

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF AMER PARVEZ	*	
SHAH, EVAN ALLEN BROWN, AND	*	BEVERAGE HEARING BOARD
ALAN ROBERT BIARS ON BEHALF OF	*	
QUAD B, LLC, t/a THE DIAMONDBACK	*	FOR
TAVERN, FOR A RESIDENT AGENT	*	
CHANGE ON A CLASS B BEER,	*	HOWARD COUNTY, MARYLAND
WINE, AND LIQUOR 7-DAY ON-SALE	*	
LICENSE	*	Case No.: 15 - 19
	*	

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 April 14, 2015, the Hearing Board heard the application of Amer Parvez Shah, Evan Allen Brown, and Alan Robert Biars ("Applicants"), on behalf of Quad, LLC, t/a The Diamondback Tavern ("Quad B, LLC"), for a resident agent change from Douglas Bruns to Amer Parvez Shah, on the Class B Beer, Wine, and Liquor 7-day on-sale license, currently held by Douglas Bruns, Evan Allen Brown, and Alan Robert Biars, for a 6,400 square foot restaurant located at 3733 Old Columbia Pike, Ellicott City, Maryland 21043. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by Thomas M. Meachum, Esquire. There were no protestants who appeared in opposition to the application.

All the documents on file were incorporated into the record by reference. These include the following: the application; a letter dated April 10, 2015, from Thomas M. Meachum,

entering his appearance on behalf of the licensees; Minutes of a March 19, 2015 meeting of Quad B, LLC; a copy of the applicants' background investigation questionnaires; a copy of the Motor Vehicle Administration driving records for the applicants; a memorandum dated March 18, 2015, from the Liquor Board to the Alcoholic Beverage Inspector, the Department of Inspections, Licenses, and Permits, the Bureau of Environmental Health, and the Department of Planning and Zoning; the background investigations of the Applicants from the Alcoholic Beverage Inspector dated April 6, 2015; a memorandum dated March 25, 2015, from the Department of Planning and Zoning; a memorandum dated April 9, 2015, from the Bureau of Environmental Health; a letter dated April 7, 2015, from the Howard County Department of Fire and Rescue Services; a letter dated March 18, 2015, to the Department of Finance; a letter dated April 2, 2015, from the Department of Finance; a letter dated April 13, 2015, from the Department of Finance; a letter dated March 18, 2015, to the Comptroller of Maryland; a letter dated April 10, 2015, from the Comptroller of Maryland; notification of the hearing date and the necessity to advertise; an email dated March 20, 2015, from the Alcoholic Beverage Inspector stating the premises had been posted; and certification of advertisement from Patuxent Publishing and The Howard Sun.

Amer Shah, 10% shareholder of Quad B, LLC, was sworn and testified that he has lived in Howard County for nine years, and is alcohol awareness certified. Mr. Shah testified that he has prior experience in the restaurant business. He worked as a bartender for twenty years, and during that time he never had any violations. Mr. Shah stated that he worked at licensed establishments in Atlanta and Houston. When asked why these locations did not appear on his background questionnaire he said he thought he did not have to because it was more than 10

years ago, although the questionnaire requests information about employment at licensed establishments over the last 20 years.

Mr. Shah testified that he plans to visit the restaurant twice per month to make sure they are following procedures and laws. Mr. Shah testified that he is familiar with the Rules and Regulations governing the sale of alcoholic beverages, and is familiar with the restaurant's written policies.

Alan Biars, 45% shareholder of Quad B, LLC, was sworn and testified that regarding his driving record, he was a reckless driver for a period of time. Mr. Biars testified that he has corrected the problem. Mr. Biars was asked whether he was aware of a pending violation against Quad B, LLC for alleged violations of the Rules and Regulations. His counsel objected to the questions. Mr. Biars acknowledged that a bartender had told him of the alleged violations.

Regarding the outstanding taxes, Mr. Biars testified that he has paid the personal property taxes and is in good standing. Mr. Biars testified that they intended to pay taxes, but they are a struggling business. Because the corporation was forfeit for failure to pay taxes, they attempted to submit articles of revival but inadvertently filed new articles of incorporation.

Evan Brown, 45% shareholder of Quad B, LLC, was sworn and testified that he has made efforts to address the tax issue. Mr. Brown testified that he has been in contact with the State for more than a week, regarding the taxes, and has also been to their office. Mr. Brown testified that their check was not processed for personal property taxes, and that a manual certification was sent. Mr. Brown testified that two days ago the State had not manually entered last year's taxes and did not have the proper amount. Mr. Brown testified that he received violations when he was the manager at Greystone Grill. According to Mr. Brown, if

there is a violation, the police officer gives the manager on duty the citation. Mr. Brown testified that he was not an owner, or on the liquor license for Greystone Grill.

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicants waived the right to request the Liquor Board to hear the case.

FINDINGS OF FACT

1. The Hearing Board finds that Amer Parvez Shah, Alan Robert Briars, and Evan Allen Brown on behalf of Quad B, LLC, t/a The Diamondback Tavern, have applied for a resident agent change from Douglas Bruns to Amer Parvez Shah, on the Class B Beer, Wine, and Liquor 7-day on-sale license for a 6,400 square foot restaurant located at 3733 Old Columbia Pike, Ellicott City, Maryland 21043.

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 Amer Parvez Shah has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Quad B, LLC, t/a The Diamondback Tavern.

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 in the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Amer Parvez Shah, Alan Robert Briars, and Evan Allen Brown on behalf of Quad B, LLC, t/a The Diamondback Tavern, have applied for a resident agent change from Douglas Bruns to Amer Parvez Shah, on the Class B Beer, Wine,

and Liquor 7-day on-sale license for a 6,400 square foot restaurant located at 3733 Old Columbia Pike, Ellicott City, Maryland 21043.

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 Amer Parvez Shah meets the requirements of Rules 1.09(T), 1.09(U), 2.06, and 2.10 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 in the neighborhood.

ORDER

For the foregoing reasons, it is this 9th day of June, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Amer Parvez Shah, Alan Robert Briars, and Evan Allen Brown on behalf of Quad B, LLC, t/a The Diamondback Tavern, for a resident agent change from Douglas Bruns to Amer Parvez Shah, on the Class B Beer, Wine, and Liquor 7-day on-sale license for a 6,400 square foot restaurant located at 3733 Old Columbia Pike, Ellicott City, Maryland 21043, be and the same is hereby **GRANTED** subject to the following conditions:

1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicants obtain the license and comply with the following conditions:

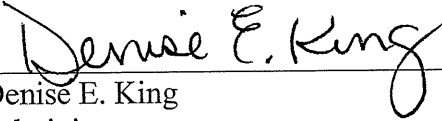
(a) That the Applicants comply with all State and County Rules


and Regulations; and


- (b) That the Applicants correct their corporation status with the State Department of Assessment and Taxation; and
- (c) That Mr. Shah provide a complete background questionnaire; and
- (d) Failure to comply with these conditions and obtain the license by July 30, 2015, shall render this Proposed Decision and Order null and void.

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
MARGARET ANN NOLAN
COUNTY SOLICITOR

Charles C. Feaga, Member

ABSENT
Heather Gaetano, Member


Lewis Taylor, Esquire
Assistant County Solicitor


Charley C. Sung, Member