

PETITION TO FINE, SUSPEND, OR * BEFORE THE ALCOHOLIC
 REVOKE THE ALCOHOLIC *
 BEVERAGE LICENSE OF PATRICK * BEVERAGE HEARING BOARD
 RYAN CATES ON BEHALF OF PISCO *
 OF COLUMBIA, INC., t/a PISCO * FOR
 PERUVIAN CUISINE & CEVICHE BAR *
 * HOWARD COUNTY, MARYLAND
 *
 * Case No.: 16-59-V

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 April 5, 2016 and November 15, 2016, 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 B Beer, Wine, and Liquor 7-day on-sale license of Patrick Ryan Cates (“Licensee”), held on behalf of Pisco of Columbia, Inc., t/a Pisco Peruvian Cuisine & Ceviche Bar, located at 6630 Marie Curie Drive, Suite L, Elkridge, Maryland 21075. The Licensee was notified as required by law, but failed to appear at the April 5, 2016 hearing where evidence was presented supporting the allegations of the Petition. The Licensee was subsequently subpoenaed by the Board and appeared at the November 25, 2016 hearing, where he was represented by Kelcie L. Longaker, Esquire.

The following documents on file were incorporated into the record by reference. These include the following: a letter dated February 23, 2016, from the Liquor Board Administrator

to the Licensee, advising of the hearing date of April 5, 2016, and enclosing the Petition to Fine, Suspend, or Revoke the alcoholic beverage license for Pisco of Columbia, Inc., t/a Pisco Peruvian Cuisine & Ceviche Bar; an email dated March 27, 2016, from the Alcoholic Beverage Inspector stating the property had been posted; a Witness Summons from the Hearing Board to the Licensee dated August 29, 2016 directing the Licensee to appear before the Board on September 13, 2016 and enclosing the Petition to Fine, Suspend, or Revoke the alcoholic beverage license issued on behalf of Pisco of Columbia, Inc., t/a Pisco Peruvian Cuisine & Ceviche Bar; a letter dated September 13, 2016, from the attorney for the Licensee requesting a postponement of the September 13, 2016 hearing; and a letter dated September 29, 2016, from the Liquor Board Administrator to the attorney for the Licensee, advising of the hearing date of November 15, 2016.

SUMMARY OF TESTIMONY

On April 5, 2016, the Hearing Board heard the Petition. No one appeared on behalf of the Licensee. Detective Mark Baxter, Alcoholic Beverage Inspector, was sworn and testified as to the allegations of the Petition, which was incorporated into the record as his testimony.

The following Petitioner's Exhibit was entered into the record:

Exhibit #1 – a photograph taken December 22, 2015, of an eviction notice on the premises of 6630 Marie Curie Drive, Suite L, Elkridge, Maryland 21075

The hearing was continued so that attempts could be made to have the Licensee appear. On November 15, 2016, the Hearing Board recalled the case.

STIPULATIONS

Kelcie L. Longaker, Esquire, attorney for Patrick Ryan Cates on behalf of Pisco of Columbia, Inc., t/a Pisco Peruvian Cuisine & Ceviche Bar, responded to the Petition to Fine,

Suspend, or Revoke his alcoholic beverage license and proffered that the Licensee stipulates to the allegations listed in the Petition, including the following:

1. That the Licensee was at all times relevant to the Petition responsible for the operation of Pisco of Columbia, Inc., t/a Pisco Peruvian Cuisine & Ceviche Bar, including compliance with all alcoholic beverages laws;
2. That on or before November 24, 2015, Pisco closed;
3. That no one notified the Liquor Board that the establishment had closed;
4. That Pisco of Columbia, Inc., t/a Pisco Peruvian Cuisine & Ceviche Bar, was evicted from the licensed premises on December 8, 2015; and
5. That the Licensee violated Liquor Board Rules 4.02(A), 4.02(B), and 4.04.

Patrick Ryan Cates, was sworn and testified that he did not attend the April 5, 2016 hearing, because he did not receive notice of the hearing. Mr. Cates testified that he was not aware of the Petition until he was served the Witness Summons by the Sheriff's Department. Mr. Cates testified that after the business closed in April, he moved back to his parents' house.

Mr. Cates testified that the business was not going well, and he was having problems keeping up with the rent. Mr. Cates testified that he met with the landlord to make arrangements to change things, but found out three weeks later that he was evicted. Mr. Cates testified that he was not sued by, nor did he receive any correspondence from the landlord. Mr. Cates testified that the landlord confiscated the inventory of the restaurant.

Mr. Cates testified that he was the sole owner of the restaurant, and that only his name was on the lease. Mr. Cates testified that he only used Mr. Luigi Palma Esposito for advice, and for the loan. Mr. Cates testified that he used to be the district manager at Facci's, which is owned by Mr. Esposito.

Mr. Cates testified that he had a promissory note with Mr. Esposito, for \$480,000. Mr. Cates testified that his payments were \$5,091.14 per month, and that he made approximately eight to nine payments. Mr. Cates testified that the balance of the note was forgiven by Mr. Esposito, after he was evicted.

Mr. Cates testified that the rent was \$20,000 per month, and that the bi-weekly payroll was \$10,000. He stated that he thought his lawyer would inform the Board that the establishment had closed.

Mr. Cates testified that he would have come to the hearing of April 5, 2016, if he had received the notification letter.

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 Patrick Ryan Cates was a Licensee on behalf of Pisco of Columbia, Inc., t/a Pisco Peruvian Cuisine & Ceviche Bar, a Class B Beer, Wine, and Liquor 7-day on-sale license located at 6630 Marie Curie Drive, Suite L, Elkridge, Maryland 21043.
2. The Hearing Board finds that Patrick Ryan Cates has stipulated to violations of Liquor Board Rules 4.02(A), 4.02(B), and 4.04.
3. The Hearing Board finds that Mr. Cates vacated and was subsequently evicted from the licensed premises for Pisco of Columbia, Inc., t/a Pisco Peruvian Cuisine & Ceviche Bar and did notify the Liquor Board.
4. The Hearing Board finds that Patrick Ryan Cates has violated Liquor Board Rules 4.02(A), 4.02(B), and 4.04.

5. The Hearing Board finds that by operation of law, pursuant to Liquor Board Rule 4.02(B) and § 4-702(b) of the Alcoholic Beverages Article, the Class B Beer, Wine, and Liquor 7-day on-sale license of Patrick Ryan Cates, held on behalf of Pisco of Columbia, Inc., t/a Pisco Peruvian Cuisine & Ceviche Bar, located at 6630 Marie Curie Drive, Suite L, Elkridge, Maryland 21075, expired on or before December 18, 2015.
6. The Hearing Board finds that in order to ensure compliance with the law and Rules and Regulations, it is necessary to impose a fine on the Licensee in the amount of One Hundred Dollars, (\$100.00), 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 Three Hundred Sixty Dollars (\$360.00).

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Patrick Ryan Cates was a Licensee on behalf of Pisco of Columbia, Inc., t/a Pisco Peruvian Cuisine & Ceviche Bar, a Class B Beer, Wine, and Liquor 7-day on-sale license located at 6630 Marie Curie Drive, Suite L, Elkridge, Maryland 21043.
2. The Hearing Board concludes that the Licensee has violated Rules 4.02(A), 4.02(B), and 4.04 of the Liquor Board's Rules and Regulations.
3. The Hearing Board concludes that the Class B Beer, Wine, and Liquor 7-day on-sale license held by Patrick Ryan Cates on behalf of Pisco of Columbia, Inc., t/a Pisco Peruvian Cuisine & Ceviche Bar, expired on or before December 18, 2015.
4. The Hearing Board concludes that in order to ensure compliance with the law and Rules and Regulations, it is necessary to impose a fine in the amount of One Hundred Dollars, (\$100.00), 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 Three Hundred Sixty Dollars (\$360.00).

ORDER

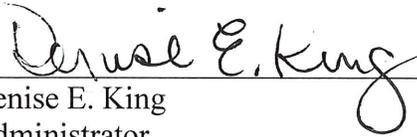
For the foregoing reasons, and upon finding a violation of Rules 4.02(A), 4.02(B), and 4.04 of the Liquor Board's Rules and Regulations, it is this 23rd day of December, 2016, by the Alcoholic Beverage Hearing Board for Howard County, Maryland, **ORDERED:**

1. That a **FINE** in the amount of **One Hundred Dollars, (\$100.00)**, for violation of Rules 4.02(A), 4.02(B), and 4.04 of the Liquor Board's Rules and Regulations, and a **Fee of Two Hundred Sixty Dollars (\$260.00)**, for a total of **Three Hundred Sixty Dollars (\$360.00)**, is **HEREBY IMPOSED** upon Patrick Ryan Cates, Licensee on behalf of Pisco of Columbia, Inc., ta/ Pisco Peruvian Cuisine & Ceviche Bar, a Class B Beer, Wine, and Liquor 7-day on-sale license located at 6630 Marie Curie Drive, Suite L, Elkridge, Maryland 21075, and **SHALL BE PAID NO LATER THAN FEBRUARY 28, 2017;**
and
2. That the Class B Beer, Wine, and Liquor 7-day on-sale license held by Patrick Ryan Cates on behalf of Pisco of Columbia, Inc., t/a Pisco Peruvian Cuisine & Ceviche Bar, expired on or before December 18, 2015.

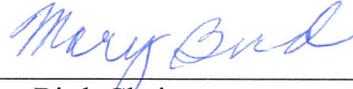
ATTEST:

ALCOHOLIC BEVERAGE HEARING

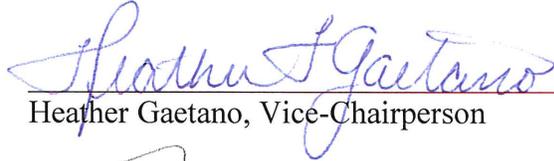
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator

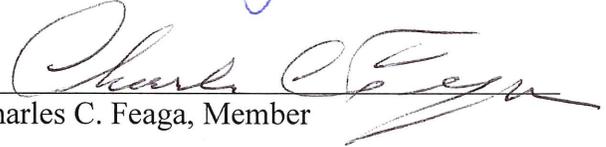


Mary Bird, Chairperson



Heather Gaetano, Vice-Chairperson

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



Charles C. Feaga, Member

Did Not Participate
Gene Ryan, Member



Lewis Taylor, Esquire
Assistant County Solicitor

Charley S. Sung, 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.