

February 13, 2019

9200 Basil Court
Largo, MD 20774

THE BOARD OF LICENSE COMMISSIONERS MET IN REGULAR SESSION:

PRESENT:

Thomas Graham, Chairman
Armando Camacho, Vice Chairman
Kenneth Miles, Commissioner
Benjamin Rupert, Esquire, Counsel
Terence Sheppard, Director
Robert Clark, Chief Liquor Inspector
Cristian Mendoza, Deputy Chief Liquor Inspector
Derrick Anthony, Deputy Chief Liquor Inspector
Kelly Markomanolakis, Administrative Assistant
Nikole Bennett, Administrative Aide

Time: 7:01 p.m.

In the matter of **t/a Shady Oak Inn**, Class B, Beer, Wine and Liquor, 6494 Marlboro Pike, Forestville, 20747 – Special Entertainment Permit.

Applicant is represented by Robert Kim, Esquire.

Corporal Cicale stated that she is a Corporal with the Prince George's County Police Department; that she met with Mr. Singh last week; that they went over the security plan and the application; that he wants to have a DJ with karaoke two times per week; that he wants to increase business; that it is pretty quiet in there currently; that the security plan is more than adequate; that he has made improvements to the business; that it is much nicer inside; that he has painted and added to the menu; that she has no concerns with the security plan.

Charanjit Singh stated that nothing has changed on the application; that nothing will change with the hours of operation; that he wants karaoke two times per week; that it will be on Tuesday and Saturday.

Mr. Camacho moved to approve the request for a Special Entertainment Permit, seconded by Mr. Miles and made unanimous by Mr. Graham.

In the matter of **t/a Friendly Market**, Conversion of a Class D, Beer to a Class D, Beer and Wine License, 11500 Old Fort Road, Fort Washington, 20744.

Applicant is represented by Robert Kim, Esquire.

Sarah Cavitt stated that she is here to represent Indian Head Highway Area Action Council; that she is not opposed to the conversion at all; that she is in attendance only to request that they remove signage on the back of the store; that they have a new initiative with signage; that there are a lot of liquor sale signs on the back of the building and it is very obvious.

Shoukat Choudhry stated that he is the licensee; that he will remove the signage if needed; that he didn't realize there was signage that was an issue; that there aren't any liquor signs; that they don't sell liquor; that perhaps it is the wrong business; that nothing in the application has change.

Mr. Camacho moved to approve the request for a conversion from a Class D(R), Beer to a Class D(R), Beer and Wine License, seconded by Mr. Miles and made unanimous by Mr. Graham.

Yuxiu Li, President/Secretary/Treasurer, Hewitt Mudd, Vice President, Sli, Inc., **t/a Darrah's Café**, Class B, Beer, Wine and Liquor, is summonsed to show cause for an alleged violation of Sections 4-109 of the Alcoholic Beverage Article of the Annotated Code of Maryland and Rule 46 of the Rules and Regulations for Prince George's County, to wit; That on December 1, 2018 at approximately 1:30 a.m., Inspectors Bagby and Brockington of the Prince George's County Board of License Commissioners observed that someone other than the licensee is operating the business and receiving a pecuniary interest in the alcoholic beverage license.

Inspector Warren Bagby stated that he is an inspector with Prince George's County Board of License Commissioners; read his report into the record.

Hewitt Mudd stated that he is the Vice President of the company; that his name is on the license; that he is a resident of Fort Washington.

Yuxiu Li stated that she is a resident of Lorton, Virginia; that she did not know there was a violation until she came to the office; that she does not dispute the violation; that Mr. Hector is the person who bought the business from her; that she thought he had applied for the transfer; that she came to the liquor board to find out what was needed to do a transfer and was told to go to the website, download the application and turn it in; that she gave the new owner the info; that she was not aware of the violation until December 1st; that she came to the office to tell us that she was doing the transfer; that Mr. Hector has an attorney and he created the operating agreement; that she wants to put it on file and see if can be accepted while they transfer the license; that Mr. Palumbo is Mr. Hector's attorney and he sent the document with her as well to see if it would help explain the situation; that there will be a hearing coming to transfer the license.

Mr. Camcho moved to fine the license \$1,000, seconded by Mr. Miles and made unanimous by Mr. Graham.

In the matter of **t/a Yu Lin**, President/Secretary/Treasurer, Gold Best, Inc., **t/a Beijing Hunan Restaurant**, Class B, Beer, Wine and Liquor, is summonsed to show cause for an alleged violation of Sections 4-109, 26-1406 and 26-1513 of the Alcoholic Beverage Article of the Annotated Code of Maryland and Rule 57 of the Rules and Regulations for Prince George's County, to wit; That based on a letter dated August 29, 2018, Hua Lin alleges that the 2016-2017 Renewal application was fraudulently filed with the Board of License Commissioners, that Hua Lin did not sign the application and further that his signature was forged.

Yu Lin, represented by Robert Kim, Esquire.

Robert Kim, Esquire requested to have the violation dismissed; that he is not sure where the allegation came from; that the Board's file doesn't support the violation.

Yu Lin stated that the alleged violation is not true.

Robert Kim, Esquire stated that if you look at the application Hua Lin has been on the license; that they renewed and after he came off the license he said the renewal was fraudulent; that he had signed many other documents; that it's not fair to come off the license and then say his signature was forged; that it was done in his office; that he says it was forged on that one document, but nothing else.

Mr. Graham stated that his expectation is that they would be here.

Mr. Camacho moved to dismiss the alleged violation, seconded by Mr. Miles and made unanimous by Mr. Graham.

In the matter of Jesus Mejia, President/Secretary/Treasurer, **t/a El Mexireno Restaurant**, Class B, Beer, Wine and Liquor, is summonsed to show cause for an alleged violation of Sections 26-1103, 26-1513, 26-2101 of the Alcoholic Beverage Article of the Annotated Code of Maryland and Rules 36, 37, 75, and 79 of the Rules and Regulations for Prince George's County, to wit; That on December 1, 2018, Inspectors Brockington and Bagby observed a female dancing half nude with money visible from her garments.

Inspector Jeff Brockington stated that he is an inspector with the Prince George's County Board of License Commissioners; read his report into the record.

Deputy Chief Inspector Derrick Anthony stated that he is a Deputy Chief Inspector with Prince George's County Board of License Commissioners; that toward the end of November of 2018 Deputy Chief Inspector Mendoza had received information about possible unauthorized activities taking place; that he assigned the inspectors to investigate; that the inspectors initially observed the girl dancing without money in her garments and her breasts were covered and she was wearing boy shorts; that they did see a video of her dancing and it is available as evidence; that the day after the incident three agents from the business arrived to the office in regards to the incident; that he had not even received the report at that time; that the people who arrived were the owner, the head of security and the dance choreographer; that the choreographer said she teaches her students to dance and there is nothing sexual about it; that the Department of Permitting, Inspections and Enforcement for Prince George's County handles adult entertainment; that the attire, presence of money and participation from the crowd is what led to the decision to go forward with the violation; that he has received many calls about the inappropriate acts; that the Special Entertainment Permit application only lists karaoke with a DJ, not dancing.

Corporal Cicale stated that she is a Corporal with the Prince George's County Police Department; that she is familiar with the establishment; that she reviewed their security plan with them prior to them receiving their Special Entertainment Permit; that she holds their security plan; that they had requested karaoke only 2-3 nights per week.

Inspector Warren Bagby stated that he is an Inspector with the Prince George's County Board of License Commissioners; that they inspected on a Friday night and early Saturday morning the night of the violation.

Tarika Evans stated that she is a resident of Hyattsville; that she is a dancer; that she is the person on the video that they inspectors obtained on the night of the violation; that she was hired to go-go dance; that the music varies between Hip Hop, Reggae, Cha Cha and Latina; that she was hired to dance two nights per week; that she receives money from patrons as well; that typically the money is collected in a bucket; that they originally had the money in her garments as well and they spoke to someone in September who said it was allowed, but no nudity and to put the tips in a bucket instead; that the patrons are approximately six feet away; that they do different karaoke at the restaurant too; that other patrons and the manager sing karaoke and she dances; that sometimes she lip syncs while dancing; that she was hired as a performer; that she is a dancer; that she was not hired to lip sync.

Jesus Mejia stated that he is a resident of Lanham; that he doesn't mind being told there is a problem and having an opportunity to fix it; that he is the owner; that he hired Ms. Evans for entertainment and to be a go go dancer; that they are not overly busy; that she helps to entertain the customers; that when he applied for the Special Entertainment Permit he did not know if it

was part of the entertainment; that he asked the inspector and was told that it was ok; that he is not trying to convince the Board that this is karaoke; that he does have new security.

Corporal Cicale stated that she was not notified that new security has been secured and must receive notice and the information; that he cannot hire part time officers for security because of the entertainment that is being provided.

Inspector Jeff Brockington stated that the entertainment did not stop when they were cited; that they were given the violation and as the inspectors were leaving the entertainment was still going on.

Jesus Mejia stated that they weren't told to stop; that they were told they needed to talk to the office.

Inspector Warren Bagby stated that they were in violation for the money in the garments; that they weren't sure of the other violations at that time; that they were told to stop.

Mr. Camacho moved to fine the license \$5,000, seconded by Mr. Miles and made unanimous by Mr. Graham.

In the matter of Kathy Rachels, President, Gary M Cha, Secretary/Treasurer, Arleen Johnson, Assistant Recording Secretary, Yes Organic Market, Inc., **t/a Yes! Organic Market**, Class D(R), Beer and Wine, is summonsed to show cause for an alleged violation of Section 6-304 of the Alcoholic Beverage Article of the Annotated Code of Maryland and Rule 1 of the Rules and Regulations for Prince George's County, to wit; That on October 30, 2018 at approximately 1:10 p.m., Inspectors Glenn and Cuellar of the Prince George's County Board of License Commissioners observed an underage operative purchase and in possession of six (6) pack of Calvert Brewing Company Calvert Cream Ale provided by an agent of the licensee. Furthermore, the licensee was previously found in violation of: Sale to a minor on April 25, 2017 and a fine of \$1,500 was imposed and Growlers without a growler permit on October 18, 2017 and a fine of \$5,000 was imposed.

Licensee is represented by Robert Kim, Esquire.

Inspector Warren Bagby stated that he is an Inspector with the Prince George's County Board of License Commissioners; he read his report into the record; that no one saw the underage operative give his identification or be asked for it; that the underage operative was 18.

Gary Cha stated that he is one of the owners; that he has been at the store as much as possible since the violation on October 30, 2018; that they thought they had a good system in place; that they realized with his violation they did not; that he came to Mr. Kim to seek advice on what to do; that they had previously changed their system to required identification to be scanned with certain products; that they found out an employee had discovered a way to cheat the system; that they fixed this issue; that now only managers and supervisors with a certain level of authorization can sell alcohol; that they now have to approve the transaction; that they do not dispute the violation; that they have created a plan to try to prevent this in the future; that they added additional training; that they have signed statements from all employees that they acknowledge they will be terminated on the spot for an underage sale; that they will ensure that they follow alcohol laws and the compliance checks; that they ensure no one has any personal issues with alcohol; that everyone who was able attended Alcohol Awareness training; that he is a certified TIPS trainer that he training employees who were not able to attend the course; that he believes all holes are plugged; that the new procedure is slow and some customers walk out and are refused; that they log refusals; that the process is working; that they will stick with it; that it

is a local chain with seven stores; that there is only one in Prince George's County; that beer and wine only makes up 7 – 8% of their sales, but sales fluctuate between 25 – 30% without beer and wine sales; that it makes them a one stop shop; that they offer organic and craft beer and wine that is hard to find; that they have had complaints with the new policy; that most customers don't understand the request for identification or refusal without it; that they intend to ensure all employees follow policies; that there should not be any more violations; that they have taken these new policies to their other stores; that after the first violation they had a meeting and some employees went to training; that they thought it was a sufficient response; that the employee that went around the system was a ten year employee they had monitoring other employees; that the employee was terminated; that their second violation was not for underage sales, but for a growler.

Mr. Camacho moved to fine the license \$7,500, seconded by Mr. Miles and made unanimous by Mr. Graham.

Respectfully Submitted,

Nikole Bennett
Administrative Aide

Adjourned 8:09 p.m.