

IN THE MATTER OF THE  
APPLICATION OF HIREN  
SURESHKUMAR PATEL ON  
BEHALF OF TROY HILL  
LIQUORS INC. T/A WINE  
CULTURE, FOR A NEW CLASS A  
BEER, WINE AND LIQUOR  
7-DAY OFF-SALE LICENSE

\* BEFORE THE ALCOHOLIC  
\*  
\* BEVERAGE HEARING BOARD  
\*  
\* FOR  
\*  
\* HOWARD COUNTY, MARYLAND  
\*  
\* Case No.: 21-48

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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 September 28, 2021 and December 21, 2021, the Hearing Board heard the application of Hiren Sureshkumar Patel (the “Applicant”) on behalf of Troy Hill Liquors, Inc. t/a Wine Culture for a New Class A, Beer, Wine and Liquor, 7-day off-sale license for a 2,576 sq. ft. package store located at 7190 Troy Hill Drive, Suite 400, Elkridge, Maryland 21075.

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 Kelcie Longaker, Esquire. Thomas Quick on behalf of Cindy’s Spirits initially opposed the proposed application and were represented by David Mister, Esquire. Shrinath Desai was also in opposition and represented himself.

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

## SUMMARY OF SEPTEMBER 28, 2021 HEARING

Mr. Mister interposed a preliminary objection stating the application is premature as there is no certified evidence to present to the Board that there is a sufficient population to support the issuance of this license. Mr. Mister stated pursuant to the Maryland General Assembly's recent amendment to Section 23-1601 of the Alcoholic Beverages Code the Board has no authority to issue more than one per every 4,000 residents of population in that district. Mr. Mister stated Howard County has not certified any 2020 census results for Election District 1 showing that there are at least 48,000 residents in Howard County Election District 1, which is what would be necessary to support the 12 licenses the Board would have issued if this license was granted. Mr. Mister stated there are currently 11 issued Class A licenses in Election District 1 of Howard County.

Ms. Longaker stated it is not required under Howard County rules that this be a certified population assessment by the census and two experts will testify on the growth of population in the area. Ms. Longaker stated there are 10 licenses in this election district and there is a sufficient population to support almost 3 more licenses in this district. Ms. Longaker stated her numbers come from the Federal census and economic platforms and the census figures have been turned into Howard County precinct numbers by Martin Johnson. Ms. Longaker stated the application was submitted prior to the rule change.

Mr. Mister stated the matter should not be continued until there is an official determination about the population Election District 1.

The Chairperson on behalf of the Board asked each attorney to present their argument as to what the accurate population for Election District 1 and whether it supports an additional Class A licensee.

## SUMMARY OF DECEMBER 21, 2021 HEARING

### STATEMENT FROM THE CHAIR

The Chairperson stated that results from the 2020 census were provided and the database was used to show the population of the 6 election districts to calculate the total population in question. The Chairperson stated every Class A liquor license was identified in each election district. The Chairperson stated there is an allowance for 13 Class A liquor licenses in Election District 1, and presently there are 11 establishments with a Class A license. The Chairperson stated there are no impediments to consider for this application.

Shrinath Desai was the only remaining opposition of the Applicant's case.<sup>1</sup>

### SUMMARY OF TESTIMONY

Hiren Patel, the proposed resident agent and 100% interest holder was sworn in and testified before the Board. Mr. Patel testified he is applying for a new Class A license and chose the trade name of Wine Culture to provide a culture through wine at a liquor store in Elkridge. Mr. Patel stated he wanted to provide international and local wines to the area.

Mr. Patel stated he would be the owner and store manager for the business and that he received a Bachelor of Finance from Suffolk University in Boston. Mr. Patel stated he started his career in 2010 as a cashier at a Dunkin Donuts in Clarksville and currently he oversees a 15-store network of which he is a partner in 7 of the locations. Mr. Patel stated he is also a Dunkin Donuts franchisee and that he grew up in Howard County.

Mr. Patel stated he has never run a liquor store before, but he has a brother-in-law who has a liquor store in Eldersburg and a cousin who started a liquor store in Catonsville. Mr. Patel stated 4-5 years ago he helped and has been mentored by his brother-in-law and

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<sup>1</sup> Prior to the hearing, Mr. Thomas Quick, on behalf of Cindy's Spirits, withdrew his opposition.

cousin. Mr. Patel stated he has conducted market research and found sites for Dunkin Donuts stores that are open today. Mr. Patel stated he did market research for 18 months for the proposed liquor store location in the Elkridge area. Mr. Patel stated his store is unique in that the focus will be on variety and introducing wines that are not typically stocked. Mr. Patel stated that while he has not worked as an employee in a liquor store, he has spent about 200 hours with his brother-in-law and cousin to learn everything about the business. Mr. Patel stated he has not been on a liquor license before but has worked for a resort in Ohio in 2015 that had a bar, but he only worked at the front desk.

Mr. Patel stated he is Alcohol Awareness Certified, and the business will be open 9 a.m. to 10 p.m. 7 days a week. Mr. Patel stated he would be open slightly earlier than other liquor stores in the area and on weekends would close slightly early, but he would consider changing this based on neighborhood needs. Mr. Patel stated people shopping at this store would be both commuters and people who live in the neighborhood. Mr. Patel stated he plans to be at the store 7 days a week, 8 to 10 hours a day and if he is not there, his assistant manager will be present.

Mr. Patel testified that he has not hired anyone yet, he has a few applications, and he only will be doing the hiring and firing of employees. Mr. Patel stated he plans have 3 to 4 employees initially, and increase the amount as needed, and will have all employees Alcohol Awareness Certified. Mr. Patel stated he will have control of the alcoholic beverages and when he is not there, the assistant manager will have control. Mr. Patel stated only he will be purchasing the alcoholic beverages and he will have policies and procedures in place for employees. Mr. Patel stated he will I.D. anyone 40 years of age and younger and he plans to use Intellicheck I.D. Mr. Patel stated employees that have a first-time violation of policies

will be given a second chance, but further violations would result in termination.

Mr. Patel stated he is familiar with the Liquor Board Rules and Regulations of Howard County. Mr. Patel testified to the specifics of the policies and procedures and the floor plan. Mr. Patel stated he will have a minimum of 20 security cameras to cover the indoor area and the parking lot, he will provide video to the police if asked, and he will save videos for at least 30 days.

Mr. Patel testified he considers the area to be a three-mile radius and he plans to provide more variety than the following surrounding businesses: Harwood Convenience; Cindy's Wine and Spirit; Howard Wine and Spirits; Meadowridge Wine and Spirits and Troy Hill Farms Liquors. Mr. Patel stated his business will be in the same shopping center as Ledo's, he isn't considering offering Lottery right now, and he will not be cashing checks. Mr. Patel stated he will be offering tastings and selling singles, so people could mix and match. Mr. Patel stated he has been to a few countries and tasted wines from Switzerland, Croatia, Italy and England. Mr. Patel stated he has consulted with wholesalers and was told he could do special orders. Mr. Patel stated he wants to make customers remove their face mask when they I.D. Mr. Patel stated he has learned that the placement of popular products should be at eye-level and being able to order the appropriate number of products is important.

Anirban Basu, in support, was sworn in and testified before the Board. Dr. Basu testified he works at Sage Policy Group, Inc. and is the Chairman and CEO. Dr. Basu stated he is the principal economic researcher, principal public speaker and principal salesperson for Sage Policy Group, Inc. Dr. Basu stated he attended Georgetown University School of Foreign Service, Harvard University's John F. Kennedy School of Government, University

of Maryland at College Park, University of Maryland School of Law and UMBC. Dr. Basu stated he has given lectures around the country and specializes in macro-economics. Dr. Basu stated he has never testified in front of the Liquor Board before but has testified before the Zoning Board and other boards. Dr. Basu testified to the contents of a report he prepared on the economic analysis of Wine Culture to have a license. Dr. Basu testified to the census data in Howard County and population growth in Elkridge. Dr. Basu stated he went to other business in the area to compare them to Wine Culture. Dr. Basu stated he doesn't have expertise in varieties of wine but does have expertise in product differentiation. Dr. Basu stated he focused on wine and high-end products of liquor and not beer. Dr. Basu stated he is familiar with the legislation that provides for liquor licenses in election districts based on populations and the legislation states they are dealing with the 2020 census for the next 10 years and any interim growth won't be acknowledged.

Martin Johnson, a consultant, was sworn in and testified before the Board. Mr. Johnson testified he works for Louisiana State University and consults in liquor license matters under Maryland Liquor License Services. Mr. Johnson stated he owns I.D. Training LLC and his duties include liquor license research, evaluation of needs of licenses and counterfeit identification. Mr. Johnson stated he was previously a Howard County police officer and detective and a liquor inspector. Mr. Johnson stated he has received honors and awards including Top Investigator and was a nominee for Police Officer of the Year. Mr. Johnson stated he was engaged by Mr. Patel to assist him with his liquor license application. Mr. Johnson stated he conducted distance measuring, ease of access, assessed dates other area liquor stores were granted licenses, checked hours of operations and products offered by other liquor stores. Mr. Johnson stated he had been to the proposed location and

explained where it is and how to get there.

Mr. Johnson testified to several photos of the location of the business and that there had been no recent changes. Mr. Johnson testified to an aerial view map that was presented to show distances and orientation using Wine Culture as a point of focus. Mr. Johnson testified to a document he prepared on other store hours and compared Wine Culture hours with other businesses in the area. Mr. Johnson testified to a document he prepared on other stores and the years they have been licensed in the area. Mr. Johnson stated that most of the stores existed prior to the population boom. Mr. Johnson stated he worked with Mr. Patel on developing policies and procedures for the store as well as developing a system for I.D. checking. Mr. Johnson stated he has consulted with Mr. Patel on best practices and he has watched him work and thinks he would be a serious purveyor of beverages if granted the license. Mr. Johnson stated the growth and number of stores and square footage versus residential and commercial growth has previously been considered by the Board.

Mr. Desai testified he owns All Saints Liquor in Laurel, MD. Mr. Desai stated he offers many varieties of wines, sells singles, and has an ATM. Mr. Desai testified that liquor store applicants make their presentation to the Board that they have unique offerings and then later change their policies after the license is granted. Mr. Desai stated that he tries to give the best customer service to his customers.

Mark Pavlosky, in support, was sworn in and testified before the Board. Mr. Pavlosky stated he has known Mr. Patel for more than ten years, worked with him at Dunkin Donuts, and has seen his development. Mr. Pavlosky stated Mr. Patel is dedicated to honesty and customer service and solves problems. Mr. Pavlosky stated Mr. Patel is involved in charitable activities by giving donations and supporting various groups and events. Mr.

Pavlosky stated Mr. Patel would be a strong asset in the community.

Sam Markose, in support, was sworn in and testified before the Board. Mr. Markose stated he has known Mr. Patel for a few years and thinks he would be a good asset in the community. Mr. Markose stated this would be a good liquor store in a good location.

Krishna Sheth, in support, was sworn in and testified before the Board. Ms. Sheth stated she was local to Elkridge and has internationally traveled and has found that selection of wine harder to find here. Ms. Sheth stated she supports Wine Culture.

Akash Patel, in support, was sworn in and testified before the Board. Mr. Akash Patel stated this location would be ideal. Mr. Akash Patel stated he is a wine fanatic and he visits his neighbors and this business would let them explore wine from various countries. Mr. Akash Patel stated he hopes the Board makes a favorable decision. Mr. Akash Patel stated he has not been to Perfect Pour but had visited Cindy's Wine and Spirit and seen their variety. Mr. Akash Patel stated he is looking forward to exploring more varieties through the Applicant's proposed business.

Mr. Desai was not initially sworn in and attested that everything he presented was truthful.

The following exhibits were entered into the record:

*Applicant's Exhibit #1 – Wine Culture Policies and Procedures document*

*Applicant's Exhibit #2 – Floor Plan (4 pages)*

*Witness Exhibit #3 – Dr. Anirban Basu resume*

*Witness Exhibit #4 – Dr. Anirban Basu list of prior litigation support experience*

*Witness Exhibit #5 – Dr. Anirban Basu Economic Analysis Report*

*Witness Exhibit #6 – Martin Johnson photos of the location*



*Witness Exhibit #7 – Martin Johnson aerial view map*

*Witness Exhibit #8 – Martin Johnson other store hours comparison document*

*Witness Exhibit #9 – Martin Johnson other store years in the alcohol business document*

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 Hiren Sureshkumar Patel (the “Applicant”) on behalf of Troy Hill Liquors, Inc. t/a Wine Culture for a New Class A, Beer, Wine and Liquor, 7-day off-sale license for a 2,576 sq. ft. package store located at 7190 Troy Hill Drive, Suite 400, Elkridge, Maryland 21075.

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 Hiren Sureshkumar Patel is a Howard County resident.

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 Hiren Sureshkumar Patel (the

“Applicant”) on behalf of Troy Hill Liquors, Inc. t/a Wine Culture for a New Class A, Beer, Wine and Liquor, 7-day off-sale license for a 2,576 sq. ft. package store located at 7190 Troy Hill Drive, Suite 400, Elkridge, Maryland 21075.

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 Hiren Sureshkumar Patel 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 would not unduly disturb the peace and safety of the neighborhood.

**ORDER**

For the foregoing reasons, it is this 21<sup>st</sup> day of April, 2022, by the Alcoholic Beverage Hearing Board of Howard County, **ORDERED** that the application of Hiren Sureshkumar Patel (the “Applicant”) on behalf of Troy Hill Liquors, Inc. t/a Wine Culture for a New Class A, Beer, Wine and Liquor, 7-day off-sale license for a 2,576 sq. ft. package store located at 7190 Troy Hill Drive, Suite 400, Elkridge, Maryland 21075, be and the same is hereby **GRANTED**, subject to the following conditions:

- (a) That the Applicant comply with all State and County Rules and Regulations; and
- (b) That the Applicant satisfy any requirements necessary to obtain the license by September 15, 2022, 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**



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Ashley Aguilar  
Board Administrator

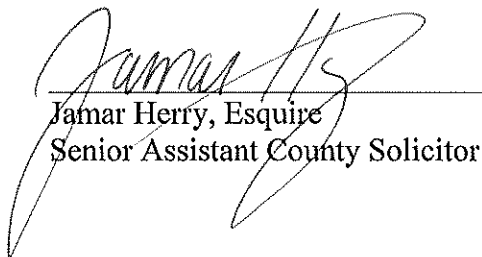
*Kel L. Berg for*  
\_\_\_\_\_  
Mary Bird, Chairperson

*Kel L. Berg for*  
\_\_\_\_\_  
Harry Evans, Vice-Chairperson

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

*Kel L. Berg for*  
\_\_\_\_\_  
Charley Sung, Member

*Kel L. Berg for*  
\_\_\_\_\_  
Steven Chen, Member



\_\_\_\_\_  
Jamar Herry, Esquire  
Senior Assistant County Solicitor

*Kel L. Berg for*  
\_\_\_\_\_  
Claire Kim, Member

**ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER MAY  
APPEAL THE DECISION TO THE LIQUOR BOARD WITHIN TEN DAYS  
OF THE DATE OF THE DECISION, IN ACCORD WITH RULE 6.14 OF THE  
RULES AND REGULATIONS OF THE LIQUOR BOARD**