

August 14, 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  
Katrice James, Administrative Aide  
Keyanna Little, Administrative Aide

Time: 7:07 p.m.

In the matter of Kiranjit Kaur, President, Charlie's One, LLC, **t/a Charlies Restaurant and Liquors**, 5711 Silver Hill District, District Heights, 20747, Class B+, Beer, Wine and Liquor, is summonsed to show cause for an alleged violation of Sections 1-408, 6-311, 26-1104 and 26-2004 of the Alcoholic Beverage Article of the Annotated Code of Maryland and Rules 9, 11, 39, 60 and 81 of the Rules and Regulations for Prince George's County, to with; That on May 29, 2019 at approximately 9:30 a.m., Agents Southworth and Allen of the Comptroller of Maryland, Field Enforcement Division, observed 8 bottles of alcoholic beverages on the licensed premises that were purchased from other than a wholesaler and that the licensee failed to keep and maintain complete and accurate records and further that evidence was obtained that the licensed premises was selling distilled alcoholic beverages on Sunday without the required permit.

Licensee is represented by Robert Kim, Esquire.

Agent Allen stated that he is an agent with the Comptroller of Maryland; that in May he was contacted by Deputy Chief Inspector Anthony about a complaint that Charlies Restaurant and Liquors was selling on Sunday without a permit.

Robert Kim, Esquire stated that he asked for employees from Breakthrough Beverages be summonsed and he doesn't believe they are here.

Kelly Markomanolakis stated that they were sent the summons via email, since there wasn't enough time for the minimum ten-day notice.

Robert Kim, Esquire stated that he believes their testimony is important; that what they have to say will speak to what is available, what has been purchased and their policies.

Ms. Turpin Forbes stated that Agent Allen will go through his testimony and based on what he has to say go from there; that it will give more time for the employees at Breakthru Beverage to come in.

Agent Allen stated that they also had a complaint of refilling; that they were accused of refilling premium vodka with rail vodka; that they received a search and seizure warrant from a judge; that they carried out that warrant in May 2019; that when they arrived contact was made with Mr. Singh originally; that Mr. Singh name is on the license; that they seized video surveillance equipment; that they didn't find anything on them; that they seized several bottles of liquor; that they seized Hennessy Cognac, Ivanabitch Coconut and Crown Royal Texas Mesquite; that the bottles are date stamped with their bottling date; that they tracked the purchases through Breakthru Beverages; that the Hennessy bottling date was March 2018 and a purchase had not been made for it from the distributor in that time frame.

Robert Kim, Esquire stated that he objects; that the testimony is hearsay; that he subpoenaed the sales person; that they would be able to confirm or disprove the information, but they are not here; that the salesperson said they wouldn't come when he asked; that he said he would subpoena him to make him come and the salesperson said he still wouldn't.

Benjamin Rupert, Esquire stated that in an Administrative Hearing hearsay is admissible.

Robert Kim, Esquire stated that it is important; that it is the hearing of his case; that they don't know when the bottling date is.

Benjamin Rupert, Esquire stated that the Board can hear the testimony knowing that it is hearsay; that Agent Allen can testify with what was said to him.

Robert Kim, Esquire stated that Agent Allen says there is a date on the bottle, but there is not proof; that the hearsay Agent Allen is saying goes to the heart of the case; that he can't cross examine if the witness isn't here.

Ms. Turpin Forbes stated that we will continue with what Agent Allen has to say at this point; that the hearsay is admissible, and the Commissioners understand that it is hearsay.

Agent Allen stated that the business did not have invoices to show where they had purchased the alcohol since the bottling dates; that he spoke to Breakthru Beverages and requested invoices from the bottling date to the current date and they did not have invoices either; that he wasn't sure of the bottling date for the vodka, but there were not invoices for it at all at the business at the time he conducted his search; that they forwarded the violations to the Board since the business holds an Alcoholic Beverage License.

Mr. Camacho asked to be shown the bottling date.

Agent Allen stated that he can show them; that it is laser etched into the bottle with letters and numbers; that the bottle date for the Hennessy is April 2018 and March 2019 for the Crown Royal Texas Mesquite; that the date is in the Julian Calendar; that the 88 refers to the 88<sup>th</sup> day of the year which would be March.

Robert Kim, Esquire stated that the code on the bottom of the bottle says 88A1W1719; asked where it says that means it was bottled March 2019.

Agent Allen stated that he doesn't know that it says when it was bottled specifically on the bottle or how to read the code, but it has the dates; that the Julian calendar follows days not months; that he doesn't know what the other letters mean.

Robert Kim, Esquire asked if he checked with someone at Crown Royal to see what it all means; stated that he doesn't understand how the 17 doesn't mean anything.

Agent Allen stated that he did not talk to anyone at Crown Royal; that he doesn't know why the 17 is on there; that he would like to admit the bottles into evidence; that he isn't sure where the Hennessy stamp is right now, but it was March 2018.

Robert Kim, Esquire stated that he has an invoice for Breakthru Beverage saying that 12 bottles of Crown Royal Texas Mesquite was ordered.

Agent Allen stated that they could have been purchased before this bottling date.

Robert Kim, Esquire stated that he could have had someone say that they stopped selling the Crown Royal Texas Mesquite in 2018, because no one was buying it, but the representative from Breakthru Beverages hasn't shown up.

Agent Allen stated that no one told him that.

Robert Kim, Esquire stated that he has an invoice for a Hennessey purchase February 2018.

Agent Allen stated that the Hennessey was bottled April 2018; that he wasn't able to find the stamp tonight.

Robert Kim, Esquire asked if the coconut vodka was being removed since it wasn't admitted to the evidence.

Agent Allen stated that he would have to clarify that with the Board; that the owner was unable to find an invoice for it while he was there.

Robert Kim, Esquire stated that they were able to find the invoice and it was last ordered in 2013.

Agent Allen stated that the invoice was not available at the store at the time he completed his search.

Robert Kim, Esquire stated that there is a record of Ivanabitch Coconut Vodka being ordered until October 2013, because they stopped selling it at Republic national; that they haven't ordered any other coconut vodka since then.

Agent Allen stated that he assumes Mr. Kim is correct.

Robert Kim, Esquire stated that he has looked at google to see how whisky bottles are labeled; that that they are labeled in a two-digit format.

Agent Allen stated that it is why it was bottled in 2019; that the search warrant was issued; that Deputy Chief Inspector Anthony assisted in getting the warrant but did not get it; that Deputy Chief Inspector Anthony did not find evidence of refilling, so they obtained the search warrant.

Benjamin Rupert, Esquire stated that he found the same site that there are two different two-digit dates; that the earlier date is the year the bottle mold was made; that the later date is the date bottled.

Robert Kim, Esquire stated that the one shown was raised not etched into the bottle; that if it was part of the mold wouldn't it be imprinted not etched.

Agent Allen stated that the bottle in the picture was from 1971; that there wasn't laser etching then; that it would have to be molded; that they are laser etched now.

Robert Kim, Esquire stated that Breakthru Beverages stopped selling the bottles; that Breakthru Beverages could attest to that and that the business can't return the alcohol if it doesn't sell either, but they didn't come to the hearing.

Ms. Turpin Forbes asked if Mr. Kim was assured, they would attend the hearing.

Robert Kim, Esquire stated that they were subpoenaed to attend; that the Board can enforce the subpoena; that they said they wouldn't come to the hearing; that their refusal to come is why he requested a summons for them.

Benjamin Rupert, Esquire stated that to enforce the subpoena they will have to go through the courts; that he is unsure of the amount of effort it would require to have the courts get involved.

Mr. Camacho asked if the four invoices were from the licensee.

Robert Kim, Esquire stated that they all came from the licensee.

Agent Allen asked if they were the day, they performed the search.

Robert Kim, Esquire stated that the one from the vodka came from Republic National; that he also requested printouts from Breakthru Beverage, and they wouldn't send them.

Agent Allen stated there is also the matter of the Sunday sale; that on May 12, 2019 Ms. Escobar had her friend, Mr. Brooks, purchase alcohol on Sunday; that they have the bottle and the receipt.

Guadalupe Escobar stated that she was an employee for seven years; that she made the complaint about the establishment; that she started as a cashier; that after a year the bartender quit or got fired; that she was then trained to work the bar; that she saw liquor being sold on Sunday; that she has video of a liquor bottle being filled back up; that she knows how much was in the bottle when she left and when she comes back in they have been refilled; that customers complain about the taste of the drinks; that one customer called in and said she was sick; that because of everything going on she started marking the bottle; that she knows it is the same bottle because her mark is still there and it has been filled back up all the way; that Mr. Brooks is a friend of hers; that she asked him to go in and see if he could purchase alcohol on a Sunday; that she wanted to see because he is doing other things illegally; that she is supposed to be food certified with classes through the Health Department; that she hasn't taken the classes, but a Chinese man came in and was looking for Mr. Singh and had a certificate with her name in it; that Mr. Singh gave him cash for the certificate; that he seems to know when the Health Department is coming; that he refills bottles of Cîroc with New Amsterdam; that they have all the same flavors; that he refills Grey Goose with Rail; that he uses Old Mexico to refill 1800 Patron; that he has coolers in the back room and a window between the front and the back room; that he has her pass the empty bottles to him behind the wall; that he refills them; that she gave Deputy Chief Inspector Anthony all the information; that he deleted the video at the restaurant, but she has her own videos; that when Deputy Chief Inspector Anthony came in Mr. Singh ran and he wouldn't come in to talk to him; that about 30 minutes later he had her bring all the bottles from the bar and dump them down the sink; that he also deleted the recordings from the cameras; that she didn't want to be a part of it.

Robert Kim, Esquire asked when she stopped working there.

Guadalupe Escobar stated that she was fired June 14, 2019.

Robert Kim, Esquire asked if she was fired for stealing.

Guadalupe Escobar stated that she hasn't seen Mr. Singh's proof that she was; that she went in with her attorney to deliver a letter and she was fired; that Mr. Singh wanted her to sign some papers and she wouldn't; that she knew he would find a reason to fire her.

Robert Kim, Esquire stated that Ms. Escobar was fired; that after she was fired, she sued for retaliation; that she is a biased witness; that she is not an independent witness.

Ms. Turpin Forbes asked what that has to do with the Sunday Sales.

Guadalupe Escobar stated that she was there in the bar when Mr. Brooks purchased the alcohol; that he went through the drive thru to purchase; that he sold through the drive thru; that the receipt doesn't say for the sale of alcohol.

James Brooks stated that Ms. Escobar asked him to buy liquor on Sunday; that it was Mother's Day; that he did purchase through the drive thru; that he had to ask for a receipt; that the receipt says *Not Inventoried item*; that he has known Ms. Escobar for approximately 15 years; that he knows she doesn't work at the bar anymore; that he isn't sure where she works now; that they haven't had a discussion about the business other than keep up to date about the hearing; that he knew she went to the store with her lawyer; that he knows she isn't working there anymore; that

he was told about her taking paperwork to the store; that afterwards Mr. Singh said she stole from them.

Ms. Turpin Forbes stated that the discussion about the case outside of the alcoholic beverage license will not take place; that it is about the alleged violations; that she wants to know if all the receipts look like this one does or is this one special.

Kiranjit Kaur stated that she is the owner; that the receipts sometimes look like that if there isn't a name in the register for the item yet.

Mr. Camacho asked what the reason for this item to be listed like that.

Kiranjit Kaur stated that she's not sure; that they can also just put the price in if they know how much it costs also.

Mr. Camacho asked why that phrase though; that he doesn't understand if they didn't want to show the item or to hide it.

Kiranjit Kaur stated that she doesn't know.

Mr. Camacho stated that is unacceptable to not know; that she is the licensee; that she must know; that she is responsible for having records; that it is a perfect way to disguise a purchase on a Sunday; that he wants to know what else Mr. Kaur has to say about the other violations.

Kiranjit Kaur stated that typically it has the name of the alcohol, the size or type, but not *Not Inventoried Item*; that the wholesaler did stop selling Crown Royal Texas Mesquite in 2018; that they tried to sell it but couldn't; that they couldn't sell the Ivanabitch or the Hennessy either.

Robert Kim, Esquire stated that he believes that they have explained and provided proof regarding the alleged violations of Sale to Other than a Wholesaler and Not Keeping Proper Records; that he understands the questions regarding the alleged sale on Sunday; that he believes it is one person with an axe to grind.

Mr. Camacho moved to find the licensee in violation of Selling Distilled Alcoholic Beverages on Sunday without the required permit and impose a fine of \$1,500 and to dismiss the alleged violations of purchasing from other than a wholesaler and failure to maintain complete and accurate records, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

In the matter of Charanjit Singh, President/Secretary/Treasurer, Shady Oak One, Inc., t/a **Shady Oak Inn**, 6494 Marlboro Pike, District Heights, 20747, Class B, Beer, Wine and Liquor, is summonsed to show cause for an alleged violation of Sections 1-408 and 6-311 of the Alcoholic Beverage Article of the Annotated Code of Maryland and Rule 11 of the Rules and Regulations for Prince George's County, to wit; That on May 29, 2019 at approximately 10:35 Agents Olienyk and Allen of the Comptroller of Maryland, Field Enforcement Division, observed 234 bottles of alcoholic beverages on the licensed premises that were purchased from other than a wholesaler and that the licensee failed to keep and maintain complete and accurate records.

Licensee is represented by Robert Kim, Esquire.

Robert Kim, Esquire stated that this investigation has many more bottles; that him and his client sat down and discussed this matter; that Agent Olienyk took alcohol that he couldn't prove that he purchased from a wholesaler with an invoice; that he proffers the records are accurate; that a Bulk Transfer Permit was issued August 2018, but they can't argue they don't have the necessary records; that he can't prove or disprove they were purchased from a wholesaler.

Ms. Turpin Forbes stated that Mr. Singh needs to get his act together with the records; that he is still responsible.

Robert Kim, Esquire stated that they accept the violation.

Agent Olienyk stated that he can testify or not; that he is fine either way.

Benjamin Rupert, Esquire asked if Mr. Kim's client is admitting to the violation.

Robert Kim, Esquire stated yes Mr. Singh is.

Mr. Camacho moved to find the licensee in violation of purchasing from other than a wholesaler and failure to maintain keep and maintain complete and accurate records and impose a fine of \$1,500, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

In the matter of Rashminkumar C. Patel, Member-Manger, Seat Pleasant Spirits, LLC, **t/a Pleasant Liquors**, 5704 Martin Luther King, Seat Pleasant, 20743, 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 Rules 10, 37 and 70 of the Rules and Regulations for Prince George's County, to wit; That on Friday, June 28, 2019, Chief Clark, Inspector Brockington and Johnny Toles observed an excessive amount of trash in front of the building and an excessive amount of signs on the front exterior of the building obstructing the view into the licensed premises and that alterations were being made to the licensed premises. Licensee is represented by Robert Kim, Esquire.

Johnny Toles stated that he is an inspector for Prince George's County Board of License Commissioners; he read his report into the record.

Robert Clark stated that he is the Chief Inspector for the Prince George's County Board of License Commissioners; that he acknowledges the previous decision of the Board to notify first time offenders of the excessive signage rule and order their removal; that he understands the excess signage violation will not be taken into consideration.

Robert Kim, Esquire stated that the signage has been removed.

Johnny Toles stated that everyone at the store was cooperative.

Rashminkumar Patel stated that nothing has changed according to the layout he previously provided; that no merchandise or changes are happening in the open; that they are occurring behind the counter and it is behind glass.

Ms. Turpin Forbes asked if Mr. Patel understands why they need a clear view into the establishment.

Rashminkumar Patel stated that he understands that there needs to be a clear view; that it is for safety; that it is so someone outside can see what is going on; that all of the signage was removed; that it doesn't look very good now on the windows; that one of the windows is cracked; that they have been trying to replace the window; that they received a stop order from the Department of Permitting Inspection and Enforcement; that they can't replace the windows until it is resolved.

Ms. Norman asked if they knew they needed a permit.

Mr. Camacho stated that it happens all the time; that sometimes a permit is needed even for work you don't expect to need one.

Robert Kim, Esquire stated that he doesn't agree that a permit is needed; that he doesn't think you should need an architectural rendering or an engineer either; that they are working to fix the

problem; that the stop work order was issued June 28, 2019; that they still don't have a permit; that the problem is being worked on.

Ms. Turpin Forbes stated that Mr. Patel needs to get the work done and the proper permits taken care of.

Ms. Norman stated that the pictures have a lot of trash around the building as well; asked if Mr. Patel didn't think he needed to clear that area as well; that he is responsible for it.

Rashminkumar Patel stated that he didn't know he needed to clean that area as well; that he understands now; that he will get the trash picked up.

Robert Kim, Esquire stated that the Department of Permitting, Inspection and Enforcement handles trash orders; that they haven't gotten one; that the Mr. Patel has taken action and cleaned the area; that the alteration issue inside also wasn't intentional and isn't as much work as the Inspectors thought.

Rashminkumar Patel stated that the work is being done in the storage area; that a cooler wasn't working so they have removed it and turned that area into regular storage shelves; that they are attempting to clean up the store and make it better; that they have changed the customers area; that this is just a storage area; that he rents the building.

Robert Kim, Esquire stated that the signs were removed; that Mr. Patel took that as the Board's order to remove them; that he is working on replacing the windows; that with the trash it appears to be paper; that most trash violations come from the Department of Permitting, Inspections and Enforcement; that the trash isn't bottles and cans from the establishment; that they didn't think they needed permission to replace the windows; that the permit is a county issue.

Ms. Turpin Forbes stated that they need to discuss to decide what to do.

Mr. Camacho stated that he thinks the excessive signs violation should be dismissed and an order to ensure there remains 50% visibility vertically; that the trash has been cleaned up and they should dismiss the violation with an order to keep the area clean; that the alterations are not a major project or structural and the Department of Permitting Inspection and Enforcement is handling the windows.

Ms. Norman asked how long Mr. Patel has been in business.

Mr. Patel stated that he has been in business for two years.

Ms. Norman stated that Mr. Patel should be knowledgeable and must keep his area clean.

Ms. Sparkman stated that she agrees with Ms. Norman; that she would like date and time stamped pictures from now on.

Ms. Turpin Forbes asked the Inspectors what they thought was going on when they took the pictures.

Robert Clark stated that he thought there was structural work being done.

Johnny Toles stated that based on the pictures he thought there was structural work going on; that it appeared a wall came down.

Robert Kim, Esquire stated that the space was not a wall; that it was a walk-in cooler that was removed.

Johnny Toles stated that he didn't see the walk-in cooler; that all he saw was that the place was all out of order and that he could see the inventory in the back.

Rashminkumar Patel stated that with the walk in moved it is possible to see all the way into the back; that they also dropped the ceiling; that the wall didn't move.

Mr. Camacho moved to dismiss all three of the alleged violations, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

In the matter of the proposed revisions to R.R. No. 44 – Applications.  
Mr. Camacho moved to approve the revisions to the rule, seconded by Ms. Norman and made unanimous by Ms. Sparkman and Ms. Turpin Forbes.

Respectfully Submitted,

Nikole Bennett  
Administrative Aide

Adjourned 8:49 p.m.