

IN THE MATTER OF THE * BEFORE THE ALCOHOLIC
APPLICATION OF RICARDO ALBERTO *
VANEGAS AND LILIA ESMERALDA * BEVERAGE HEARING BOARD
CAMACHO ON BEHALF OF VACAM *
ENTERPRISES, LLC, t/a EL HIDALGO, * FOR
FOR A RESIDENT AGENT CHANGE ON *
A CLASS B BEER, WINE, AND * HOWARD COUNTY, MARYLAND
LIQUOR 7-DAY ON-SALE LICENSE *
* Case No: 15-50

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 October 13, 2015, the Hearing Board heard the application of Ricardo Alberto Vanegas and Lilia Esmeralda Camacho (“Applicants”), on behalf of Vacam Enterprises, LLC, t/a El Hidalgo (“Vacam Enterprises, LLC”), for a resident agent change from Mark Regal to Ricardo Alberto Vanegas on the Class B Beer, Wine, and Liquor 7-day on-sale license, for a 1,776 square foot restaurant with a 250 square foot outdoor patio located at 6060 Marshalee Drive, Elkrige, Maryland 21075. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were not represented by an attorney. 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 copy of the application; a copy of an additional stockholder

statement; a copy of the background investigation questionnaires for the Applicants; copies of criminal history records dated July 23, 2015, for the Applicants from the Department of Public Safety and Correctional Services; a copy of the Maryland State Board of Elections search for Ricardo Alberto Vanegas; a copy of the Certificate of Naturalization for Ricardo Alberto Vanegas; a copy of the United States Permanent Resident Card for Lilia E. Camacho; copies of the Maryland driving records for the Applicants from the Maryland Motor Vehicle Administration; a copy of the Minutes for Vacam Enterprises, LLC, regarding the proposed change of resident agent on the alcoholic beverage license of El Hidalgo; a copy of Vacam Enterprises, LLC, Resolutions of the Members dated August 6, 2015; a memorandum dated September 14, 2015, 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 Office of the Fire Marshal; the background investigation of the Applicants by the Alcoholic Beverage Inspector dated October 2, 2015; a memorandum dated September 25, 2015, from the Department of Planning and Zoning; a letter dated September 22, 2015, from the Office of the Fire Marshal; a letter dated September 14, 2015, to the Department of Finance; a letter from the Department of Finance; a letter dated September 14, 2015, to the Comptroller of Maryland; a letter dated September 21, 2015, from the Comptroller of Maryland; a fax transmission to the Applicant attaching a letter dated September 14, 2015, with information regarding notification of the hearing date and the necessity to advertise; and an email dated September 29, 2015, from the Alcoholic Beverage Inspector stating the premises had been posted.

SUMMARY OF TESTIMONY

Ricardo Alberto Vanegas, Managing Member, and 25% shareholder of Vacam Enterprises, LLC, t/a El Hidalgo, was sworn and testified that he is asking to become the resident agent because he is not a U.S. Citizen. He stated that he has been the owner of the restaurant since they opened in 2009, and that they have never had any violations. Mr. Vanegas testified that he is a registered voter, and has lived in Howard County since 2001. Mr. Vanegas testified that he is at the restaurant 40 hours per week, and his wife is there approximately 18 hours per week. Mr. Vanegas testified that all three of his managers are alcohol awareness certified.

FINDINGS OF FACT

1. The Hearing Board finds that Ricardo Alberto Vanegas and Lilia Esmeralda Camacho, on behalf of Vacam Enterprises, LLC, t/a El Hidalgo, have applied for a resident agent change from Mark Regal to Ricardo Alberto Vanegas on the Class B Beer, Wine, and Liquor 7-day on-sale license for a 1,776 square foot restaurant with a 250 square foot outdoor patio located at 6060 Marshalee Drive, Elkridge, Maryland 21075.
2. The Hearing Board finds that the Applicants are fit and proper persons to hold an alcoholic beverage license.
3. The Hearing Board finds that Ricardo Alberto Vanegas has been a Howard County resident for more than two years, is a registered voter, and a 25% shareholder of Vacam Enterprises, LLC, t/a El Hidalgo.
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 Ricardo Alberto Vanegas and Lilia Esmeralda Camacho, on behalf of Vacam Enterprises, LLC, t/a El Hidalgo, have applied for a resident agent change from Mark Regal to Ricardo Alberto Vanegas on the Class B Beer, Wine, and Liquor 7-day on-sale license for a 1,776 square foot restaurant with a 250 square foot outdoor patio located at 6060 Marshalee Drive, Elkridge, Maryland 21075.

2. The Hearing Board concludes that the Applicants are fit and proper persons to hold an alcoholic beverage license.

3. The Hearing Board concludes that Ricardo Alberto Vanegas 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 9th day of December, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Ricardo Alberto Vanegas and Lilia Esmeralda Camacho, on behalf of Vacam Enterprises, LLC, t/a El Hidalgo, for a resident agent change from Mark Regal to Ricardo Alberto Vanegas on the Class B Beer, Wine, and Liquor 7-day on-sale license for a 1,776 square foot restaurant with a 250 square foot outdoor patio located at 6060 Marshalee Drive,

Elkridge, Maryland 21075, be and the same is hereby **GRANTED** subject to the following conditions:

1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicants obtain the license and comply with the following conditions:

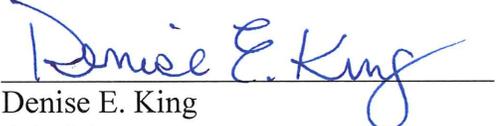
(a) That the Applicants comply with all State and County Rules and Regulations; and

(b) Failure to comply with these conditions and obtain the license by December 31, 2015, 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

Harry Evans, III, Vice-Chairperson

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


Charles C. Feaga, Member


Heather Gaetano, Member



Lewis Taylor, Esquire
Assistant County Solicitor



Charley C. Sung, Member