

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF TERRENCE	*	
HAMILTON SWEENEY AND	*	BEVERAGE HEARING BOARD
DASHRATHBHAI AMRATLAL PATEL	*	
ON BEHALF OF AYUSHI, LLC, t/a	*	FOR
103 WINE & SPIRITS, FOR A TRANSFER*		
OF A CLASS A-1 BEER, WINE AND	*	HOWARD COUNTY, MARYLAND
LIQUOR 7-DAY OFF 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 May 13, 2014, the Hearing Board heard the application of Terrence Hamilton Sweeney and Dashrathbhai Amratlal Patel (“Applicants”), on behalf of Ayushi, LLC, t/a 103 Wine & Spirits (“Ayushi, LLC”), for a transfer of a Class A-1 Beer, Wine, and Liquor 7-day off-sale license currently held by Nisha Chiraq Patel on behalf of Niarka, Inc., t/a 103 Wine & Spirits, for a 1,900 square foot package goods store located at 6010 Meadow Center Drive, Elkridge, Maryland 21075. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by Katherine L. Taylor, Esquire. There were no protestants who appeared in opposition to the application.

All the documents on file are incorporated herein by reference. These include the following: a letter dated May 7, 2014, from the Applicants’ attorney, explaining the differences in the spelling of the name of Dashrathbai Patel; a copy of the Articles of Amendment of Ayushi, LLC, dated May 8, 2014; an email dated April 30, 2014, from the Applicants’ attorney, explaining spelling discrepancies on the application; the application for Ayushi, LLC; a copy of the Articles of Organization for Ayushi, LLC; the Bulk Transfer Permit for Ayushi, LLC; a copy of the floor plan, a list of ownership interests of Ayushi, LLC; the background questionnaire from Terrence Hamilton Sweeney; voter information for Terrence Hamilton Sweeney; a copy of the Maryland driver’s license for Terrence Hamilton Sweeney; a Certificate of Live Birth from

the District of Columbia Department of Health for Terrence Hamilton Sweeney; a copy of a receipt and a criminal history record check from the Department of Public Safety and Correctional Services Information Technology & Communications Division Criminal Justice Information System – Central Repository for Terrence Hamilton Sweeney; a copy of alcohol awareness certification from ServSafe for Terrence Sweeney; the background questionnaire from Dashrathbhai Amratlal Patel; a copy of the Maryland driver's record for Dashrathbhai Patel; a copy of the Permanent Resident Card for Dashrathbhai Patel; a copy of a receipt and a criminal history record check from the Department of Public Safety and Correctional Services Information Technology & Communications Division Criminal Justice Information System – Central Repository for Dashrathbhai Patel; a copy of the certification of alcohol awareness for Dashrathbhai Patel; a memorandum dated April 1, 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 of the Applicants by the Alcoholic Beverage Inspector dated May 6, 2014; a memorandum dated April 18, 2014, from the Office of the Fire Marshal; a letter dated March 14, 2014, to the Department of Finance; a letter dated March 14, 2014, to the Comptroller of Maryland; a letter dated April 2, 2014, from the Comptroller of Maryland; a fax transmission to the Applicants' attorney enclosing a letter dated April 1, 2014, with notification of the hearing date and the necessity to advertise; a memorandum dated April 24, 2014, from the Alcoholic Beverage Inspector stating the premises had been posted

SUMMARY OF TESTIMONY

Dashrathbhai Patel, 90% owner of Ayushi, Inc., was sworn and testified that he worked for Canopy Liquors for eight years, and there were no violations based on his own actions. Mr. Patel testified that he decided to buy a store for himself. Mr. Patel testified that he will not change the store's operation. He will have two employees, besides himself, one full-time, and one part-time. Mr. Patel testified that all of the employees will be alcohol awareness certified.

Mr. Patel testified that he has met with Martin Johnson four to five times to prepare the store's policy and procedures manual. Mr. Patel testified that they plan to ask anyone who appears to be under the age of 40 for identification.

Mr. Patel testified that he will be working at the store seven days per week. The store will be open 10-10 Monday through Saturday and 10-8 on Sunday. Mr. Patel testified that he is familiar with the Liquor Board's Rules and Regulations, and that he understands his responsibility as a licensee.

Mr. Patel testified that he was arrested for driving under the influence of alcohol in 2011. Mr. Patel testified that since that time, he no longer drinks alcoholic beverages.

Terrence Hamilton Sweeney, 10% owner of Ayushi, Inc., was sworn and testified that he has lived in Howard County for five years, and has been employed with Toby's Dinner Theatre since 1985. Mr. Sweeney testified that he has been an actor, singer, dancer, host, production manager and server at Toby's. Mr. Sweeney testified that he also worked at The Melting Pot for two years as a server, where he met Mr. Patel. Mr. Sweeney testified that he has never been involved with a violation.

Mr. Sweeney testified that he twice met with Martin Johnson, who instructed him on the responsibilities of being a licensee. Mr. Sweeney testified that they will be asking anyone appearing to be under the age of 40 for identification, and if in doubt, will card everyone. Mr. Sweeney testified that he will have the employees read and sign the store's policies. Mr. Sweeney testified that he understands his responsibility as a licensee.

Mr. Sweeney testified that he plans to go into the store once per week in the beginning, and once per month after they get established. Mr. Sweeney testified that he plans to go in the store unannounced and that he will use a checklist. He stated that during his first visit, Martin Johnson will accompany him.

Mr. Sweeney testified that he does not feel that the operation of the store will affect the peace and safety of the neighborhood. He stated that Mr. Patel is a good man who will work to build a store that will serve the local community.

There were several persons who were at the hearing in support of the application. They did not testify.

The following exhibits were entered into the record:

Exhibit #1 – certification of advertisement from Patuxent Publishing and The Baltimore Sun

Exhibit #2 – a Google map

Exhibit #3 – the policies and procedures for 103 Wine & Spirits

Exhibit #4 – notices that will be placed in 103 Wine & Spirits

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

FINDINGS OF FACT

1. The Hearing Board finds that Terrence Hamilton Sweeney and Dashrathbhai Amratlal Patel, on behalf of Ayushi, LLC, t/a 103 Wine & Spirits, have applied for a transfer of a Class A-1 Beer, Wine, and Liquor 7-day off-sale license currently held by Nisha Chiraq Patel on behalf of Niarka, Inc., t/a 103 Wine & Spirits, for a 1,900 square foot package good store located at 6010 Meadow Center Drive, Elkridge, MD 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 Terrence Hamilton Sweeney has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Ayushi, LLC.

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 Terrence Hamilton Sweeney and Dashrathbhai Amratlal Patel, on behalf of Ayushi, LLC, t/a 103 Wine & Spirits, have applied for a transfer of a Class A-1 Beer, Wine, and Liquor 7-day off-sale license currently held by Nisha Chiraq Patel on behalf of Niarka, Inc., t/a 103 Wine & Spirits, for a 1,900 square foot package good store located at 6010 Meadow Center Drive, Elkridge, MD 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 Terrence Hamilton Sweeney 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

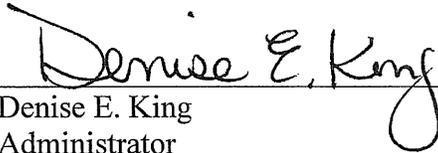
For the foregoing reasons, it is this 10th day of June, 2014, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Terrence Hamilton Sweeney and Dashrathbhai Amratlal Patel, on behalf of Ayushi, LLC, t/a 103 Wine & Spirits, for a transfer of a Class A-1 Beer, Wine, and Liquor 7-day off-sale license currently held by Nisha Chiraq Patel on behalf of Niarka, Inc., t/a 103 Wine & Spirits, for a 1,900 square foot package good store located at 6010 Meadow Center Drive, Elkridge, MD 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 July 31, 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

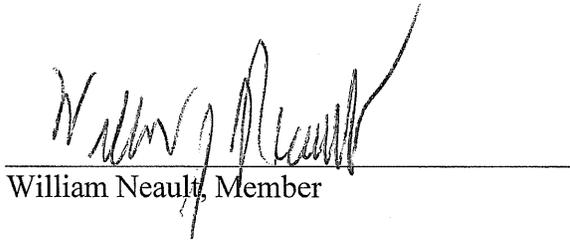


Charles C. Feaga, Vice-Chairperson

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



Mary Bird, Member



William Neault, Member



Lewis Taylor, Esquire
Assistant County Solicitor