

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF DAVID FRANCIS	*	
ALBERT, GEARY KEITH MILLIKEN,	*	BEVERAGE HEARING BOARD
AND STEVEN DALE POWELL ON	*	
BEHALF OF LVMG HOSPITALITY,	*	FOR
INC., t/a LUTHERAN VILLAGE AT	*	
MILLER'S GRANT, FOR A NEW CLASS	*	HOWARD COUNTY, MARYLAND
B BEER, WINE, AND	*	
LIQUOR 7-DAY ON-SALE LICENSE	*	Case No.: 16-09
	*	

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 February 16 and 24, 2016, the Hearing Board heard the application of David Francis Albert, Geary Keith Milliken, and Steven Dale Powell (the "Applicants"), on behalf of LVMG Hospitality, Inc., t/a Lutheran Village at Miller's Grant ("LVMG Hospitality, Inc."), for a new Class B Beer, Wine, and Liquor 7-day on-sale license for 617,659 square feet located at 9000 Father's Legacy, Ellicott City, Maryland 21042. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by Thomas M. Meachum, 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 November 20, 2015, from the attorney for the Applicants attaching

the application; a copy of the Articles of Incorporation for LVMG Hospitality, Inc., t/a Lutheran Village at Miller's Grant; a letter dated October 29, 2015, from the Maryland State Department of Assessments and Taxation, confirming acceptance of LVMG Hospitality, Inc.'s Articles of Incorporation, copies of a site plan and floor plans of buildings at Lutheran Village at Miller's Grant; background investigation questionnaires for the Applicants; a copy of the receipt from the Department of Public Safety and Correctional Services Criminal Justice Information System – Central Repository; a copy of the criminal history record check from Maryland's Criminal Justice Information System for Applicant, David Francis Albert; a copy of the Maryland Driving Record for Steven Dale Powell; a copy of a memorandum dated January 5, 2016, 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 investigation of the Applicants from the Alcohol Beverage Inspector, dated January 7, 2016; an email dated January 13, 2016, from the Department of Inspections, Licenses, and Permits; a memorandum dated February 10, 2016, from the Department of Planning and Zoning; a letter dated January 12, 2016, from the Office of the Fire Marshal; a letter dated January 5, 2016, to the Department of Finance; a letter from the Department of Finance; a letter dated January 5, 2016, to the Comptroller of the Treasury; a letter dated January 21, 2016, from the Comptroller of the Treasury; an email dated January 14, 2016, to the attorney for the Applicants, with notification of the new hearing date, and the amended advertisement; an email dated February 10, 2016, from the Alcoholic Beverage Inspector stating the premises had been posted, and a letter dated February 16, 2016, to the Liquor Board Administrator, from the attorney for the Applicants enclosing the certificates of

advertising from the Howard County Times and the Baltimore Sun.

SUMMARY OF TESTIMONY

Geary Keith Milliken, President, CEO, and 90% shareholder of LVMG Hospitality, Inc., was sworn and testified that Lutheran Village at Miller's Grant is a non-profit retirement community, which consists of independent residences, assisted living residences, and a skilled care facility. Mr. Milliken testified that he is on the liquor license for Carroll Lutheran Village, in Carroll County, which is the same type of retirement community. Mr. Milliken testified that they have had a liquor license at the Carroll County location for over ten years, without any violations. Mr. Milliken testified that they have 100 acres licensed at Carroll Lutheran Village. This area includes a retreat house, where they have community events, staff training, picnics, entertainment, and seasonal events for the residents and their families. Mr. Milliken testified that they also have several dining venues at that location where they serve residents and the public.

Mr. Milliken testified that, as shown on the aerial site plan exhibit, Lutheran Village at Miller's Grant will have future buildings, with a pool, health care facility, skilled nursing facility, assisted living residences, and 36 houses. Mr. Milliken testified that the dining areas will be located in Wing B, and for the most part, that is where alcohol will be served. Mr. Milliken testified that they would like to provide alcoholic beverages to residents in other areas for private parties and picnics. Mr. Milliken testified that the hours of operation in the bar area would be Monday through Saturday, 4:00 P.M. to 8:00 P.M., and Sunday 11:00 A.M. to 2:00 P.M. Mr. Milliken testified that the dining halls provide three meals a day, and the formal meal would be between 5:00 P.M. to 7:00 P.M.

Mr. Milliken testified that they will have a bartender working at the pub/bar, and 15 food service employees. Mr. Milliken testified that he is alcohol awareness certified, and that the bartenders, the Director of food and dining, and the Sous Chef will also be certified. Mr. Milliken testified that they will provide their own training to employees regarding the sale of alcoholic beverages. Mr. Milliken testified that additional staff will become alcohol certified as they grow. Mr. Milliken testified that he will be on the premises weekly to monitor the operation.

Mr. Milliken testified that they are proposing that Wing A will be completed in March, Wing C in April, and the last units in Wing D will be completed in July or August. Mr. Milliken testified that they will offer both moderate income housing and luxury housing, and that all residences will be owned by Lutheran Village at Miller's Grant with an agreement that there is no equity in the property. Mr. Milliken testified that upon completion, there will be 241 residential living units at Lutheran Village at Miller's Grant.

Steven Dale Powell, Vice President/Treasurer for LVMG Hospitality, Inc., was sworn and testified that he is alcohol awareness certified, that he has been employed with Carroll Lutheran Village for two years. Prior to that, he was employed by Carroll County government for 29 years. Mr. Milliken testified that he is familiar with the sale of alcoholic beverages. Mr. Powell testified that he will have an office at this location, and will visit once a week during the time that alcoholic beverages are being served, to ensure that everything is being operated properly. Mr. Powell testified that he is familiar with the Liquor Board's rules and regulations, and that he will comply with them.

David Francis Albert, Assistant Secretary and 10% shareholder of LVMG Hospitality,

Inc., was sworn and testified that he has lived in Howard County for more than five years, is alcohol awareness certified, and is a registered voter. Mr. Albert testified that he has been a licensee for Xitomate for five years, and that they have never had any violations. Mr. Albert testified that he will be on premises once a week, or more, if required, to oversee the operation. Mr. Albert testified that he will attend their outdoor events.

The following Exhibits were entered into the record:

- Exhibit #1 - photographs of the interior of the dining and bar area at Village at Miller's Grant
- Exhibit #2 - a list of community partnerships and support that Carroll Luther Village has
- Exhibit #3 - digital copy of an aerial photograph of Luther Village at Miller's Grant

The hearing was continued to February 24, 2016, to ensure legal sufficiency of the posting of the property at Lutheran Village at Miller's Grant. Also, upon the request of the Hearing Board, the Applicants agreed to submit a revised plan to clarify and document their revised and reduced requested square footage for the licensed premises.

On February 23, 2016, the attorney for the Applicants provided the Hearing Board with documents showing the separate areas promised for the licensed premises at Lutheran Village at Miller's Grant. The documents, identified as Exhibit #4, identified the areas proposed to be included in the licensed premises, and the square footage of each area.

On February 24, 2016, the Hearing Board continued the hearing for LVMG Hospitality, Inc., and the Applicants presented their proposed revisions to the licensed premises, which were a substantial reduction from the advertised area.

There were no protestants. The attorney for the Applicants introduced Exhibit #4, which was accepted into evidence and is incorporated herein by reference. Exhibit # 4 consists of a six page document:

Page 1 – aerial site plan of the outdoor garden areas, including four open space areas - 121,200 square feet
Page 2 – four parking areas - 120,648 square feet
Page 3 – community center - 38,533 square feet
Page 4 – Main Street – indoor area - 31,249 square feet
Page 5 – High Care Terrace area (floor one) – 1,921 square feet
Page 6 – High Care Terrace area (floor two) – 1,921 square feet

Paula O'Neill, On-site Director of Lutheran Village at Miller's Grant, was sworn and testified in support of the amended application. Exhibit #4 identifies a total licensed area of 315,472 square feet. This includes certain outdoor areas that will eventually be built upon. At the request of the Hearing Board, the Applicants agreed to inform the Board when those areas will cease being used for serving alcohol. Any use of those areas once built, and any other expansion of the licensed premises is subject to an Extension of Premises application pursuant to Liquor Board Rule 2.20.

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicants did not waive 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 David Francis Albert, Geary Keith Milliken, and Steven Dale Powell, on behalf of LVMG Hospitality, Inc., t/a Lutheran Village at Miller's Grant, have applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for 315,472 square feet located at 9000 Father's Legacy, 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 David Francis Albert has been a Howard County resident for more than two years, is a registered voter, an Assistant Secretary, and a 10% shareholder of LVMG Hospitality, Inc., t/a Luther Village at Miller's Grant.

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 David Francis Albert, Geary Keith Milliken, and Steven Dale Powell, on behalf of LVMG Hospitality, Inc., t/a Lutheran Village at Miller's Grant, have applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for 315,472 square feet located at 9000 Father's Legacy, 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 David Francis Albert 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.

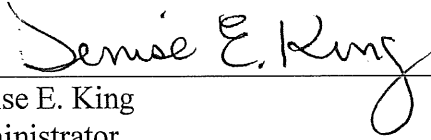
ORDER

For the foregoing reasons, it is this 27th day of March 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of David Francis Albert, Geary Keith Milliken, and Steven Dale Powell, on behalf of LVMG Hospitality, Inc., t/a Lutheran Village at Miller's Grant, for a new Class B Beer, Wine, and Liquor 7-day on-sale license for 315,472 square feet located at 9000 Father's Legacy, 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 Applicants comply with all State and County Rules and Regulations; and
 - (b) Failure to comply with these conditions and obtain the license by May 31, 2016, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



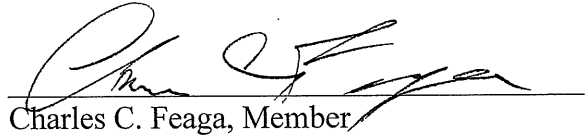
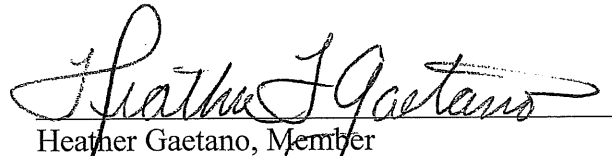
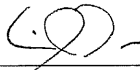
Denise E. King
Administrator

Mary Bird, Chairperson

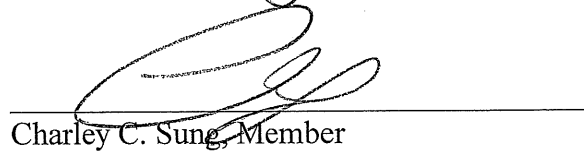
ABSENT

Harry Evans, III, Vice-Chairperson

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


Charles C. Feaga, Member
Heather Gaetano, Member

Lewis Taylor, Esquire
Assistant County Solicitor


Charley C. Sung, Member