

# Club, residents play uneasy waiting game

By Peter Hermann, *Baltimore Sun*, August 6, 2009

Baltimore's liquor board revoked the liquor license for the Suite Ultralounge nightclub in the basement of the Belvedere Hotel, and the people of Mount Vernon and Mid-Town rejoiced.

That was Nov. 13.

This past Saturday, the club held a "Slumber Express" teen pajama party.

This coming Friday, the self-acclaimed "Belvedere's Hottest Dance Club" is advertising an appearance by the group Definition for those 18 and older, with the bonus "ladies free all nite," and of course, it's bring-your-own-booze for those 21 and older.

Suite Ultralounge's attorney, Peter A. Prevas, said Monday that it's "business as usual" at the club.

The liquor board did indeed revoke the license of the bottle club after a parade of people and police officers testified that its existence was a threat to public safety. But in the interest of being fair, the board granted the owners a stay allowing them to remain open while Prevas challenged the ruling in Baltimore Circuit Court.

Prevas filed the challenge in May.

It's now August, and Judge Kaye A. Allison has yet to rule.

And so the community waits.

And the police wait.

Some anxious residents have called on the governor to intervene.

But it's bad form for someone of influence to influence a judge.

And so the politicians wait, too.

"The wait has been excruciating given that the community has done everything right to get to this point," said City Councilman William H. Cole IV. "We just need an answer so we can figure out our next step."

Meanwhile, complaints are piling up again about out-of-control crowds and a recent shooting on East Eager Street, reminiscent of the time when the club was making news for all the wrong reasons. There was a double shooting and a stabbing, dozens of calls for disorderly conduct, people robbed and frightened to walk the street.

A police major at the time call the club "a public safety threat to the neighborhood."

Judges don't talk publicly about pending cases, and Allison is no exception. Her office would say only that the judge has not filed her opinion and there is no timetable. The judge has earned a reputation around the courthouse as among the slowest to issue written rulings.

Prevas, the attorney for Ultralounge, wouldn't comment on the duration from hearing to ruling but did note, "It's not unusual to me. I think there are some complicated legal issues in there."

The club's designation as a so-called bottle club allowed owners to operate outside the reach of the liquor board. That law was changed last year, largely because of problems with the Ultralounge, and Prevas argued in court that the new regulations were "sloppy," unclear and violated the owner's due-process rights.

Because of the long time Allison is taking with her ruling, liquor board Chairman Stephan Fogleman said commissioners will most likely no longer grant stays to bar and club owners who are being shut down or penalized in cases in which public safety is an issue.

"We're at the mercy of the courts, like everyone else," Fogleman said. "The delay in this case was not expected, and given the fact it has been nearly nine months since the liquor board issued its ruling, this will impact our decisions in the future on our willingness to stay orders."

That would force license holders to obtain court orders to stay open pending their appeals, adding to their costs and court time. "As a lawyer, I understand due process," Fogleman said. "But try to tell that to the folks of the Belvedere right now. Why is the bar getting nine months of due process, and they're getting nine months of no sleep and no safety?"