

PETITION TO FINE, SUSPEND, OR * BEFORE THE ALCOHOLIC
REVOKE THE ALCOHOLIC * BEVERAGE HEARING BOARD
BEVERAGE LICENSE HELD BY * FOR
JIGAR ASHOK PATEL ON BEHALF OF * HOWARD COUNTY, MARYLAND
MADI KRUPA, INC., T/A LARK * CASE NO. 17-45-V
BROWN LIQUORS *

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 November 14, 2017, the Hearing Board heard the Petition of Howard County, Maryland and Detective Mark Baxter, the Alcoholic Beverage Inspector (collectively “Petitioners”), to Fine, Suspend, or Revoke the Class A-1 Beer, Wine, and Liquor 7-day off-sale license of Jigar Ashok Patel (“Licensee”), held on behalf of Madi Krupa, Inc., t/a Lark Brown Liquors, located at 6590-B Old Waterloo Road, Elkridge, Maryland 21075. The Licensee was represented by Thomas Meachum, Esquire.

All of the documents on file were incorporated into the record by reference, including: a letter dated October 5, 2017, from the Liquor Board Administrator to the Licensee advising them of the hearing date and enclosing the Petition to Fine, Suspend, or Revoke the Alcoholic Beverage License held by the Licensee on behalf of Madi Krupa, Inc., t/a Lark Brown Liquors, and an e-mail dated October 31, 2017, from the Alcoholic Beverage Inspector stating the property had been posted.

STIPULATIONS

The attorney for the Licensee proffered that the Licensee does not dispute what happened and stated that the Licensee stipulates to the allegations of the Petition, including the following:

1. Detective Mark Baxter, is a sworn Howard County Police Officer, specially assigned and designated, pursuant to the applicable laws, as the Alcoholic Beverage Inspector for Howard County. In this capacity, he has the obligation, duty, and responsibility to investigate any licensed liquor establishment for any violations of the applicable liquor or other laws which may occur in the licensed establishment.

2. Howard County, Maryland, is a chartered county, organized pursuant to law, and has the authority, through the exercise of its police power, to enforce the laws relating to alcoholic beverages.

3. On or before May 1, 2017, the Licensee applied for and received a Class A-1, Beer, Wine and Liquor, 7-Day, Off-Sale License held on behalf of Madi Krupa, Inc., t/a Lark Brown Liquors, 6590-B Old Waterloo Road, Elkridge, Maryland 21075. Lark Brown Liquors is located in Howard County and is subject to the jurisdiction of the Board of License Commissioners for Howard County.

4. At all times relevant to these proceedings, the Licensee was responsible for the operation of Lark Brown Liquors, and was responsible for ensuring compliance with all local and State laws concerning the distribution, sale, and transfer of alcoholic beverages to members of the public.

5. On August 17, 2017, an underage male cadet was sent into Lark Brown Liquors to purchase an alcoholic beverage.

6. The eighteen year old cadet proceeded to the counter with a 750 ml bottle of Bacardi Gold Rum, an alcoholic beverage.

7. The cashier, Vishu Patel, conducted the transaction without asking for the cadet's identification, which would have shown that the cadet was eighteen years of age.

8. Detective Baxter photographed the evidence, returned it to the store, and was refunded the money used to purchase the alcohol.

9. The Licensee has committed the following violations:

1. Liquor Board Rule 4.04 - Compliance with Laws and Regulations;
2. Liquor Board Rule 5.02 - Sales to Minors; and
3. Liquor Board Rule 5.08 - Acts Contrary to Law.

10. The Licensee and his agents have allowed Lark Brown Liquors to be used for acts which are contrary to local ordinances and against the public peace, safety, health or welfare.

SUMMARY OF TESTIMONY

Detective Mark Baxter was sworn and testified that an 18-year old cadet purchased rum without an ID from a cashier at Lark Brown Liquors. Detective Baxter testified that the Licensee was not on site at the time of the violation, however, the cashier was made aware of the violation. The cashier was alcohol awareness certified.

Jigar Ashok Patel, resident agent, manager and 35% shareholder of Madi Krupa, Inc., t/a Lark Brown Liquors, was sworn and testified that he has been the current licensee of this establishment for two years, works at this establishment six days per week, and this is the first violation since he has been the Licensee. He testified that there was a previous visit from an underage cadet and his establishment passed without receiving any violations. Mr. Patel stated that he and his employees always check IDs, however, the employee responsible for this violation had just received tragic news of a death in the family and was upset and made a very serious mistake by not checking the ID of the underage cadet. Mr. Patel testified that he understands the seriousness of this violation and has taken steps to make sure it does not happen again, specifically by updating his POS system to require verification of ID for

purchases and by sending the employee to an alcohol awareness class again, even though he is already certified. Mr. Patel indicated that he keeps a video record of all transactions in the store and reviews the video as a standard practice to make sure all customers are properly carded. Mr. Patel also stated that his part-time employees are also alcohol awareness certified.

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 Jigar Ashok Patel is a Licensee on behalf of Madi Krupa, Inc., t/a Lark Brown Liquors, a Class A-1, Beer, Wine and Liquor 7 day off-sale license located at 6590-B Old Waterloo Road, Elkridge, Maryland 21075.

2. The Hearing Board finds that the Licensee has admitted to violating Liquor Board Rule 5.02 – Sales to Minors; Liquor Board Rule 4.04 – Compliance with Laws and Regulations; and Liquor Board Rule 5.08 - Acts Contrary to Law.

3. The Hearing Board finds that the Licensee violated Liquor Board Rule 5.02 – Sales to Minors; Liquor Board Rule 4.04 – Compliance with Laws and Regulations; and Liquor Board Rule 5.08 - Acts Contrary to Law.

4. The Hearing Board finds that it is not necessary to revoke the License, but in order to ensure compliance with the law and Rules and Regulations, and protect public health and safety, it is necessary to impose a one-day suspension and a fee of Two Hundred Sixty Dollars (\$260.00) for the cost of the hearing as provided by Rule 7.05(B).

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Jigar Ashok Patel is a Licensee on behalf of Madi Krupa, Inc. t/a Lark Brown Liquors, a Class A-1, Beer, Wine, and Liquor 7 day off-sale license located at 6590-B Old Waterloo Road, Elkridge, Maryland 21075

2. The Hearing Board concludes that the Licensee has violated Liquor Board Rule 5.02 – Sales to Minors; Liquor Board Rule 4.04 – Compliance with Laws and Regulations; and Liquor Board Rule 5.08 - Acts Contrary to Law.

3. The Hearing Board concludes that it is not necessary to revoke the License, but in order to ensure compliance with the law and Rules and Regulations, and protect public health and safety, it is necessary to suspend the alcoholic beverage license for Lark Brown Liquors for one-day and impose a fee of Two Hundred Seventy Dollars (\$270.00) for the cost of the hearing as provided by Rule 7.05(B).

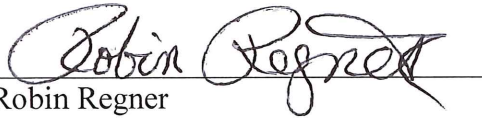
ORDER

For the foregoing reasons, and upon finding a violation of Rule 5.02, Rule 4.04, and Rule 5.08 of the Liquor Board's Rules and Regulations, it is this 28th day of November, 2017, by the Alcoholic Beverage Hearing Board for Howard County, Maryland, **ORDERED:**

1. That the Class A-1 7-dau off-sale license held by Jigar Ashok Patel on behalf of Madi Krupa, Inc., t/a Lark Brown Liquors, located at 6590-B Old Waterloo Road, Elkridge, Maryland 21075, be and hereby is **SUSPENDED beginning at 6 am on Saturday, December 16, 2017, through 2 am on Sunday, December 17, 2017; and**
2. That a **Fee of Two Hundred Seventy Dollars (\$270.00)**, is **HEREBY IMPOSED** upon Jigar Ashok Patel, Licensee on behalf of Madi Krupa, Inc., t/a Lark Brown Liquors, located at 6590-B Old Waterloo Road, Elkridge, Maryland 21075, and **SHALL BE PAID NO LATER THAN JANUARY 16, 2018.**

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Robin Regner
Acting Administrator



Heather Gaetano, Chairperson


DISSENT

Mary Bird, Vice-Chairperson

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

DISSENT

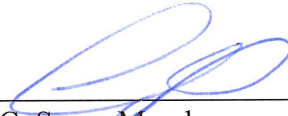
Charles C. Feaga, Member



Gene Ryan, Member



Lewis Taylor, Esquire
Assistant County Solicitor



Charley C. 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.