

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF ALKA JAIN	*	BEVERAGE HEARING BOARD
AND BHARAT N. PATEL ON BEHALF	*	FOR
OF COLUMBIA LIQUOR, LLC,	*	HOWARD COUNTY, MARYLAND
T/A KINGS CONTRIVANCE LIQUOR &	*	
SMOKE SHOP, FOR A NEW CLASS	*	CASE NO.: 19-19
A-1, BEER, WINE, AND LIQUOR	*	
7-DAY OFF-SALE LICENSE	*	

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 May 14, 2019, the Hearing Board heard the application of Alka Jain and Bharat N. Patel (“Applicants”) on behalf of Columbia Liquor, LLC, t/a Kings Contrivance Liquor & Smoke Shop (“Kings Contrivance”), for a new Class A-1 Beer, Wine, and Liquor, 7-day off-sale license for a 3,600-square foot package goods store located at 8630 Guilford Road, Suite C, Columbia, Maryland 21046.

The hearing was properly advertised and the property posted pursuant to the 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. Several supporters appeared in support of the application.

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

SUMMARY OF TESTIMONY

Alka Jain, proposed resident agent, was sworn and testified that she acquired 10% ownership of Columbia Liquor, LLC, from the previous resident agent, Falgun Patel, and that she has been a resident of Howard County for 19 years, continuous without interruption. Ms. Jain testified that she is a registered voter in Howard County, has never been convicted of a felony and is a research scientist with Johns Hopkins Bayview in Baltimore.

Ms. Jain testified that she will be at the store four to eight hours per week, in the evenings and on weekends, and will clock in and out. She stated that she understands that the Board looks to her to make sure that all alcohol laws are enforced and complied with. Ms. Jain testified that she is familiar with the recent violations at Kings Contrivance – the underage age sale that occurred at Kings Contrivance and that the Resident Agent did not inform the owner or the Howard County Liquor Board that he had moved out of Howard County. She is also aware that multiple renewal applications were filed with the Liquor Board with the incorrect address listed for the resident agent. Ms. Jain understands that she must keep the Liquor Board apprised of her status and has no intention of moving out of Howard County, however, if she were to move, she would notify the Liquor Board and the owner at least 30 days prior to moving.

Ms. Jain testified that she met with Martin Johnson, former Howard County Liquor Inspector, who gave her training and helped her learn about all the rules and regulations concerning the sale of alcohol and she feels very comfortable in what she has learned. She and all employees at Kings Contrivance will be trained by Martin

Johnson and all employees will be alcohol awareness certified. Ms. Jain testified about the new state-of-the-art scanner that Kings Contrivance will be using to check identification.

Ms. Jain testified that the owners of Kings Contrivance, Mr. and Mrs. Patel, often stay at her home when they are in Howard County and that they have been very good friends for the past 10 years.

Ms. Jain testified that when she is at Kings Contrivance, she will make sure that all employees are alcohol awareness certified, that no underage customers will be served and that a policy and procedure manual prepared by Martin Johnson will be given to each employee and they will be required to sign that they have read and fully understand the policies and procedures. Ms. Jain testified that she understands that every business has a responsibility to the community and she takes this responsibility seriously and understands her obligations. Ms. Jain testified that Kings Contrivance plans to have an on-going relationship with Mr. Johnson.

Ms. Jain testified that Kings Contrivance has been closed for the last two weeks and the liquor is still inside the store, however, she was informed that there is a Comptroller permit for the storage of alcohol on the premises. She was aware of the paperwork prepared for the State and the County. She stated Kings Contrivance will also be applying for a tasting license.

Bharat Patel, 90% owner of Columbia Liquor, LLC, was sworn and testified that Martin Johnson assisted him with his application to the Comptroller's Office for a storage permit which was paid for and issued. He submitted the following exhibit to the Board:

Applicants' Exhibit 1 – Permit Application to Comptroller of Maryland, Field Enforcement Division, for Storage of Alcohol on Premises

Mr. Patel testified that he purchased Kings Contrivance in August 2013. He stated that he hopes his employees will return to the store and that several may have moved onto other jobs. He testified that he has continued to pay them while the store has been closed for the past two weeks.

Mr. Patel testified that this has been a difficult time and he will notify the Board of anything that happens at the store in the future. He said he has learned a lot due to the violation. He testified that he appreciates the support he has been given from his patrons and has learned a lot. Mr. Patel plans to meet with the Resident Agent weekly and monthly.

Mr. Patel testified that he and his wife work a combined total of 40 plus hours per week at Kings Contrivance. He stated that he works Friday, Saturday, and Sunday and his wife works Tuesday, Wednesday, and Thursday. Mr. Patel stated that he has installed a new scanner to check identification and Martin Johnson prepared a policies and procedures manual for all employees and they will have to sign that they have received and reviewed it. Mr. Patel submitted into the record the following exhibit:

Applicants' Exhibit 2 - Kings Contrivance Liquor and Smoke Shop Policies and Procedures

Mr. Patel testified that signs will be posted in the store that all customers will be required to present identification. He testified that he currently has two full-time employees and will need three to four full-time employees to be fully staffed.

Mr. Patel testified that he has been very hurt by what has happened and they

have changed many things. He explained that his heart is in this store and he is deeply worried that there is now a lack of trust and hopes to regain this trust in the future with the Board and Detective Baxter. Mr. Patel stated that he is 200% motivated to make this happen. Mr. Patel testified that he has reviewed the policy and procedure manual several times with Martin Johnson and understands that all employees must be off the premises by 2:15 a.m.

Upon questioning from the Board about why the violation was not indicated in the permit application submitted to the Comptroller's Office, Mr. Patel stated that he filled this out quickly when they were informed their license would not be renewed and he relied on assistance with the application from Martin Johnson. Mr. Coale proffered that he did not consider the violation final until final issuance of the Decision and Order. Mr. Patel acknowledged that, it would have been best if the pending violation had been included in the permit application.

Several supporters appeared at the hearing to indicate their support for the application, but did not offer testimony. They included Lydia Hicks, Michael Hayman, and Carl Koehler.

Michael Kosmas, supporter, was sworn and testified that this is a unique liquor store that carries unique products, is a clean store and a family operation which is an extended part of the community.

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 Alka Jain and Bharat N. Patel on behalf of Columbia Liquor, LLC, t/a Kings Contrivance Liquor & Smoke Shop, have applied for a new Class A-1 Beer, Wine, and Liquor, 7-day off-sale license for a 3,600-square foot package goods store located at 8630 Guilford Road, Suite C, Columbia, Maryland 21046.

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 Alka Jain has been a Howard County resident for more than two years, is a registered voter, and has a 10% financial interest in Columbia Liquors, LLC.

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 concluded that Alka Jain and Bharat N. Patel on behalf of Columbia Liquor, LLC, t/a Kings Contrivance Liquor & Smoke Shop, have applied for a new Class A-1 Beer, Wine, and Liquor, 7-day off-sale license for a 3,600-square foot package goods store located at 8630 Guilford Road, Suite C, Columbia, Maryland 21046.

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 Alka Jain 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.

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

ORDER

For the foregoing reasons, it is this 15th day of MAY, 2019, by the Alcoholic Beverage Hearing Board of Howard County, **ORDERED**, that the application of Alka Jain and Bharat N. Patel on behalf of Columbia Liquor, LLC, t/a Kings Contrivance Liquor & Smoke Shop, for a new Class A-1 Beer, Wine, and Liquor, 7-day off-sale license for a 3,600-square foot package goods store located at 8630 Guilford Road, Suite C, Columbia, Maryland 21046 be and the same is hereby **GRANTED**, subject to the following conditions:

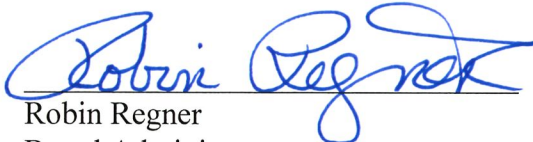
(a) That the Applicants comply with all State and County laws and regulations; and

(b) That the Applicants satisfy any requirements necessary to obtain the license by July 15, 2019, unless that deadline is extended by the Board upon good cause shown; and

(c) 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

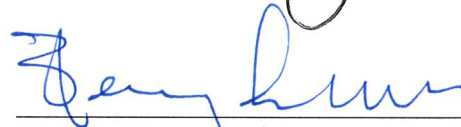

Robin Regner
Board Administrator



Gene Ryan, Chairperson

Absent AT TIME OF SIGNING
Mary Bird, Vice-Chairperson

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


Heather Gaetano, Member


Harry Evans, Member


Lewis Taylor, Esquire
Senior Assistant County Solicitor

Absent AT TIME OF SIGNING
Charley C. Sung, Member