mr. DeLoach, please keep me in line. Am I allowed to do that?

Mr. DeLoach: Absolutely. The Board has the right to get more information. No worries on that.

Ms. Forbes: I would love to have some consensus between the Carmon's and Mr. Agubuzo, that you all would talk about this and consider fully everyone's concerns here. Are we on the same page? (**Mr. Agubuzo-** Yes.) Mr. & Mrs. Carmon, can we work something out to at least have a discussion so we are able to address the concerns discussed today? (**Mr. & Mrs. Carmon-** Yes ma'am.)

Mr. Kim: Ms. Carmon, would you consider reaching out to Mr. Agubuzo? Maybe so we can meet with you?

Ms. Carmon: I would feel comfortable reaching out with the presence of Councilwoman Ivey or a community representative. We need a third party when we talk to him.

Mr. Kim: That's fine. I don't believe that is an issue. Mr. Agubuzo wants to make sure that the local citizens are not unhappy.

Ms. Forbes: Councilwoman Ivey, are you alright with being a representative here?

Ms. Ivey: Sure, absolutely. That sounds reasonable and I hope it works out.

Ms. Forbes: Commissioners, can you give me a motion to continue this case with more due diligence?

Commissioner Camacho makes a motion to continue the case for outdoor seating for t/a De Ranch pending more information, seconded by **Commissioner Norman**.

After Board vote, the motion carries.

Case will be continued for the Inspectors to measure the area and for the licensee to meet with community to discuss hours of operation.

6. Monzurul Islam, President, M & P Investment, Inc., **t/a Lee's Deli Mini Mart**, 5400 Marlboro Pike, Forestville, 20747, Class D, Beer and Wine, is summoned to show cause for an alleged violation of Section 26-2102 of the Alcoholic Beverage Article of the Annotated Code and Rule 26 of the Rules and Regulations for Prince George's County, to wit; That on or about May 7, 2019 a transfer application for a Class D, Beer and Wine was filed, that on or about July 23, 2019 approval by the Board was granted to the issuance of the license; the license has not been placed in operation after six months following approval being granted. Continued from December 9, 2020, January 13, 2021, February 10, 2021 & August 4, 2021. **Traci Scutter, Esquire** is representing.
- Ms. Forbes:** Hello Ms. Scutter. Is you client here with us today? Mr. Islam?
- Ms. Scutter:** My client is not Mr. Islam. My client is Mr. Chaudry, the owner.
- Ms. Forbes:** I'm sorry. Maybe I shouldn't have said, "Your client". Is the licensee with us today? Our records only reflect a Monzurul Islam.
- Ms. Scutter:** Mr. Islam is not here.
- Ms. Forbes:** Okay. Is Mr. Hoque a licensee? (Mr. Hoque-No.) Is there anyone here, Ms. Scutter, anyone that is a licensee for t/a Lee's Deli Mini Mart?
- Ms. Scutter:** Mr. Chaudry is the owner of M & P Investments, which the license was transferred to.
- Ms. Forbes:** Mr. DeLoach? Help me out here because I don't know what that means.
- Mr. DeLoach:** So, we have a liquor license that has Mr. Islam's name on it; is that correct? (Mr. Hoque- Yes.) So, M & P Investments does not have a license with us at this point.
- Mr. Hoque:** Yes, M & P tried to transfer from Lee's Deli Mini Mart but the process has not been completed yet.
- Ms. Forbes:** So, the answer is: No license for M & P Investments, but the licensee for Lee's Deli Mini Mart is Mr. Islam. (**Mr. Hoque-** Yes.)
- Mr. DeLoach:** The show-cause order is for Mr. Islam to appear. The decision is up to the Board but the Board's hands are tied.
- Ms. Forbes:** This is just like where we were before. We have jurisdiction over the license holder and Mr. Islam is not present.
- Ms. Scutter:** It is to my understanding that, in order for this license transfer to be effectuated, the liquor license has to be renewed. Because the transfer was never effectuated, technically, the license is still with... (**Ms. Forbes-** Mr. Islam.) Not Chon Sun Lee?
- Ms. Forbes-** No. We have a record that Mr. Islam is the license holder. That is the person I had thought we were very clear about last time we met.
- Ms. Scutter:** Well, I don't represent Mr. Islam. I have never met Mr. Islam.
- Ms. Forbes:** I understand. I understand your client is Lee's Deli Mini Mart. Lee's Deli Mini Mart has a license holder by the name of Mr. Islam. Mr. Islam is responsible for all thing that happen within the jurisdiction of having liquor sales in his establishment with this Board.
- Mr. DeLoach:** That is correct. The license transfer has not been effectuated and Mr. Islam is the one that is accountable to the Board.
- Mr. Hoque:** Based on the transfer process, I believe it did not transfer 100% because Lee's Deli Mini Mart was owned by Amita, Inc. and their corporation no longer exists. I think they closed the company. The owner, or previous owner, of the company is not in

the state. We tried to reach Mr. Islam but could not. He previously had interest in M & P Investments and sold his 500 shares of stock to Mr. Chaudry, who is now 100% shareholder. So, he (Mr. Chaudry) tried to move the transfer forward from Mr. Islam to process the liquor license, but we could not proceed any further because Amita, Inc. does not exist anymore.

Ms. Forbes: Thank you, Mr. Hoque. We want to help you, but here's the issue. There has to be some transfer through some operation of law that seems to be stuck. Without that transfer, for us, it would be irresponsible to do business with anything in regard to this license until that transfer is effectuated from the licensee whom we have jurisdiction over.

Mr. DeLoach: What you said, Madam Chair, makes sense. We do not have jurisdiction over the gentlemen who are testifying. The only individual the Board has jurisdiction over is Mr. Islam. He is not here for the 4th or 5th time now, so, that is correct.

Ms. Forbes: Director, what can we do to work with them to help them get this right?

Director Sheppard: I don't see how there is anything we can do.

Keyanna Little: Ms. Daphne, both years of the liquor license renewal need to be renewed under the old licensee before they can transfer.

Ms. Forbes: We are between a rock and a hard place. I don't know if there is anything we can do, to be transparent, this license is set to expire after August 16, 2021. As a reminder, this is a Class D license with off sale which does not exist anymore. Once this license is lost, it cannot be reissued.

Ms. Scutter: I'm confused too. This Amita, Inc., which is forfeited and is not in good standing... It would seem as though they would have to renew but we have no way of contacting them.

Mr. DeLoach: Was there a transaction between the two, M & P and Amita, Inc. to be used as evidence? Is there documentation of a transaction of that sort?

Ms. Scutter: Well, I know Julian Hafner has been working on it. Yes, I have looked at the SDAT documents and there was a transfer of stock to Mr. Chaudry. It looks like it's dated 5/5/21 where it seems at one point, Monzurul Islam had 500 shares, Mr. Chaudry had 500 shares, and then it indicates that the new shareholder, Mr. Chaudry, who is here, with 1,000 shares.

Ms. Forbes: In the forfeited company?

Ms. Scutter: No, in M & P Investments.

Mr. DeLoach: So, Mr. Hafner represented the forfeited company? Who did Mr. Hafner represent?

Ms. Scutter: M & P Investments.

Mr. DeLoach: So, we don't have any representation for the forfeited company?

Ms. Scutter: He came onto this case about the same time I did. We are both trying to figure out how to save this license, how the renewal could happen, and I don't see how the renewal can happen because the company is forfeited.

Mr. DeLoach: Is there anything in writing evidencing the transaction between the 2 companies?

Ms. Scutter: Mr. Hoque, do you have an answer for that?

Mohammed Hoque and Mr. Chaudry are sworn in.

Mr. Hoque: We do have a document of the transaction that Mr. Islam sold his 500 shares to Mr. Chaudry. Amita, Inc., I believe, was owned by the previous owner of the business

and they transferred it to Mr. Islam. That company does not exist anymore, so we don't have any other documents other than those. 100% share for M & P Investments in on the record.

Mr. DeLoach: So, in other words, there is no evidence of transaction between Amita, Inc. and M & P Investments? There is no written transaction between Amita, Inc. and your company. (**Mr. Hoque-** No.) If there were documents, it may have addressed where things go from there. We don't see any authority over the business given to you. I don't see how this can go forward. No one has the ability to put Amita, Inc. into good standing and to sign the renewal on behalf of Amita, Inc.

Mr. Hoque: When he (Mr. Islam) sold the business, I think he got the documents for that. I don't believe he has ownership of the liquor license anymore based on the shares being sold to Mr. Chaudry.

Mr. DeLoach: What I would suggest, because a charter has been forfeited, it does not mean that the business is gone. It means that they are not authorized to do business until they can get certain things in order. So, I've now heard 2 different things. You must get, and you don't have much time, any documents that you have evidencing that M & P has any ownership interest in Amita, Inc. There may be something in the paperwork somewhere that you guys signed that gives you the authority to do that. Right now, it doesn't seem that way, but if you can find something, you must get it to your counsel immediately. August 16th is the deadline.

Ms. Forbes: That means Mr. DeLoach will have the final word. So, Ms. Scutter, the clock is ticking. I believe you have gotten as fulsome of an answer in support as you can get from this body. We will cross our fingers and if you are able to get those documents, forwarding them to Mr. DeLoach, the director, and then we'd have a huddle to see what we could do after that.

Mr. DeLoach: That is correct.

Ms. Forbes: I'm not sure what else to do for this matter other than to continue until the deadline, which is August 16, 2021. At which point, if we do not have evidence of the documentation to prove ownership of the business and renew, then the license is set to expire. Is that right, Mr. DeLoach?

Mr. DeLoach: I mean, you can schedule it for the next hearing date, but if the documents are not in by August 16, 2021, then that's a moot point.

Ms. Scutter: When is the next hearing date, sir?

Director Sheppard: I believe that would be September the 1st.

Ms. Forbes: So, Ms. Scutter, we hope to hear from you and we've got our fingers crossed. The expiration date, for the record, is August 15th, but that is a Sunday and it rolls over to the next business day, which is Monday the 16th.

Ms. Scutter: Understood, thank you all very much.

The licensee and Ms. Scutter have until April 16, 2021 by 4:00 PM to provide proof of ownership by M&P investments. With no documents proving such, the license will permanently expire on April 16, 2021. If documents in proof are provided, t/a Lee's Deli Mini Mart will be put on the September 1, 2021 Hearing Agenda.

7. Randy Richardson, Member, Pro Street Shop, LLC, t/a **Paradigm Restaurant**, 3701 Branch Avenue, Temple Hills, 20748, Class B, Beer, Wine and Liquor, is summoned to show cause for an alleged violation of Section 26-2102 of the Alcoholic Beverage Article of the Annotated Code and Rule 26 of the Rules and Regulations for Prince George's County, to wit; That on or about August 12, 2019 a transfer of location application for a Class B, Beer, Wine and Liquor was filed, that on or about January 28, 2020 approval by the Board was granted to the issuance of the license; the license has not been placed in operation after six months following approval being granted. Continued from December 10, 2020.

Licensee is present, acknowledges his right to an attorney, agrees to proceed without representation.

Randy Richardson is sworn in.

Ms. Forbes: What brings you here today, sir?

Mr. Richardson: I have not effectuated my license yet. I have been having issues with DPIE. The mall does not have a Use & Occupancy Permit; meaning, the mall has no legal means to do business until that is fixed. So, I am stuck in the middle of legal issues. The owner of the mall foreclosed and the receiver, Mr. David Bowman, is working with DPIE and so am I. I was on the phone today and yesterday with Ms. Paris and the Director, Melinda Bolling. Last week I had a meeting with Ms. Russell and Melinda Bolling in reference to my permits so that I can open my business.

Ms. Forbes: Ms. Russell at the County Executive's Office, Mr. Richardson? (**Mr. Richardson-** Yes.)What else do you know about what mall ownership handling their side?

Mr. Richardson: I am in close contact to Mr. Bowman. What is happening now is working with DPIE, the Michael company that is now managing the mall, along with Ms. Russell and others, who are trying to help expedite the process to get a U&O. The process has been hampered because the mall has inoperable sprinkler systems. They are in the process of repairs right now. My issue is being expedited through Ms. Bolling's office along with Ms. Paris and Ms. Reece. They are trying to put me ahead of the process so that when the mall opens up, I may obtain the U&O and get my process finished.

Ms. Forbes: Any estimated time in which this will be completed?

Mr. Richardson: I was told by Mr. Bowman that this process could take 90 days, but there is no way to truly know what is going on with Prince George's County, the bank and DPIE. Prince George's County has an interest in this mall because they invested with approximately \$3 million to go toward mall repairs. They haven't been paid their money back, which gives Prince George's County an Executive position in the mall.

Ms. Forbes: Thank you, Mr. Richardson. Commissioners, do you have any questions?

No questions.

Ms. Forbes: Mr. DeLoach I'd like to give you an opportunity to speak.

Mr. DeLoach: He is right and basically, he's stuck. We have no authority until the issues with the space itself are rectified for tenants to come in and move in. I would say 90-days is optimistic. I think you're looking at a much longer period of time.

Ms. Forbes: I am in agreement; I do not believe 90 days is not enough. This means there should be a certain amount of fluidity with this case. 90 days, I believe, is very aggressive and unlikely. T/a Paradigm, this application was approved in 2019, I believe. Mr.

Richardson, thank you for your patience and for explaining your situation. Is there anything you would like to add?

Mr. Richardson: I am not the only one who is facing this issue. There are 80 tenants with no possibility of getting a U&O. The mall has been and is still operating illegally. Also, my space is 90% complete. I have so much money invested into this that if I cannot move forward, it would be a financial disaster.

Commissioner Camacho makes a motion to the grant the licensee 120 days to effectuate. No second. Motion dies.

Commissioner Norman: I don't feel as though that is enough time.

Commissioner Camacho: We can have them come back so that we may reassess. This case has the fluidity.

Ms. Forbes: For the sake of maintaining that fluidity, if there is not enough time, we can continue to monitor the progress. Can I have a motion?

Commissioner Camacho makes a motion to extend the time to effectuate the license by 180 days, seconded by **Commissioner Norman**.

After Board vote, the motion carries.

Ms. Forbes: Are there any further questions or comments from the public?

Ms. Ho: Hello, my name is Jane Ho from the Law Offices of Jane Ho. I'm here on behalf of East Moon Asian Bistro. We received a summons for this date.

Patty Bell: This licensee had a different attorney previously. We may have provided that attorney with the new date.

Ms. Forbes: If I may offer a suggestion, you should reach out to our staff.

Ms. Ho: Thank you.

Ms. Forbes: Any other comments or concerns?

No further comments from the public, commissioners, or staff.

Adjourned: 9:57 p.m.

Respectfully Submitted,

Jamie Schaefer
Administrative Aide BOLC