

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF ALI SADEGHI	*	
OF BEHALF OF HAPPY FISH, LLC	*	BEVERAGE HEARING BOARD
T/A GRILLE 620 FOR A CHANGE	*	
IN CLASS FOR A CLASS BLX,	*	FOR HOWARD COUNTY, MARYLAND
BEER, WINE AND LIQUOR 7-DAY	*	
ON-SALE LICENSE	*	Case No. 17-44

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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 October 10, 2017, the Hearing Board heard the application of Ali Sadeghi (the “Applicant”) on behalf of Happy Fish, LLC t/a Grille 620 (“Grille 620”), for a change in class from a Class B to a Class BLX, Beer, Wine, and Liquor 7-day on-sale license for a 4,000-square foot restaurant with a 900-square foot outside patio, located at 11099 Resort Road, #304, Ellicott City, MD 21042.

The hearing was properly advertised and the property posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicant was represented by Gary Maslan, Esquire. There were no protestants who appeared in opposition to the application.

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

### **SUMMARY OF TESTIMONY**

Clark Aburn, employee of Greenberg Gibbons Commercial and representing the

landlord, was sworn and testified that the property was delivered to the tenant as an empty shell with no plumbing, electric or HVAC. He testified that the tenant was given \$250,000 to contribute to improvements for this space and the tenant was responsible for paying the balance.

Ali Sadeghi, owner and resident agent, was sworn and testified that he has operated this restaurant for the last 4-5 years, that he also operates Riverhill Grill, and that he employs a total of 50 to 65 people. He indicated that there are 136 seats in this restaurant. Mr. Sadeghi testified that he has spent approximately \$970,000 on improvements to this property, and therefore this restaurant has met the \$750,000 requirement for capital improvements.

The following exhibit was entered into evidence:

Applicant's Exhibit 1: Chart of Transactions as of 5/18/17 (showing amounts paid and to whom it was paid) for improvements to this establishment.

Mr. Sadeghi testified regarding his driving record – that he received a DWI in 2013 which resulted in probation before judgment. Mr. Sadeghi stated that has learned a lesson from this mistake. He also testified that he had received one other traffic violation.

Jonathan Melnick, real estate developer/appraiser, was sworn and testified that he did an appraisal on Grille 620 and stated that the personal property appraisal, which includes the improvements to real estate at this location, was \$917,000. Mr. Melnick authored a letter dated July 6, 2017 and photographs supporting this appraisal amount, which were included with the Applicant's application.

There was a question concerning the size of the outside patio at this restaurant. The Board previously approved 900 square feet for an outside patio; however, the Howard county Department of Planning and Zoning advised the Board by memo dated October 5, 2017 that the

Site Development Plan for the Property, SDP 10-027, only approved a patio of 700 square feet. The applicant measured the patio at 700 square feet. Because the Board may only issue a license for a premises that is otherwise in compliance with State and local law, and because the existing patio measures 700 square feet, this Decision and Order will be for the reduced patio size.

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicant waived his 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 Ali Sadeghi, on behalf of Happy Fish, LLC t/a Grille 620, has applied for a change in class from a Class B to a Class BLX, Beer, Wine, and Liquor 7-day on-sale license for a 4,000-square foot restaurant with a 900-square foot outside patio, located at 11099 Resort Road, #304, Ellicott City, MD 21042.
2. The Hearing Board finds that an outdoor patio at the licensed premises is limited to 700 square-feet.
3. The Hearing Board finds that the Applicant is a fit and proper person to hold an alcoholic beverage license.
4. The Hearing Board finds that Ali Sadeghi has been a Howard County resident for more than two years, is a registered voter, and a 100% stockholder of Happy Fish, LLC t/a Grille 620.
5. The Hearing Board finds that the granting of the application is necessary for the

accommodation of the public.

6. 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 Ali Sadeghi, on behalf of Happy Fish, LLC t/a Grille 620, has applied for a change in class from a Class B to a Class BLX, Beer, Wine, and Liquor 7-day on-sale license for a 4,000-square foot restaurant with a 900-square foot outside patio, located at 11099 Resort Road, #304, Ellicott City, MD 21042.

2. The Hearing Board concludes that it may only issue a license for the licensed premises that includes an outdoor patio of 700 feet or less.

3. The Hearing Board concludes that the Applicant is a fit and proper person to hold an alcoholic beverage license.

4. The Hearing Board concludes that Ali Sadeghi meets the requirements of Rules 1.10(S), 1.10(T), and 2.06 of the Liquor Board Rules and Regulations concerning resident agent qualifications.

5. The Hearing Board concludes that the granting of the application is necessary for the accommodation of the public.

6. The Hearing Board concludes that the granting of the application would not unduly disturb the peace and safety of the neighborhood.

### **ORDER**

For the foregoing reasons, it is this 14<sup>th</sup> day of November, 2017, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Ali Sadeghi, on



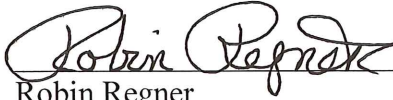
behalf of Happy Fish, LLC t/a Grille 620, for a change in class from a Class B to a Class BLX, Beer, Wine, and Liquor 7-day on-sale license for a 4,000-square foot restaurant with a 900-square foot outside patio, located at 11099 Resort Road, #304, Ellicott City, MD 21042, be and the same is hereby **GRANTED**, subject to the following conditions:

- (a) That the Applicant complies with all State and County Rules and Regulations; and
- (b) That the area of the license premises be modified to 4,000-square feet indoors and 700-square feet outdoors.
- (c) That the Applicant satisfies any requirements necessary to obtain the license by February 14, 2018, unless that deadline is extended by the Board upon good cause shown; and
- (d) Failure to comply with these conditions shall render this Proposed Decision and Order null and void.

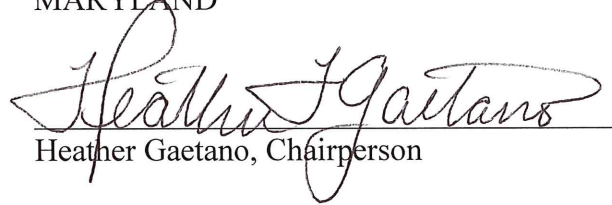
ATTEST:

ALCOHOLIC BEVERAGE HEARING

BOARD OF HOWARD COUNTY,  
MARYLAND



Robin Regner  
Acting Administrator



Heather Gaetano, Chairperson

ABSENT

Mary Bird, Vice-Chairperson

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



Charles C. Feaga, Member

ABSENT

Gene Ryan, Member



Lewis Taylor, Esquire  
Senior Assistant County Solicitor



Charley C. Sung, Member