

**September 01, 2021  
9200 Basil Court  
Largo, MD 20774  
Virtual Hearing**

Present:

Daphne Turpin-Forbes, Board Chair  
Armando Camacho, Vice Chairman  
Tammie Norman, Commissioner  
Tammy Sparkman, Commissioner  
Jason DeLoach, Esquire, Counsel  
Robert Clark, Chief Liquor Inspector  
Christian Mendoza, Deputy Chief Liquor Inspector  
Johnny Toles, Deputy Chief Liquor Inspector  
Patricia Bell, Administrative Manager  
Leonard Vauss, Administrative Assistant  
Katrice James, Administrative Aide  
Keyanna Little, Administrative Aide  
Jamie Schaefer, Administrative Aide

**Start Time: 7:15 p.m.**

**Commissioner Forbes:** This is an open meeting for the Prince George's County Board of License Commissioners. Welcome to our House. To ensure compliance with the law (Maryland Open Meetings Act) and our goal of transparency, to please identify yourself when speaking and speak audibly. As a professional courtesy, when not speaking, please mute your device. If someone from the public that is not providing testimony as a witness today, I will recognize you in the hearing and give you an opportunity for your voice to be heard. Everyone's voice matters at the BOLC. We understand that some of you may be passionate about what you have to say and that passion, in this regard, is permissible. What is not permissible is if truth, facts, and respect are not grounded in your voice. Thank you in advance for being truthful, respectful, and honest during the entire proceeding.

**Leonard Vauss (speaking as Director Sheppard):** During a typical hearing, there would be an exchange between the Board and the attorneys to exchange information as exhibits. Because this hearing is now virtual, we have implemented a 10-day rule to give those individuals here today, 10-days from today's date to add to the official record. I would ask that you email myself or the administrative staff for the BOLC. You may add information to the record long as it is information that has been discussed in this hearing.

1. Proposed Revision to R.R. No. 76(A) – Delivery of Alcoholic Beverages (Drinks To-Go)  
**Ms. Forbes:** For those of you that don't know Mr. Vauss, he is an integral part of our agency and he is debuting today as the director. So, he is going to help us get through this hearing as efficiently as possible. With that, Mr. Vauss, you may call the first case.

**Mr. Vauss:** R.R. NO. 76(A) – DELIVERY OF ALCOHOLIC BEVERAGES (Drinks To-Go):

The Prince George's County Board of License Commissioners has approved a temporary amendment to Rule and Regulation #76 to allow restaurants (Class B license holders) to sell beer, wine, spirits, and cocktails to-go.

Under this amendment, businesses can allow carryout or deliver beer, wine, spirits, and cocktails to County addresses, located within the licensed jurisdiction. Spirits and cocktails may not be sold by restaurants that are only licensed to sell beer and/or beer and wine.

The following rules apply for drinks-to-go (carryout or delivery):

- Meal(s) must be ordered.
- There is a **two (2) drink maximum** per meal. Drinks to go must be in a sealed container, including bottles, cans, growlers, crowlers, and takeout cups without holes for straws for off-premises consumption.
- Delivery must be made by employees of the licensed establishment. State law prohibits the delivery of alcohol by a third party, such as Door Dash, Grub Hub or Uber Eats.
- Deliveries may not be made to any other alcoholic beverage license premises or any property where alcohol is prohibited.

A licensee may only deliver alcoholic beverages off the licensed premises if the licensee has been awarded a valid Letter of Authorization from the Board of License Commissioners. Deliveries may not be made after 12:00 a.m.

The licensee shall be strictly liable for ensuring that delivery is made only to persons who are 21 years of age or older and may not be left unattended at the delivery location. Any deviation of this amendment is a violation of the Board of License Commissioners Rules and Regulation.

A license holder must agree to abide by Rule and Regulation No. 76 and this temporary amendment. The amendment to Rule and Regulation No. 76 will expire on June 30, 2023.

**Ms. Forbes:** So, just for a little bit of context for the audience and commissioners, during the pandemic we were able to be agile and pivot to ensure that alcohol service could be delivered to folks who wish to consume it in the County. There were some who applied and were set up to do that. With this amendment to the R.R., we are attempting to continue with that process using the differences Mr. Vauss indicated to us. If there are no questions from the Commissioners, I will entertain a motion.

**Commissioner Camacho** makes a motion to adopt the amended R.R. 76(A), seconded by **Commissioner Norman**.

**After Board vote, the motion carries.**

2. Claudia O. Adejare, Member, Ademola A. Adejare, Member, Tarmac Lounge and Restaurant, LLC, t/a **Tarmac Lounge and Restaurant**, 1401 University Blvd East, Suite G109, Hyattsville, 20782. – Request for a Special Entertainment Permit. Licensee is represented by **Traci Scudder, Esquire**.

**Ms. Forbes:** Ms. Scudder, you're back! How are you?

**Ms. Scudder:** I'm back! So soon. I'm great, how are you.

**Ms. Forbes:** Good, are your clients on the call this evening?

**Ms. Scudder:** Yes ma'am, they are.

**Claudia Adejare, Ademola Adejare, and Corporal Proctor** are sworn in.

**Ms. Scudder:** Thank you, good evening again Chair Forbes and good evening to the Board members and staff. It has been almost exactly a year since t/a Tarmac Lounge and Restaurant were approved for their liquor license. They have operated responsibly and without an incident over that period of time. This evening, we are here to request the approval of a Special Entertainment Permit for the restaurant. As you know, both my clients are here this evening. You have their application before you which outline details of their request under the Special Entertainment Permit. With that, I am happy to answer any questions you all may have; then I have a couple of minor issues to take up with you after we've answered your questions.

**Ms. Forbes:** Alright. Commissioners, we are asking questions right off the cuff for the prospective licensees. Before that, Corporal Proctor, have you had the opportunity to work with Mr. and Mrs. Adejare regarding their very important security plan that is required for a Special Entertainment Permit?

**Corporal Proctor:** Yes ma'am, I did. On July 13, 2021 at 1 p.m., I met with Mr. and Mrs. Adejare at Tarmac Lounge and Restaurant. We went over the security plan and everything was adequate. I did advise them that there is to be no adult entertainment and no dancing after midnight. I told them if they wanted to get a permit for dancing, they would have to go to the department of permitting inspections and enforcement. They are currently working on that. I informed them that there is to be no use of promoters in Prince George's County, they understood, and advised that they will comply.

**Ms. Forbes:** Thank you Corporal Proctor. Any questions for the corporal from the commissioners?

**No questions from commissioners.**

**Ms. Forbes:** Ms. Scudder, I want to be sure your clients understand the Special Entertainment Permit is based on the U &O. That allows them to do only the things listed in the U&O like having music and dancing until midnight; but on their application they intend to be open until 3 a.m., I think Friday through Sunday. That means they can serve alcohol until 3 a.m. but the Special Entertainment, whether a DJ or Band, ends at midnight. (**Ms. Scudder-Yes.**) Okay, I just want to be sure because sometimes it's not clear for everyone.

**Commissioner Camacho:** They can stay open until 2 a.m. because they are not allowed to have entertainment. You can only stay open until 3 a.m. with entertainment.

**Ms. Forbes:** I see, I see. So, the restaurant can stay open until 2 a.m., not 3 a.m.

**Commissioner Camacho:** If they had music entertainment, they could stay open until 3 a.m.; however, with no entertainment after 12 a.m., they may only stay open until 2 a.m.

**Ms. Forbes:** Are we all on the same page?

**Ms. Scudder:** So, that would mean that because our application request form shows 3 a.m. Friday through Sunday, we would have to change that to 2 a.m.

**Ms. Forbes:** We would amend that to show a 2 a.m. closing time.

**Commissioner Camacho:** No entertainment past midnight.

**Ms. Scudder:** Correct, understood. On Thursday, Chair Forbes, the security plan that Corporal Proctor approved allows until 2 a.m. on Thursdays. This means it is not consistent with what is on the request form. We would like to change Thursday night from 12 a.m. to 2 a.m. So, they would be open until 2 a.m. Thursday through Sunday.

**Ms. Forbes:** Let me just pause for a second. Commissioners, can we by unanimous consent take the desired action to have the staff update the Hours of Operation closing time to reflect 2 a.m. Thursday through Sunday? If there is no objection, I am asking the staff to update closing time to 2 a.m. Thursday through Sunday. Katrice, do you have that?

**Katrice James:** Yes, I have their application.

**Ms. Forbes:** Ms. James, thank you. We will update the record, Ms. Scudder.

**Ms. Scudder:** I have one more item I would like to raise. Under the Regulation #75, letter J, it talks about if the establishment has an entertainment permit and is authorized by the Board to host weddings, reunions, or birthday parties, then individuals under the age of 21 may be present on the premises where entertainment is. I wanted to receive clarification because we did not receive permission for such events and my read of letter J indicates that we need permission. Is it understood that they can have those types of events? If it is not understood, we would like to add that to our application.

**Ms. Forbes:** I don't find that necessary. Entertainment is entertainment, whether a wedding or birthday party. The business needs to remain within the parameters of the U&O. Just be sure that entertainment and dancing stops at 12 a.m. Let me double check with the experts. Mr. Vauss, am I right here?

**Mr. Vauss:** I'm going to say yes, but I'll lean on Mr. Camacho for his expertise as well.

**Commissioner Camacho:** Which regulation is it under again that specifies under the age of 21?

**Ms. Scudder:** Regulation #75 letter J. Letter J describes the family-oriented events such as a wedding, anniversary, or birthday party and how for such events, individuals under the age of 21 may be in the area where entertainment is being provided.

**Chief Clark:** If I may chime in, she is on point with reading that regulation.

**Ms. Forbes:** Her question was whether or not to include that on her application and the answer is, "No". Is that all Ms. Scudder? (**Ms. Scudder-** Yes.) Ms. Adejare you have the floor.

**Ms. Adejare:** I have a question. The U&O says we can stop the entertainment at midnight, but it didn't say we have to shut down the restaurant at midnight as well. Can we be open in the time from 12 a.m. to 2 a.m.?

**Ms. Forbes:** So, here's the deal. We just amended your application so that you can stay open until 2 a.m. So, your closing time on Thursday through Sunday is 2 a.m. Your U&O allows for Special Entertainment up until midnight. You must stop all entertainment at midnight then you may continue to stay open serving alcohol until 2 a.m.

**Ms. Adejare:** When we stop serving alcohol at 2 a.m., are we allowed to serve food past 2 a.m.? The U&O did not say that.

**Ms. Forbes:** The answer to that is, "no." Everything needs to shut down at 2 a.m. (**Ms. Adejare-** Okay, thank you.) Any more questions from anyone? Ms. Scudder, last call. Hearing none, I will entertain a motion.

**Commissioner Camacho** makes a motion to grant the Special Entertainment Permit to t/a Tarmac Lounge and Restaurant, seconded by **Commissioner Norman**.

**After Board vote, the motion carries.**

3. **t/a Lee's Restaurant/Hyattsville Spirits & Grill**, see letter dated June 25, 2021, attorney **Bradley Farrar** representing t/a Ricker's Beer and Wine, is requesting that the Board take the appropriate enforcement action against t/a Lee's Liquors and Restaurant, LLC/Liquor Hut, LLC t/a Hyattsville Fine Wine & Spirits for operating in the location without a restaurant. Continued from August 4, 2021 Administrative Hearing. Licensee is represented by **Robert Kim, Esquire**.

**Ms. Forbes:** **Mr. Kim, Mr. Farrar**, it's good to see you again before this body. Mr. Kim, I'll start with you. Tell us why we are here today. Are your clients on the line?

**Mr. Kim:** They are, Madam Chair. If the Board has any questions of or from them, they will gladly answer those questions.

**Ms. Forbes:** Mr. Farrar, are any of your clients on the call?

**Mr. Farrar:** I don't believe so, Madam Chair.

**Mr. Ajay Sharma** and **Mr. Amend Bharat** are sworn in.

**Mr. Farrar:** Madam Chair, Mr. Ricker is on the line.

**Mr. Benjamin Ricker** is sworn in.

**Ms. Forbes:** Mr. Kim, I'll ask you to level set where we are here.

**Mr. Kim:** Madam Chair, I was sort of surprised when I saw this Agenda on Friday August 27, 2021, because I had not received any notices from the Board about this hearing tonight. Be that as it may, I've gathered my clients together and told them the Board is asking for our appearance Wednesday night. I'm a little perplexed as to what this hearing is for, "...request that the Board take appropriate enforcement action against t/a Hyattsville Spirits and Grill". I'm not exactly sure what enforcement action there is to do because we are operating with the Board's permission. There is nothing that the Board didn't approve already. This case has had more consideration and more issues than most of the things I've seen in 37 years. If I could get into the schedule of what has happened in this case... On December 4, 2019, we filed a report to change our Class B+ to a Class A. This request was granted after a public hearing. On December 25, 2019, we filed a request to transfer the license to the current location. If you recall, my clients were in a dispute with the landlord of the previous location, we had to move, we found a location, filed an

application for transfer of location, and that was approved by this Board February of 2020. The next event that occurred... we received a letter from the Board dated August 7, 2020, some 8 months after the Board's approval for conversion, they were show caused as to why the conversion of the license from B+ to A should now be reversed. On October 20, 2020, the Board reversed the conversion. In November, the Board approved my request to extend the timeline to come up with something so they we would not appeal to the circuit court—

**Ms. Forbes:** Mr. Kim, if I may, I know you're doing your timeline, but why we are here is to get an update on where you and your clients are with regards to the move and the construction from the renderings you submitted for the kitchen— understand the confusion and allow me to apologize for that.

**Mr. Kim:** I apologize because I was confused. I do have both of my clients here. We have applied for the building permit. I don't know whether the Board is up to date or knows how long things are taking with DPIE. I can tell you that every one of my cases involving the effectuating a transfer, it can't get taken care of until the inspection is done. Mr. Sharma or Mr. Bharat may have a little bit more information. We have submitted everything to the Board, the architectural plans have been submitted to DPIE, could one of you provide a little incite to the Board as to when you'll receive your permit?

**Ms. Forbes:** Mr. Kim, before we get started, I'd love to hear from Mr. Sharma.

**Mr. Kim:** Well, I think Mr. Bharat handles—

**Ms. Forbes:** Or Mr. Bharat, excuse me. When did you apply for the required permits with DPIE?

**Mr. Kim:** It looks like July 22. I mean that's the application date that I have.

**Ms. Forbes:** Okay.

**Mr. Kim:** Does that sound right, Amend?

**Mr. Bharat:** Yes, that is correct.

**Ms. Forbes:** Do you guys recall when you sent the plans to the Board that we approved—

**Mr. Kim:** July 27<sup>th</sup>, along with a copy of the permit application, the layout from the architect and the estimate for the cost of the kitchen.

**Ms. Forbes:** Are you sure that is the correct date?

**Mr. Kim:** I'm sorry, you were correct Madam Chair. It was December 9.

**Ms. Forbes:** of 2020.

**Mr. Kim:** Plans were submitted December 9 and I submitted a copy of the permit application dated July 22. I'm sorry, I don't know the exact date.

**Ms. Forbes:** You sent plans to the Board, the Board received the renderings for the kitchen December 2020, but I think you said the building permits were not filed with DPIE until July 22, 2021. Some 7 months later—

**Mr. Kim:** I'm not sure that's the case. I don't have the exact dates the permits were filed. I believe that's the day they were issued.

**Ms. Forbes:** Mr. Bharat, can you help me understand?

**Mr. Bharat:** The building permit for the restaurant was filed on July 22. The renderings and the plans that we submitted to the Board in December was based on us being able to open in February or March. Because of the delays with permits things just kept delaying. It felt imperative to move a new location due to being harassed by the old landlord. We just wanted to move with the permission of the Board. It took us 3-4 months to finally move to the new location in June.

**Mr. Kim:** I believe I filed all of the effectuation documents by the end of May, but the actual relocation and the issuance of the new license in the new location, was not done until the end of June. That may be the reason why the actual permit application process did not start until July 22.

**Ms. Forbes:** Okay, indulge me because I want to be fair... We got plans from you guys stating what the kitchen was going to look like in December 2020 but didn't file for the necessary permits until July of 2021 because of a landlord dispute, causing a transfer of location.

**Mr. Kim:** The transfer didn't take place until the end of June.

**Ms. Forbes:** Well, how does that change filing the permits with DPIE, especially knowing that they are behind?

**Mr. Kim:** Because they had to go through the process of getting the U&O for the store before they can try to change it. They couldn't go and change the U&O application since it would prevent them from moving at all. They had to relocate.

**Ms. Forbes:** And you needed a U&O to receive the proper permitting for construction?

**Mr. Kim:** You had to have a U&O for the location for the permitted use first. If we tried to file an amendment to the U&O application, we'd still be at the old location, or evicted from it. The landlord was not being cooperative.

**Ms. Forbes:** The timeline is important. Thank you for that explanation. Commissioners, do you have any questions?

**Commissioner Norman:** So, when exactly did they take physical possession of the building?

**Mr. Kim:** The new location? (**Commissioner Norman-** Yes.) We said end of June, correct?

**Mr. Bharat:** Yes, end of June.

**Ms. Forbes:** End of June 2021. (**Mr. Kim-** Yes ma'am, they haven't been there long.)

**Ms. Forbes:** Next question that I have, what is a reasonable end date for the completion of construction of the kitchen? Understanding that Covid-19 has caused some delays, what is your end date for the restaurant?

**Mr. Sharma:** I just spoke with our architect and asked him the same question. He said once we have the permits, it will take like, 160 to 280 days to construct everything and have it ready to go. We still do not know an exact date when we will be getting the permits.

**Ms. Forbes:** Mr. Sharma, have you had a conversation with DPIE to check the status on where you are in their que?

**Mr. Kim:** There's nobody there.

**Mr. Sharma:** I have not directly with DPIE but I have with my architect. He said we should be getting something soon. Like, any moment. So, that was his answer.

**Mr. Kim:** With all due respect to DPIE, I don't think anyone is there. I have a young lady who does nothing except work on Use and Occupancy Permit applications. She knows everyone there, she say's there's no one there, you have to do everything online, and trying to get an inspection scheduled is impossible because no one is there. Madam Chair, we've talked about doing something with a small kitchen, throwing in some tables and chairs and serving you know, microwave food. They actually do want to spend the money. Their investment is already estimated at \$225,000 to \$250,000, in addition to the \$325,000 they have already spent. We are trying to make this something that's good for the neighborhood. We aren't trying to skirt the requirements. That's not our intent. If it was, I think we would have come up with something that might have passed muster, but not for the community. I mean, they've been working with the community and I think they have a lot of support from Hyattsville, I think City Council, economic development group. We don't have to spend \$225,000. I think we can do something that satisfies Board requirements for a restaurant. We're expanding the building. We're not just putting things in the corner; we are actually building a whole new section of about 100 square feet with a full kitchen.

**Ms. Forbes:** And the full kitchen, Mr. Kim, is compliant with the statute that—

**Mr. Kim:** Absolutely. Absolutely. And tables, chairs, and servers. Again, I think we could do something much less. Ironically, had the lawmakers and legislators done a proper job with the Sunday Sale Permit and everybody had gotten a Sunday Sale Permit, they could do away with the food service. We've talked about this and I think they want to keep up food service. They want to give the option to have another restaurant and a bar. I don't know if you recall, but if the hearing on the conversion, we had a lot of support.

**Ms. Forbes:** I hear you Mr. Kim. Let me just tell you the pickle, since we're talking about the food, we find ourselves in. Here's where we are right, arguably, whether or not, either we had the authority to do what we did and find ourselves in a situation where, in order to comply with the

law, we need to have a restaurant. So, understanding that there are a lot of reasons why this process has been slowed down with Covid-19 and DPIE having a backlog, all of those things. It sounds like the unknown is when the permits will be issued and we can't even start going where we need to go until those permits are issued, which takes 6 months. Is that right, Mr. Sharma, Mr. Bharat, about six months based on what you were told?

**Mr. Kim:** 6 months was the time for the completion of the construction.

**Ms. Forbes:** Completion for the construction was part of it but after construction, there might be a few additional months, is what you're saying Mr. Kim?

**Mr. Kim:** No, no, no. I think once construction is done and we get a new Use & Occupancy Permit with the restaurant, I think we're fine.

**Ms. Forbes:** Okay, so what I'm needing your help with and Mr. Farrar as well, what can we do to help all of us? We're in this together to get a reasonable time frame is, understanding that we have to give DPIE some grace. We've got to give the licensee trying to get a yes, to get it right for a restaurant. What is a reasonable timeframe and end date that we can agree to, knowing that it might have to be extended because we're relying on an agency, whom none of us have control over, so that we can somehow be an accommodation for the residents in that area, but also try to figure out how we can work within the law? So, Mr. Kim, if we could, come up with an end date where if December of 2022 is right end date but the progress is not as far as anticipated, it may have to be extended, but at least we can track the progress. The progress, I think, is important. So, the goal is, Mr. Farrar, I want your voice in this too, to come up with an end date, that may be random, but at least we have something that we're working toward, then coming up with the lines of communication on the progress of getting to completion. Then we could consider in the interim if there is a temporary way for the licensees to serve food so that we are following the law.

**Mr. Farrar:** I think the approach that the Chair is taking is fair, reasonable, and probably appropriate given the circumstances in which we all find ourselves. I want to reiterate to the Board that we have a keen interest that making sure that a restaurant is in the community. That is exactly where we like to see this going and we're pleased that that's where we're going. As you pointed out fairly early in your questioning, there has been a clear 7-month delay in obtaining the building permits from the time that the architectural renderings were presented to the Board. I think that it would not be fair to the community and other licensees to allow too much more time to slip before this particular licensee is obligated by law to open a restaurant. I would suggest, Madam Chair, that you may have a 6-month, as they suggested it would take them 6-months. They have applied for their building permit. That was done in July. I have numerous clients that have buildings much larger than what they're building. They're building their building out of consolidated store facilities; it's not taking months and months to get building permits issued. The new online system is actually pretty good. So, in DPIE's defense, it may take another three to four weeks for them to get a building permit. Then the question becomes, how long will it take for construction? They're saying that it's six months. So, if that's the case, if we set it for six months, then the Board can still exercise its discretion. Then, have the licensee come back to report and the six-month period where they are in terms of construction. That'll give the Board adequate processing or progress being made.

**Ms. Forbes:** Mr. Kim, what are your thoughts?

**Mr. Kim:** Madam Chair, I believe 6 months is a good amount of time. We may go to DPIE and tell them that we have 6 months to get this done and maybe begging will get us started with construction. I think my clients do want to have a nice facility. I mean, we talked about even trying to maybe bring in a food truck or something, but I'm not sure that makes sense. Or, like I said, having something like subway where you don't even have stoves or ovens.

**Ms. Forbes:** Let me seize on that for a moment. Why not? It's temporary, right? It gives us all comfort that we're abiding by those rules and regulations for the type of license you have. It's effort in good faith that we're moving in the right direction, so we can land a 6-month ceasefire scenario. We need to get our stuff together. If we could agree to some ideas and thoughts so we

are doing the piece that's so important to the rules and regulations surrounding this license. I would appreciate if you guys could reiterate on that and come back with some suggestions. We need suggestions so that we can move forward. I regard to Mr. Farrar, are you okay with doing something to come up with your own thing and agree to a six-month time frame?

**Mr. Farrar:** I would absolutely agree to a food truck or something that serves hot food. My only concern is, if we could do something in the interim term as you suggested Madam Chair. That is, as closely complying with the law. The subway idea is good, but I think the law requires some hot foods being served. So, that's not as closely in compliance as we can get. I do believe that a food truck serving hot food would be appropriate. I do also think that if you have a 6-month reset, it will allow the Board to exercise its oversight in reviewing menus, the seating plans, and making sure everything is up to snuff with the Board's expectations. (**Ms. Forbes-** and progress.)

**Mr. Kim:** Madam Chair. AJ. Can you guys talk to 1 or 2 food trucks and have maybe indoor and outdoor tables and chairs? If the board is willing to accept that as an alternative, at least, ending in the opening a full indoor restaurant, that's a good idea. I didn't think the Board would be amenable to that. We would certainly try that.

**Ms. Forbes:** Mr. Kim, we are amenable to problem solving and doing something that's in the best interest of Lee's, the best interest of Ricker's, and the community whit large. We're in a situation right now. I think that the 3 of us, The BOLC, Mr. Farrar, and Mr. Kim, we can all come together and work collaboratively to get to where we need to be, which is, a full-blown kitchen with all the permits and everyone's happy. Let's figure out a way to do that. What I'm hearing is a six-month kind of ceasefire on—let's figure out how to take adequate appropriate action. We are going to be a junkyard dog with regards of getting DPIE to the table so that they can issue the right building permits, within the 6-month period, then we can agree on some updates from Mr. Kim. We can agree on a cadence of monthly, or every other monthly, Mr. Farrar, so that we can see the progress and that the permits that are issued at that point, so we are all moving in the same direction on getting this full-blown restaurant that's compatible with statute. If the licensees can huddle—I know Mr. Sharma and Mr. Bharat, we're putting you guys on the spot, if you could, within a reasonable time—say maybe 30 days, come back to us with some suggestions on an interim, temporary scenario where we can serve hot food blowing with the operation of your restaurant while the construction is under way. I think that's something that Mr. Farrar seems to be open to and Mr. Kim seems to be open to, but it's going to take the creative juices of you guys as the restaurant and as a license holder to come up with what that looks like. I need you guys to come up with some ways to serve hot food until that kitchen is made.

**Mr. Kim:** Madam Chair, if we could have until October 1 to submit a plan like a food truck. I think that if the Board will accept, a food truck would work; to do ads, cheap tables, chairs, and to ensure hot food. I think that would be a good idea. Amend, AJ, is this something we can do? (**Mr. Sharma and Mr. Bharat-** Yes.)

**Ms. Forbes:** Mr. Farrar, October 1<sup>st</sup>, do you have any objection to that?

**Mr. Farrar:** No, Madam Chair. We do not have any objections to that. Again, just to be sure the licensee is aware, this is a temporary solution until such time as the kitchen becomes permanent. We don't have any objections to that at all whatsoever.

**Ms. Forbes:** Let me break down where we are now because there is one more element that I need in order for us to be fulsome in what the record reflects. We have until October 1<sup>st</sup> for Mr. Sharma, Mr. Bharat, and Mr. Kim to huddle and figure out how to get food service happening in the interim period until the kitchen is completed. The second thing is for us to go 6- months with a ceasefire, where you guys will be bullish in order to get those building permits from DPIE so that construction can commence. We will give you 6-months to do that. We also want Mr. Kim to provide us with updates to this Board and to Mr. Farrar for his clients' consumption as well. Mr. Farrar, does that sound right to you?

**Mr. Farrar:** Yes, that sound right. Again, just for the Board's record, they have applied for their building permit. So, the issuance should be eminent.



**Ms. Forbes:** It should be pending issuance; I hear you loud and clear.

**Mr. DeLoach:** That's one of the points that I wanted to make sure the record was clear on. I think the 6-months is not for them to get the permits. The 6-months is for them to hopefully get the restaurant constructed. It's not going to take another 6-months to get the permits.

**Ms. Forbes:** I was merging the 2. The six-months is just to get the construction completed, right? What I'm indexing on now is the agreement for updates and progress that will be shared with this Board as well as Mr. Farrar. What is the cadence for those updates? Mr. Kim, are you willing to proffer on updates? I want to be sure Mr. Farrar will accept those.

**Mr. Kim:** Updates are fine, Madam Chair. I'm happy to give monthly updates with the status of construction, photographs—

**Ms. Forbes:** In writing? (**Mr. Kim-** Absolutely.) It's easy to share when it's written. Mr. Farrar, are you good with monthly updates?

**Mr. Farrar:** Yes, Madam Chair. We are fine with monthly updates. We would appreciate monthly updates. (**Mr. Kim-** I will CC Mr. Farrar.)

**Ms. Forbes:** Perfect. Let me do this... Let us continue this matter until October 1<sup>st</sup> so that you all have ample time to come back to this Board and tell us what the temporary solution is. Then at that time, we can entertain a motion to reflect all the things that are the temporary food truck, 6-months, as well as the monthly updates. Does that sound like the right thing to do? (**Mr. Kim and Mr. Farrar-** Yes.)

**Chief Clark:** If I may chime in for a moment... I just want to point a few things out. With a food truck, there may be some licensing issues. They will have to talk to DPIE in regard to that. We also may have issues with the food truck because we only give alcohol licenses to a building premises. If the food truck situation were to be approved, there could be no selling of alcoholic beverages from the truck. I just want to be sure, and Mr. DeLoach can chime in, that we're talking about a food truck, even if it's just temporary, for a location that is going to be a restaurant, DPIE is going to have their hands full with this one, as well as the Health Department. So, we may be proposing something that may not even be possible. There have been places that have wanted to do food truck type situations and sell alcohol from the food truck, but they we're able to do so, so I wanted to make you all aware.

**Mr. Kim:** Chief, if I may, I don't see why, legally, a food truck can't be an independent contractor with Hyattsville Spirits and Grill. They will not be involved with selling alcohol. That cannot be done and that will not be done. Any alcohol sales will be done through my clients at Hyattsville Spirits and Grill. There will be an agreement with the independent contractor, between the parties, as to food, hours, operation and so on. Again, no involvement with alcohol.

**Ms. Forbes:** Chief, your points are well taken, so thank you. Mr. Kim, if nothing else, whatever the plan is for you clients to do this interim temporary selling of food, of course, you should be sure to have all the proper permits and permissions. So, within the next 4 weeks or so, hopefully you guys can figure that out. We will huddle again in about a month to hear what then plan is so that we can put it on the record. Before we end this matter, I'd like to open the floor to my colleagues to see if they have any questions, comments, or concerns about the plan.

**Commissioner Norman:** My only comment is—I don't think the permitting should take too much longer. My bigger concern is the 6-months to build and add an additional structure, the time is a little tight. I think when they put together their plan, they also need to put together some realistic dates.

**Ms. Forbes:** Again, progress is what we're going to index on. I think that is reasonable. If we get to the point of the 5-month period and Mr. Kim has kept us up to date, I believe we can agree on a little more of an extension. Am I okay in assuming that Mr. Farrar and Mr. Kim? (**Both-** Yes.)

**Mr. Farrar:** I think the 6-months is a good touch stone. If there is a need for an additional 60-days or 90-days, then at that point, we'll make the appropriate decision.

**Ms. Forbes:** Commissioner Sparkman, any comments, questions, or concerns from you?

**Commissioner Sparkman:** No. No comments or concerns.

**Ms. Forbes:** Okay. Mr. DeLoach, we can't move on without hearing your voice.

**Mr. DeLoach:** I just need to be quiet. It sounds like everything is going great.

**Ms. Forbes:** Okay, I will entertain a motion to continue this case and invite the parties back in 30-days so we can figure out what the interim temporary plan is for food and we can take it from there. Do we have a motion on the floor?

**Commissioner Camacho** makes a motion to continue the case and meet with plans for serving food at t/a Hyattsville Spirits and Grill after 30-days, seconded by **Commissioner Norman**.

**After Board vote, the motion carries.**

**Ms. Forbes:** Before we go, I'd like to thank all of you involved in this case for being so willing to work together on such a complicated issue. I'd like to take a moment to offer a moment for anyone from the public to speak on anything from the cases discussed here tonight. Anyone?

No further comments from the public, commissioners, or staff.

**Adjourned: 8:24 p.m.**

*Respectfully Submitted,*

*Jamie Schaefer*  
*Administrative Aide BOLC*