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| IN THE MATTER OF THE | * | BEFORE THE ALCOHOLIC |
| APPLICATION OF RAJ KUMAR ON | * | |
| BEHALF OF CREST ENTERPRISES, | * | BEVERAGE HEARING BOARD |
| INC., t/a PAZANI RESTAURANT, FOR A | * | |
| TRANSFER OF A CLASS B BEER, | * | FOR |
| WINE, AND LIQUOR 7-DAY ON-SALE | * | |
| LICENSE | * | HOWARD COUNTY, MARYLAND |
| | * | |
| | * | Case No. 16-08 |
| | * | |

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 January 19, 2016, the Hearing Board heard the application of Raj Kumar (“Applicant”), on behalf of Crest Enterprises, Inc., t/a Pazani Restaurant (“Crest Enterprises, Inc.”), for a transfer from Pasta Blitz of Lyndwood, Inc., t/a Pazani, in the names of Morris A. Weil, Kristen Scotto DiFrega, and Antonio Scotto DiFrega for a 2,320 square foot restaurant located at 6060 Marshalee Drive, Elkrigde, Maryland 21075. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicant was represented by Melvin J. Kodenski, 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 October 9, 2015, from the attorney for the Applicant enclosing the application; a copy of the floor plan; a list of stockholders for Crest Enterprises, Inc.; a list of officers for Crest Enterprises, Inc., a copy of an online search of

the Department of Assessments and Taxation for Crest Enterprises, Inc.; a copy of the Corporate Charter Approval Sheet for Crest Enterprises, Inc.; a copy of the Articles of Incorporation for Crest Enterprises, Inc.; a copy of the Applicant Card Receipt for fingerprinting of the Applicant; a copy of the background questionnaire for the Applicant; a copy of the Maryland driver's license for Raj Kumar; an email dated October 15, 2015, from the attorney for the Applicant attaching a copy of the United States Passport for the Applicant; a copy of the Alcohol Awareness certificate for the Applicant; a memorandum dated December 7, 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 the Office of the Fire Marshal; the background investigation of the Applicant by the Alcoholic Beverage Inspector dated December 9, 2015; a memorandum dated December 10, 2015, from the Department of Planning and Zoning; a letter dated December 15, 2015, from the Office of the Fire Marshal; a memorandum dated December 2, 2015, from the Bureau of Environmental Health; a letter dated December 7, 2015, to the Department of Finance; a letter from the Department of Finance; a letter dated December 7, 2015, to the Comptroller of Maryland; an email dated December 9, 2015, from the Administrator to the Liquor Board; a letter dated December 8, 2015, from the Comptroller of Maryland; a fax transmission to the attorney for the Applicant enclosing a letter dated December 16, 2015, with notification of the hearing date and the necessity to advertise; an email dated December 18, 2015, from the Alcoholic Beverage Inspector stating the premises had been posted.

SUMMARY OF TESTIMONY

Melvin J. Kodenski, attorney for the Applicant, stated that Mr. Kumar is requesting a transfer of the Class B license benefiting Pazani Restaurant, and that there will not be any

changes to the current restaurant's operation. Mr. Kodenski stated that the Applicant will continue to employ the current four to five employees. Mr. Kodenski stated the restaurant can seat 60 customers, and that they do not have a bar.

Mr. Kodenski stated that Mr. Kumar is familiar with the restaurant business, and that he had an Italian restaurant in New York from 1994 to 1997. Mr. Kodenski stated that Mr. Kumar never had any violations.

Raj Kumar, President, Secretary, Treasurer, and 100% shareholder of Crest Enterprises, Inc., was sworn and testified that he has lived in Howard County for three years, is a registered voter, and is alcohol awareness certified. Mr. Kumar testified that he will be the owner/operator of Pazani Restaurant, and will be there all the time. He stated that the previous owner will continue to assist him. Mr. Kumar testified that the hours of operation are 11:00 A.M. to 11:00 P.M. Mr. Kumar stated that the restaurant he ran in New York, had a full bar, and never had any violations.

The following Exhibits were entered into the record:

Exhibit #1 – A google map, 2 aerial photographs of the area, and 4 photographs of the exterior of Pazani Restaurant

Exhibit #2 – A menu

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 Raj Kumar on behalf of Crest Enterprises, Inc., t/a Pazani Restaurant, has applied for a transfer of a Class B license held by Morris A. Weil, Kristen Scotto DiFrega, and Antonio Scotto DiFrega on behalf of Pasta Blitz of Lyndwood, Inc., t/a Pazani, for a 2,320 square foot restaurant located at 6060 Marshalee Drive, Elkridge, Maryland 21075.

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 Raj Kumar has been a Howard County resident for more than two years, is a registered voter, and a 100% shareholder of Crest Enterprises, Inc., t/a Pazani 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 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 Raj Kumar on behalf of Crest Enterprises, Inc., t/a Pazani Restaurant, has applied for a transfer of a Class B license held by Morris A. Weil, Kristen Scotto DiFrega, and Antonio Scotto DiFrega on behalf of Pasta Blitz of Lyndwood, Inc., t/a Pazani, for a 2,320 square foot restaurant located at 6060 Marshalee Drive, Elkridge, Maryland 21075.

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 Raj Kumar 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.

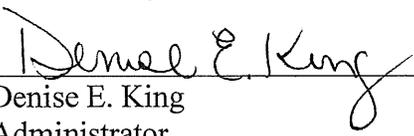
ORDER

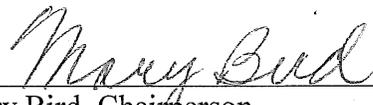
For the foregoing reasons, it is this ~~14th~~ day of March, 2016, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Raj Kumar, on behalf of Crest Enterprises, Inc., t/a Pazani, for a transfer of a Class B 7-day BWL on-sale license held by from Morris A. Weil, Kristen Scotto DiFrega, and Antonio Scotto DiFrega on behalf of Pasta Blitz of Lyndwood, Inc., t/a Pazani, for a 2,320 square foot restaurant 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 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:

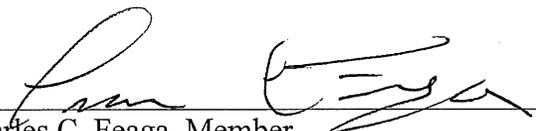
ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND


Denise E. King
Administrator

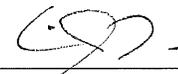

Mary Bird, Chairperson

ABSENT
Harry Evans, III, Vice-Chairperson

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


Charles C. Feaga, Member


Heather Gaetano, Member


Lewis Taylor, Esquire
Assistant County Solicitor

ABSENT
Charley C. Sung, Member