

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF NARAYAN	*	BEVERAGE HEARING
KANDEL, BHANU BHAKTA GAUTAM,	*	BOARD FOR
AND SHANKAR DEEP KUSWAR ON	*	HOWARD COUNTY,
BEHALF OF NAVADURGA, LLC	*	MARYLAND
T/A PIZZAMAN RESTAURANT FOR A	*	
NEW CLASS B BEER, WINE, AND	*	CASE NO.: 19-32
LIQUOR 7-DAY ON SALE LICENSE	*	

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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 July 9, 2019, the Hearing Board heard the application of Narayan Kandel, Bhanu Khakta Gautam, and Shankar Deep Kuswar (“Applicants”) on behalf of Navadurga, LLC t/a Pizzaman Restaurant (“Pizzaman”) for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 2,800-square foot restaurant located at 5810 Robert Oliver Place, Columbia, Maryland 21045.

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 Abraham Hurdle, Esquire. There were no protestants who appeared in opposition to the application.

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

As a preliminary matter, Mr. Hurdle explained that this restaurant had been operating under a management agreement and a Transfer application was submitted

to the Liquor Board in December, 2018, however, the existing restaurant's liquor license was not renewed during the renewal period and this application was subsequently amended to a new application rather than a transfer. Mr. Hurdle stated that no alcohol has been served since the original license expired.

### **SUMMARY OF TESTIMONY**

Narayan Kandel, proposed resident agent and 34% interest owner, was sworn and testified that he operated this location for a few months with a liquor license, through a management agreement, and that he had no liquor violations during that time. He stated that has worked at other Pizzaman Restaurants as well as other restaurants, however, they did not have a liquor license.

Mr. Kandel testified that he is alcohol awareness certified and that all employees that handle alcohol will be also be alcohol awareness certified. Mr. Kandel stated that he is familiar with the Liquor Board Rules and Regulations and will abide by them.

Mr. Kandel testified that the hours of operation for this restaurant will be Monday through Thursday from 10:30 a.m. to 10:30 p.m.; Friday and Saturday from 10:30 a.m. to 11:30 p.m.; and on Sundays from 10 a.m. to 10 p.m. He stated that the type of food to be served at this restaurant include pizza, chicken wings, and pasta. He estimates that the percentage of sales will be 20% alcohol and 80% food.

Mr. Kandel testified that this business is located in the Village of Oakland Mills and that that one of the three licensees will be at the restaurant at all times. He stated that the restaurant will have approximately 70 seats for customers. Mr.

Kandel testified that he is applying for a liquor license because his customers are requesting to be served alcohol with their food and that the previous establishment served alcohol. Mr. Kandel also testified that this business is in the process of instituting a recycling plan.

Mr. Kandel testified that the inventory from the previous seller is located in a locked cabinet in the office and only a few people have access to this cabinet. Mr. Kandel stated that he did not obtain a permit from the State concerning this liquor. Additionally, Mr. Hurdle proffered, on behalf of Mr. Kandel, that the licensees did not obtain a permit from the State of Maryland to hold the alcohol left from the previous owner. Mr. Hurdle further stated that the licensees will obtain a permit to store the remaining alcohol from the State of Maryland. Lastly, Mr. Hurdle proffered that the two other applicants' testimony would be the same as Mr. Kandel.

The following exhibit was submitted into the record:

**Exhibit 1 – Alcohol Awareness Certifications for 3 licensees & 2 employees**

Pursuant to Rule 6.13 (D)(3) 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 Narayan Kandel, Bhanu Khakta Gautam, and Shankar Deep Kuswar on behalf of Navadurga, LLC t/a Pizzaman

Restaurant have applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 2,800-square foot restaurant located at 5810 Robert Oliver Place, Columbia, Maryland 21045.

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 Narayan Kandel has been a Howard County resident for more than two years, is a registered voter, and has a 34% financial interest in the business.

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 Narayan Kandel, Bhanu Khakta Gautam, and Shankar Deep Kuswar on behalf of Navadurga, LLC t/a Pizzaman Restaurant have applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 2,800-square foot restaurant located at 5810 Robert Oliver Place, Columbia, Maryland 21045.

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 Narayan Kandel 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.

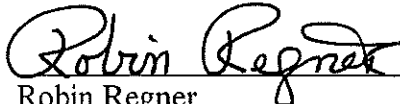
**ORDER**

For the foregoing reasons, it is this 13<sup>th</sup> day of August, 2019, by the Alcoholic Beverage Hearing Board of Howard County, **ORDERED**, that the application of Narayan Kandel, Bhanu Khakta Gautam, and Shankar Deep Kuswar on behalf of Navadurga, LLC t/a Pizzaman Restaurant for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 2,800-square foot restaurant located at 5810 Robert Oliver Place, Columbia, Maryland 21045, 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 November 13, 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:

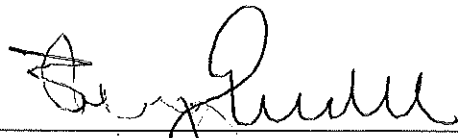
ALCOHOLIC BEVERAGE HEARING  
BOARD OF HOWARD COUNTY,  
MARYLAND

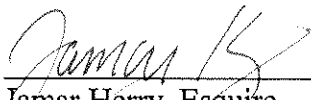
  
\_\_\_\_\_  
Robin Regner  
Board Administrator

ABSENT  
\_\_\_\_\_  
Gene Ryan, Chairperson

  
\_\_\_\_\_  
Mary Bird, Vice-Chairperson

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

  
\_\_\_\_\_  
Harry Evans, Member

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

  
\_\_\_\_\_  
Heather Gaetano, Member

ABSENT AT TIME OF SIGNING  
\_\_\_\_\_  
Charley C. Sung, Member