

IN THE MATTER OF	*	BEFORE THE ALCOHOLIC
THE APPLICATION OF MONICA	*	
PARSONS AND JEFFREY MENGEL ON	*	BEVERAGE HEARING BOARD
BEHALF OF CRANBERRY IV, LLC, t/a	*	
PIE FIVE PIZZA COMPANY, FOR A	*	FOR
NEW CLASS B BEER AND LIGHT	*	
WINE 7-DAY ON-SALE LICENSE	*	HOWARD COUNTY, MARYLAND
	*	
	*	Case No.: 16-03

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 January 12, 2016, the Hearing Board heard the application of Monica Parsons and Jeffrey Mengel (the “Applicants”), on behalf of Cranberry IV, LLC, t/a Pie Five Pizza (“Cranberry IV, LLC”), for a new Class B Beer and Light Wine 7-day on-sale license for a 2,270 square foot restaurant with a 900 square foot outdoor patio located at 9525 Baltimore National Pike, #100, Ellicott City, Maryland 21042. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by David F. Mister, 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: a letter dated October 12, 2015, from the attorney for the Applicants; the application; a copy of the floor plan; a copy of the shopping center showing the location of Pie Five Pizza Company; a copy of an aerial map showing where Pie Five Pizza Company is located; a copy of the Operating Agreement of Cranberry IV, LLC; a copy of the Articles of Organization

for Cranberry IV, LLC; a copy of the Corporate Charter Approval Sheet for Cranberry IV, LLC; a letter dated November 2, 2015, from the Maryland Department of Assessment and Taxation confirming the acceptance of the Articles of Organization for Cranberry IV, LLC; the background investigation questionnaires for the Applicants; a letter dated November 10, 2015, from the attorney for the Applicants enclosing the Certificate of Birth Abroad for Monica M. Parsons; copies of receipts from the CJIS Central Repository acknowledging the Applicants' applications; a memorandum dated December 1, 2015, from the Liquor Board 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 from the Alcohol Beverage Inspector, dated December 10, 2015; a memorandum dated December 2, 2015, from the Bureau of Environmental Health; an email dated December 1, 2015, from the Department of Inspections, Licenses, and Permits; an email dated January 6, 2016, from the Office of the Fire Marshal; a memorandum dated December 14, 2015, from the Department of Planning and Zoning; a letter dated December 1, 2015, to the Department of Finance; a letter from the Department of Finance; a letter dated December 1, 2015, to the Comptroller of the Treasury; a letter dated December 8, 2015, from the Comptroller of the Treasury; a fax transmission to the attorney for the Applicants enclosing a letter dated December 14, 2015, with notification of the hearing date and the necessity to advertise; an email dated December 18, 2015, from the Alcoholic Beverage Inspector stating the premises had been posted; and certification of advertisement from the Baltimore Sun and Patuxent Publishing.

SUMMARY OF TESTIMONY

Jeffrey Mengel, Managing Member and 85% shareholder of Cranberry IV, LLC, t/a Pie Five Pizza Company, was sworn and testified that Pie Five Pizza Company is a franchise that has several restaurants across the country. He stated that he has three of locations in Maryland. Mr. Mengel testified that Pie Five Pizza Company is a fast/casual restaurant, and that they are able to process a customer's order in less than five minutes. Mr. Mengel testified that they do not have servers. Customers order their food while standing in line, and take it into the dining area to eat. Mr. Mengel testified that they do not have a bar, televisions, or any entertainment. Mr. Mengel testified that they have approximately 65 seats in the restaurant.

Mr. Mengel testified that they have been open since November, and that they have not been serving alcohol. Mr. Mengel testified that they have 25 employees, and that all of their managers will be alcohol awareness certified. Mr. Mengel testified that when a customer orders an alcoholic beverage, the manager will handle the transaction. Their policy is to card anyone appearing under the age of 40. Mr. Mengel testified that all managers will be alcohol awareness certified. Mr. Mengel testified that the managers will be responsible for observing the dining area, and that he will include that as part of their policy.

Mr. Mengel testified that he will be at the restaurant for 20 to 30 hours per week. Mr. Mengel testified that he is responsible for hiring the managers. Mr. Mengel testified that his sister, Ms. Parsons, is part of their team, and that she is responsible for the policy handbook, marketing, and the graphic designs for the restaurant.

Mr. Mengel testified that they will have a seasonal outdoor patio, which will be fenced in. Mr. Mengel testified that the only way to get to the patio is through the interior of the restaurant. Mr. Mengel testified that there is an outside emergency exit gate.

Monica Parsons, Member and 15% shareholder of Cranberry IV, LLC, t/a Pie Five Pizza Company, was sworn and testified that she has lived in Howard County for eight years, and that she is a registered voter. Ms. Parsons testified that she is responsible for the marketing and graphics for the restaurant. Ms. Parsons testified that she will visit the restaurant once per week to observe the operation. Ms. Parsons testified that she understands her responsibility as a resident agent, and that she will become alcohol awareness certified.

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 Monica Parsons and Jeffrey Mengel on behalf of Cranberry IV, LLC, t/a Pie Five Pizza Company, have applied for a new Class B Beer and Light Wine 7-day on-sale license for a 2,270 square foot restaurant with a 900 square foot outdoor patio area located at 9525 Baltimore National Pike, #100, Ellicott City, Maryland 21042.
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 Monica Parsons has been a Howard County resident for more than two years, is a registered voter, and a 15% shareholder of Cranberry IV, 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 this application will not unduly disturb the peace and safety of the residents of the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Monica Parsons and Jeffrey Mengel on behalf of Cranberry IV, LLC, t/a Pie Five Pizza Company, have applied for a new Class B Beer and Light Wine 7-day on-sale license for a 2,270 square foot restaurant with a 900 square foot outdoor patio area located at 9525 Baltimore National Pike, #100, Ellicott City, Maryland 21042.

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 Monica Parsons 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 concludes that the granting of this application would not unduly disturb the peace and safety of the neighborhood.

ORDER

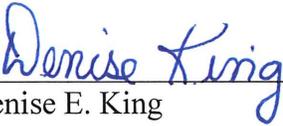
For the foregoing reasons, it is this 2ND day of February, 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Monica Parsons and Jeffrey Mengel on behalf of Cranberry IV, LLC, t/a Pie Five Pizza Company, for a new Class B Beer and Light Wine 7-day on-sale license for a 2,270 square foot restaurant with a 900 square foot outdoor patio located at 9525 Baltimore National Pike, #100, Ellicott City, Maryland 21042, be and the same is hereby **GRANTED**, subject to the following conditions:

1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicants obtain the license and comply with the following conditions:

- a. That the resident agent submits evidence that she is alcohol awareness certified; and
- b. That the Applicants comply with all State and County Rules and Regulations; and
- c. Failure to comply with these conditions and obtain the license by March 31, 2016, shall render this Proposed Decision and Order null and void.

ATTEST:

**ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND**



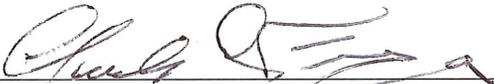
Denise E. King
Administrator



Mary Bird, Chairperson

ABSENT
Harry Evans, III, Vice-Chairperson

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

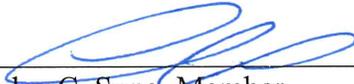


Charles C. Feaga, Member

ABSENT
Heather Gaetano, Member



Lewis Taylor, Esquire
Assistant County Solicitor



Charley C. Sung, Member