

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF CHITRANG SHAH	*	
AND BHARAT JANI ON BEHALF OF	*	BEVERAGE HEARING BOARD
SHIVOHAM, INC., t/a HIGHLAND WINE	*	
& SPIRITS FOR A CLASS A-1 BEER,	*	FOR
WINE, AND LIQUOR 7-DAY OFF-SALE	*	
LICENSE	*	HOWARD COUNTY, MARYLAND
	*	
	*	Case No.: 16-27
	*	

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 June 14, 2016, the Hearing Board heard the application of Chitrang Shah and Bharat Jani (the “Applicants”), on behalf of Shivoam, Inc., t/a Highland Wine & Spirits (“Shivoam, Inc.”), for a resident agent change from Michelle Buccheri to Chitrang Shah on the Class A-1 Beer, Wine, and Liquor, 7-day off-sale license for a 2,300 square foot package goods store located at 13390 Clarksville Pike, Clarksville, Maryland 20777. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by Katherine L. Taylor, P.A. 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: an email dated May 24, 2016, from the attorney for the Applicants to the Liquor

Board Administrator advising that she would be representing the Applicants; a copy of the application; a copy of the Articles of Incorporation of Shivoham, Inc.; a copy of the minutes of meeting of stockholders of Shivoham, Inc.; copies of the background investigation questionnaires for the Applicants; a copy of the Certificate of Naturalization for Chitrang Shah; a copy of the certificate for completion of the alcohol awareness course for Chitrang Shah; a letter dated March 14, 2016, from John S. Murray, Certified Trainer of an alcohol awareness course, confirming the successful completion of the course by Chitrang Shah; a memorandum dated May 11, 2016, from the Liquor Board Administrator to the Alcohol 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 investigations of the Applicants by the Alcohol Beverage Inspector, dated June 1, 2016; a memorandum dated May 24, 2016, from the Office of the Fire Marshal; a memorandum dated May 26, 2016, from the Department of Planning and Zoning; a letter dated May 11, 2016, to the Department of Finance; a letter from the Department of Finance; a letter dated May 11, 2016, to the Comptroller of the Treasury; a letter dated May 19, 2016, from the Comptroller of the Treasury; a facsimile transmission dated May 12, 2016, from the Liquor Board Administrator to the attorney for the Applicants enclosing a letter dated May 11, 2016, with notification of the hearing date and the necessity to advertise; the certificates of notice of public hearing from the Howard County Times and the Baltimore Sun; and an e-mail dated May 31, 2016, from the Alcoholic Beverage Inspector stating the premises had been posted.

SUMMARY OF TESTIMONY

Bharat Jani, President and 90% shareholder for Shivoham, Inc., t/a Highland Wine & Spirits, was sworn and testified that he has been a licensee since 2010, that he is alcohol awareness certified, and that during his ownership, there have not been any violations. Mr. Jani testified that in 2007 and 2008, he was employed at a convenience store; from 2008 to 2010, he was employed by the Hampton Inn; and in 2010, he purchased Highland Wine & Spirits.

Mr. Jani testified that Highland Wine & Spirits is a community based store, and that he was there approximately one year before he figured out what the community wanted, regarding products. Mr. Jani testified that he has received compliments from his customers.

Mr. Jani testified that he is at the store at least six days per week. The hours of operation are Monday through Thursday, 10:00 A.M. to 9:00 P.M., Friday and Saturday, 10:00 A.M. to 10:00 P.M., and Sunday 11:00 A.M. to 6:00 P.M. Mr. Jani testified that he has two other employees, and that it is his policy that everyone in the store has to be alcohol awareness certified. With regards to his traffic violations, Mr. Jani testified that when applying for his license in 2010 his attorney advised him that he did not need to list his speeding tickets and he thought he did not need to. Mr. Jani testified that it was a misunderstanding on his part, and that he was not trying to hide anything by not putting the violations on his background questionnaire.

Mr. Jani testified that he is familiar with the Board's Rules and Regulations, and that he will abide by them.

Mr. Jani testified that he received two commendation letters dated November 5, 2015, and April 7, 2016, from the Department of Health and Mental Hygiene.

Chitrang Shah, Vice President/Treasurer of Shivoham, Inc., t/a Highland Wine & Spirits, was sworn and testified that he has been a resident of Howard County since 2005, that he is a registered voter, and has taken an alcohol awareness course. Mr. Shah testified that he met Mr. Jani through his wife and her family. Mr. Shah testified that he has known Mr. Jani since 2003. Mr. Shah testified that he plans to visit the store at least once per week, and that the location is close to both his home, and his current employment. Mr. Shah testified that he has read the Board's Rules and Regulations, and understands them.

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

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

FINDINGS OF FACT

1. The Hearing Board finds that Chitrang Shah and Bharat Jani on behalf of Shivoham, Inc., t/a Highland Wine & Spirits, have applied for a resident agent change from Michelle Buccheri to Chitrang Shah on the Class A-1 Beer, Wine, and Liquor, 7-day off-sale license for a 2,300 square foot package goods store located at 13390 Clarksville Pike, Clarksville, Maryland 20777.
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 Chitrang Shah has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Shivoham, Inc., t/a Highland 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 of the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Chitrang Shah and Bharat Jani on behalf of Shivoham, Inc., t/a Highland Wine & Spirits, have applied for a resident agent change from Michelle Buccheri to Chitrang Shah on the Class A-1 Beer, Wine, and Liquor, 7-day off-sale license for a 2,300 square foot package goods store located at 13390 Clarksville Pike, Clarksville, Maryland 20777.

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 Chitrang Shah 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 this application would not unduly disturb the peace and safety of the neighborhood.

ORDER

For the foregoing reasons, it is this 12th day of July, 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Chitrang Shah

and Bharat Jani on behalf of Shivoham, Inc., t/a Highland Wine & Spirits, for a resident agent change from Michelle Buccheri to Chitrang Shah on the Class A-1 Beer, Wine, and Liquor, 7-day off-sale license for a 2,300 square foot package goods store located at 13390 Clarksville Pike, Clarksville, Maryland 20777, 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 July 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

ABSENT
Mary Bird, Chairperson



Heather Gaetano, Vice-Chairperson

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



Harry Evans, III, Member



Charles C. Feaga, Member



Lewis Taylor, Esquire
Assistant County Solicitor

ABSENT
Charley C. Sung, Member