

PETITION TO FINE, SUSPEND, OR * BEFORE THE ALCOHOLIC
 REVOKE THE ALCOHOLIC *
 BEVERAGE LICENSE OF JIE LIU AND * BEVERAGE HEARING BOARD
 BANGLIN ZHANG ON BEHALF OF *
 ZHANG & FAMILY, LLC, t/a ZAPATA’S * FOR
 RESTAURANT & BAR *
 * HOWARD COUNTY,
 *
 * MARYLAND
 *
 * Case No.: 16-54-V

DECISION AND ORDER

The Board of License Commissioners for Howard County, Maryland (the “Liquor Board”), pursuant to Rule 1.02(A) of the Liquor Board Rules and Regulations, has delegated the authority to hear and decide cases to the Alcoholic Beverage Hearing Board for Howard County, Maryland (the “Hearing Board”). This Proposed Decision and Order shall take effect immediately in accord with Rule 7.05(C), and shall become Final, as provided in Rule 6.13.

On November 15, 2016, the Hearing Board heard the Petition of Howard County, Maryland and Detective Mark Baxter, Alcoholic Beverage Inspector (collectively “Petitioners”), to Fine, Suspend, or Revoke the Class B Beer, Wine, and Liquor 7-day on-sale license (“License”) of Jie Liu and Banglin Zhang (“Licensees”), held on behalf of Zhang & Family, LLC, t/a Zapata’s Restaurant & Bar, located at 5485 Harpers Farm Road, Unit 30, Columbia, Maryland 21044. The Petitioners were represented by David Moore, Senior Assistant County Solicitor. The Licensees were not represented by an attorney.

All Documents on file were incorporated into the record by reference, these include the following:: a letter dated September 29, 2016, to the Licensees from the Liquor Board Administrator, advising them of a new hearing date; a letter dated September 13, 2016, to the Licensees from the Liquor Board Administrator, advising them of the Hearing Board's approval of a request to reschedule a hearing; an email dated September 13, 2016, from the Licensee to the Liquor Board Administrator requesting a postponement of the original hearing date; a letter dated June 29, 2016, from the Liquor Board Administrator to the Licensees enclosing the Petition to Fine, Suspend, or Revoke the alcoholic beverage license for Zhang & Family, LLC, t/a Zapata's Restaurant and Bar, and advising them of the hearing date; and an email dated September 1, 2016, from the Alcoholic Beverage Inspector stating that the property had been posted.

SUMMARY OF PROCEEDINGS

The Licensees were advised of their right to counsel. Licensee Banglin Zhang was sworn and gave his address as 9639 Whiteacre Road, Unit A-3, Columbia, MD 21045. Counsel for Petitioners read the allegations of the Petition into the record as follows.

1. Detective Mark Baxter, Petitioner, at the time of the Petition, was a sworn Howard County Police Officer, specially assigned and designated, pursuant to the applicable laws, as the Alcoholic Beverage Inspector for Howard County. In this capacity, he has the obligation, duty, and responsibility to investigate any licensed liquor establishment for any violations of the applicable liquor or other laws which may occur in the licensed establishment.

2. Howard County, Maryland, is a chartered county, organized pursuant to law, and

has the authority, through the exercise of its police power, to enforce all of the laws relating to alcoholic beverages.

3. On or before May 1, 2016, Licensees applied for and received a Class B Beer, Wine, and Liquor, 7-Day, On-Sale License for Zhang & Family, LLC t/a Zapata's Restaurant & Bar, 5485 Harper's Farm Road, Unit 30, Columbia, Maryland 21044. Zapata's Restaurant & Bar ("Zapata's") is located in Howard County and is subject to the jurisdiction of the Board of License Commissioners for Howard County.

4. At all times relevant to these proceedings, Licensees were responsible for the operation of Zapata's and were responsible for ensuring compliance with all local and State laws concerning the distribution, sale, and transfer of alcoholic beverages to members of the public.

5. On May 14, 2014, Detective Baxter received notice of an assault at Zapata's, located at 5485 Harper's Farm Road, Unit 30, Columbia, Maryland. In attempting to follow up on the details of the incident, Detective Baxter attempted to contact the resident licensee and owner Banglin Zhang by telephone. Detective Baxter did not receive an answer from the number he called, but he noticed that the number was the same number listed in Liquor Board Records for Mr. Zhang's wife and co-licensee, Jie Liu. In these records, Jie Liu's address was listed as 8930 Bayou Court, Owings, Calvert County, Maryland 20736.

6. Detective Baxter proceeded to travel to Mr. Zhang's home address on record, 9639 Whiteacre Road, Unit A-3, Columbia, MD 21045. Detective Baxter arrived at the address and knocked on the door, but there was no answer. As he was about to leave, two females entered the entrance of the building and approached Unit A-3. One of the females, Anna Escobar,

asked Detective Baxter if he needed something. Detective Baxter identified himself and inquired if Banglin Zhang lived in Unit A-3 to which she told him that he did not and that she did not know if he had ever lived there. Anna Escobar also advised Detective Baxter that the other female, who did not speak English, lived there as well and worked at Zapata's. The two females proceeded to enter the residence at which time Detective Baxter left the premises.

7. After leaving the residence on Whiteacre Road, Detective Baxter went to Zapata's to see if Mr. Zhang was there. Mr. Zhang was not there, but Detective Baxter was able to acquire his cell phone number from the bartender. Detective Baxter called the number and left a voicemail. While waiting to be called back, Detective Baxter reviewed the records of the Board of License Commissioners of Howard County, Maryland, regarding Zapata's. According to these records, Zhang resides at 9639 Whitacre Road, Unit A-3, Columbia, Maryland. There was no documentation in these records indicating a transfer of resident agent from Mr. Zhang or a change of address for this individual to any other address.

8. Mr. Zhang returned Detective Baxter's call from his cell phone. Detective Baxter explained to him the nature of his call regarding the incident at Zapata's on May 14, 2014. Prior to the conclusion of their call, Detective Baxter asked Mr. Zhang where he currently resides. Zhang responded that he lives at 9639 Whiteacre Road, Unit A-3, Columbia (Howard County), Maryland.

9. Detective Baxter performed a search on the Whiteacre address, which revealed that German Gerduno had lived at this address as recently as June 6, 2013. Upon contacting German Gerduno, Detective Baxter was advised that he had lived there since January of 2012, and that Banglin Zhang was his landlord and that he pays \$1,200 as rent every month

to Mr. Zhang. German Gerduno also advised Detective Baxter that there was not a signed lease, that Mr. Zhang has never lived there, and that Mr. Zhang rented the unit out, for a short time, to someone else prior to German Gerduno.

10. Detective Baxter searched the Maryland Department of Assessments and Taxation Real Property Data Search (SDAT-Property database) regarding 9639 Whiteacre Road, Unit A-3, Columbia, Howard County, Maryland. He found that both Mr. Zhang and Jie Liu have owned the property since the Federal National Mortgage Association transferred it to them on December 2, 2011. Detective Baxter also searched the SDAT Property database for the 8930 Bayou Court, Owings, Calvert County, Maryland address. Regarding this search, he found that both Mr. Zhang and Jie Liu have owned the property since it was transferred to them by the Model Leasing Assoc. MD on June 16, 2004. Both of these addresses were listed as the principal residence for Mr. Zhang and Jie Liu.

11. Detective Baxter also searched Maryland Motor Vehicle Administration (MVA) records and found that Mr. Zhang's current address listed with the MVA is the 9639 Whiteacre Road, Unit A-3, Columbia, Maryland address, and he updated his information with the MVA to this address on February 27, 2013. The prior listed address for Mr. Zhang was 8930 Bayou Court, Owings (Calvert County), Maryland.

12. Detective Baxter conducted a search of the cell phone number Mr. Zhang called him from and determined that the cell phone number is listed to 8930 Bayou Court, Owings, Maryland.

13. Detective Baxter performed a search in Accurint which revealed the current address for Mr. Zhang from May 2004 until May 2014 as 8930 Bayou Court, Owings

(Calvert County), MD.

14. Detective Baxter performed an Equifax ID Report which indicated Mr. Zhang's current address as 8930 Bayou Court, Owings (Calvert County), Maryland.

15. Detective Baxter also discovered numerous police reports involving Mr. Zhang:

- 08-25-2012 Complainant in assault (HCPD 12-84118)
ZHANG provided address of *8930 Bayou Ct., Owings (Calvert County), MD*
- 10-17-2012 Complainant in disorderly (HCPD 12-102791)
ZHANG provided address of *8930 Bayou Ct., Owings (Calvert County), MD*
- 10-19-2012 Complainant in disorderly (HCPD 12-103717)
ZHANG provided address of *8930 Bayou Ct., Owings (Calvert County), MD*
- 06-28-2013 Victim of larceny (PGPD 131792216)
ZHANG provided address of *8930 Bayou Ct., Owings (Calvert County), MD*
- 02-10-2014 Complainant in B&E (HCPD 14-13450)
When asked by dispatcher at 0330 hours if he was responding to the scene of the crime (Zapata's Restaurant), ZHANG advised he was 60 miles away. ZHANG also advised during the follow up to this case that he would drop off a copy of the security footage of the incident the next time he was in Howard County.
- 06-10-2014 Cited in traffic violation (AACOPD1810001685W)
ZHANG provided address of *8930 Bayou Ct., Owings (Calvert County), MD*
- 06-29-2014 Victim in destruction of property (HCPD 14-63407)
ZHANG provided address of *8930 Bayou Ct., Owings (Calvert County), MD*
- 08-29-2015 Cited in traffic violation (HOCOPD5458002188W)
ZHANG provided address of *8930 Bayou Ct., Owings (Calvert County), MD*

- 10-20-2015 Complainant in theft (HCPD 15-104563)
ZHANG provided address of *8930 Bayou Ct., Owings (Calvert County), MD*

16. Detective Baxter discovered that Mr. Zhang made several false statements on his application and background questionnaire for a resident agent transfer of Zapata's License, which was heard and approved by the Board on January 8, 2013:

- Application, Question 3- listed residence as *9639 Whiteacre Rd, Unit A-3, Columbia (Howard County), MD*
- Application, Officers List- listed residence as *9639 Whiteacre Rd, Unit A-3, Columbia (Howard County), MD*
- Application, Signature- signed as true, under penalty of perjury
- Background, Home Address- listed residence as *9639 Whiteacre Rd, Unit A-3, Columbia (Howard County), MD*
- Background, Prior Addresses- listed prior residence from 2004-2011 as *8930 Bayou Ct., Owings (Calvert County), MD*
- Background, Signature- signed as true, under penalty of perjury

17. On January 8, 2013, Mr. Zhang was sworn and testified at the resident agent transfer hearing for Zhang & Family, LLC t/a Zapata's Restaurant & Bar, that his residence was 9639 Whiteacre Road, Columbia, Maryland.

18. Detective Baxter discovered that Mr. Zhang signed as true, under penalty of perjury, the following renewals for the License under Zhang & Family, LLC t/a Zapata's Restaurant & Bar, indicating his residence as 9639 Whiteacre Road, Unit A-3, Columbia

(Howard County), MD:

- 04-16-2012 Renewal signed and dated
- 03-20-2013 Renewal signed and dated
- 03-18-2014 Renewal signed and dated
- 03-20-2015 Renewal signed and dated
- 03-15-2016 Renewal signed and dated

19. On May 22, 2014, Detective Baxter again spoke with Zhang by telephone and asked him to confirm his residence. Mr. Zhang again advised his residence was 9639 Whiteacre Road. Detective Baxter then stated, "So, that's where you live?" Mr. Zhang answered "Yes."

20. On February 12, 2016, Detective Baxter sent PFC M. Rodriguez to 9639 Whiteacre Road, Unit A-3, Columbia, MD to inquire as to the residency status of Mr. Zhang. PFC Rodriguez advised that he spoke to a male subject who advised that Mr. Zhang did not reside at that location.

21. As an additional confirmation, Detective Baxter composed and sent a certified letter on March 8, 2016 with restricted delivery to Banglin Zhang at 9639 Whiteacre Road, Unit A-3, Columbia, MD 21045. Detective Baxter received this letter back on April 6, 2016 with the notation "Return to Sender-Not Deliverable As Addressed-Unable to Forward."

22. Based on the aforementioned facts, the Licensees committed the following violations:

1. Liquor Board Rule 2.03 – Updated Application;
2. Liquor Board Rule 2.06(A) – Resident Agent;
3. Liquor Board Rule 4.04 – Compliance with Laws and Regulations;
4. Liquor Board Rule 5.07 – Acts Contrary to Law;
5. Liquor Board Rule 5.19 – False Statements (13 counts).

23. The Licensees have allowed Zapata's Restaurant & Bar to be used for acts which are contrary to local ordinances and against the public peace, safety, health or welfare. Mr. Zhang was asked whether he stipulated to and agreed with the allegations of the Petition. He stated that he agreed. Mr. Zhang then testified to the facts of the violation.

SUMMARY OF TESTIMONY

Banglin Zhang, Licensee for Zhang & Family, LLC, t/a Zapata's Restaurant and Bar, testified that he agreed to the violations listed in the Petition. Mr. Zhang testified that he did not realize that when he gave the Howard County address as his residence that he had to live there. Mr. Zhang testified that he bought the condominium on Whiteacre Road in 2011, and that he lived there two to three times per week for about half a year. Mr. Zhang testified that his wife and son have always lived at the Calvert County address. Mr. Zhang testified that he became a registered voter in Howard County on April 27, 2012, and that he has voted in every election since. Mr. Zhang testified that he has paid local taxes for Howard County for the last three years. Mr. Zhang testified that he is in Columbia at least two to three times per week to manage the restaurant. He stated that he thought if he paid taxes in Howard County and was a registered voter in Howard County he did not need to live in Howard County.

Mr. Zhang submitted an exhibit that included a cover letter admitting to the violations and other documents showing he paid taxes in Howard County and is a registered voter in Howard County.

Mr. Zhang testified that he found out about the violation in June, when he entered into a sales contract, and the attorney from the buyer advised him of the petition. Mr. Zhang

testified that he contacted the Liquor Board Administrator, and had his renters move out of the Howard County condominium.

Mr. Zhang testified that he has now entered into another sales contract with a new buyer, and they would be going to settlement on November 16, 2016.

Based on the evidence presented at the hearing, the Board of License Commissioners makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Hearing Board finds that Jie Liu and Banglin Zhang are Licensees on behalf of Zhang & Family, LLC, t/a Zapata's Restaurant & Bar, a Class B Beer, Wine, and Liquor 7-day on-sale license located at 5485 Harper's Farm Road, Unit 30, Columbia, Maryland 21044.
2. The Hearing Board finds that the Licensees have admitted to violating the following provisions of the Rules and Regulations of the Liquor Board:
 - a. Liquor Board Rule 2.03 – Updating Application
 - b. Liquor Board Rule 2.06(A) – Resident Agent
 - c. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
 - d. Liquor Board Rule 5.07 – Acts Contrary to Law
 - e. Liquor Board Rule 5.19 – False Statements (13 counts)
3. The Hearing Board finds that police reports show that Banglin Zhang has, from 2012-2015, repeatedly reported his address to law enforcement as 8930 Bayou Ct., Owings, MD, which is in Calvert County.
4. The Hearing Board finds that mail addressed to Banglin Zhang at 9639 Whiteacre Road, Unit A-3, Columbia, MD 21045, from the Alcoholic Beverage Inspector, was returned as undeliverable.

5. The Hearing Board finds that Banglin Zhang resided in Calvert County during 2012, 2013, 2014, 2015, and the first half of 2016.
6. The Hearing Board finds that Banglin Zhang made false statements on his application for a change of resident agent in 2012, regarding the location of his residence.
7. The Hearing Board finds that Bangling Zhang gave false testimony before the Board regarding the location of his residence at the January 8, 2012 hearing on his application for a change of resident agent.
8. The Hearing Board finds that Banglin Zhang made a false statement to the Alcoholic Beverage Inspector on or about May 14, 2013, regarding the location of his residence.
9. The Hearing Board finds that Banglin Zhang made a false statement to the Alcoholic Beverage Inspector on or about May 22, 2013, regarding the location of his residence.
10. The Hearing Board finds that Banglin Zhang made false statements regarding the location of his residence on the License renewal applications for Zapata's in 2012, 2013, 2014, 2015, and 2016.
11. The Hearing Board finds that the Licensees have violated the following provisions of the Rules and Regulations of the Liquor Board:
 - a. Liquor Board Rule 2.03 – Updating Application
 - b. Liquor Board Rule 2.06(A) – Resident Agent
 - c. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
 - d. Liquor Board Rule 5.07 – Acts Contrary to Law
 - e. Liquor Board Rule 5.19 – False Statements

12. In order to ensure compliance with the law and Rules and Regulations, the Hearing Board finds that it is necessary to revoke the License because of the numerous false statements made by Mr. Zhang.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Jie Liu and Banglin Zhang are Licensees on behalf of Zhang & Family, LLC, t/a Zapata's Restaurant & Bar, a Class B Beer, Wine, and Liquor 7-day on-sale license located at 5485 Harper's Farm Road, Unit 30, Columbia, Maryland 21044.
2. The Hearing Board concludes that the Licensees have violated the following provisions of the Rules and Regulations of the Liquor Board:
 - a. Liquor Board Rule 2.03 – Updating Application
 - b. Liquor Board Rule 2.06(A) – Resident Agent
 - c. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
 - d. Liquor Board Rule 5.07 – Acts Contrary to Law
 - e. Liquor Board Rule 5.19 – False Statements
3. The Hearing Board concludes that it is necessary to revoke the License based on the repeated and willful false statements made by Mr. Zhang.

ORDER

For the foregoing reasons, and upon finding violations of Rules 2.03, 2.06(A) 4.04, 5.07, and 5.19 of the Liquor Board's Rules and Regulations, it is this 9 day of December, 2016, by the Alcoholic Beverage Hearing Board for Howard County, Maryland, **ORDERED:**

1. That the Class B Beer, Wine, and Liquor 7-day on-sale License of Jie Liu and Banglin Zhang, held on behalf of Zhang & Family, LLC, t/a Zapata's Restaurant & Bar, located at 5485 Harpers Farm Road, Unit 30, Columbia, Maryland 21044, be, and hereby is, **REVOKED**, effective immediately; and it is further **ORDERED;**
2. That the Licensees immediately surrender the License to the Liquor Board Administrator.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND

Denise E. King
Denise E. King
Administrator

Mary Bird
Mary Bird, Chairperson

Heather Gaetano
Heather Gaetano, Vice-Chairperson

REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
GARY W. KUC
COUNTY SOLICITOR

Charles C. Feaga
Charles C. Feaga, Member

Charley C. Sung
Charley C. Sung, Member

L. Taylor
Lewis Taylor, Esquire
Assistant County Solicitor

ABSENT AT TIME OF SIGNING
Gene Ryan, Member

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER MAY APPEAL THE
DECISION TO THE LIQUOR BOARD WITHIN TEN DAYS OF THE DATE OF THE
DECISION, IN ACCORD WITH RULE 6.14 OF THE RULES AND REGULATIONS OF
THE LIQUOR BOARD.