



Rescheduled BOARD APPEAL HEARING DOCKET
7450 FREIGHT WAY, MECHANICSVILLE, VA 23116
May 14, 2024

Chair
Timothy D. Hugo
Vice Chair
Dale F. Farino
Board of Directors
William D. Euille
Gregory F. Holland
Lisa N. Jennings

| License/Applicant | Attorney's | Appellant | Complaints/Charges | Trans. No. of Pgs. | Charges/Objections Heard by Administrative Law Judge | Contacts/ Objectors | Date & Time |
|--|--|------------------------|--|--------------------|--|--|--|
| <div>1</div> <p>Cairo Mart LLC Alvaro's Market 1002 Walnut Ave Vinton, VA 24179-3033 License No.: 753807 Wine and Beer Off Premises Administrative Case No.: 013420741</p> | <p>Sarah Ross, Esq. Assoc. Legal Counsel</p> | <p>Licensee</p> | <p>2. The licensee has failed to take reasonable measures to prevent an act of violence resulting in death or serious bodily injury, or a recurrence of such acts, from occurring on the licensed premises, any premises immediately adjacent to the licensed premises that is owned or leased by the licensee, or any portion of public property immediately adjacent to the licensed premises in violation of Sections 4.1-202 and 4.1-225 1.q. of the Code of Virginia.</p> | <p>204</p> | <p>1. On the dates of 9/12/23 to 9/14/23, the licensee obstructed special agents of the Board in the discharge of their duties, in violation of Sections 4.1-202, 4.1-225 1.b.3 and 4.1-325 A.18. of the Code of Virginia and 3 VAC 5-50-70. (Charge Dismissed)</p> <p>2. The licensee has failed to take reasonable measures to prevent an act of violence resulting in death or serious bodily injury, or a recurrence of such acts, from occurring on the licensed premises, any premises immediately adjacent to the licensed premises that is owned or leased by the licensee, or any portion of public property immediately adjacent to the licensed premises in violation of Sections 4.1-202 and 4.1-225 1.q. of the Code of Virginia.</p> | <p>R. Goff A Beyer T. Bailey A. McClure J. Dibble F. Drumond P. Peters</p> | <p>05/14/2024 10:00 a.m.</p> |
| <div>2</div> <p>Vybez Restaurant and Banquet Hall, LLC Vybez Restaurant and Banquet Hall 39 RIVER ST PETERSBURG, VA 23803 -4554 License: 013180723 Wine and Beer On and Off Premises Mixed Beverage Restaurant Administrative Case No.: 013415894</p> | <p>Maureen Mshar, Esq. Assoc. Legal Counsel</p> | <p>Licensee</p> | <p>1. The characteristics of the food business conducted upon the licensed premises are such that the establishment ceases to qualify as a "restaurant" within the meaning of Sections 4.1-100, 4.1-206.3 A.1. and 4.1-225 1.b. of the Code of Virginia and 3 VAC 5-50-110 A., 3 VAC 5-50 -110 C., and 3 VAC 5-50-110 D.</p> <p>2. During the preceding license year May 2022 through April 2023, based on the gross receipts from the sale of food and nonalcoholic beverages and the gross receipts from the sale of mixed beverages, the licensed establishment did not meet the requirements for a mixed beverage restaurant license, in violation of Sections 4.1-114, 4.1-206.3 A.1. and 4.1-225 1.b. of the Code of Virginia.</p> <p>3. The characteristics of the food business conducted upon the licensed premises are such that the establishment ceases to qualify as a "restaurant" within the meaning of Section 4.1-100 of the Code of Virginia, in violation of Sections 4.1-206.3 B.1. and 4.1-225 1.b. of the Code of Virginia and 3 VAC 5-50-110 A. and 3 VAC 5-50-110 B.</p> | <p>19</p> | <p>1. The characteristics of the food business conducted upon the licensed premises are such that the establishment ceases to qualify as a "restaurant" within the meaning of Sections 4.1-100, 4.1-206.3 A.1. and 4.1-225 1.b. of the Code of Virginia and 3 VAC 5-50-110 A., 3 VAC 5-50 -110 C., and 3 VAC 5-50-110 D.</p> <p>2. During the preceding license year May 2022 through April 2023, based on the gross receipts from the sale of food and nonalcoholic beverages and the gross receipts from the sale of mixed beverages, the licensed establishment did not meet the requirements for a mixed beverage restaurant license, in violation of Sections 4.1-114, 4.1-206.3 A.1. and 4.1-225 1.b. of the Code of Virginia.</p> <p>3. The characteristics of the food business conducted upon the licensed premises are such that the establishment ceases to qualify as a "restaurant" within the meaning of Section 4.1-100 of the Code of Virginia, in violation of Sections 4.1-206.3 B.1. and 4.1-225 1.b. of the Code of Virginia and 3 VAC 5-50-110 A. and 3 VAC 5-50-110 B.</p> | <p>A. Spinner</p> | <p>05/14/2024 10:00 AM</p> |



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|--|--|---------------------|--|--------------------------|--|------------------------|------------------------------------|
| <div>3</div> <div>MURLARKEY DISTILLED SPIRITS LLC MURLARKEY DISTILLED SPIRITS 7961 GAINSFORD CT BRISTOW, VA 20136 License No.: 085216 Distillery (with Store) Administrative Case No. 013408581</div> | <div>Maureen Mshar, Esq. Associate Legal Counsel</div> | <div>Licensee</div> | <div>1. On September 7, 2023 at approximately 4:23 pm, the licensee sold alcoholic beverages to a person who the licensee knew or had reason at the time to believe was less than twenty-one years of age, in violation of Sections 4.1-202, 4.1-225 1.b., and 4.1-304 A. of the Code of Virginia and 3 VAC 5-50-10 and 3 VAC 5-50-20.</div> | <div>51</div> | <div>1. On September 7, 2023 at approximately 4:23 pm, the licensee sold alcoholic beverages to a person who the licensee knew or had reason at the time to believe was less than twenty-one years of age, in violation of Sections 4.1-202, 4.1-225 1.b., and 4.1-304 A. of the Code of Virginia and 3 VAC 5-50-10 and 3 VAC 5-50-20.</div> | <div>J. Gilliam</div> | <div>05/14/2024 10:00 AM</div> |

New Business: Approval of Board Orders for Board Minutes for January 2024, February 2024 and March 2024
Approval of Board Orders for Board Archives for January 2024, February 2024 and March 2024

c: Mr. Hugo
Mr. Farino
Mr. Holland

Mr. Euille
Ms. Jennings
Chief Kirby

Mr. Curtis
Mr. Daniel
Mr. Flaherty

Ms. LaMotte
Ms. Intagliato
Office of Legal Counsel

Communications
Security

CONTACT INFORMATION: Kristie Miles, Senior Paralegal; Kristie.Miles@VirginiaABC.com; Phone 804-213-4441; Fax 804-213-4731