

February 7, 2018

9200 Basil Court
Largo, MD 20774

THE BOARD OF LICENSE COMMISSIONERS MET IN REGULAR SESSION:

PRESENT: Thomas Graham, Chairman
Armando Camacho, Vice Chairman
Eric Bowman, Commissioner
ShaRon M. Grayson Kelsey, Commissioner
Ken Miles, Commissioner
Cristian Mendoza, Deputy Chief Liquor Inspector
Kelly Markomanolakis, Administrative Assistant
Brittany Sawyers, Administrative Aide

Time: 7:00 p.m.

In the matter of **t/a T.J. Elliotts**, B(R), Beer, Wine and Liquor License, Huntington City Restaurant, Inc., 6814 Laurel Bowie Road, Bowie, 20715 – Request for a Special Entertainment Permit.

Corporal Cicale stated she is a Prince George's County Police Officer; she met with the business today; that they have been in business for 18 years without any violations; that they are going to have entertainment on Friday and Saturday; that they are in process of updating some items on the security plan; that the security plan is adequate.

Mary Panetta stated that she is a resident of Bowie; that she is the manager; that they have karaoke; that the restaurant has a 113 capacity; that they do not have a cover charge; that they card at the door. Mr. Camacho moved to approve the Special Entertainment Permit, seconded by Mr. Miles and made unanimous by Mr. Bowman, Ms. Kelsey and Mr. Graham.

In the matter of **t/a Trinity Grill**, Class B, Beer, Wine, and Liquor License, Trinity Grill and Bar, LLC, 3010 Hamilton Street, Hyattsville, 20782 – Request for a Special Entertainment Permit. Licensee represented by Robert Kim, Esquire.

Corporal Cicale stated that she met with the owners at the restaurant; that this a nice restaurant; that there has been no calls for service; that the security is adequate.

Mr. Camacho moved to approve the Special Entertainment Permit, seconded by Mr. Miles and made unanimous by Mr. Bowman, Ms. Kelsey and Mr. Graham.

In the matter of Kaushal V. Patel, President, Mihir Patel, Secretary, **t/a Tubby's Diner**, Class B+, Beer, Wine and Liquor, Sommath Corp., 5701 Sandy Spring Road, Laurel, 20770 is summoned to show cause for and alleged violation of Sections 6-311, 6-408 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 November 20, 2017 at approximately 9:15 a.m. Agents Southworth, McNeal and Allen of the Comptroller of Maryland, Field Enforcement Division, observed distilled spirits on the licensed premises that were purchased from other than an wholesaler and further that the licensee failed to keep and maintain complete and accurate records. Licensees represented by Robert Kim, Esquire.

Vincent Allen stated that he is with the Field Enforcement Division of the Maryland Comptroller's Office; he read his report into the record; that the records were kept in multiple boxes; that Mr. Patel was helpful but the records were a mess; that the business had three bottles of Grand Marnier Liqueur that the business was unable to provide receipts; that the receipt that was on the premises was dated before the alcohol was bottled; that receipts are typically maintain in an orderly manner; that there were no receipts to support the orders; that the only receipt for Grand Marnier was for December 2017 and the alcoholic beverage was bottled March 2017; that the licensee did not bring the issue of mispicking to his attention at the time the violation was written.

Robert Kim, Esquire stated that the licensee where charged with Section 6-408 of the Alcoholic Beverage Article; that there is no section 6-408.

Vincent Allen stated that he intended to charge the business with the section related to records; that section 6-408 was an error that the appropriate section is 1-408.

Kaushal Patel stated that he has owned this business for 12 years; that he has not had any violations; that he understands the violation; that he went on vacation in October; that he had ordered three bottles of B&B Liqueur and the wholesaler delivered the wrong bottles; that the bottles were mispicked; that it is a common practice for the wholesaler to mispick the items; that the employee made a mistake when they accepted the delivery; that they ordered B&B Liqueur and Grand Marnier Liqueur was delivered; that they are both after dinner drinks; that only one wholesaler can sell the liquor; that the wholesaler cannot verify that the wrong item was delivered; he showed examples of other mispicked deliveries; that they sell about 12 bottles of Grand Marnier; that they purchase it by the case; that it is not a high selling item; that the alcoholic beverages were purchased from a wholesaler; that the wrong alcoholic beverage was delivered; that all the receipts were in a box; that a sales person comes into the store to take the order; that the sales person enters the orders into a computer; that he does not get a receipt for what he orders, only for what is delivered; that they are supposed to check all deliveries; that the order was not checked when it was delivered; he showed a receipt for a case of Grand Marnier that was ordered in October; that the sell the Grand Marnier during the holidays; that accepting the wrong alcohol was the only mistake the employee made; that the bottling date is different from the order date; that these items were a mispick from the wholesaler.

Ben Rupert, Esquire stated that the appropriate sections are 1-408 of the Alcoholic Beverage Article for the receipts and 6-311 for the other than a wholesaler.

Mr. Camacho moved to find the license in violation and further to impose a fine of \$1,500, seconded by Ms. Kelsey and made unanimous by Mr. Bowman, Mr. Miles. Mr. Graham votes no.

In the matter of Luz Canales, President, **t/a Angel Carry Out**, Class D, Beer and Wine, Angel Carryout Inc., 6439 Landover Road, Cheverly, 20785, is summoned to show cause for and alleged violation of Sections 3-603, 4-604, 26-1103, 26-1513 and 26-2102 of the Alcoholic Beverage Article of the Annotated Code of Maryland and Rules 16, 32 and 75 of the Rules and Regulations for Prince George's County to wit: That on Sunday, June 19, 2017 at approximately 12:05 a.m. Inspector Arrington of the Prince George's County Board of License Commissioners observed that the sound from the music in the licensed premises was traveling into the community; that the operation of the business is a threat to the peace and safety of the community; and further that the owner refused to sign the inspection report a reasonable request from the inspector; the Inspector's Report and the subsequent written report is available from the Board's Office. Furthermore the licensee was previously found in violation of:

- Sale to a minor on March 22, 2016 and a fine of \$1,500 was imposed

- Special Entertainment on February 8, 2017 and a fine of \$1,000 was imposed Licensee represented by William Ford, Esquire.

Donnie Arrington stated that he is a Prince George's County Liquor Inspector; he read his report into the record; that the noise is no longer an issue; that the incidents continued over eight months; that there are over 10 incidents.

Luz Canales stated that she is a resident of Hyattsville; that she confirms what the inspector stated; that the eight month time is correct; that she previously had an exemption to the special entertainment permit; that they do not have an issue with the music being too loud now; that she understands the music was too loud; that she has taken measures to correct the problem; that they received an exemption in June 2017 to allow music over a sound system; that she thought they were in compliance before; that they have moved the speakers; that they play Latin music; that they had a DJ at the time of these incidents.

Mr. Camacho moved to find the license in violation and further to impose a fine of \$7,500, seconded by Ms. Kelsey and made unanimous by Mr. Bowman, Mr. Miles and Mr. Graham.

Respectfully submitted,

Kelly E. Markomanolakis
Administrative Assistant

Adjourned: 8:10 p.m.