

IN THE MATTER OF THE * BEFORE THE ALCOHOLIC
 APPLICATION FOR AN EXTENSION *
 OF PREMISES AND AN ADDITION OF * BEVERAGE HEARING BOARD
 A LICENSEE ON A CLASS D BEER, *
 WINE, AND LIQUOR 7-DAY ON/OFF * FOR
 SALE LICENSE ON BEHALF OF EM-JA, *
 LLC t/a JUDGE’S BENCH PUB AND * HOWARD COUNTY, MARYLAND
 RESTAURANT *
 * Case No. 15-28

DECISION AND ORDER

The Board of License Commissioners for Howard County, Maryland (the “Liquor Board”), pursuant to Rule 1.02(A) of the Rules and Regulations of the Liquor Board, has delegated the authority to hear and decide cases to the Alcoholic Beverage Hearing Board for Howard County, Maryland (the “Hearing Board”).

On June 9, 2015, the Hearing Board heard the application of Jane Johnson and Michael Johnson (“Applicants”), on behalf of EM-JA, LLC, t/a Judge’s Bench Pub and Restaurant (“EM-JA, LLC”), for an extension of premises to add a 105 square foot outdoor patio area to the existing 2,000 square feet, and to add Michael Johnson to the Class D Beer, Wine, and Liquor 7 day on/off-sale license for a tavern located at 8385 Main Street, Ellicott City, Maryland 21043. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were not represented by an attorney. There were no protestants who appeared in opposition to the application.

The following documents were presented to the Hearing Board and entered into the record: the application; a copy of the floor plan; background investigation questionnaires for the Applicants; payment receipts from the Department of Public Safety and Correctional Services for the background investigation reports; a confirmation letter from the State of Maryland Department of Assessments and Taxation confirming that the Articles of Organization for EM-JA, LLC, were accepted; a copy of the Articles of Organization for EM-JA, LLC; a memorandum dated May 13, 2015, from the Liquor Board to the Alcoholic Beverage Inspector, the Department of Inspections, Licenses, and Permits, the Bureau of

Environmental Health, the Office of the Fire Marshall, and the Department of Planning and Zoning; background investigations of the Applicants from the Alcoholic Beverage Inspector dated June 5, 2015;; an email dated May 15, 2015, from the Department of Inspections, Licenses, and Permits; a letter dated June 2, 2015, from the Office of the Fire Marshal; a memorandum dated May 29, 2015, from the Department of Planning and Zoning; a memorandum dated May 20, 2015, from Environmental Health; a letter dated May 13, 2015, to the Department of Finance; a letter dated May 18, 2015, from the Department of Finance; a letter dated May 13, 2015, to the Comptroller of Maryland; a letter dated June 1, 2015, from the Comptroller of Maryland; a fax dated May 13, 2015, to the Applicant, Jane Johnson, enclosing a letter notifying her of the hearing date and the necessity to advertise; a memorandum dated May 20, 2015, from the Alcoholic Beverage Inspector stating the premises had been posted, and certification of advertisement from Howard County Times and the Baltimore Sun.

SUMMARY OF TESTIMONY

Jane Johnson, President and 90% shareholder of EM-JA, LLC, was sworn and testified that they would like to have an outside patio area for their customers. Ms. Johnson testified that the proposed area faces to the north away from the residences nearby. Ms. Johnson testified that it is a sidewalk area on one side of their building that is surrounded by a four foot brick wall. Ms. Johnson testified that they would install a gate at the end of the walkway, and that customers would have to come through the restaurant to get to the patio. Ms. Johnson testified that their customers have been asking for an outside area.

Michael Johnson, Member and 10% shareholder of EM-JA, LLC, was sworn and testified that their establishment was in terrible condition before they bought it. Mr. Johnson testified that it has taken some time, but they have totally changed their clientele.

With regards to his driving record, Mr. Johnson testified that he has been given a number of speeding tickets while commuting from Ocean City. Mr. Johnson testified that he now uses cruise control. Mr. Johnson testified that he is a responsible person, and that they have obeyed the liquor laws for eight years, and have never had a violation.

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.

FINDINGS OF FACT

1. The Hearing Board finds that Jane Johnson and Michael Johnson on behalf of EM-JA, LLC, t/a Judge's Bench Pub and Restaurant have applied for an extension of premises to add a 105 square foot outdoor patio area to the existing 2,000 square feet, and to add Michael Johnson on the Class D Beer, Wine, and Liquor 7 day on/off-sale license for a tavern located at 8385 Main Street, Ellicott City, Maryland 21043.

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 Jane Johnson has been a Howard County resident for more than two years, is a registered voter, and President and 90% shareholder of EM-JA, LLC, t/a Judge's Bench Pub and Restaurant.

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 Jane Johnson and Michael Johnson on behalf of EM-JA, LLC, t/a Judge's Bench Pub and Restaurant have applied for an extension of premises to add a 105 square foot outdoor patio area to the existing 2,000 square feet, and to add Michael Johnson on the Class D Beer, Wine, and Liquor 7 day on/off-sale license for a tavern located at 8385 Main Street, Ellicott City, Maryland 21043.

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 Jane Johnson meets the requirements of Rules 1.09(S), 1.09(T), and 2.10 of the Board's 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 will not unduly disturb the peace and safety of the residents in the neighborhood.

ORDER

For the foregoing reasons, it is this 14th day of July, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland, **ORDERED** that the application of Jane Johnson and Michael Johnson on behalf of EM-JA, LLC, t/a Judge's Bench Pub and Restaurant, for an extension of premises to add a 105 square foot outdoor patio area to the existing 2,000 square feet, and to add Michael Johnson on the Class D Beer, Wine, and Liquor 7 day on/off-sale license for a tavern located at 8385 Main Street, Ellicott City, Maryland 21043, be and the same is hereby **GRANTED** subject to the following conditions:

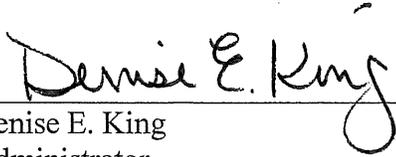
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicants obtain the license and comply with the following conditions:

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

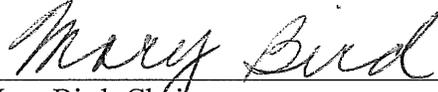
(b) Failure to comply with these conditions and obtain the license by August 31, 2015; shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator



Mary Bird, Chairperson



Harry Evans, III, Vice-Chairperson

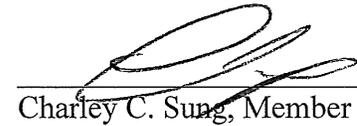
REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
GARY W. KUC
COUNTY SOLICITOR

ABSENT
Charles C. Feaga, Member

ABSENT
Heather Gaetano, Member



Lewis Taylor, Esquire
Assistant County Solicitor



Charley C. Sung, Member