

IN THE MATTER OF THE \* BEFORE THE ALCOHOLIC  
 APPLICATION OF PATRICK RYAN \*  
 CATES ON BEHALF OF PISCO OF \* BEVERAGE HEARING BOARD  
 COLUMBIA, INC., t/a PISCO PERUVIAN \*  
 CUISINE & CEVICHE BAR, FOR A NEW \* FOR  
 CLASS B BEER, WINE, AND LIQUOR \*  
 7-DAY ON-SALE LICENSE \* HOWARD COUNTY, MARYLAND  
 \* \* \* \* \*

**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 November 18, 2014, December 2, 2014, and January 13, 2015, the Hearing Board heard the application of Patrick Ryan Cates ("Applicant"), on behalf of Pisco of Columbia, Inc., t/a Pisco Peruvian Cuisine & Ceviche Bar ("Pisco of Columbia, Inc."), for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 3,400 square-foot restaurant with a 750 square-foot outdoor patio located at 6630 Marie Curie Drive, Suite L, Elkridge, Maryland 21075. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicant was represented by James S. Pezzulla, 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: a letter dated August 26, 2014, from the Applicant's attorney enclosing the

application; a copy of the background investigation questionnaire for the Applicant; a list of officers of Pisco of Columbia, Inc.; a list of shareholders for Pisco of Columbia, Inc.; a copy of the Articles of Incorporation for Pisco of Columbia, Inc.; a copy of a statement from the State of Maryland Department of Assessments and Taxation, certifying that the copy of the Articles of Incorporation for Pisco of Columbia, Inc. has been accepted; a copy of the site plan, the floor plan, and the patio drawing for Pisco of Columbia, Inc.; two photographs showing the outdoor patio of Pisco of Columbia, Inc.; a copy of the Stock Purchase Agreement for Pisco of Columbia, Inc.; a Promissory Note dated August 20, 2014 between Mr. Cates and Rita Palma Esposito; a memorandum dated October 22, 2014, 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 investigation of the Applicant by the Alcoholic Beverage Inspector dated November 14, 2014; a letter dated November 17, 2014, from the Applicant's attorney addressing issues in the Alcoholic Beverage Inspector's background investigation report; an e-mail dated October 30, 2014, from the Department of Inspections Licenses and Permits; a memorandum dated November 14, 2014, from the Department of Planning and Zoning; a letter dated October 22, 2014, to the Department of Finance; a letter dated October 27, 2014, from the Department of Finance; a letter dated October 22, 2014, to the Comptroller of Maryland; a letter dated October 30, 2014, from the Comptroller of the Treasury; an email to the Applicant's attorney enclosing a letter dated October 22, 2014, with notification of the hearing date and the necessity to advertise; the certification of advertisement from the Howard County Times and the Baltimore Sun; and an email dated November 4, 2014, from the Alcoholic Beverage Inspector stating the premises had been posted.

## SUMMARY OF TESTIMONY – NOVEMBER 18, 2014

Mr. Pezzulla proffered that the location proposed to be licensed was formerly a restaurant with a Class B license. Patrick Ryan Cates, President, Secretary, Treasurer, and 100% shareholder for Pisco of Columbia, Inc., was sworn and testified that he has been a resident of Howard County for 21 years, is alcohol awareness certified, and that he is a registered voter. Mr. Cates testified that Pisco Peruvian Cuisine and Ceviche Bar is a Peruvian restaurant that offers ceviche, which is raw fish marinated in lime juice, and other Peruvian food. Mr. Cates testified that they have been operating without a liquor license since August 4, 2014. Mr. Cates testified that they are applying for a liquor license so that they can provide beer, wine, and signature drinks. Mr. Cates testified that they would not be able to continue operating as a restaurant without a liquor license.

Mr. Cates testified that he has worked in the restaurant business since 2011. Mr. Cates testified that he began working for Facci at Maple Lawn and Facci of Turf Valley, where he learned every aspect of the business, and became the District Manager.

Mr. Cates testified that Rita Palma Esposito established the business, and that he plans to purchase the interest, and will be sole owner but that he plans to keep the prior owners as employees. Mr. Cates testified that Ms. Esposito will not be involved in the business, except for advice. Mr. Pezzulla stated that the purchase of the business is being accomplished via owner financing secured by a promissory note. If approved, Mr. Cates testified that he will work at Facci to help, while transitioning out.

Mr. Cates testified that he plans to be at Pisco Peruvian Cuisine and Ceviche Bar eighty (80) hours per week. They have 25 employees, including six to seven bartenders and front of the house staff. Mr. Cates testified that he plans to keep the floor manager.

Mr. Danielly was sworn and testified that he has known Patrick Cates for fifteen years, as he was the manager of his swim team. Mr. Danielly testified that Mr. Cates is mature, and has a good worth ethic.

At the conclusion of the hearing, the Hearing Board requested the following documents be submitted for their review prior to continuing the hearing on December 2, 2014:

1. Un-redacted Stock Purchase Agreement
2. Lease for the real property
3. Correspondence from the Landlord regarding the sale of the business
4. Promissory Note
5. 2014 Form 1 Personal Property Return
6. Evidence of Sales Tax Payments

#### SUMMARY OF TESTIMONY – DECEMBER 2, 2014

On December 2, 2014, the Alcoholic Beverage Hearing Board met to continue their discussion of the application for Pisco of Columbia, Inc., t/a Pisco Peruvian Cuisine and Ceviche Bar. Since the requested documentation was not received until December 1, 2014, the Hearing Board determined they needed additional time to review the documents. The hearing was continued until January 13, 2015, to allow the Hearing Board to review the documentation, and conduct a work session.

#### JANUARY 13, 2014 WORK SESSION

The Alcoholic Beverage Hearing Board met on January 13, 2014 to deliberate on the application.

### FINDINGS OF FACT

1. The Hearing Board finds that Patrick Ryan Cates, on behalf of Pisco of Columbia, Inc., t/a Pisco Peruvian Cuisine and Ceviche Bar, has applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 3,400 square foot restaurant with a 750 square foot outdoor patio located at 6630 Marie Curie Drive, Suite L, 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 Patrick Ryan Cates has been a Howard County resident for more than two years, is a registered voter, and a 100% shareholder of Pisco of Columbia, Inc., t/a Pisco Peruvian Cuisine.

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 Patrick Ryan Cates, on behalf of Pisco of Columbia, Inc., t/a Pisco Peruvian Cuisine and Ceviche Bar, has applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 3,400 square foot restaurant with a 750 square foot outdoor patio located at 6630 Marie Curie Drive, Suite L, 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 Patrick Ryan Cates 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.

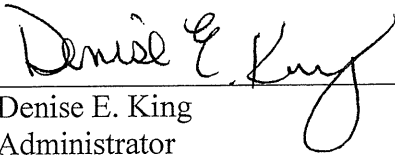
**ORDER**

For the foregoing reasons, it is this 29<sup>th</sup> day of January, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Patrick Ryan Cates on behalf Pisco of Columbia, Inc., t/a Pisco Peruvian Cuisine and Ceviche Bar, for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 3,400 square foot restaurant with a 750 square foot outdoor patio located at 6630 Marie Curie Drive, Suite L, Elkridge, Maryland 21075, 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) Failure to comply with these conditions and obtain the license by April 30, 2015, shall render this Proposed Decision and Order null and void.

ATTEST:


ALCOHOLIC BEVERAGE HEARING  
BOARD OF HOWARD COUNTY,  
MARYLAND

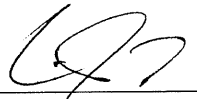
  
Denise E. King  
Administrator

ABSENT  
Mary Bird, Chairperson


  
Harry Evans, III, Vice-Chairperson

REVIEWED BY HOWARD COUNTY  
OFFICE OF LAW  
MARGARET ANN NOLAN  
COUNTY SOLICITOR

  
Charles C. Feaga, Member

  
Lewis Taylor, Esquire  
Assistant County Solicitor

  
Heather Gaetano, Member

  
Charley C. Sung, Member