

**September 6, 2023
9200 Basil Court
Largo, MD 20774
Virtual Hearing**

Present:

Oretha Bridgwaters-Simms, Chair
Armando Camacho, Vice Chair
Tammie Norman, Commissioner
Tammy Sparkman, Commissioner
Jason DeLoach, Esquire, Counsel
Robert Clark, Chief Liquor Inspector
Johnny Toles, Deputy Chief Liquor Inspector
Christian Mendoza, Deputy Chief Liquor Inspector
Patricia Bell, Administrative Manager
Keyanna Little, Administrative Aide
Katrice James, Administrative Aide
Alecia Hughes, Administrative Aide

Start Time: 7:00 p.m.

Commissioner Bridgwaters-Simms: At the Board of License Commissioners, we endeavor to be as efficient as possible in our virtual environment. Thank you for your patience. This is a public meeting subject to the Maryland Open Meetings Act so a truthful, transparent, open, and honest dialogue and record is required. As such, there are some formalities that will take place that may appear redundant but nonetheless are important and required to ensure compliance with the law.

Chief Liquor Inspector Clark: 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 of the BOLC. You may add information to the record long as it is information that has been discussed in this hearing.

REGULAR SESSION:

1. Delmy F. Buruca De Hernandez, President/Treasurer, Carlos Arnoldo, Secretary, **t/a El Paraiso Restaurant**, 6511-6513 New Hampshire Avenue Takoma Park, Maryland 20912, Class B, Beer, Wine and Liquor, is summonsed to show cause for an alleged violation of Maryland Annotated Code For an alleged violation of Maryland Annotated Code 6-304 selling alcoholic beverages to an individual under the age of twenty-one and R.R No. 1 Sales to a minor of the Rules and Regulations for Prince George's County. To wit; on Friday, May 19, 2023, at approximately 8:00 pm one (1) underage male operative (19 yr. old) of the Prince George's County Cadet Program and one (1) undercover police officer from the Prince George's County Police Department entered El Paraiso Restaurant located at 6511-6513 New Hampshire Avenue, Takoma Park, MD 20912. The operative ordered a Bottle Corona Beer and the server did not check for ID and placed the 12 oz Bottle Corona Extra Beer in front of the minor operative. Furthermore, the licensee was previously found in violation of: RR# 1, 11/8/22 - Sales to minor of the Rules and Regulations for Prince George's County.

Licensee does not have an attorney, acknowledge her right to an attorney and agree to move forward without an attorney.

Inspector Caraway of the BOLC testified about the incident that occurred on May 19, 2023.

Mr. Jose Portillo translates for **Ms. De Hernandez** and states the employee that was working that day, it was her first day on the job, we're monitoring everyone to make sure this doesn't happen again. We apologize for this incident and are taking the proper precautions. She plans on bringing her daughter in to the business to run the daily operations.

Commissioner Norman makes a motion to find the licensee for t/a El Paraiso Restaurant, in violation, as charged with a fine of \$6,000, seconded by **Commissioner Sparkman**.

Fine can be made payable over three monthly installments.

After Board vote, the motion carries.

2. William Sheehan, Resident, **t/a Henson Creek Golf Course**, 1641 Tucker Road, Fort Washington, MD 20744, Class B(GC), Beer, Wine and Liquor, is summonsed to show cause for an alleged violation of Section 6-311, Purchase Alcoholic Beverages from other than a Wholesaler, of the Annotated Code of Maryland and RR 11 of the Rules and Regulations for Prince George's County, Maryland. To wit; on Thursday, July 7, 2023, at approximately 3:05 pm, on a routine inspection, Prince George's County Liquor Inspector Pascual entered Henson Creek Golf Course, located at 1641 Tucker Rd., Fort Washington MD 20744. Inspector Pascual observed a sealed 12 pack of Heineken with the name "Enterprise Golf Course" on the label. The licensee is subject to all potential penalties identified in the Alcoholic Beverage Article, Rule 26 of the Rules and Regulations for Prince George's County and any other provision(s) governing said

license, which may include other violation(s) identified at the hearing. Continued hearing from August 9, 2023.

Represented by **Benjamin Rupert, Esquire.**

Inspector Pascual of the BOLC testified about the incident that occurred on July 7, 2023.

Mr. Rupert states we don't dispute the facts, we agree ignorance of the law is not an excuse. This incident took place right before Independence Day and the manager suddenly quit. The alcohol was from one of our other golf courses purchased by M-NCPPC. We took the initiative to send all eight of our managers to Alcohol Awareness training after this violation occurred. In at least fourteen years we've never had a violation with our former licensee.

Commissioner Norman makes a motion to find the licensee for t/a Henson Creek Golf Course, in violation, as charged with a fine of \$1,500 and waiving Alcohol Awareness training, seconded by **Commissioner Sparkman.**

After Board vote, the motion carries.

3. Helen Kumbumbara, President/Secretary/Treasurer, **t/a Prime Restaurant, 5126** Baltimore Avenue, Hyattsville, Maryland 20781, Class B(AE), Beer, Wine, and Liquor, is summonsed to show cause for an alleged violation of for an alleged violation Rule 18 of the Rules and Regulations for Prince George's County. Grounds for revocation or suspension. No licensee, his/her agents, or employees shall reuse, refill, tamper with, adulterate, dilute, or fortify the contents of any original container of alcoholic beverage. RR 18: Refilling or Tampering with Alcoholic Beverage Containers: to wit; that on Monday, July 10, 2023, at approximately 12:05 p.m., Inspectors Glenn and Kinney observed some bottles that appeared to have been tampered with and reused for refilling. The licensee is subject to all potential penalties identified in the Alcoholic Beverage Article, Rule 26 of the Rules and Regulations for Prince George's County and any other provision(s) governing said license, which may include other violation(s) identified at the provision(s) governing said license, which may include other violation(s) identified at the hearing.

Licensee does not have an attorney, acknowledge her right to an attorney and agree to move forward without an attorney.

Inspector Glenn of the BOLC testified about the incident that occurred on July 10, 2023.

Ms. Kumbumbara states we accept the violation. I'm suffering a big loss in my family; my husband was present at the restaurant and confirmed the incident.

Mr. Joseph Brewer Manager of Co-Compliance for the City of Hyattsville states he conducted a joint inspection with DPIE and the Prince George's County Health Department at Prime Restaurant; they are currently closed for business at this time. They were ordered to cease operation from all three departments and can't reopen until they come into compliance.

Ms. Kembumbara states her water has been turned on since this occurrence. I've submitted the application today, DPIE notified me, and I must comply by September 11, 2023.

Our agency attorney advised the Board they can't take the City of Hyattsville's mandates into consideration. However, the licensee does have a duty to notify the Board when she's not operational. The Board agreed Ms. Kembumbara should submit a written notification of her establishment's status.

Commissioner Norman makes a motion to find the licensee for t/a Prime Restaurant, in violation as charged with a fine of \$1,500, seconded by **Commissioner Sparkman**.

Fine can be made payable over three monthly installments.

After Board vote, the motion carries.

4. **t/a William Francis Smith American Legion Post #235**, to discuss licensee Warren Parham's affidavit.

When Mr. Parham was asked to give an explanation about his affidavit, the licensee clarified all issues to the satisfaction of the Board.

Commissioner Norman makes a motion to accept the testimony of Mr. Parham, seconded by **Commissioner Sparkman**.

After Board vote, the motion carries.

Adjourned: 8:24 p.m.

Respectfully Submitted,

Alecia L. Hughes
Administrative Aide BOLC