

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF ROMMEL	*	
CUSTODIO PACHOCA, GREGORY	*	BEVERAGE HEARING BOARD
JAMES BINNEY AND ANDREA	*	
NICOLE BIVINS ON BEHALF OF	*	FOR
BINBIV ENTERPRISES, LLC T/A	*	
LOS COMPADRES FOR A TRANSFER	*	HOWARD COUNTY, MARYLAND
OF A CLASS B BEER, WINE AND	*	
LIQUOR 7-DAY LICENSE	*	Case No.: 23-12
	*	

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, 2023, the Hearing Board heard the application of Rommel Custodio Pachoca, Gregory James Binney and Andrea Nicole Bivins (the “Applicants”), on behalf of BinBiv Enterprises, LLC t/a Los Compadres (“Los Compadres”), for a transfer of a Class B Beer, Wine, and Liquor, 7-Day License for a 1,482 square foot restaurant located at 10805 Birmingham Way, #24, Woodstock, MD 21163.

The hearing was properly advertised, and the property posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. Mr. Martin Johnson was hired as a consultant for the Applicants and there were no protestants who appeared in opposition to the application.

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

SUMMARY OF TESTIMONY

Rommel Custodio Pachoca, 10% interest holder and current resident agent, was sworn in and testified before the Hearing Board.

Mr. Pachoca testified that he is a Howard County resident and that he is Alcohol Awareness Certified. Mr. Pachoca stated that he opened the restaurant in July, 2015 and that he is ready to sell the business, but plans to remain the resident agent. Mr. Pachoca stated that he will give the new licensees advice, and that he will make sure the restaurant is run correctly. Mr. Pachoca stated that the standard customers consist of families and children. Mr. Pachoca stated that during the Covid-19 pandemic, he did not deliver or sell alcohol to go. Mr. Pachoca stated that the restaurant seats up to 40 people, and that the restaurant concept will most likely not change.

Andrea Nicole Bivins, 40% interest holder and proposed licensee, was sworn in and testified before the Hearing Board.

Ms. Bivins testified that she has been in the restaurant industry for over 16 years, that she is aware of how the business operates and that she has worked at 3 other restaurants that serve alcohol without any violations. Ms. Bivins stated that there are tables, booths and 6 bar seats at the restaurant. Ms. Bivins stated that they offer appetizers, fajitas, tacos, burritos and Mexican American cuisine. Ms. Bivins stated that she is familiar with the Howard County Rules and Regulations and that she is Alcohol Awareness Certified. Ms. Bivins stated that she handles employee hiring, ordering of alcohol, payroll, billing and that she sometimes cooks. Ms. Bivins stated that she is at the restaurant 35 to 40 hours a week and that she currently has about 13 employees. Ms. Bivins stated that all employees are trained on alcohol service policies, that anyone appearing under the age of 40 years old will be asked for identification when ordering

alcohol, and that they will not serve anyone appearing to be intoxicated. Ms. Bivins stated that she did not anticipate making changes to the restaurant, and that she will continue to serve the same food and have the same menu . Ms. Bivins stated that she recycles, and that she also participates in local charities and cooking classes.

Gregory James Binney, 50% interest holder and proposed licensee, was sworn in and testified before the Hearing Board.

Mr. Binney stated that he has been in the restaurant industry since 1996, that he has worked at Los Compadres for 6 years, that he has no violations and that he is Alcohol Awareness Certified. Mr. Binney stated that he works at the restaurant 60 hours a week, is involved with employee hiring and record keeping, and that the current hours of operation are 12 p.m. to 8 p.m. 7 days a week. Mr. Binney stated that most of the employees are from Howard County, and that all employees will be Alcohol Awareness Certified. Mr. Binney stated that he supports the local area, and that he has a lot of regular customers. Mr. Binney stated that he didn't foresee any problems with operating the restaurant, but that since the Covid-19 pandemic, they have had to make adjustments.

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 Rommel Custodio Pachoca, Gregory James Binney and Andrea Nicole Bivins (the "Applicants"), on behalf of BinBiv Enterprises, LLC t/a Los Compadres ("Los Compadres"), have applied for a transfer of a Class B Beer, Wine, and Liquor,

7-Day License for a 1,482 square foot restaurant located at 10805 Birmingham Way, #24, Woodstock, MD 21163.

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 Rommel Custodio Pachoca, the resident agent applicant, 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 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 Rommel Custodio Pachoca, Gregory James Binney and Andrea Nicole Bivins (the “Applicants”), on behalf of BinBiv Enterprises, LLC t/a Los Compadres (“Los Compadres”), have applied for a transfer of a Class B Beer, Wine, and Liquor, 7-Day License for a 1,482 square foot restaurant located at 10805 Birmingham Way, #24, Woodstock, MD 21163.

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 Rommel Custodio Pachoca, the resident agent applicant, 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 the application will not unduly disturb the peace and safety of the residents of the neighborhood.

ORDER

For the foregoing reasons, it is this 10th day of May, 2023, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Rommel Custodio Pachoca, Gregory James Binney and Andrea Nicole Bivins (the “Applicants”), on behalf of BinBiv Enterprises, LLC t/a Los Compadres (“Los Compadres”), for a transfer of a Class B Beer, Wine, and Liquor, 7-Day License for a 1,482 square foot restaurant located at 10805 Birmingham Way, #24, Woodstock, MD 21163, 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;
- (b) That the Applicants satisfy any requirements necessary to obtain the license by September 28, 2023, unless that deadline is extended by the Hearing 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**

Kel L. Berg
Board Administrator (Acting)

Harry Evans
Harry Evans, Chairperson

Kel L. Berg for
Charley Sung, Vice-Chairperson

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

Kel L. Berg for
Claire Kim, Member

Hyunjae Shin
Hyunjae Shin, Esquire
Senior Assistant County Solicitor

ABSENT
Steve Chen, Member