

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF GABRIEL LEVINE	*	
SMITH, TERRY DON HARRYMAN,	*	BEVERAGE HEARING BOARD
AND DOUGLAS LEE CHRISTMAN ON	*	
BEHALF OF RED ROBIN OF HOWARD	*	FOR
COUNTY, INC., t/a RED ROBIN	*	
AMERICA’S GOURMET BURGERS &	*	HOWARD COUNTY, MARYLAND
SPIRITS, FOR A RESIDENT AGENT/	*	
OFFICER CHANGE ON A CLASS B	*	Case No: 15-54
BEER, WINE, AND LIQUOR 7-DAY ON-	*	
SALE LICENSE	*	

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 November 10, 2015, the Hearing Board heard the application of Gabriel Levine Smith, Terry Don Harryman, and Douglas Lee Christman (“Applicants”), on behalf of Red Robin of Howard County, Inc., t/a Red Robin America’s Gourmet Burgers & Spirits (“Red Robin of Howard County, Inc.”), for a resident agent/officer change from John Grant, Karen Marie Purtell, and Douglas Lee Christman to Gabriel Levine Smith, Terry Don Harryman, and Douglas Lee Christman on the Class B Beer, Wine, and Liquor 7-day on-sale license, for a 7,127 square foot restaurant located at 8640 Snowden River Parkway, Columbia, Maryland 21045. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented at the hearing by Keith Truffer, 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 August 20, 2015, to the Liquor Board from the attorney for the Applicants enclosing a copy of the application; a copy of the background investigation questionnaires for the Applicants; a copy of a receipt of the application for a criminal records check for Gabriel Levine Smith, from CJIS Central Repository; a copy of the driving record for Gabriel Levine Smith from the Maryland Motor Vehicle Administration; a copy of the Colorado driving record for Douglas Lee Christman and Terry Don Harryman from the Colorado Bureau of Investigation; a list of Shareholders and Officers for Red Robin of Howard County, Inc; a memorandum dated October 15, 2015, from the Liquor Board to the Alcoholic 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 by the Alcoholic Beverage Inspector dated November 5, 2015; an email dated November 6, 2015, from the attorney for the Applicants addressing violations in Minnesota and Colorado; a memorandum dated October 30, 2015, from the Department of Planning and Zoning; a memorandum dated November 2, 2015, from the Bureau of Environmental Health; a letter dated October 21, 2015, from the Office of the Fire Marshal; a letter dated October 15, 2015, to the Department of Finance; a letter from the Department of Finance; a letter dated October 15, 2015, to the Comptroller of Maryland; a letter dated October 23, 2015, from the Comptroller of Maryland; a fax transmission to the attorney for the Applicants attaching a letter dated October 15, 2015, with information regarding notification of the hearing date and the necessity to advertise; an email dated October 23, 2015, from the Alcoholic Beverage Inspector stating the premises

had been posted; and an email dated November 6, 2015, from the attorney for the Applicants enclosing the certification of advertisement from the Baltimore Sun and the Howard County Times.

SUMMARY OF TESTIMONY

Terry Harryman, President/Treasurer and 1% shareholder of Red Robin of Howard County, Inc., was sworn and testified that he is Vice President/Chief Financial Officer/Treasurer of Red Robin International, Inc. Mr. Harryman testified that Red Robin International, Inc., is an 88% shareholder of Red Robin of Howard County, Inc., that Mr. Smith is a 10% shareholder, and that Mr. Christman is a 1% shareholder. Mr. Harryman testified that there are 15 Red Robins in Maryland, and that only two have had violations. Mr. Harryman testified that Red Robin restaurants in Maryland serve 3.2 million customers per year. Mr. Harryman testified that he will come to Maryland to visit the restaurant approximately one to two times per year. Mr. Harryman testified that the operation of the restaurant will not change with the new officers.

Judy Yoo, General Manager for Red Robin of Howard County, was sworn and testified that she has been a General Manager for Red Robin for three years, and that she oversees the operation and the team managers at the Columbia location, and is alcohol awareness certified. Ms. Yoo testified that all managers and bartenders are alcohol awareness certified, and that they train all servers and team members regarding alcohol service. Ms. Yoo testified that it is their policy to card anyone who appears to be under 39 ½ years of age.

Gabriel Smith, Assistant Secretary and 10% shareholder of Red Robin of Howard County, Inc., was sworn and testified that he has lived in Howard County for eight years, is a registered voter, and is alcohol awareness certified. Mr. Smith testified that he will visit the

restaurant periodically, and will notify the manager if he sees any problems. Mr. Smith testified that he understands the rules and regulations governing the sale of alcohol, and that he understands his responsibility.

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.

FINDINGS OF FACT

1. The Hearing Board finds that Gabriel Levine Smith, Terry Don Harryman, and Douglas Lee Christman on behalf of Red Robin of Howard County, Inc., t/a Red Robin America's Gourmet Burgers & Spirits, have applied for a resident agent/officer change from John Grant, Karen Marie Purtell, and Douglas Lee Christman to Gabriel Levine Smith, Terry Don Harryman, and Douglas Lee Christman on the Class B Beer, Wine, and Liquor 7-day on-sale license, for a 7,127 square foot restaurant located at 8640 Snowden River Parkway, Columbia, Maryland 21045.

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 Gabriel Levine Smith has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Red Robin of Howard County, Inc., t/a Red Robin America's Gourmet Burgers & Spirits.

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 Gabriel Levine Smith, Terry Don Harryman, and Douglas Lee Christman on behalf of Red Robin of Howard County, Inc., t/a Red Robin America's Gourmet Burgers & Spirits, have applied for a resident agent/officer change from John Grant, Karen Marie Purtell, and Douglas Lee Christman to Gabriel Levine Smith, Terry Don Harryman, and Douglas Lee Christman on the Class B Beer, Wine, and Liquor 7-day on-sale license, for a 7,127 square foot restaurant located at 8640 Snowden River Parkway, Columbia, Maryland 21045.

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 Gabriel Levine Smith 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 8th day of December, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Gabriel Levine Smith, Terry Don Harryman, and Douglas Lee Christman on behalf of Red Robin of Howard County, Inc., t/a Red Robin America's Gourmet Burgers &

Spirits, for a resident agent/officer change from John Grant, Karen Marie Purtell, and Douglas Lee Christman to Gabriel Levine Smith, Terry Don Harryman, and Douglas Lee Christman on the Class B Beer, Wine, and Liquor 7-day on-sale license, for a 7,127 square foot restaurant located at 8640 Snowden River Parkway, Columbia, Maryland 21045, 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:

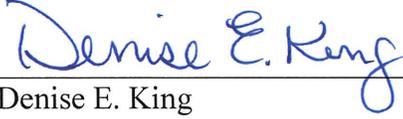
(a) That the Applicants comply with all State and County Rules and Regulations; and

(b) Failure to comply with these conditions and obtain the license by January 31, 2016, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING

BOARD OF HOWARD COUNTY,
MARYLAND



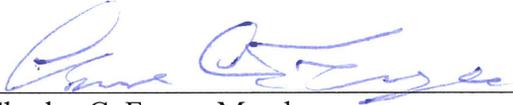
Denise E. King
Administrator

ABSENT

Mary Bird, Chairperson

Harry Evans, III, Vice-Chairperson

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



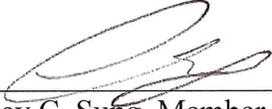
Charles C. Feaga, Member



Heather Gaetano, Member



Lewis Taylor, Esquire
Assistant County Solicitor



Charley C. Sung, Member