

IN THE MATTER OF THE * BEFORE THE ALCOHOLIC
APPLICATION OF CHANDRA PRASAD *
CHHANTYAL AND OMBAHADUR * BEVERAGE HEARING BOARD
TULACHAN ON BEHALF OF RUMA, *
INC., t/a CURRY & KABOB, INDO- * FOR
NEPALESE RESTAURANT, FOR A NEW *
CLASS B BEER, WINE AND LIQUOR * HOWARD COUNTY, MARYLAND
7-DAY ON-SALE LICENSE *

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 19, 2014, the Hearing Board heard the application of Chandra Prasad Chhantyal and Ombahadur Tulachan, ("Applicants"), on behalf of Ruma, Inc., t/a Curry & Kabob, Indo-Nepalese Restaurant, ("Ruma, Inc."), for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 2,366 square foot restaurant located at 10451 Twin Rivers Road, #132, Columbia, Maryland 21044. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by Kelcie L. Longaker, Esquire. There were no protestants who appeared in opposition to the application.

The following documents were presented to the Hearing Board and entered into the record: a letter dated November 20, 2013, from the Applicants' attorney addressing issues on the background investigation that were reported by the Alcoholic Beverage Inspector, and attaching the certificates of Award for the Applicants for the successful completion of the Alcohol Awareness Course, and the advertisements of the previously scheduled hearing; a letter dated October 14, 2013, from the Applicants' attorney enclosing the application for Ruma, Inc.; Corporate Charter Approval Sheet for Ruma, Inc; a copy of the Articles of Incorporation for Ruma, Inc.; a copy of the floor plan; a copy of the background investigation questionnaire from Chandra Prasad Chhantyal; a copy of the Certificate of Naturalization for Chandra Prasad Chhantyal; a copy of the background investigation questionnaire from Ombahadur Tulachan; a

copy of a Permanent Resident Card for Ombahadur Tulachan; a list of stock ownership for Ruma, Inc.; a memorandum dated January 3, 2014, from the Liquor Board to the Alcoholic Beverage Inspector, the Department of Inspections, Licenses and Permits, the Bureau of Environmental Health and the Department of Planning and Zoning; the background investigations for the Applicants from the Alcoholic Beverage Inspector dated November 19, 2013; an e-mail dated January 8, 2014, from the Department of Inspections, Licenses and Permits; a memorandum dated December 20, 2013, from the Department of Planning and Zoning; a memorandum dated January 8, 2014, from the Bureau of Environmental Health; an e-mail dated January 28, 2014, from the Office of the Fire Marshall; a letter dated January 3, 2014, to the Department of Finance; a letter dated January 17, 2014, from the Department of Finance; a letter dated January 3, 2014, to the Comptroller of Maryland; a letter dated January 13, 2014, from the Comptroller of Maryland; a fax transmission to the Applicants' attorney enclosing a letter dated December 20, 2013, with notification of the hearing date and the necessity to advertise; a memorandum dated January 10, 2014, from the Alcoholic Beverage Inspector stating the premises had been posted; and a letter dated January 27, 2104, from the Applicants' attorney enclosing the certificates of notices from the Howard County Times and the Baltimore Sun.

SUMMARY OF TESTIMONY

Chandra Chhantyal, 50% owner of Ruma, Inc., was sworn and testified that he has been a Howard County resident for two and a half years, is a registered voter and is alcohol awareness certified. Mr. Chhantyal testified that he has been in the United States for 19 years, and that he has been a citizen since 2004. Mr. Chhantyal testified that the restaurant has been open for nine months, and that he is there 12 hours per day, seven days per week. Mr. Chhantyal testified that his role is to operate the restaurant, and oversee the employees.

Mr. Chhantyal testified that there currently are six employees working at the restaurant, including him and his partner. Mr. Chhantyal testified that all of the employees that will be handling alcohol will be alcohol awareness certified. Mr. Chhantyal testified that all of his employees are given an alcohol service policy, and are required to read and sign the policy. He stated that he has extensive restaurant business experience.

Mr. Chhantyal testified that he and his wife were on an alcohol license in Baltimore County, which had a violation. Mr. Chhantyal testified that he failed to list the violation on the

background questionnaire because he thought the question referred to him personally committing the violation.

Ombahadur Tulachan, 50% owner of Ruma, Inc., was sworn and testified that he has prior restaurant experience. Mr. Tulachan testified that he and Mr. Chhantyal will be responsible for all operations in the restaurant, including the purchase and service of alcoholic beverages, and the hiring and firing of employees. Mr. Tulachan testified that he is familiar with the Board's Rules and Regulations.

Mr. Tulachan testified that the restaurant is a family style restaurant that offers Indian/Nepalese cuisine. The hours of operation are 10:00 A.M. to 10:00 P.M. Mr. Tulachan testified that the restaurant can seat 60 patrons. Mr. Tulachan testified that they have six employees, three of which are alcohol awareness certified. Mr. Tulachan testified that they require their employees to be at least 21 years old.

Mr. Tulachan testified that their patrons have been requesting alcoholic beverages to accompany their meals. Mr. Tulachan testified that they previously told their customers they could bring in their own alcoholic beverages, but that most customers preferred not to.

Richard Arnold, a current customer of Ruma, Inc., was sworn and testified that he has been a customer of Curry & Kabob since July 2013. Mr. Arnold testified that he enjoys Indian food, and found Curry & Kabob when he searched the internet for Indian restaurants. Mr. Arnold testified that he had a hard time finding the restaurant since it is located in Wilde Lake Village Center, which is under construction. Mr. Arnold testified that after eating at the restaurant, he feels it is the best Indian food he has ever had, and often eats there four times per week. Mr. Arnold testified that the owners are very friendly, and seem to be very conscientious.

The following Exhibits were entered into the record:

Exhibit #1 – the Alcoholic Beverage Service Policy for Ruma, Inc.

Exhibit #2 – a menu for Ruma, Inc.

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

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

FINDINGS OF FACT

1. The Hearing Board finds that Chandra Prasad Chhantyal and Ombahadur Tulahan on behalf of Ruma, Inc., t/a Curry & Kabob Indo-Nepalese Restaurant, have applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 2,366 square foot restaurant located at 10451 Twin Rivers Road, #132, Columbia, Maryland 21044.

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 Chandra Prasad Chhantyal has been a Howard County resident for more than two years, is a registered voter, and 50% owner of Ruma, Inc., t/a Curry & Kabob Indo-Nepalese Restaurant.

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 the application will not unduly disturb the peace and safety of the residents in the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Chandra Prasad Chhantyal and Ombahadur Tulahan on behalf of Ruma, Inc., t/a Curry & Kabob Indo-Nepalese Restaurant, have applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 2,366 square foot restaurant located at 10451 Twin Rivers Road, #132, Columbia, Maryland 21044.

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 Chandra Prasad Chhantyal meets the requirements of Rules 1.09(S), 1.09(T) 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

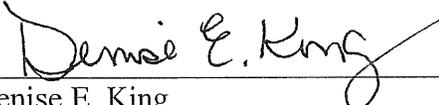
For the foregoing reasons, by a 4 to 0 vote, it is this 20th day of March, 2014, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that

the application of Chandra Prasad Chhantyal and Ombahadur Tulachan on behalf of Ruma, Inc., t/a Curry & Kabob Indo-Nepalese Restaurant, for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 2,366 square foot restaurant located at 10451 Twin Rivers Road, #132, Columbia, Maryland 21044, 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 before April 30, 2014, shall render this proposed Decision and Order null and void.

ATTEST:

**ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND**



Denise E. King
Administrator



Harry Evans, III, Chairperson



Mary Bird, Member

REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
MARGARET ANN NOLAN
COUNTY SOLICITOR

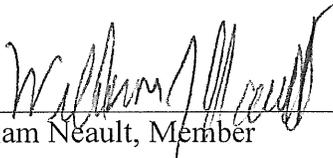


Charles C. Feaga, Member



Lewis Taylor, Esquire
Assistant County Solicitor

Lisa Lopez Friedman, Member



William Neault, Member