

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF AMER PARVEZ	*	
SHAH AND KEITH MICHAEL HOLSEY	*	BEVERAGE HEARING BOARD
ON BEHALF OF MAIN STREET	*	
HOSPITALITY, LLC, t/a PORTALLI'S,	*	FOR
FOR A NEW CLASS B BEER, WINE,	*	
AND LIQUOR 7-DAY	*	HOWARD COUNTY, MARYLAND
ON-SALE LICENSE	*	
	*	Case No. 17-18

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 March 28, 2017, the Hearing Board heard the application of Amer Parvez Shah and Keith Michael Holsey (the "Applicants"), on behalf of Main Street Hospitality, LLC, t/a Portalli's ("Main Street Hospitality, LLC"), for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 6,400 square foot restaurant with a 1,000 square foot deck located at 8085 Main Street, Ellicott City, Maryland 21043. The hearing was properly advertised pursuant to Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicants were represented by Thomas Coale, 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 copy of the Articles of Organization for Main Street Hospitality, LLC; the background investigation questionnaires for the Applicants;

copies of the driving records for the Applicants from the Maryland Motor Vehicle Administration; a copy of a memorandum dated February 27, 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 investigations for the Applicants from the Alcohol Beverage Inspector, dated March 22, 2017; an email dated March 2, 2017, from the Department of Inspections, Licenses, and Permits; a memorandum dated March 10, 2017, from the Bureau of Environmental Health; a memorandum dated March 7, 2017, from the Department of Planning and Zoning; an letter dated March 7, 2017, from the Office of the Fire Marshal; a letter dated February 27, 2017, to the Department of Finance; a letter from the Department of Finance; a letter dated February 27, 2017, to the Comptroller of the Treasury; a letter dated March 23, 2017, from the Comptroller of the Treasury; an email dated February 28, 2017, from the Liquor Board Administrator to the attorney for the Applicants, attaching a fax transmission dated February 28, 2017, with a letter advising notification of the hearing date, and enclosing the required advertisement; an email dated March 13, 2017, from the Alcoholic Beverage Inspector stating the premises had been posted; and a letter dated September 23, 2016, from the attorney for the Applicant enclosing copies of the certificates of advertising from the Howard County Times and the Baltimore Sun.

SUMMARY OF TESTIMONY

Keith Michael Holsey, Member, and 47.6% shareholder of Main Street Hospitality, LLC, t/a Portalli's, was sworn and testified that the flood ruined everything at the premises, which were operated by Portalli's, LLC, so there were no assets to purchase. Mr. Holsey testified that

none of the licensees from Portalli's, LLC, will be owners of Main Street Hospitality, LLC, but Evan Brown, a prior licensee, will be the general manager of the new restaurant.

Mr. Holsey testified that prior to the flood, he was the Executive Chef for Portalli's, LLC. Mr. Holsey testified that he will continue to be the Executive Chef, and will also oversee and manage the shifts at Main Street Hospitality, LLC, t/a Portalli's. Mr. Holsey testified that he will be at the restaurant almost every day.

Mr. Holsey testified that he has twenty years of experience in the restaurant industry, and owned and operated Cheshire Crab House in Pasadena, Maryland, for one year. During that time, Mr. Holsey testified that he was never cited for any violations.

Mr. Holsey testified that he is alcohol awareness certified, and that all the managers and front house staff for Portalli's will be alcohol awareness certified. Mr. Holsey testified that they will have approximately 22 to 25 employees, and that they will have a door man in the evening to check identification cards. Mr. Holsey testified that the hours of operation will be Monday through Saturday, 11:30 A.M. to 1:30 A.M., and Sunday 10:00 A.M. to 1:30 A.M.

Mr. Holsey testified that they plan to keep the menu basically the same, and that they hope to open within six weeks.

Mr. Holsey testified that they placed an advertisement for "The Ghost Bar" located at the upstairs of Portalli's, LLC, because the space upstairs was underutilized and it gave them the opportunity to help the employees that became unemployed when The Diamondback Tavern closed. Mr. Holsey testified that they named it The Ghost Bar, because it was believed that the area was haunted. Mr. Holsey testified that they were not trying to indicate that it was a separate entity. Mr. Holsey testified that the restaurant prior to Portalli's, LLC, was known as Jordan's

Steakhouse. Mr. Holsey testified that the upstairs bar area was known as The Monkey Bar.

Mr. Holsey testified that in the future, if they market the upstairs to be a more casual after dinner area, they will be very clear that it is part of the Portalli's restaurant.

Mr. Holsey testified that he feels that the alcoholic beverage license for Portalli's will be an accommodation to the public, and will not impact the community negatively.

Amer Parvez Shah, Member and 10% shareholder for Main Street Hospitality, LLC, t/a Portalli's, was sworn and testified that he has lived in Howard County for 12 years, is a registered voter, and is alcohol awareness certified. Mr. Shah testified that he was the resident agent for The Diamondback Tavern, prior to its closure.

Mr. Shah testified that he was not the resident agent when a violation occurred at The Diamondback Tavern,=. Mr. Shah testified that he became resident agent after the violation occurred but attended the violation hearing, and was included in the decision. Mr. Shah testified that during his time as the resident agent, there were not any violations. Mr. Shah testified that when The Diamondback Tavern closed, he no longer had any obligation to the organization. Mr. Shah testified that he had nothing to do with The Ghost Lounge, as it was associated with Portalli's, LLC.

Mr. Shah testified that he will not be at Portalli's full-time, but will be stopping in several times a week when it initially opens, and two to three times per month after that. Mr. Shah testified that he will make late night visits to make sure the restaurant is being operated properly.

The following Exhibit was entered into record:

Exhibit #1 – a receipt from the Howard County Department of Finance for payment of personal property taxes for Portalli's, LLC

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicants waived

their 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 Amer Parvez Shah and Keith Michael Holsey, on behalf of Main Street Hospitality, LLC, t/a Portalli's, have applied for a new Class B Beer, Wine, and Liquor Wine 7-day on-sale license for a 6,400 square foot restaurant with a 1,000 square foot deck located at 8085 Main Street, Ellicott City, Maryland 21043.

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 Amer Parvez Shah has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Main Street Hospitality, LLC, t/a Portalli's.

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 Amer Parvez Shah and Keith Michael Holsey, on behalf of Main Street Hospitality, LLC, t/a Portalli's, have applied for a new Class B Beer, Wine, and Liquor Wine 7-day on-sale license for a 6,400 square foot restaurant with a 1,000 square foot deck located at 8085 Main Street, Ellicott City, Maryland 21043.

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 Amer Parvez Shah 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 neighborhood.

ORDER

For the foregoing reasons, it is this 3rd day of May, 2017, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Amer Parvez Shah and Keith Michael Holsey, on behalf of Main Street Hospitality, LLC, t/a Portalli's, for a new Class B Beer, Wine, and Liquor Wine 7-day on-sale license for a 6,400 square foot restaurant with a 1,000 square foot deck located at 8085 Main Street, Ellicott City, Maryland 21043, 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:

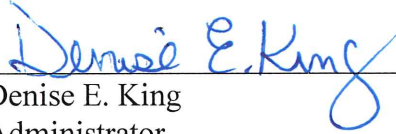
(a) That the Applicants comply with all State and County Rules and Regulations; and

(b) Failure to comply with these conditions and obtain the license by

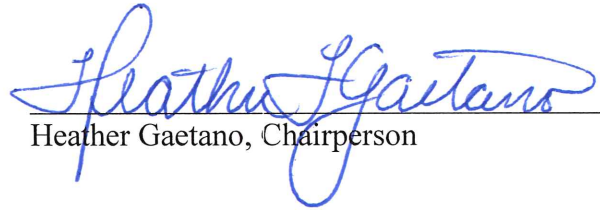
August 31, 2017, shall render this Proposed Decision and Order null and void.

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



Lewis Taylor, Esquire
Assistant County Solicitor

ABSENT

Charles C. Feaga, Member

ABSENT

Gene Ryan, Member



Charley C. Sung, Member