

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF MICHAEL ALLEN	*	
GREENBERG AND NORMA IRIS RIVERA ON	*	BEVERAGE HEARING
BEHALF OF RL COLUMBIA, LLC, t/a RED	*	
LOBSTER, FOR A RESIDENT AGENT	*	BOARD FOR
CHANGE ON THE CLASS BLX BEER, WINE,	*	
AND LIQUOR 7-DAY ON-SALE LICENSE	*	HOWARD COUNTY, MD
	*	
	*	Case No. 17-13

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 March 22, 2017, the Hearing Board heard the application of Michael Allen Greenberg and Norma Iris Rivera (the “Applicants”), on behalf of RL Columbia, LLC, t/a Red Lobster (“RL Columbia, LLC”), for a resident agent change from Garry Mowery to Michael Allen Greenberg on a Class BLX Beer, Wine, and Liquor 7-day on-sale license for a 8,356 square foot restaurant located at 9011 Snowden River Parkway, Columbia, Maryland 21046. The hearing was properly advertised pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicants were represented by Leanne M. Schrecengost, 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: an email dated March 13, 2017, from the Administrator to the attorney for RL Columbia, LLC notifying them that the hearing scheduled before the Alcoholic Beverage Hearing Board on March 14, 2017, would be postponed until March 22, 2017; a letter dated January 4, 2017, from the attorney for the Applicants enclosing the application; copies of the background investigation questionnaires for the Applicants; a receipt from the Criminal Justice Information System – Central Repository for Michael Allen Greenberg; a Corporate Charter Approval Sheet dated April 9, 2014, for RL Columbia, LLC; the Articles of Organization for RL Columbia, LLC; a copy of the Action by Written Consent of the Managing Member of RL Columbia, LLC, dated December 12, 2016; a resignation letter from Garry Mowery; a memorandum dated February 13, 2017, from the Liquor Board Administrator to the Alcohol Beverage Inspector, the Department of Inspections, Licenses, and Permits, the Bureau of Environmental Health, the Department of Planning and Zoning, and the Office of the Fire Marshal; the background investigations of the Applicants by the Alcohol Beverage Inspector dated March 6, 2017; an email dated March 21, 2017, from the attorney for the Applicant attaching a letter from the Florida Department of Highway Safety & Motor Vehicles Division of Motorist Services stating Norma Iris Rivera's driving privilege is not revoked or suspended in the State of Florida; memorandum dated March 1, 2017, from the Department of Planning and Zoning; a letter dated February 16, 2017, from the Office of the Fire Marshal; a memorandum dated February 17, 2017, from the Bureau of Environmental Health; a letter dated February 13, 2017, to the Department of Finance; letter from the Department of Finance; a letter dated February 13, 2017, to the Comptroller of Maryland; a letter dated March 8, 2017, from the Comptroller of Maryland; an email dated February 16, 2017,

from the Liquor Board Administrator to the attorney for the Applicants, attaching a letter advising notification of the hearing date, and enclosing the required advertisement; an email dated March 18, 2017, from the attorney for the Applicants, to the Liquor Board Administrator enclosing the legal advertisements from the Baltimore Sun and from Patuxent Publishing; and an e-mail dated February 21, 2017, from the Alcoholic Beverage Inspector stating the premises had been posted.

SUMMARY OF TESTIMONY

Michael Allen Greenberg, Authorized Person and 10% shareholder for RL Columbia, LLC, was sworn and testified that he has lived in Howard County for two years, and is a registered voter. Mr. Greenberg testified that he is familiar with the rules and regulations governing the sale of alcoholic beverages, and, further, that he currently serves as resident agent for The Cheesecake Factory in Columbia, Maryland.

Mr. Greenberg testified that he plans to visit the restaurant approximately two times per month, one announced, and one unannounced. Mr. Greenberg testified that he will observe the operation, and if he sees anything that is not appropriate, he will bring it to the manager's attention.

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicants waived their right to request the Liquor Board to hear the case. Based on the evidence presented at the hearing, the Alcoholic Beverage Hearing Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Hearing Board finds that Michael Allen Greenberg and Norma Iris Rivera, on behalf of RL Columbia, LLC, have applied for a resident agent change from

Garry Mowery to Michael Allen Greenberg on a Class BLX Beer, Wine, and Liquor 7-day on-sale license for a 8,356 square foot restaurant located at 9011 Snowden River Parkway, Columbia, Maryland 21046.

2. The Hearing Board finds that the Applicants are fit and proper persons to hold an alcoholic beverage license.

3. The Hearing Board finds that Michael Allen Greenberg has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of RL Columbia, LLC.

4. The Hearing Board finds that the granting of the application is necessary for the accommodation of the public.

5. The Hearing Board finds that the granting of the application will not unduly disturb the peace and safety of the residents of the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Michael Allen Greenberg and Norma Iris Rivera, on behalf of RL Columbia, LLC, have applied for a resident agent change from Garry Mowery to Michael Allen Greenberg on a Class BLX Beer, Wine, and Liquor 7-day on-sale license for a 8,356 square foot restaurant located at 9011 Snowden River Parkway, Columbia, Maryland 21046.

2. The Hearing Board concludes that the Applicants are fit and proper persons to hold an alcoholic beverage license.

3. The Hearing Board concludes that Michael Allen Greenberg meets the requirements of Rules 1.09(T), 1.09(U), 2.06, and 2.10 of the Liquor Board Rules and Regulations concerning resident agent qualifications.

4. The Hearing Board concludes that the granting of the application is necessary for the accommodation of the public.

5. The Hearing Board finds that the granting of the application will not unduly disturb the peace and safety of the residents of the neighborhood.

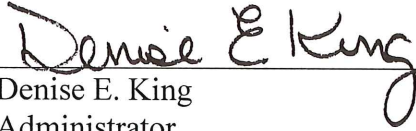
ORDER

For the foregoing reasons, it is this 28th day of April, 2017, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Michael Allen Greenberg and Norma Iris Rivera, on behalf of RL Columbia, LLC, t/a Red Lobster, for a resident agent change from Garry Mowery to Michael Allen Greenberg on a Class BLX Beer, Wine, and Liquor 7-day on-sale license for a 8,356 square foot restaurant located at 9011 Snowden River Parkway, Columbia, Maryland 21046, be and the same is hereby **GRANTED**, subject to the following conditions:

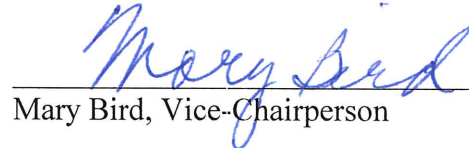
- (a) That the Applicants comply with all State and County laws; and
- (b) Failure to comply with these conditions and obtain the license by April 30, 2017, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND

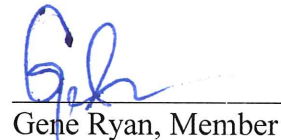

Denise E. King
Administrator


Heather Gaetano, Chairperson

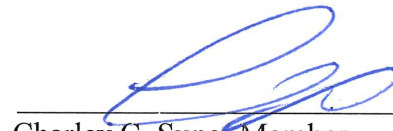

Mary Bird, Vice-Chairperson

REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
GARY W. KUC
COUNTY SOLICITOR

ABSENT
Charles C. Feaga, Member


Gene Ryan, Member


Janssen Evelyn, Esquire
Assistant County Solicitor


Charley C. Sung, Member