

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF FREDRICO DON	*	
BROOM, JR., WILLIAM JOSEPH	*	BEVERAGE HEARING BOARD
SHEEHAN, AND CARLOS RAUL	*	
FLORES ON BEHALF OF SONESTA	*	FOR
INTERNATIONAL HOTELS	*	
CORPORATION, t/a SONESTA ES	*	HOWARD COUNTY, MARYLAND
SUITES COLUMBIA FOR A RESIDENT	*	
AGENT CHANGE ON A CLASS B -	*	Case No. 15-20
BEER, WINE, AND LIQUOR 7-DAY ON-	*	
SALE LICENSE	*	
	*	

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 Fredrico Don Broom, Jr., William Joseph Sheehan, and Carlos Raul Flores ("Applicants"), on behalf of Sonesta International Hotels Corporation, t/a Sonesta ES Suites Columbia ("Sonesta International Hotels Corporation"), for a resident agent change from Muhammad Salman Choudhary to Fredrico Don Broom, Jr., on the Class B Beer, Wine, and Liquor 7-day on-sale license, for a 67,105 square foot hotel located at 8844 Columbia 100 Parkway, Columbia, Maryland 21045. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by Ronald Spahn, 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 January 8, 2015, from the Applicants' attorney enclosing the application; a letter dated February 23, 2015, from the Applicants' attorney enclosing a replacement page for references for Fredrico Broom, Jr.; a Written Consent of Directors in Lieu of a Meeting dated December 10, 2014, for Sonesta International Hotels Corporation; a copy of the background investigation questionnaire for the Applicant, Fredrico D. Broom, Jr.; a copy of the TIPS certificate for Fredrico D. Broom, Jr.; a copy of the Maryland driver's license for Fredrico Don Broom, Jr.; a copy of the voter registration card for Fredrico Don Broom, Jr.; 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 investigation of Fredrico Don Broom, Jr. by the Alcoholic Beverage Inspector dated March 23, 2015; a memorandum dated March 18, 2015, from the Department of Planning and Zoning; a memorandum dated April 7, 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 March 18, 2015, to the Comptroller of Maryland; a letter dated April 14, 2015, from the Comptroller of Maryland; a fax transmission dated March 18, 2015, to the attorney for the Applicants enclosing a letter notifying them of the hearing date and the necessity to advertise; an email dated March 31, 2015, from the Alcoholic Beverage Inspector stating the premises had been posted; and certification of advertisement from Patuxent Publishing and The Baltimore Sun.

Neal Horton, General Manager for Sonesta International Hotels Corporation, was sworn and testified that Sonesta Hotel is an extended stay hotel with 118 rooms. Mr. Horton testified that they offer a complimentary breakfast and an evening social for their guests from 5:30 P.M. – 7:30 P.M., three days per week. Mr. Horton testified that they offer coffee and smoothies to their customers, and would also like to be able to offer them alcoholic drinks.. They would be open from 11:00 A.M. to 11:00 P.M., and the area where alcoholic beverages would be served is adjacent to the front desk. Mr. Horton testified that all employees serving the alcoholic beverages will be alcohol certified.

Mr. Horton testified that he was employed at the Hampton Inn for nine years, where he met Fredrico Broom, Jr. Mr. Horton testified that he hired Mr. Broom to work for him at the Hampton Inn. Mr. Horton testified that Mr. Broom is personable, and that his priority is customer service, and keeping the hotel safe and secure. Mr. Horton testified that Mr. Broom was employed as a maintenance engineer, and that their service scores were in the top 25% in the entire chain, which consisted of 1,400 properties.

Mr. Horton testified that he was pleased when Mr. Broom accepted a position at Sonesta ES Suites. Mr. Horton testified that Mr. Broom is loyal, and that he is 100% confident that he will follow all the rules and policies. Mr. Horton testified that Mr. Broom has keys to the entire hotel, and that he is a reliable team member.

Mr. Horton testified that although they were previously approved for a liquor license, they have never picked it up because of changes regarding the approved licensees, and therefore, have not been providing alcoholic beverages to their guests.

Char Davis was sworn and testified that she has known Mr. Broom for over 20 years, and that he is a fit and proper person. Ms. Davis testified that Mr. Broom is a responsible, reliable and loyal person.

Frank Harris was sworn and testified that he has known Mr. Broom for 12 years, and that he is a reliable and responsible family person.

Fredrico Broom, Jr., proposed resident agent for Sonesta International Hotels Corporation, was sworn and testified that he has been a resident of Howard County for 29 years, and that he is alcohol awareness certified. Mr. Broom testified that he worked for the Hampton Inn with Mr. Horton, and came to work with him at Sonesta ES Suites. Mr. Broom testified that he has a security clearance. Mr. Broom testified that he is currently the full-time building engineer for Sonesta. When asked by the Board whether he was a manager, Mr. Broom responded that he was not.

Mr. Broom, who was born in 1976, testified in response to questions from his counsel that he had a DWI in 2011, which was reported on his application. Mr. Broom also stated that he had another DWI in 1997 when he was 17, he later clarified the record to reflect that this DWI would have been issued in 1993 or 1994. He stated that he did not disclose the earlier DWI because he received probation before judgment and did not think it would appear on his record. When asked about a 2003 DWI identified in the Alcoholic Beverage Inspector's background investigation, Mr. Broom initially indicated that he did not know anything about it, but then offered testimony that his 2011 conviction was charged as a second offense because he had a prior DWI charge within ten years before the 2011 matter. The record also reflects that Mr. Broom failed to disclose numerous traffic violations, some of which he acknowledged including speeding and failure to maintain registration and insurance. Counsel proffered

argument that many of Mr. Broom's traffic violations had been *nol pros (nolle prosequi)* and did not result in convictions.

Mr. Broom acknowledged that he had previously been employed at several nightclubs from 1999-2003 that sold alcohol, for which he was paid cash under the table and that he did not list those because he did not think he had to. He further acknowledged that he had not disclosed that employment on questionnaires for security clearances he has received.

FINDINGS OF FACT

Based on the evidence cited above and the record as a whole, the Hearing Board makes the following findings of fact.

1. The Hearing Board finds that Fredrico Don Broom, Jr., William Joseph Sheehan, and Carlos Raul Flores on behalf of Sonesta International Hotels Corporation, t/a Sonesta ES Suites Columbia have applied for a resident agent change from Muhammad Salman Choudhary to Fredrico Don Broom, Jr., on the Class B Beer, Wine, and Liquor 7-day on-sale license for a 67,105 square foot hotel located at 8844 Columbia 100 Parkway, Columbia, Maryland 21045.

2. The Hearing Board finds that Fredrico Don Broom, Jr. is not a fit and proper person to hold an alcoholic beverage license based on material false statements by omission including his failure to disclose previous employment at businesses licensed to sell alcoholic beverages and failure to disclose violations of Maryland law.

3. The Hearing Board further finds that Fredrico Don Broom, Jr. does not qualify as a Resident Agent licensee pursuant to Rules 1.09(U) and 2.10 because he is neither a 10% owner of the business, nor is he a full-time manager.

4. The Hearing Board finds that based on the above findings it is unnecessary to make any additional findings.

CONCLUSIONS OF LAW

For the reasons cited herein, the Hearing Board makes the following conclusions of law.

1. The Hearing Board concludes that Fredrico Don Broom, Jr., William Joseph Sheehan, and Carlos Raul Flores on behalf of Sonesta International Hotels Corporation, t/a Sonesta ES Suites Columbia, have applied for a resident agent change from Muhammad Salman Choudhary to Fredrico Don Broom, Jr., on the Class B Beer, Wine, and Liquor 7-day on-sale license for a 67,105 square foot hotel located at 8844 Columbia 100 Parkway, Columbia, Maryland 21045.

2. The Hearing Board concludes that Fredrico Don Broom, Jr. is not a fit and proper person to hold an alcoholic beverage license.

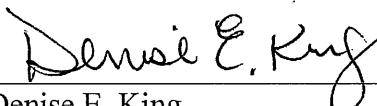
3. The Hearing Board concludes that Fredrico Don Broom, Jr. does not meet the requirements of Rules 1.09(U) and 2.10 of the Liquor Board Rules and Regulations concerning resident agent qualifications.

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 Fredrico Don Broom, Jr., William Joseph Sheehan, and Carlos Raul Flores on behalf of Sonesta International Hotels Corporation, t/a Sonesta ES Suites Columbia for a resident agent change from Muhammad Salman Choudhary to Fredrico Don Broom, Jr., on the Class B Beer, Wine, and Liquor 7-day on-sale license for a 67,105 square foot hotel located at 8844 Columbia 100 Parkway, Columbia, Maryland 21045, be and the same is hereby **DENIED**.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator



Mary Bird, Chairperson



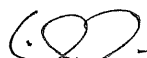
Harry Evans, III, Vice-Chairperson

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