

IN THE MATTER OF THE * BEFORE THE ALCOHOLIC
 APPLICATION OF CLARE FREY, PETER*
 FREY, NOEL JOHNSON ON BEHALF OF * BEVERAGE HEARING BOARD
 THE WHITE OAK TAVERN, LLC, t/a *
 THE WHITE OAK TAVERN, FOR A * FOR
 REFILLABLE CONTAINER PERMIT *
 ON THE CLASS B BEER, WINE, AND * HOWARD COUNTY, MARYLAND
 LIQUOR 7-DAY ON-SALE LICENSE *

Case No. 15-7

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 10 and March 24, 2015, the Hearing Board heard the application of Clare Frey, Paul Frey, and Noel Johnson (“Applicants”), on behalf of The White Oak Tavern, LLC, t/a The White Oak Tavern (“The White Oak Tavern, LLC”), for a refillable container permit on the Class B Beer, Wine, and Liquor 7-day on-sale license for a 4,480 square foot restaurant with a 550 square foot outdoor patio located at 10030 Baltimore National Pike, Ellicott City, Maryland 21042. The hearing was advertised pursuant to Article 2B of the Annotated Code of Maryland, but due to a delay in publication, a second hearing was scheduled to ensure compliance with public notice requirements. 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: an email dated December 4, 2014, from the attorney for The White Oak Tavern, LLC, entering his appearance; the refillable container permit application; a copy of the background investigation questionnaires for the Applicants; a memorandum dated February 12, 2015, from the Liquor Board to the Alcoholic Beverage Inspector, the Department of Inspections, Licenses and Permits, the Bureau of Environmental Health, and the Department of Planning and Zoning; an email dated February 23, 2015, from the Office of the Fire Marshal; a

letter dated January 27, 2015, to the Department of Finance; a letter dated January 27, 2015, to the Comptroller of Maryland; a letter dated February 25, 2015, from the Comptroller of Maryland; an email to the Baltimore Sun enclosing a fax transmission sheet addressed to the attorney for the Applicants enclosing a letter dated February 13, 2015, with notification of the hearing date and the necessity to advertise; a certification of advertisement from the Howard County Times and the Baltimore Sun; and an email dated February 23, 2015, from the Alcoholic Beverage Inspector stating the premises had been posted.

SUMMARY OF TESTIMONY

Noel Johnson, Licensee for The White Oak Tavern, LLC, t/a The White Oak Tavern, was sworn and testified that he has held the liquor license for The White Oak Tavern for 14 months, without any violations. Mr. Johnson testified that they are applying for a refillable container permit, and that he understands the procedures involved with that permit. Mr. Johnson testified that they were required to have a hearing because their current license is an on-sale license.

The following Exhibit was entered into the record:

Exhibit#1 – photographs of the growlers that will be sold at The White Oak Tavern

The hearing was continued until March 24, 2015, to fully satisfy public notice requirements. On March 24, 2015, no one appeared in opposition to the application.

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicant's attorney did not waive the right to request the Liquor Board to hear the case.

FINDINGS OF FACT

1. The Hearing Board finds that Clare Frey, Peter Frey, and Noel Johnson on behalf of The White Oak Tavern, LLC, t/a The White Oak Tavern, have applied for a refillable container permit on the Class B Beer, Wine, and Liquor 7-day on-sale license for a 4,480 square foot restaurant with a 550 square foot outdoor patio located at 10030 Baltimore National Pike, Ellicott City, Maryland 21042.

2. The Hearing Board finds that the Applicants are fit and proper persons to hold a refillable container permit.

3. The Hearing Board finds that Clare Frey has been a Howard County resident for more than two years, is a registered voter, and a 90% shareholder of The White Oak Tavern, LLC, t/a The White Oak Tavern.

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 in the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Clare Frey, Peter Frey, and Noel Johnson on behalf of The White Oak Tavern, LLC, t/a The White Oak Tavern, have applied for a refillable container permit on the Class B Beer, Wine, and Liquor 7-day on-sale license for a 4,480 square foot restaurant with a 550 square foot outdoor patio located at 10030 Baltimore National Pike, Ellicott City, Maryland 21042.

2. The Hearing Board concludes that the Applicants are fit and proper persons to hold a refillable container permit.

3. The Hearing Board concludes that Clare Frey 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 the application will not unduly disturb the peace and safety of the residents in the neighborhood.

ORDER

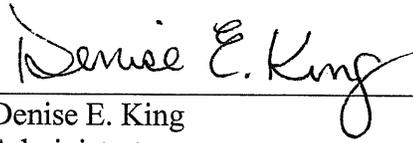
For the foregoing reasons, it is this 24th day of March, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Clare Frey and Noel Johnson, on behalf of The White Oak Tavern, LLC, t/a The White Oak Tavern, for a refillable container permit on the Class B Beer, Wine, and Liquor 7-day on-sale license for a 4,480 square foot restaurant with a 550 square foot outdoor patio located at 10030 Baltimore National Pike, 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 April 30, 2015, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator

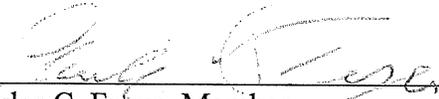


Mary Bird, Chairperson



Harry Evans, III, Vice-Chairperson

REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
MARGARET ANN NOLAN
COUNTY SOLICITOR



Charles C. Feaga, Member

ABSENT
Heather Gaetano, Member



Lewis Taylor, Esquire
Assistant County Solicitor



Charley C. Sung, Member