

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF KANISHABEN	*	
KAUSHALKUMAR PATEL ON BEHALF	*	BEVERAGE HEARING BOARD
OF OMH MAHAKALESHTVAR	*	
CORPORATION, t/a MAPLE LAWN	*	FOR
WINE & SPIRITS, FOR A TRANSFER,	*	
CHANGE OF LOCATION, AND AN	*	HOWARD COUNTY,
EXTENSION OF PREMISES FOR A	*	
CLASS A-1 BEER, WINE, AND LIQUOR	*	MARYLAND
7 DAY OFF-SALE LICENSE	*	
	*	Case No. 17-09
	*	

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 February 14, 2017, the Hearing Board heard the application of Kanishaben Kaushalkumar Patel (the “Applicant”), on behalf of OMH Mahakaleshtvar Corporation, t/a Maple Lawn Wine & Spirits (“OMH Mahakaleshtvar Corporation”), for a transfer, change of location, and extension of premises from a Class A-1 Beer, Wine, and Liquor 7-day off-sale license held by Virenkumar Patel on behalf of Sai Shubh, LLC, t/a I.M. Wine, for a 2,339 square foot package goods store located at 8180 Maple Lawn Boulevard – Suite G, Fulton, Maryland 20759, to a Class A-1 Beer, Wine, and Liquor 7-day off-sale license for a 3,370 square foot package goods store located at 11815 West Market Place Suite A, Fulton, MD 20759. The hearing was properly advertised

pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicant was represented by Katherine Taylor, 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: the application; a copy of the floor plan; a background questionnaire for the Applicant; a Certificate of Naturalization for the Applicant; a copy of the receipt from the Department of Public Safety and Correctional Services; a voter verification sheet from the Maryland State Board of Elections for Kanishaben Kaushalkumar Patel; a list of shareholders for OMH Mahakaleshvar Corporation; a copy of the Articles of Incorporation for OMH Mahakaleshvar Corporation; a copy of the Informal Organizational Action of the Board of Directors for OMH Mahakaleshvar Corporation, dated August 12, 2016; a copy of the Shareholder Resolution for OMH Mahakaleshvar Corporation; a copy of a memorandum dated January 4, 2017, from the Liquor Board 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 investigation of the Applicant by the Alcohol Beverage Inspector, dated February 3, 2017; a memorandum dated February 10, 2017, from the Department of Planning and Zoning; a letter dated January 17, 2017, from the Office of the Fire Marshal; an email dated January 11, 2017, from the Department of Inspections, Licenses and Permits; a memorandum dated February 9, 2017, from the Bureau of Environmental Health; a letter dated January 4, 2017, to the Department of Finance; a letter from the Department of Finance; a letter

dated January 4, 2017, to the Comptroller of the Treasury; a letter dated February 6, 2017, from the Comptroller of the Treasury; an email dated January 5, 2017, and a letter dated January 4, 2017, from the Liquor Board Administrator to the attorney for the Applicant, advising notification of the hearing date, and enclosing the required advertisement; an email dated January 27, 2017, from the Alcoholic Beverage Inspector stating the premises had been posted; and certificates of advertisement from The Baltimore Sun and Patuxent Publishing Company.

SUMMARY OF TESTIMONY

Katherine Taylor, attorney for the Applicant, proffered that the Applicant is requesting a transfer, change of location, and an extension of premises of a Class A-1 Beer, Wine, and Liquor 7-day on-sale license. The Applicant is interested in changing locations within the Maple Lawn development, because the current location is close to Looney's Pub, and there is a problem with parking. The new location is also larger than the original location. Ms. Taylor stated the landlord for the I.M. Wine location will not let them out of their long term lease agreement unless another liquor store opens somewhere in the shopping center. Ms. Taylor stated that the new lease agreement is effective upon the approval of the new Applicant's application.

Kanishaben Kaushalkumar Patel, 30% shareholder for OMH Mahakaleshvar Corporation, t/a Maple Lawn Wine & Spirits, was sworn and testified that she has lived in Howard County for eight years, and that she is alcohol awareness certified.

Ms. Patel testified that she has experience with the alcoholic beverage business, as her husband owns Tubby's Diner in Prince George's County. Ms. Patel testified that

she has assisted with the accounting, and has operated the cash register at the restaurant. Ms. Patel testified that she will be at the liquor store in the evenings, and on weekends. Ms. Patel testified that she plans to hire an experienced manager to be on premises during the day at the store.

Ms. Patel testified that their policy will be to ask for identification from anyone who appears to be under the age of 40, and that she is going to purchase an ID checking machine to assist. Ms. Patel testified that all employees will be alcohol awareness certified.

Ms. Patel testified that she has read the rules and regulations governing the sale of alcoholic beverages, and that she will abide by them.

The following Exhibit was entered into the record:

Exhibit 1 – a copy of the Alcohol Awareness Certificate for Kanisha B. K. Patel

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicant waived her 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 Kanishaben Kaushalkumar Patel, on behalf of OMH Mahakaleshvar Corporation, t/a Maple Lawn Wine & Spirits, has applied for a transfer, change of location and extension of premises from a Class A-1 Beer, Wine, and Liquor 7-day off-sale license held by Virenkumar Patel on behalf of Sai Shubh, LLC, t/a I.M. Wine, for a 2,339 square foot package goods store located at 8180 Maple Lawn

Boulevard – Suite G, Fulton, Maryland 20759, to a Class A-1 Beer, Wine, and Liquor 7-day off-sale license for a 3,370 square foot package goods store located at 11815 West Market Place Suite A, Fulton, MD 20759.

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 Kanishaben Kaushalkumar Patel has been a Howard County resident for more than two years, is a registered voter, and a 30% shareholder of OMH Mahakaleshvar Corporation, t/a Maple Lawn 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 the application will not unduly disturb the peace and safety of the residents of the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Kanishaben Kaushalkumar Patel on behalf of OMH Mahakaleshvar Corporation, t/a Maple Lawn Wine & Spirits, has applied for a transfer, change of location, and extension of premises from a Class A-1 Beer, Wine, and Liquor 7-day off-sale license held by Virenkumar Patel on behalf of Sai Shubh, LLC, t/a I.M. Wine, for a 2,339 square foot package goods store located at 8180 Maple Lawn Boulevard – Suite G, Fulton, Maryland 20759, to a Class A-1 Beer, Wine, and Liquor 7-day off-sale license for a 3,370 square foot package goods store located at 11815 West Market Place Suite A, Fulton, MD 20759.

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 Kanishaben Kaushalkumar Patel 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 would not unduly disturb the peace and safety of the neighborhood.

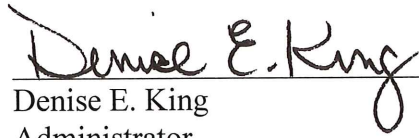
ORDER


For the foregoing reasons, it is this 28th day of February 2017, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Kanishaben Kaushalkumar Patel on behalf of OMH Mahakaleshvar Corporation, t/a Maple Lawn Wine & Spirits, for a transfer, change of location, and extension of premises from a Class A-1 Beer, Wine, and Liquor 7-day off-sale license held by Virenkumar Patel on behalf of Sai Shubh, LLC, t/a I.M. Wine, for a 2,339 square foot package goods store located at 8180 Maple Lawn Boulevard – Suite G, Fulton, Maryland 20759, to a Class A-1 Beer, Wine, and Liquor 7-day off-sale license for a 3,370 square foot package goods store located at 11815 West Market Place Suite A, Fulton, MD 20759,, be and the same is hereby **GRANTED**, subject to the following conditions:

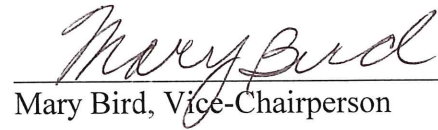
- (a) That the Applicant complies with all State and County law; and
- (b) Failure to comply with these conditions and obtain the license by March 31, 2017, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND


Denise E. King
Administrator



Heather Gaetano, Chairperson


Mary Bird, Vice-Chairperson

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

Charles C. Feaga, Member

ABSENT
Gene Ryan, Member



Lewis Taylor, Esquire
Assistant County Solicitor



Charley C. Sung, Member