

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF RAHUL GUPTA ON	*	
BEHALF OF UP, UP, AND AWAY	*	BEVERAGE HEARING BOARD
ENTERPRISES, INC., t/a ANGELS CUT	*	
WINE & SPIRITS, FOR A TRANSFER OF	*	FOR
A CLASS A-1 BEER, WINE, AND	*	
LIQUOR 7-DAY OFF- SALE LICENSE	*	HOWARD COUNTY, MARYLAND
	*	
	*	Case No. 16-12
	*	

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").

On February 24, 2016, the Hearing Board heard the application of Rahul Gupta ("Applicant"), on behalf of Up, Up, and Away Enterprises, Inc., t/a Angels Cut Wine & Spirits ("Up, Up, and Away Enterprises, Inc."), for a transfer from Angels Cut Wine & Spirits, LLC, t/a Angels Cut Wine & Spirits, in the name of Ranjan Khanna, for a 1,460 square foot package goods store located at 5725 Richards Valley Road, Ellicott City, Maryland 21043. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicant was represented by Gary R. Maslan, Esquire. There were no protestants who appeared in opposition to the application.

All the documents on file were incorporated into the record by reference. These include the following: a letter dated February 9, 2016, from the Liquor Board Administrator to the attorney for the Applicant, rescheduling the hearing of February 9, 2016, because of inclement weather; the transfer application; a letter dated January 19, 2016, from the

attorney for the Applicant, amending the application; the background questionnaire for the Applicant; a copy of a receipt from the Department of Public Safety and Correctional Services Criminal Justice Information System – Central Repository; a criminal history record check of Maryland’s Criminal Justice Information System for Rahul Gupta; a copy of the floor plan; a copy of the Articles of Incorporation of Up, Up, & Away Enterprises, Inc.; a copy of the By-Laws of Up, Up, & Away Enterprises, Inc.; a copy of minutes of the annual meeting of the Board of Directors of Up, Up, & Away Enterprises; a copy of the notice of first meeting of Board of Directors or Incorporators of Up, Up, and Away Enterprises, Inc.; confirmation from the State of Maryland Department of Assessments and Taxation confirming that Up, Up, and Away Enterprises, Inc. is a corporation; a letter dated January 6, 2016, from the attorney for the Applicant to the Liquor Board Administrator, enclosing a copy of the first page of the Management Agreement of Up, Up, and Away Enterprises, Inc.; a memorandum dated January 5, 2016, from the Liquor Board to the Alcoholic Beverage Inspector, the Department of Inspections, Licenses and Permits, the Bureau of Environmental Health, the Department of Planning and Zoning, and the Office of the Fire Marshal; the background investigation of the Applicant by the Alcoholic Beverage Inspector dated January 5, 2016; a memorandum dated February 9, 2016, from the Department of Planning and Zoning; a letter dated January 12, 2016, from the Office of the Fire Marshal; a memorandum dated January 11, 2016, from the Bureau of Environmental Health; a letter dated January 5, 2016, to the Department of Finance; a letter from the Department of Finance; a letter dated January 5, 2016, to the Comptroller of Maryland; a letter dated January 21, 2016, from the Comptroller of Maryland; an email dated January 7, 2016, from the Liquor Board Administrator to the attorney for the Applicant, enclosing a letter dated January 7, 2016, with notification of the hearing date, and the necessity to

advertise; an email dated January 21, 2016, from the Alcoholic Beverage Inspector stating the premises had been posted; an email dated February 10, 2016, from the Alcoholic Beverage Inspector stating the original posting of the premises was amended; and an email dated February 19, 2016, enclosing the certification of advertisement from The Baltimore Sun and Howard County Times.

SUMMARY OF TESTIMONY

Gary Maslan, Esq., attorney for the Applicant, stated that Rahul Gupta made an error when reporting his driving record. Mr. Gupta failed to disclose a speeding conviction, because after looking at his driving record, he saw that he had zero points. Mr. Gupta had paid the ticket, and had forgotten about it.

Mr. Maslan stated that he was not involved in drafting the original by-laws, but that they have been amended to show that there is only one Director of the corporation.

Rahul Gupta, President/Secretary/Treasurer and 100% shareholder for Up, Up, & Away Enterprises, Inc., t/a Angels Cut Wine & Spirits, was sworn and testified that he has lived in Howard County for 20 years, is a registered voter, and is alcohol awareness certified. Mr. Gupta testified that he completed medical school, and elected to pursue ownership of a liquor store. Mr. Gupta testified that he spent years working at a family friend's business. Mr. Gupta testified that he also worked for several months at Angels Cut Wine & Spirits for 10 to 12 hours per day. Mr. Gupta testified that the package goods store is small, and that he does not plan to make any changes to the current operation. Mr. Gupta testified that their hours of operation are Monday through Tuesday, 10:00 A.M. to 9:00 P.M., Wednesday through Saturday, 10:00 A.M. to 10:00 P.M., and Sunday, 11:00 A.M. to 7:00 P.M. Mr. Gupta testified that they have two part-time employees, who are experienced, and are alcohol awareness certified.

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicant waived the right to request the Liquor Board to hear the case.

FINDINGS OF FACT

1. The Hearing Board finds that Rahul Gupta on behalf of Up, Up, & Away Enterprises, Inc., t/a Angels Cut Wine & Spirits, has applied for a transfer of a Class A-1 Beer, Wine, and Liquor 7-day off-sale license held by Ranjan Khanna on behalf of Angels Cut Wine & Spirits, LLC, t/a Angels Cut Wine & Spirits, for a 1,460 square foot package goods store located at 5725 Richards Valley Road, Ellicott City, Maryland 21043.

2. The Hearing Board finds that the Applicant is a fit and proper person to hold an alcoholic beverage license.

3. The Hearing Board finds that Rahul Gupta has been a Howard County resident for more than two years, is a registered voter, and a 100% shareholder of Up, Up, & Away Enterprises, Inc., t/a Angels Cut Wine & Spirits.

4. The Hearing Board finds that the granting of the application is necessary for the accommodation of the public.

5. The Hearing Board finds that the granting of this application will not unduly disturb the peace and safety of the residents in the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Rahul Gupta on behalf of Up, Up, & Away Enterprises, Inc., t/a Angels Cut Wine & Spirits, has applied for a transfer of a Class A-1 Beer, Wine, and Liquor 7-day off-sale license held by Ranjan Khanna on behalf of Angels Cut Wine & Spirits, LLC, t/a Angels Cut Wine & Spirits, for a 1,460 square foot package goods store located at 5725 Richards Valley Road, Ellicott City, Maryland 21043.

2. The Hearing Board concludes that the Applicant is a fit and proper person to hold an alcoholic beverage license.

3. The Hearing Board concludes that Rahul Gupta meets the requirements of Rules 1.09(T), 1.09(U), 2.06, and 2.10 of the Liquor Board Rules and Regulations concerning resident agent qualifications.

4. The Hearing Board concludes that the granting of the application is necessary for the accommodation of the public.

5. The Hearing Board concludes that the granting of the application will not unduly disturb the peace and safety of the residents in the neighborhood.

ORDER

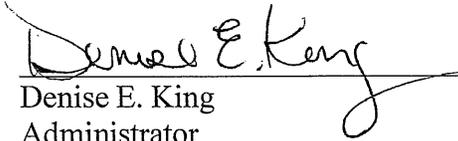
For the foregoing reasons, it is this 2nd day of March, 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Rahul Gupta on behalf of Up, Up, & Away Enterprises, Inc., t/a Angels Cut Wine & Spirits, for a transfer of a Class A-1 Beer, Wine, and Liquor 7-day off-sale license held by Ranjan Khanna on behalf of Angels Cut Wine & Spirits, LLC, t/a Angels Cut Wine & Spirits, for a 1,460 square foot package goods store located at 5725 Richards Valley Road, Ellicott City, Maryland 21043, be and the same is hereby **GRANTED**, subject to the following conditions:

1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicant obtains the license and complies with the following conditions:
 - (a) That the Applicant complies with all State and County Rules and Regulations; and

(b) Failure to comply with these conditions and obtain the license by March 31, 2016, shall render this Proposed Decision and Order null and void.

ATTEST:

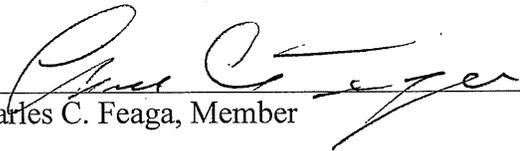
ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND

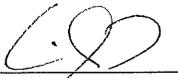

Denise E. King
Administrator


Mary Bird, Chairperson

ABSENT
Harry Evans, III, Vice-Chairperson

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


Charles C. Feaga, Member


Lewis Taylor, Esquire
Assistant County Solicitor

Heather Gaetano, Member


Charley C. Sung, Member