

BOARD OF LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY
DOCKET – THURSDAY, JANUARY 29, 2009
ROOM 215 - CITY HALL - 100 NORTH HOLLIDAY STREET

Please note: If you are interested in a particular case, please call 396-4385 the day before these hearings to verify that a particular case is still scheduled for this date and time.

1:00 p.m. cases

Gary Lansinger & Steven J. Kougl, Kougl, Inc. T/a Club Harem, 425 E. Baltimore Street - Class BD7 Beer, Wine & Liquor License – Violation of Rule 4.10(a) “No licensee shall purchase alcoholic beverages except from a duly licensed manufacturer or wholesaler; nor shall any licensee sell to any other licensee any alcoholic beverages; and no licensee shall, at any time, keep or permit to be kept upon the licensed premises, any alcoholic beverages unless purchased in accordance with the Rule” on September 10, 2008 (Re: Twenty one bottles of distilled spirits on premises that were not listed on wholesaler invoices; 21 containers of distilled spirits seized); **Violation of Rule 3.03(a)** “Licensee shall keep accurate records of all purchases of alcoholic beverages for a period of one year from the date of each purchase. Such records shall include the date of each purchase, the quantity purchased, and the name and address of each seller. Such records shall be open for inspection at all times by duly authorized representatives of the Board” on September 10, 2008 (Re: Purchase records were not available for review); **Violation of Rule 4.18** “No licensee shall commit or allow the commission on his premises of any act which shall be contrary to any federal, state or local statute, law or ordinance or against the public peace, safety, health, welfare, quiet or morals” from September 10, 2008 to date (Re: Licensee does not have a 2008 Trader’s License) and from November 19, 2008 to date (Re: Corporate charter is not in good standing with Maryland Department of Assessments and Taxation)

DECISION:

James Micklos, Club Malibu, LLC T/a Lava Lounge, 1301 S. Ponca Street - Class BD7 Beer, Wine & Liquor License – Violation of Rule 4.01(a) “No licensee shall sell or furnish alcoholic beverages to any person under twenty-one (21) years of age or to any person with the knowledge that such person is purchasing or acquiring such beverages for consumption by any person under twenty-one (21) years of age” on December 14, 2008 (Re: Alcohol sold to 20 year old male patron); **Violation of Rule 4.01(a)** “No licensee shall sell or furnish alcoholic beverages to any person under twenty-one (21) years of age or to any person with the knowledge that such person is purchasing or acquiring such beverages for consumption by any person under twenty-one (21) years of age” on December 14, 2008 (Re: Alcohol sold to 20 year old female patron); **Violation of Rule 4.01(a)** “No licensee shall sell or furnish alcoholic beverages to any person under twenty-one (21) years of age or to any person with the knowledge that such person is purchasing or acquiring such beverages for consumption by any person under twenty-one (21) years of age” on December 14, 2008 (Re: Alcohol sold to 19 year old female patron); **Violation of Rule 4.01(a)** “No licensee shall sell or furnish alcoholic beverages to any person under twenty-one (21) years of age or to any person with the knowledge that such person is purchasing or acquiring such beverages for consumption by any person under twenty-one (21) years of age” on December 14, 2008 (Re: Alcohol sold to 19 year old female); **Violation of Rule 4.01(a)** “No licensee shall sell or furnish alcoholic beverages to any person under twenty-one (21) years of age or to any person with the knowledge that such person is purchasing or acquiring such beverages for consumption by any person under twenty-one (21) years of age on December 14, 2008 (Re: Alcohol sold to a 19 year old female); **Violation of Rule 4.01(a)** “No licensee shall sell or furnish alcoholic beverages to any person under twenty-one (21) years of age or to any person with the knowledge that such person is purchasing or acquiring such beverages for consumption by any person under twenty-one (21) years of age on December 14, 2008 (Re: Alcohol sold to a 18 year old female); **Violation of Rule 4.01(a)** “No licensee shall sell or furnish alcoholic beverages to any person under twenty-one (21) years of age or to any person with the knowledge that such person is purchasing or acquiring such beverages for consumption by any person under twenty-one (21) years of age” and/or **Violation of Article 2B, Section 12-108(d)** “No licensee, proprietor, or operator of any establishment dispensing alcoholic beverages shall permit the consumption or possession of any alcoholic beverages by a person under the age of twenty-one years upon said premises no matter by whom such alcoholic beverages shall have been purchased or from whom obtained...” on December 14, 2008 (Re: Seventeen year old female observed in possession of alcohol); **Violation of Rule 3.12** “Licensees shall operate their establishments in such a manner as to avoid disturbing the peace, safety, health, quiet, and general welfare of the community” on March 15, 2008 (Re: Man assaulted on parking lot); **Violation of Rule 3.03(c)** “Licensees shall keep on their premises records containing the legal names, aliases, addresses, ages, and Social Security numbers of all persons employed by them. Such records shall be open for inspection at all times by duly authorized representatives of the Board, the Police Department of Baltimore City, and other governmental agencies” on September 11, 2008, December 14, 2008 and on January 9, 2009 (Re: Licensee was unable to produce employee records); **Violation of Rule 3.06** “Licensees shall operate their establishments at all times in accordance with the requirements of the Health

Department of Baltimore City, the Building Code of Baltimore City, and the rules and regulations of the Fire Department of Baltimore City” on September 11, 2008 (Re: Wires for speakers ran across floor and there were other wires running along the top of a seat; beer cooler was found to contain dirty water with beer laying below the surface of the dirty water); **Violation of Rule 4.18** “No licensee shall commit or allow the commission on his premises of any act which shall be contrary to any federal, state or local statute, law or ordinance or against the public peace, safety, health, welfare, quiet or morals” on September 11, 2008 (Re: No minor privilege permit available for four foot sign on sidewalk outside establishment) and on September 11, 2008 and on January 9, 2009 (Re: No amusement license for pool table or video game); **Violation of Article 2B, Section 10-505** “Every person receiving a license under the provisions of this article shall frame his license under glass and place the same so that it shall at all times be conspicuous and easily read in his place of business...” on September 11, 2008 (Re: License not displayed as required by law); **Violation of Restriction on license**, namely “No one under 21 years of age permitted on premises from 9 pm-2 am” on December 14, 2008 (Re: Seven minors on the premises at 1:41 am. and no one at the door carding people entering the establishment), on April 27, 2008 (Re: Seventeen year old male sitting within hand reach of several open beer bottles) and on January 9, 2009 (Re: Three females under the age of 21 on the licensed premises at 10:10 p.m.); **Violation of Rule 4.12** “No licensee shall make any false statement in any application, letter or written or oral statement to the Board or to any of its representatives” on January 9, 2009 (Re: Licensee said that he had no employees as manager was observed behind bar)

DECISION:

2 p.m. case

Timothy O. Dean & Jerome P. Lintz, T.D. Bistro, Inc. T/a Timothy Dean Bistro, 1719 Eastern Avenue – Class “B” Beer, Wine & Liquor License – **Violation of Rule 4.18** “No licensee shall commit or allow the commission on his premises of any act which shall be contrary to any federal, state or local statute, law or ordinance or against the public peace, safety, health, welfare, quiet or morals on November 9, 2008 (Re: Liquor Board personnel observed employees of establishment collecting a \$20 cover fee to enter, people dancing and a deejay operating sound and playback equipment without Liquor Board or Zoning Board approval), on November 15, 2008 (Re: Liquor Board Inspector observed a disc jockey playing music that was heard throughout the establishment and patrons dancing on first and second floors of licensed premises) on November 15, 2008 (Re: Liquor Board inspector was advised that there was a \$20 cover charge to enter “T D Lounge”) and on December 5, 2008 (Re: Liquor Board inspector observed disc jockey and patrons dancing); **Violation of Rule 3.12** “Licensees shall operate their establishments in such a manner as to avoid disturbing the peace, safety, health, quiet, and general welfare of the community” on November 15, 2008 (Re: Liquor Board Inspector responded for follow up on complaints of loud music and observed a disc jockey playing music and patrons dancing) and on November 15, 2008 (Re: During an investigation, Liquor Board inspector was surrounded by approximately six men including the licensee arguing with her about allowing patrons to dance) and on November 15, 2008 (Re: Security personnel grabbed Liquor Board inspector and removed him from the premises); **Violation of Rule 3.03(c)** “Licensees shall keep on their premises records containing the legal names, aliases, addresses, ages, and Social Security numbers of all persons employed by them. Such records shall be open for inspection at all times by duly authorized representatives of the Board, the Police Department of Baltimore City, and other governmental agencies” on December 5, 2008 (Re: No employee records available); **Violation of Rule 3.02** “Licensees shall cooperate with representatives of the Board, members of the Police Department, Health Department, Building Engineer's office, Grand Jury and representatives of other governmental agencies whenever any such persons are on official business” on November 15, 2008 (Re: Licensee refused to provide information to Liquor Board Inspector, yelled at her and threatened her), on November 15, 2008 (Re: Security personnel attempted to keep Liquor Board Inspector from entering establishment and three of them grabbed him and forcefully removed him from the licensed premises) and on December 5, 2008 (Re: Licensee refused to provide employee records to Liquor Board Inspector and to Police Officers unless they produced a warrant)

DECISION: