

PETITION TO FINE, SUSPEND, OR * BEFORE THE ALCOHOLIC
 REVOKE THE ALCOHOLIC *
 BEVERAGE LICENSE HELD BY * BEVERAGE HEARING BOARD
 SHRINATH DESAI ON BEHALF OF *
 SHRIJ, LLC, t/a ALL SAINTS LIQUORS * FOR
 *
 * HOWARD COUNTY, MARYLAND
 * Case No. 15-30-V

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”). This Proposed Decision and Order shall take effect immediately in accord with Rule 7.05(C), and shall become Final, as provided in Rule 6.13.

On June 23, 2015, the Hearing Board heard the Petition of Howard County, Maryland and Detective Mark Baxter, Alcoholic Beverage Inspector (collectively “Petitioners”), to Fine, Suspend, or Revoke the Class A-1 Beer, Wine, and Liquor 7-day off-sale license held by Shrinath Desai (“Licensee”), on behalf of Shrij, LLC, t/a All Saints Liquors, located at 9105 All Saints Road, Laurel, Maryland 20723. The Petitioners were represented by David Moore, Senior Assistant County Solicitor. The Licensee was represented by Thomas M. Meachum, Esquire.

All the documents on file were incorporated into the record by reference. These include the following: a letter dated June 22, 2015, to the Hearing Board, from the attorney for the Licensee, entering his appearance; a letter dated March 20, 2015, to the Licensee, from the Liquor Board Administrator, advising him of the hearing date of June 23, 2015, and enclosing the Petition to Fine, Suspend, or Revoke the alcoholic beverage license for Shrij, LLC, t/a All Saints Liquors; and an email dated June 12, 2015, from the Alcoholic Beverage Inspector stating that the property had been posted.

STIPULATIONS

The Licensee stipulated to the following alleged violations of the Petition:

- a. Liquor Board Rule 5.01(c) – Sales to Minors
- b. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
- c. Liquor Board Rule 5.07 – Acts Contrary to Law

SUMMARY OF TESTIMONY

Shrinath Desai, Licensee, was sworn and testified that he has been the owner of All Saints Liquors since July 2010, and previously owned Star Liquors from February 8, 2008 until 2010. Mr. Desai testified that he is on the premises full-time, and that he and all of his employees are alcohol awareness certified.

Mr. Desai testified that since being a licensee, he has never sold alcohol to underage individuals that were sent in to purchase alcoholic beverages by the Liquor Inspector, and has a letter of commendation indicating that. Mr. Desai testified that he has also been tested for selling cigarettes to underage individuals, and that he did not sell to them.

Mr. Desai testified that he was not in the store at the time of the violation, but that he asked the cashier, Mr. Shah, to give a statement about the incident. Mr. Desai testified that Mr. Shah stated he was alone at the counter with the two cash registers and the lottery sales. The other two employees were busy stocking the store with deliveries that had been received. Mr. Shah indicated to Mr. Desai that the store was busy at the time of the sale.

Since that time, Mr. Desai testified that on delivery days, he makes sure that there are two employees at the cash register. Mr. Desai testified that normally he only assigns one employee to the cash register. One employee does the stocking and one employee helps at either the counter or with stocking, depending on how busy the store is. Mr. Desai testified that he wants to place the employees in a position to be successful. Mr. Desai testified that new employees are given an orientation where they are advised of their responsibilities, and are required to be alcohol awareness certified before they begin to work. Mr. Desai works along with new employees, and they are required to check identification if the customer appears to be under the age of 30. Mr. Desai testified that he rewards his employees with a bonus of \$50.00, if they are tested and refuse to sell to underage customers. Mr. Desai testified that they have cameras to assist in observation of the store.

With regards to a previous violation in 2011, Mr. Desai testified that the employee had only been working for two days, and failed to check the customers ID. Mr. Desai testified that the employee was inexperienced, and was not alcohol awareness certified. Mr. Desai testified that the employee never returned to work.

The following Licensees' exhibits were entered into the record:

Exhibit #1 – TAM certifications for six employees

Exhibit #2 – a letter from the cashier explaining the violation

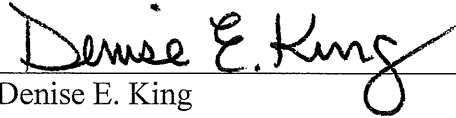
Based on the evidence presented at the hearing, the Board of License Commissioners makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

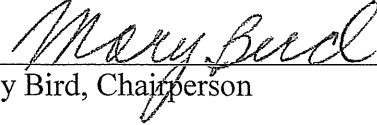
1. The Hearing Board finds that Shrinath Desai is the Licensee on behalf of Shrij, LLC, t/a All Saints Liquors, a Class A-1 Beer, Wine and Liquor 7-day off-sale license located at 9105 All Saints Road, Laurel, Maryland 20723.
2. The Hearing Board finds that the Licensee has admitted to the following violations:
 - a. Liquor Board Rule 5.01(c) – Sales to Minors
 - b. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
 - c. Liquor Board Rule 5.07 – Acts Contrary to Law
3. The Hearing Board finds that Mr. Subhashchandra Shah, employee of All Saints Liquors, sold a 1.75L bottle of vodka to a 17 year old police volunteer without checking the volunteer's id.
4. The Hearing Board finds that the Licensees have violated the following provisions of the Liquor Board Rules and Regulations:
 - a. Liquor Board Rule 5.01(c) – Sales to Minors
 - b. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
 - c. Liquor Board Rule 5.07 – Acts Contrary to Law
5. The Hearing Board finds that it is not necessary to revoke the license, but because of the serious nature of these offenses, and in order to ensure compliance with the law and Rules and Regulations, and to promote the peace and safety of the community, it is necessary to suspend the license for two days, beginning on a Friday, August 21, 2015, at 6:00 A.M., until the following Sunday, August 23, 2015, at 6:00 A.M.; and to impose a fine in the

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator



Mary Bird, Chairperson



Harry Evans, III Vice-Chairperson

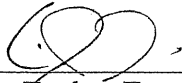
REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
GARY W. KUC
COUNTY SOLICITOR

ABSENT

Charles C. Feaga, Member



Heather Gaetano, Member



Lewis Taylor, Esquire
Assistant County Solicitor



Charley C. Sung, 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.

amount of Five Hundred Dollars, (\$500.00), and a fee of Two Hundred Sixty Dollars (\$260.00), for the cost of the hearing as provided by Rule 7.05(B), for a total of Seven Hundred Sixty Dollars (\$760.00).

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Shrinath Desai is the Licensee on behalf of Shrij, LLC, t/a All Saints Liquors, a Class A-1 Beer, Wine and Liquor 7-day off-sale license located at 9105 All Saints Road, Laurel, Maryland 20723.

2. The Hearing Board concludes that the Licensees have violated the following provisions of the Liquor Board Rules and Regulations:

- a. Liquor Board Rule 5.01(c) – Sales to Minors
- b. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
- c. Liquor Board Rule 5.07 – Acts Contrary to Law

3. The Hearing Board concludes that it is not necessary to revoke the license, but because of the serious nature of these offenses, and in order to ensure compliance with the law and Rules and Regulations, and to promote the peace and safety of the community, it is necessary to suspend the license for two days, beginning on a Friday, August 21, 2015, at 6:00 A.M., until the following Sunday, August 23, 2015, at 6:00 A.M.; and to impose a fine in the amount of Five Hundred Dollars, (\$500.00), and a fee of Two Hundred Sixty Dollars (\$260.00), for a total of Seven Hundred Sixty Dollars (\$760.00).

ORDER

For the foregoing reasons, and upon finding a violation of Rules 5.01(c), 4.04, and 5.07 of the Liquor Board's Rules and Regulations, it is this 11th day of August, 2015, by the Alcoholic Beverage Hearing Board for Howard County, Maryland, **ORDERED:**

1. That the Class A-1 Beer, Wine, and Liquor 7-day off-sale license issued to Shrinath Desai, on behalf of Shrij, LLC, t/a All Saints Liquors, is **SUSPENDED** for two days, beginning on a Friday, August 21, 2015, at 6:00 A.M., until the following Sunday, August 23, 2015, at 6:00 A.M.; and further

2. That a **FINE** in the amount of Five Hundred Dollars, (\$500.00), and a fee of Two Hundred Sixty Dollars (\$260.00), for the cost of the hearing as provided by Rule 7.05(B), for a total of Seven Hundred Sixty Dollars (\$760.00); is imposed upon

Shrinath Desai, Licensee on behalf of SHRIJ, LLC, t/a All Saints Liquors, and **SHALL BE PAID NO LATER THAN AUGUST 30, 2015.**