

PETITION TO FINE, SUSPEND, OR \* BEFORE THE ALCOHOLIC  
 REVOKE THE ALCOHOLIC \*  
 BEVERAGE LICENSE HELD BY \* BEVERAGE HEARING BOARD  
 MICHAEL HITT AND CHANCHAL \*  
 SINGH DHANDAL ON BEHALF OF \* FOR  
 MAHA KALI, INC., t/a LARK BROWN \*  
 LIQUORS \* HOWARD COUNTY, MARYLAND

\*\*\*\*\*

**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 February 25, 2014, 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 A-1 Beer, Wine, and Liquor 7-day off- sale license held by Michael Hitt and Chanchal Singh Dhandal, (“Licensees”), on behalf of Maha Kali, Inc., t/a Lark Brown Liquors, located at 6590-B Old Waterloo Road, Elkridge, Maryland 21075. The Petitioners were represented by David Moore, Senior Assistant County Solicitor. The Licensees were represented by Thomas M. Meachum, Esquire.

All the documents on file were incorporated in the record by reference. These include the following: a letter dated February 12, 2014, to the Licensees' attorney, from the Liquor Board Administrator, advising them of the rescheduled hearing date; a letter dated February 7, 2014, to the Alcoholic Beverage Hearing Board, requesting a postponement of the hearing; a letter dated January 15, 2014, to the Licensees' attorney, from the Liquor Board Administrator; advising them of the hearing date, and enclosing the Petition to Fine, Suspend, or Revoke the alcoholic beverage license for Maha Kali, Inc., t/a Lark Brown Liquors; and an email dated January 30, 2014, from the Alcoholic Beverage Inspector stating that the property had been posted.

## STIPULATIONS

The Licensees agreed to the following stipulations:

1. On or before May 1, 2013, the Licensees applied for and received a Class A-1 Beer, Wine, and Liquor 7-day off-sale license for Maha Kali, Inc., t/a Lark Brown Liquors, 6590-B Old Waterloo Road, Elkridge, Maryland 21075. Lark Brown Liquors is located in Howard County and is subject to the jurisdiction of the Board of License Commissioners for Howard County.
2. At all times relevant to these proceedings, the Licensees were responsible for the operation of Lark Brown Liquors, and responsible for ensuring compliance with all local and State laws concerning the distribution, sale and transfer of alcoholic beverages to members of the public.
3. On November 6, 2013, at 8:16 P.M., a 19 year old male cadet was sent into Lark Brown Liquors in an attempt to purchase an alcoholic beverage. He bought a six (6) pack of Bud Light beer bottles from the cashier, identified as Javed Iqbal. Mr. Iqbal conducted the transaction without checking the cadet's driver's license, which would have indicated that he was 19 years old.
4. The Licensees have committed the following violations:
  1. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
  2. Liquor Board Rule 5.01, and Annotated Code of Maryland, Article 2B Sec. 12-108 – Sale of Alcoholic Beverages to a Minor
  3. Liquor Board Rule 5.07 – Acts Contrary to Law

Detective Mark Baxter, Liquor Inspector, was sworn and testified that Lark Brown Liquors had been tested in the past, four times for underage sales, and failed three times. Detective Baxter testified that the Licensees were found guilty of multiple violations in 2009, including a sale to an underage person, and were issued a fine of \$750.00, and a two day suspension. They were found guilty of a sale to an underage person in 2012, and received a fine of \$1,460.00.

Detective Baxter testified that according to a Howard County Police incident report completed by retired Detective Martin Johnson, the previous Alcohol Beverage Inspector, Kumudben Patel was listed as Vice-President, and Chanchal Dhandal was listed as President, on the 2008 renewal application for Lark Brown Liquors.

Javed Iqbar, an employee of Lark Brown Liquors, was sworn and testified that he was working on the night of the incident, and that he sold beer to the underage cadet. Mr. Iqbar testified that he has 34 years of experience, and has never previously been involved with a violation. He stated that he is alcohol awareness certified.

Mr. Iqbar testified that on the night of the violation, he was working alone in the store. Mr. Iqbar testified that he was stocking in the back when the cadet came in. Mr. Iqbar testified that when a customer comes into the store, a bell rings.

Mr. Iqbar testified that he became aware that he had sold beer to the cadet after Detective Baxter came into the store and told him.

Mr. Iqbar testified that since the violation, he asks everyone for identification. If customers do not have a form of identification, they will not be able to purchase alcoholic beverages. Mr. Iqbar testified that he has become more alert, and now checks the photo identifications of customers, checks their date of birth, and uses the scanning machine. Mr. Iqbar testified that in the future he will lock the door to the store, if it is necessary to use the restroom or to stock shelves.

Michael Hitt, Licensee, was sworn and testified he is the resident agent, and that he has been going to the store three days per week for approximately 30 to 45 minutes at a time. Mr. Hitt testified that they normally have one to two employees in the store, and if it gets busy, they shift employees from the adjacent 7-11 to the liquor store.

Mr. Hitt testified that since the incident they have a mandatory policy which requires everyone to be carded. Mr. Hitt testified that when new employees are hired, they review the laws and rules and regulations with them. They are told that they need to ask for identification from everyone, because of the past issues. Mr. Hitt testified that if someone is not carded, the employee will be fired. Mr. Hitt testified that Mr. Chanchal reviews the store's video surveillance system to ensure compliance. Mr. Hitt testified that he will increase the amount of times that he visits the store.

Chanchal Dhandal, Licensee, was sworn and testified that now, everyone in the store is alcohol awareness certified. Mr. Dhandal testified that he has put more signs up in the store regarding the request for identification from customers. Mr. Dhandal testified that he has emphasized to the employees that they demand to see the customer's identification, and that they make sure the photo on the identification looks like the customer. Mr. Dhandal testified that

since the incident, he is in the store two times per day, and looks at the store video each night. Mr. Dhandal testified that if an employee does not ask for identification from a customer, they will be fired. Mr. Dhandal testified that Mr. Iqbar thought the customer was over 30, and that is why he sold him the beer.

Mr. Dhandal testified that the store has received a commendation letter from the Health Department for asking for identification before the sale of cigarettes.

Mr. Dhandal testified that they will create a written policy for employees requiring that all customers show their identification card. Mr. Dhandal testified that they will have two employees working during busy times, and that they will keep a log of when the resident agent is in the store.

The following Licensee Exhibits were entered into the record:

Exhibit #1 – (2) signs relating to identification card requirements

Exhibit #2 – a sign that is posted on the window regarding photo ID requirement

Exhibit #3 – a sign that is on the cooler door directing customers to area for soft drinks if they are under the age of 21

Exhibit #4 – a sign next to the cash register stating that they ask for identification

Exhibit #5 – alcohol awareness certification for Javed Iqbal, Chanchal Dhandal, Sandeep Singh, Harpreet Sidhu, and Michael Hitt

Exhibit #6 – a commendation letter to Licensees from the Howard County Health Department for not selling tobacco to minors

#### FINDINGS OF FACT

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

1. The Hearing Board finds that Michael Hitt and Chanchal Singh Dhandal are Licensees on behalf of Maha Kali, Inc., t/a Lark Brown Liquors, a Class A-1 Beer, Wine and Liquor 7-day off-sale license located at 6590-B Old Waterloo Road, Elkridge, Maryland 21075.
2. The Hearing Board finds that the Licensees have admitted to violating the following provisions of the Liquor Board Rules and Regulations:
  - a. Liquor Board Rule 4.04 – Compliance with Laws and Regulations

- b. Liquor Board Rule 5.01 - Sale of Alcoholic Beverages to a Minor, and Annotated Code of Maryland, Article 2B Sec. 12-108
  - c. Liquor Board Rule 5.07 – Acts Contrary to Law
- 3. The Hearing Board finds that the Licensees have violated the following provisions of the Liquor Board Rules and Regulations:
  - a. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
  - b. Liquor Board Rule 5.01 - Sale of Alcoholic Beverages to a Minor, and Annotated Code of Maryland, Article 2B Sec. 12-108
  - c. Liquor Board Rule 5.07 – Acts Contrary to Law
- 4. The Hearing Board finds that at least three previous sales to minors have occurred at Lark Brown Liquors.
- 5. The Hearing Board finds that it is not yet necessary to revoke the liquor license, but because of the serious nature of these offenses, and in order to ensure compliance with the law and Rules and Regulations, and to promote the peace and safety of the community, it is necessary to suspend the license for three consecutive weekends beginning in May, to include Friday, May 16, 2014, at 6:00 A.M. until Monday, May 19, 2014, at 6:00 A.M.; and Friday, May 23, 2014, at 6:00 A.M. until Monday, May 26, 2014, at 6:00 A.M.; and Friday, May 30, 2014, at 6:00 A.M. until Monday, June 2, 2014 at 6:00 A.M.; and to impose a fine in the amount of Two Thousand Five Hundred Dollars, (\$2,500.00), and a fee of Two Hundred Sixty Dollars (\$260.00) for the cost of the hearing as provided by Rule 7.05(B), for a total of Two Thousand Seven Hundred Sixty Dollars (\$2,760.00).

CONCLUSIONS OF LAW

- 1. The Hearing Board concludes that Michael Hitt and Chanchal Singh Dhandal are Licensees on behalf of Maha Kali, Inc., t/a Lark Brown Liquors, a Class A-1 Beer, Wine and Liquor 7-day off-sale license located at 6590-B Old Waterloo Road, Elkridge, Maryland 21075.
- 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 4.04 – Compliance with Laws and Regulations

b. Liquor Board Rule 5.01, and Annotated Code of Maryland, Article 2B Sec. 12-108 – Sale of Alcoholic Beverages to a Minor

c. Liquor Board Rule 5.07 – Acts Contrary to Law

3. The Hearing Board concludes that the Licensees have violated the following provisions of the Liquor Board Rules and Regulations:

a. Liquor Board Rule 4.04 – Compliance with Laws and Regulations

b. Liquor Board Rule 5.01 - Sale of Alcoholic Beverages to a Minor, and Annotated Code of Maryland, Article 2B Sec. 12-108

c. Liquor Board Rule 5.07 – Acts Contrary to Law

4. The Hearing Board concludes that it is not yet necessary to revoke the liquor license, but because of the serious nature of these offenses, and in order to ensure compliance with the law and Rules and Regulations, and to promote the peace and safety of the community, it is necessary to suspend the license for three consecutive weekends beginning in May, to include Friday, May 16, 2014, at 6:00 A.M. until Monday, May 19, 2014, at 6:00 A.M.; and Friday, May 23, 2014, at 6:00 A.M. until Monday, May 26, 2014, at 6:00 A.M.; and Friday, May 30, 2014, at 6:00 A.M. until Monday, June 2, 2014 at 6:00 A.M.; and to impose a fine in the amount of Two Thousand Five Hundred Dollars, (\$2,500.00), and a fee of Two Hundred Sixty Dollars (\$260.00) for the cost of the hearing as provided by Rule 7.05(B), for a total of Two Thousand Seven Hundred Sixty Dollars (\$2,760.00).

### ORDER

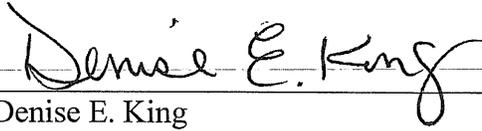
For the foregoing reasons, and upon finding a violation of Article 2B § 12-108 of the Annotated Code of Maryland, and Rules 4.04, 5.07, and 5.01 of the Liquor Board's Rules and Regulations, it is this 2<sup>nd</sup> day of May, 2014, by the Alcoholic Beverage Hearing Board for Howard County, Maryland, **ORDERED:**

That a **SUSPENSION** for three consecutive weekends beginning in May, to include **Friday, May 16, 2014, at 6:00 A.M. until Monday, May 19, 2014, at 6:00 A.M.; and Friday, May 23, 2014, at 6:00 A.M. until Monday, May 26, 2014, at 6:00 A.M.; and Friday, May 30, 2014, at 6:00 A.M. until Monday, June 2, 2014 at 6:00 A.M.**; and to impose a **FINE** in the amount of **Two Thousand Five Hundred Dollars, (\$2,500.00)**, for violation of Article 2B § 12-108, and

Rules 4.04, 5.07, and 5.01 of the Liquor Board Rules and Regulations, and a **Fee of Two Hundred Sixty Dollars (\$260.00)**, for a total of **Two Thousand Seven Hundred Sixty Dollars (\$2,760.00)**, is **HEREBY IMPOSED** upon Michael Hitt and Chanchal Singh Dhandal on behalf of Maha Kali, Inc., t/a Lark Brown Liquors, a Class A-1 Beer, Wine and Liquor 7-day off-sale license located at 6590-B Old Waterloo Road, Elkridge, Maryland, and **THE FINE SHALL BE PAID NO LATER THAN May 16, 2014.**

ATTEST:

ALCOHOLIC BEVERAGE HEARING  
BOARD OF HOWARD COUNTY,  
MARYLAND



Denise E. King  
Administrator



Harry Evans, III, Chairperson



Charles C. Feaga, Vice-Chairperson

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



Mary Bird, Member

William Neault, Member



Lewis Taylor, Esquire  
Assistant County Solicitor

ABSENT

Lisa Lopez Friedman, 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.