

PETITION TO FINE, SUSPEND, OR * BEFORE THE ALCOHOLIC
REVOKE THE ALCOHOLIC * BEVERAGE HEARING BOARD
BEVERAGE LICENSE OF JATIN * FOR
VYAS ON BEHALF OF OAKLAND * HOWARD COUNTY, MARYLAND
MILLS WINE & SPIRITS, INC. T/A *
OAKLAND MILLS WINE & SPIRITS * Case No.:21-38

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 September 14, 2020, 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 Jatin Vyas (“Licensee”), held on behalf of Oakland Mills Wine & Spirits, Inc. t/a Oakland Mills Wine & Spirits (“Oakland Mills Wine & Spirits”) located at 7060 Oakland Mills Road, Columbia, MD 21045.

The Licensee was represented by David Mister, Esquire. The Alcoholic Beverage Inspector was represented by Tsega Girma, Esquire.

The hearing was properly advertised, and the property posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland.

All the documents on file were incorporated into the record by reference.

STIPULATIONS

The parties agreed to stipulate to all the allegations of the Petition, specifically the following:

1. Detective Mark Baxter, Petitioner, at the time of the Petition, was 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 all the laws relating to alcoholic beverages.

3. On or before May 1, 2020, Respondents applied for and received a Class A-1, Beer, Wine and Liquor, 7-Day, Off-Sale License for Oakland Mills Wine & Spirits, Inc. t/a Oakland Mills Wine & Spirits, 7060 Oakland Mills Road, Columbia, Maryland 21045. Oakland Mills Wine & Spirits 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, Respondents were responsible for the operation of Oakland Mills Wine & Spirits and were 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 November 24, 2020, a male cadet was sent into Oakland Mills Wine & Spirits to purchase alcoholic beverages.

alcohol rules and it is their policy to card anyone who appears to be under 35-40 years old and to evaluate customers for signs of intoxication.

Jatin Vyas, the Respondent and sole licensee, was sworn and testified as follows:

Mr. Vyas testified that since the underage sale he recertified all the employees, is providing monthly refresher meetings, and he is confident they will not have another violation.

The following exhibits were submitted into the record:

- *Respondent Exhibit #1 – 5/5/21 letter from Howard County Health Department*
- *Respondent Exhibit #2 – 5/5/21 Certificate of Achievement from Howard County Health Department*
- *Respondent Exhibit #3 – 12/4/19 Certificate of Compliance from Howard County Department of Police*

FINDINGS OF FACT

1. The Hearing Board finds that Jatin N. Vyas is the licensee on behalf of Oakland Mills Wine & Spirits, Inc. t/a Oakland Mills Wine & Spirits, a Class A-1, Beer, Wine and Liquor 7-day, Off-Sale alcoholic beverage license located at 7060 Oakland Mills Rd., Columbia, MD 21045.

2. Detective Mark Baxter, Petitioner, at the time of the Petition, was 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.

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

4. On or before May 1, 2020, Respondents applied for and received a Class A-1, Beer, Wine and Liquor, 7-Day, Off-Sale License for Oakland Mills Wine & Spirits, Inc. t/a Oakland Mills Wine & Spirits, 7060 Oakland Mills Road, Columbia, Maryland 21045. Oakland Mills Wine & Spirits is located in Howard County and is subject to the jurisdiction of the Board of License Commissioners for Howard County.

5. At all times relevant to these proceedings, Respondents were responsible for the operation of Oakland Mills Wine & Spirits and were responsible for ensuring compliance with all local and State laws concerning the distribution, sale, and transfer of alcoholic beverages to members of the public.

6. On November 24, 2020, a male cadet was sent into Oakland Mills Wine & Spirits to purchase alcoholic beverages.

7. The male cadet was able to purchase a pint of Fireball whiskey, an alcoholic beverage, from the cashier.

8. The cashier, Dipikaben Patel, conducted the transaction without asking for the cadet's identification, which would have shown that he was under the age of twenty-one.

9. Detective Baxter photographed the evidence, returned said evidence to the establishment, and was refunded the money for the purchase.

10. The Respondents have 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.

11. The Respondents and their agents have allowed Oakland Mills Wine & Spirits to be used for acts which are contrary to local ordinances and against the public peace, safety, health or welfare.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Jatin N. Vyas is the licensee on behalf of Oakland Mills Wine & Spirits, Inc. t/a Oakland Mills Wine & Spirits, a Class A-1, Beer, Wine and Liquor 7-day, Off-Sale alcoholic beverage license located at 7060 Oakland Mills Rd., Columbia, MD 21045.

2. The Hearing Board concludes the Respondents have 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.

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 the public health and safety, it is necessary to impose a one-day suspension of the liquor license and 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 Liquor Board Rules 4.04, 5.02 and 5.08, it is this 10th day of Nov., 2021, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED:**

1. That the Class A-1, Beer, Wine, and Liquor 7-day off-sale license held by Jatin N. Vyas on behalf of Oakland Mills Wine & Spirits, Inc. t/a Oakland Mills Wine & Spirits located at 7060 Oakland Mills Road, be and hereby is **SUSPENDED beginning at 6:00 a.m. on Tuesday, November 30, 2021 thru 2:00 a.m. on Wednesday, December 1, 2021;** and

2. That the Licensees shall **DISPLAY the attached SIGN** in color and in a prominent and clear manner, on the front door of the licensed premises beginning at the close of business the day prior to suspension and continuing until reopening for business the day after the suspension; and

3. That a **FEE of Two Hundred and Seventy Dollars (\$270.00) is HEREBY IMPOSED** upon Jatin N. Vyas and Oakland Mills Wine & Spirits, Inc. t/a Oakland Mills Wine & Spirits and **SHALL BE PAID NO LATER THAN** November 30, 2021 for the cost of the hearing as provided by Rule 7.05(B).

ATTEST:



Ashley Aguilar
Board Administrator

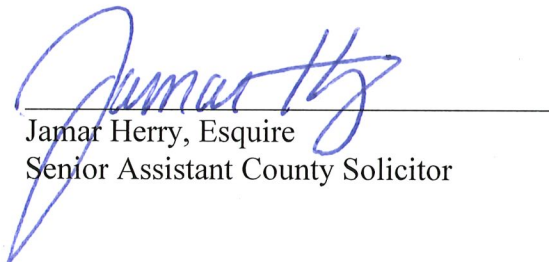
**ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND**

NOT PRESENT

Mary Bird, Chairperson


Harry Evans, Vice Chair
Charley Sung, Member
Steven Chen, Member

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


Jamar Herry, Esquire
Senior Assistant County Solicitor

NOT AVAILABLE AT SIGNING
Claire Kim, 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.**

THE HOWARD COUNTY ALCOHOLIC BEVERAGE HEARING BOARD
HAS ORDERED THE LIQUOR LICENSE FOR
OAKLAND MILLS WINE & SPIRITS

SUSPENDED

No alcoholic beverage may be sold or consumed at this location from:

6:00am on 11/30/21 to 2:00am on 12/1/21

This licensee was found to have violated:

Liquor Board Rules 4.04, 5.02 AND 5.08

THIS SIGN SHALL BE PRINTED IN COLOR & CLEARLY DISPLAYED PROMINANTLY ON THE FRONT DOOR BEGINNING AT CLOSE OF BUSINESS THE DAY PRIOR TO SUSPENSION, AND CAN BE TAKEN DOWN ONLY UPON REOPENING FOR BUSINESS THE DAY AFTER SUSPENSION.

Any questions about this notice should be directed to the Howard County Alcoholic Beverage Administrator at 410-313-2395.