

IN THE MATTER OF	*	BEFORE THE ALCOHOLIC
THE APPLICATION OF JEAN MARIE	*	
FREUND AND TARUN CHHABRA ON	*	BEVERAGE HEARING BOARD
BEHALF OF SHRI SAI, LLC, t/a	*	
TANDOOR GRILL, FOR A NEW CLASS	*	FOR
B BEER, WINE, AND LIQUOR 7 DAY	*	
ON-SALE LICENSE	*	HOWARD COUNTY, MARYLAND
	*	
	*	Case No.: 16-13
	*	

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### **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 8 and 22, 2016, the Hearing Board heard the application of Jean Marie Freund and Tarun Chhabra (the “Applicants”), on behalf of Shri Sai, LLC, t/a Tandoor Grill (“Shri Sai, LLC”), for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 1,200 square foot restaurant located at 7500 Montpelier Road, Laurel, Maryland 20723. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were not represented by an attorney. There was one protestant 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 February 26, 2016, to the Hearing Board from the Applicant requesting that they be scheduled first on the agenda; a letter dated February 25, 2016, to the

Hearing Board from the Applicant amending the application to remove the patio request; the application for a new restaurant; a copy of the floor plan; a copy of the Articles of Organization of Shri Sai, LLC; a copy of the LLC Certified Resolution of Shri Sai, LLC; a copy of the Resolutions of the Members of Shri Sai, LLC, dated December 12, 2015; the background investigation questionnaires for the Applicants; copies of the Maryland Motor Vehicle Administration driving records of the Applicants; a document providing Jean Marie Freund's voter information; a copy of the receipt for the criminal history record check request from the Department of Public Safety and Correctional Services – Criminal Justice Information System - Central Repository for Jean Marie Freund; a copy of the Certificate of Live Birth for Jean Marie O'Neil; a copy of the Permanent Resident Card for Tarun Chhabra; a criminal history record check from the Department of Public Safety and Correctional Services – Criminal Justice Information System - Central Repository for Tarun Chhabra; a memorandum dated January 12, 2016, 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 of the Applicants by the Alcohol Beverage Inspector, dated January 14, 2016; a letter dated January 29, 2016, from the Office of the Fire Marshal; a memorandum dated February 1, 2016, from the Department of Planning and Zoning; an email dated January 15, 2016, from the Department of Inspections, Licenses and Permits; a memorandum dated March 2, 2016, from the Bureau of Environmental Health; a letter dated January 12, 2016, to the Department of Finance; a letter from the Department of Finance; a letter dated January 5, 2016, to the Comptroller of the Treasury; a letter dated January 21, 2016, from the Comptroller of the Treasury; an email dated January 19,

2016, from the Administrator of the Liquor Board to Martin Johnson, enclosing a fax transmission and a letter dated January 19, 2016, with notification of the hearing date and the necessity to advertise; an e-mail dated February 24, 2016, from the Alcoholic Beverage Inspector stating the premises had been posted; and an email enclosing the legal advertisements from The Baltimore Sun and Patuxent Publishing.

The hearing was continued to March 22, 2016, to ensure legal sufficiency of the posting of the property at Tandoor Grill. There were no protestants at the March 22, 2016 hearing.

### **SUMMARY OF TESTIMONY**

Tarun Chhabra, Member and 90% shareholder of Shri Sai, LLC, was sworn and testified that Tandoor Grill has been operating for five years, and that their customers have been bringing their own alcoholic beverages during that time. Mr. Chhabra testified that the restaurant has seven tables, and 24 seats. Mr. Chhabra testified that his customers have been requesting that the restaurant provide alcoholic beverages to accompany their Indian dishes. He stated that the neighboring restaurants have alcohol licenses and it is necessary to compete. He stated that the neighboring businesses should not be adversely affected because he offers a unique cuisine and they only have 24 seats.

Mr. Chhabra testified that he feels there is a need for the alcoholic beverage license to accommodate his customers, and he does not feel it will have a negative impact on the surrounding area. Mr. Chhabra testified that there are no homes located near the restaurant, and that there is adequate parking and lighting. Mr. Chhabra testified that he is embarrassed when potential customers leave because the restaurant does not serve alcohol. He testified that he did not expect increased business due to the license, that it was for his existing customers.

Mr. Chhabra testified that he does not have a bar, and will store alcoholic beverages behind the counter in a cooler. Mr. Chhabra testified that the hours of operation are Sunday through Thursday, 11:30 A.M. to 9:00 P.M., and Friday and Saturday, 11:30 A.M. to 10:00 P.M. Mr. Chhabra testified that they have five full-time employees, and one part-time employee, and all who will serve alcohol will become alcohol awareness certified. Mr. Chhabra testified that his wife will also assist at the restaurant. Mr. Chhabra testified that he will review the restaurant's policies, and the Liquor Board's Rules and Regulations with the employees. Mr. Chhabra testified that he has also purchased an ID Checking Guide to assist with the service of alcoholic beverages. He stated that they will ID people who appear to be younger than 40 and they will not serve intoxicated people.

Jean Marie Freund, Member and 10% shareholder of Shri Sai, LLC, t/a Tandoor Grill, was sworn and testified that she has been a resident of Howard County since 1975, is a former police officer, a registered voter, and is alcohol awareness certified. Ms. Freund testified that she will be at the restaurant on a bi-monthly basis, mostly on weekends. Ms. Freund testified that she and Martin Johnson will go to the restaurant and conduct inspections. Ms. Freund testified that she understands her responsibility as a resident agent.

Martin Johnson was sworn and testified that he was the previous Howard County Liquor Inspector for 15 years, and a sworn police officer for 25 years. Mr. Johnson testified that Mr. Chhabra came to him 15 months ago, asking if he should obtain an alcoholic beverage license. Mr. Johnson testified that Mr. Chhabra spent a year monitoring customers, and put a lot of effort into deciding if they need a license to accommodate their customers.

Mr. Johnson testified that he reviewed the Liquor Board's Rules and Regulations with

the applicants, and that he and Ms. Freund will make periodic checks at the restaurant. Mr. Johnson testified that he has given the applicants his cell phone number and is available to them.

The following Applicants' Exhibits were entered into the record:

Exhibit #1 - (7) photographs of Tandoor Grill

Exhibit #2 - (5) alcohol awareness certificates for Tarun Chhabra, Deeksha Chhabra, Devi Prasad Subedi, Mamun Miah, and Jean Freund

Exhibit #3 - menu for Tandoor Grill

Mariam Eades, owner of LaPalapa Too, was sworn and testified in protest of the application. Ms. Eades was represented by Dennis Hodge, Esquire. Ms. Eades testified that she does not feel there is a need for another alcoholic beverage license in that shopping center. Ms. Eades testified that there are currently five restaurants that have an alcoholic beverage license. Ms. Eades testified that there is not enough parking at the shopping center, and that customers are parking illegally near fire equipment. Ms. Eades testified she thought this was dangerous, especially if there was an emergency. Ms. Eades testified that if Tandoor Grill was granted an alcoholic beverage license, they would draw more customers, and there would be even less parking spaces. She stated that she was the first tenant in the shopping center and the landlord told her one building would be offices. She stated that she has requested towing and paid for valet parking in the past

The following Protestant's Exhibit was entered into the record:

Exhibit #1 – photographs of the parking lot on a Tuesday evening at approximately 5:00 P.M., taken by Ms. Eades

The hearing was continued and the record was held open until March 22, 2016, to ensure legal sufficiency of the posting of the property. There was no additional evidence

presented at the March 22, 2016, hearing. Board Member Heather Gaetano, who was absent at the March 8, 2016, hearing, stated for the record that she had listened to the recording of the March 8 hearing.

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 Jean Marie Freund and Tarun Chhabra on behalf of Shri Sai, LLC, t/a Tandoor Grill, have applied for a new Class B Beer, Wine, and Liquor, 7-day on-sale license for a 1,200 square foot restaurant located at 7500 Montpelier Road, Laurel, Maryland 20723.
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 Jean Marie Freund has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Shri Sai, LLC, t/a Tandoor Grill.
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 of the neighborhood.

### **CONCLUSIONS OF LAW**

1. The Hearing Board concludes that Jean Marie Freund and Tarun Chhabra on behalf of Shri Sai, LLC, t/a Tandoor Grill have applied for a new Class B Beer, Wine, and Liquor, 7-day on-sale license for a 1,200 square foot restaurant located at 7500 Montpelier Road, Laurel, Maryland 20723.

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 Jean Marie Freund 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 this application would not unduly disturb the peace and safety of the neighborhood.

### **ORDER**

For the foregoing reasons, it is this 26<sup>th</sup> day of April, 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Jean Marie Freund and Tarun Chhabra on behalf of Shri Sai, LLC, t/a Tandoor Grill, for a new Class B Beer, Wine, and Liquor, 7-day on-sale license for a 1,200 square foot restaurant located at 7500 Montpelier Road, Laurel, Maryland 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 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 May 31, 2016, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING  
BOARD OF HOWARD COUNTY,  
MARYLAND



Denise E. King  
Administrator

\_\_\_\_\_  
Mary Bird, Chairperson

\_\_\_\_\_  
ABSENT

Harry Evans, III, Vice-Chairperson

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

  
Charles C. Feaga, Member  
Heather Gaetano, Member

Lewis Taylor, Esquire  
Assistant County Solicitor

  
Charley C. Sung, Member