

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF ANGELA DEL	*	
CARMEN HERNANDEZ, ON BEHALF	*	BEVERAGE HEARING BOARD
OF ABAH, LLC, t/a CHERRY'S	*	
LIQUORS, FOR A NEW CLASS A-1	*	FOR
BEER, WINE AND LIQUOR 7-DAY	*	
ON-SALE LICENSE	*	HOWARD COUNTY, MARYLAND

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 October 28, 2014, the Hearing Board heard the application of Angela Del Carmen Hernandez ("Applicant"), on behalf of ABAH, LLC, t/a Cherry's Liquors ("ABAH, LLC"), for a new Class A-1 Beer, Wine, and Liquor 7-day off-sale license for a 1,320 square foot package goods store located at 11200 Scaggsville Road, Suite 112, Laurel, MD 20723. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicant was represented by Preston A. Pairo III, 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: a letter dated June 17, 2014, from the Applicant's attorney enclosing the application; a map showing the location of the store in its shopping center; a copy of a certification from the State of Maryland Department of Assessments and Taxation certifying that the copy of the Articles of Organization for ABAH, LLC, is a true copy generated by the State Department of Assessments & Taxation; a copy of the Articles of Organization for ABAH, LLC; a copy of the United States Passport for Angela Del Carmen Hernandez; a copy of the Certificate of Naturalization for Angela Del Carmen Hernandez; a copy of the background investigation questionnaire from Angela Del Carmen Hernandez; a criminal history record check for Angela Del Carmen Hernandez from the State of Maryland Department of Public Safety and Correctional Services; a copy of the Maryland Motor Vehicle Administration driving record for

Angela Del Carmen Hernandez; a memorandum dated September 24, 2014, from the Liquor Board Administrator to the Alcoholic Beverage Inspector, the Department of Inspections, Licenses, and Permits, the Bureau of Environmental Health, and the Department of Planning and Zoning; the background investigation of the Applicant by the Alcoholic Beverage Inspector dated October 15, 2014; an email dated September 26, 2014, from the Department of Inspections, Licenses, and Permits; a memorandum dated October 28, 2014, from the Department of Planning and Zoning; a letter dated September 24, 2014, to the Department of Finance; a letter dated October 23, 2014, from the Department of Finance; a letter dated September 24, 2014, to the Comptroller of Maryland; a letter dated October 2, 2014, from the Comptroller of Maryland; an email to the Applicant's attorney enclosing a letter dated September 18, 2014, with notification of the hearing date and the necessity to advertise; an email dated October 10, 2014, from the Alcoholic Beverage Inspector stating the premises had been posted.

SUMMARY OF TESTIMONY

Laura Johnson, a translator for the Applicant, was sworn and testified that she would assist with translating for Ms. Hernandez.

Martin Johnson was sworn and testified that he was previously a Howard County Police Officer for 25 years and was the Alcoholic Beverage Inspector for Howard County for 13 years. Mr. Johnston testified that he compiled an information packet for ABAH, LLC, which includes a fact sheet, a copy of the TIPS certificate for Angela Hernandez, copies of TIPS certificates for Julio Benitez, Robert Marquez, and Bladimir Hernandez, a copy of the floor plan for ABAH, LLC, photographs of the exterior of ABAH, LLC, and aerial photographs showing the location of ABAH, LLC. Mr. Johnson testified that he also helped create a policy and procedures manual for the employees at ABAH, LLC, and reviewed them with Mr. and Mrs. Hernandez. Mr. Johnson testified that he spent several hours with Mr. and Mrs. Hernandez studying the rules and regulations, and reviewing the operation of the prior liquor store. Mr. Johnson testified that he is available for Mr. and Mrs. Hernandez at any time.

Mr. Johnson testified that he helped prepare for the Liquor Board hearing by checking the demographics of the Scaggsville area. Mr. Johnson testified that there has been a liquor store at the proposed location since 1989, and that there are three other liquor stores in the general area, which were all approved after the original license existed. Mr. Johnson testified that he spoke

with representatives from the Department of Planning and Zoning for Howard County, and developers who advised that there are 177 single family homes being planned west of Rt. 29 and Rt. 216, and 283 apartment units that are being considered. Mr. Johnson testified that the two previous liquor stores at that location served a need for the community.

Michael Kermisch, agent for property owner, Colliers International, was sworn and testified that he manages the property at Cherry Tree Shopping Center. Mr. Kermisch testified that he considers demographics when choosing tenants. Mr. Kermisch testified that the proposed liquor store at this location primarily serves the local area. Mr. Kermisch testified that he feels the public and other businesses would benefit from having a liquor store back at this location. Mr. Kermisch testified that he feels Ms. Hernandez is a qualified person to operate a liquor store. Mr. Kermisch testified that the previous owner went out of business because of difficulties with the IRS, and personal issues.

Angela Del Carmen Hernandez, 100% shareholder for ABAH, LLC, t/a Cherry Liquors, was sworn and testified that she has lived in Howard County for 10 years, has been a United States citizen since 1997, and is a registered voter. Ms. Hernandez testified that she and her husband, Bladimir Hernandez, have owned a restaurant in Prince Georges County for 14 years, and that they have never had any violations.

Ms. Hernandez testified that she will work at the liquor store approximately 35 to 40 hours per week. Ms. Hernandez testified that if approved, she will work less hours at their restaurant. Ms. Hernandez testified that she will have four employees working at the liquor store, and that at least two will be alcohol awareness certified.

Ms. Hernandez testified that she has been working with Mr. Johnson, and that if approved, he will train all of the employees. Ms. Hernandez testified that she is familiar with the rules and regulations governing the sale of alcoholic beverages.

Ms. Hernandez testified that the hours of operation will be Monday through Thursday, 10:00 A.M. until 12:00 midnight, Friday and Saturday, 10:00 A.M. until 2:00 A.M., and Sunday, 10:00 A.M. until 12:00 midnight. Ms. Hernandez testified that they will have cameras in the store for security.

Bladimir Hernandez, husband of Angela Del Carmen Hernandez, was sworn and testified that he works for the United States Senate where he provides security for their parking lot. Mr. Hernandez checks cars and drivers' identification cards to make sure they are allowed to be on

the parking lot. Mr. Hernandez testified that he has experience with checking identification cards, as he checks approximately 200 per day at the Senate parking lot. Mr. Hernandez testified that he is employed with the United States Senate, Monday through Friday 7:00 A.M. until 3:30 P.M.

Mr. Hernandez testified that he will be at the liquor store from 5:00 P.M. until closing, five to six days per week. Mr. Hernandez testified that he will be responsible for hiring and training employees, and will make sure that they are following all of the Liquor Board Rules and Regulations and laws. Mr. Hernandez testified that all of his employees will be bi-lingual, and that at least two employees will be alcohol awareness certified.

Mr. Hernandez testified that they plan to sell imported beers from Latin America, that are not available at other local liquor stores.

Mr. Hernandez testified that he is familiar with the rules and regulations governing the sale of alcoholic beverages, and that he will abide by them.

The following Exhibits were entered into the record:

Exhibit #1 – An Information Package created by Mr. Johnson for Cherry's Liquors

Exhibit #2 – Policies and Procedures for Cherry's Liquors

Exhibit #3 – Photographs of imported Latin American beers

Exhibit #4 – Petition with signatures in support of granting the liquor license for Cherry's Liquors

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicant waived the right to request the Liquor Board to hear the case.

FINDINGS OF FACT

1. The Hearing Board finds that Angela Del Carmen Hernandez, on behalf of ABAH, LLC, t/a Cherry's Liquors, has applied for a new Class A-1 Beer, Wine, and Liquor 7-day off-sale license for a 1,320 square foot package goods store located at 11200 Scaggsville Road, Suite 112, Laurel, Maryland 20723.

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 Angela Del Carmen Hernandez has been a Howard County resident for more than two years, is a registered voter, and a 100% shareholder of ABAH, LLC, t/a Cherry's Liquors.

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 this application will not unduly disturb the peace and safety of the residents in the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Angela Del Carmen Hernandez, on behalf of ABAH, LLC, t/a Cherry's Liquors, has applied for a new Class A-1 Beer, Wine, and Liquor 7-day off-sale license for a 1,320 square foot package goods store located at 11200 Scaggsville Road, Suite 112, Laurel, Maryland 20723.

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 Angela Del Carmen Hernandez 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 residents in the neighborhood.

ORDER

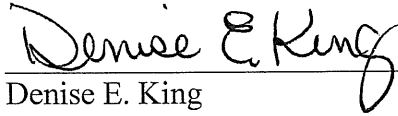
For the foregoing reasons, it is this 25th day of November, 2014, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Angela Del Carmen Hernandez, on behalf of ABAH, LLC, t/a Cherry's Liquors, for a new Class A-1 Beer, Wine, and Liquor 7-day off-sale license for a 1,320 square foot package goods store located at 11200 Scaggsville Road, Suite 112, Laurel, MD 20723, be and the same is hereby **GRANTED** subject to the following conditions:

1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicant obtains the license and complies with the following conditions:

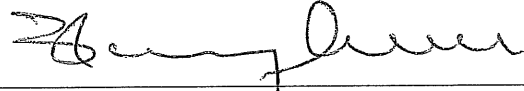
- a. That the Applicant complies with all State and County rules and regulations; and
- b. Failure to comply with these conditions and obtain the license by February 28, 2014, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator



Harry Evans, III, Chairperson

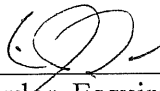


Charles C. Feaga, Vice-Chairperson

REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
MARGARET ANN NOLAN
COUNTY SOLICITOR



Mary Bird, Member



Lewis Taylor, Esquire
Assistant County Solicitor

William Neault, Member

ABSENT

Charley C. Sung, Member