

PETITION TO FINE, SUSPEND, OR * BEFORE THE ALCOHOLIC
 REVOKE THE ALCOHOLIC *
 BEVERAGE LICENSE HELD BY * BEVERAGE HEARING BOARD
 PATRICIA F. KNAPP AND MICHAEL *
 KNAPP ON BEHALF OF GREYSTONE * FOR
 GRILL I, LLC, t/a GADSBY'S BAR *
 AMERICAN * HOWARD COUNTY, MARYLAND
 *

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"). This Proposed Decision and Order shall take effect immediately in accord with Rule 7.05(C), and shall become Final, as provided in Rule 6.13.

On December 2, 2014, the Hearing Board heard the Petition of Howard County, Maryland and Detective Mark Baxter, Alcoholic Beverage Inspector (collectively "Petitioners"), to Fine, Suspend, or Revoke the Class B Beer, Wine, and Liquor 7-day on-sale license held by Patricia F. Knapp and Michael Knapp ("Licensees"), on behalf of Greystone Grill I, LLC, t/a Gadsby's Bar American, located at 8850 Columbia 100 Parkway, Columbia, Maryland 21045. The Petitioners were represented by David Moore, Senior Assistant County Solicitor. The Licensees were represented by Sang Oh, Esquire.

All the documents on file were incorporated into the record by reference. These include the following: a letter dated October 2, 2014, to the Licensees, from the Liquor Board Administrator, advising them of the hearing date of December 2, 2014, and enclosing the Petition to Fine, Suspend, or Revoke the alcoholic beverage license for Greystone Grill I, LLC, t/a Gadsby's Bar American; and an email dated November 18, 2014, from the Alcoholic Beverage Inspector stating that the property had been posted.

STIPULATIONS

The Licensees stipulated to the allegations of the Petition, which is incorporated herein by reference. The allegations concern the operation of the restaurant by Robert Gadsby, pursuant to a management agreement with the Licensees. An investigation by the Alcoholic Beverage Inspector and agents from the Field Enforcement Unit of the Maryland Comptroller's office revealed that Mr. Gadsby instructed employees to tamper with the contents of certain premium distilled spirits by refilling those bottles with cheaper quality spirits. The investigation also discovered evidence showing Mr. Gadsby made purchases of alcohol for resale from a retailer instead of a wholesale distributor. Specifically, the Licensees admitted that the operations of the restaurant violated the following Rules:

1. Liquor Board Rule 4.01(a) – Records
2. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
3. Liquor Board Rule 4.08 – Licensee's Responsibilities
4. Liquor Board Rule 5.07 – Acts Contrary to Law
5. Liquor Board Rule 5.10(a) – Relation with Wholesalers
6. Liquor Board Rule 5.13(a) – Alcoholic Beverage Containers/Refillable or Tampering

SUMMARY OF TESTIMONY

The attorney for the Licensees stipulated to the allegations of the Petition and surrendered the Class B Beer, Wine, and Liquor 7-day on-sale license.

Based on the evidence presented at the hearing, the Board of License Commissioners makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Hearing Board finds that Patricia F. Knapp and Michael Knapp are the Licensees on behalf of Greystone Grill I, LLC, t/a Gadsby's Bar American, a Class B Beer, Wine, and Liquor 7-day on-sale license located at 8850 Columbia 100 Parkway, Columbia, Maryland 21045.
2. The Hearing Board finds that the Licensees have admitted the following violations of the Liquor Board Rules and Regulations:
 - a. Liquor Board Rule 4.01(a) – Records

- b. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
 - c. Liquor Board Rule 4.08 – Licensee's Responsibilities
 - d. Liquor Board Rule 5.07 – Acts Contrary to Law
 - e. Liquor Board Rule 5.10(a) – Relation with Wholesalers
 - f. Liquor Board Rule 5.13(a) – Alcoholic Beverage Containers/Refillable or Tampering
3. The Hearing Board finds that the operations of the licensed establishment resulted in the following violations of the Liquor Board Rules and Regulations:
- a. Liquor Board Rule 4.01(a) – Records
 - b. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
 - c. Liquor Board Rule 4.08 – Licensee's Responsibilities
 - d. Liquor Board Rule 5.07 – Acts Contrary to Law
 - e. Liquor Board Rule 5.10(a) – Relation with Wholesalers
 - f. Liquor Board Rule 5.13(a) – Alcoholic Beverage Containers/Refillable or Tampering
4. The Hearing Board finds that the Licensees have voluntarily surrendered the Class B Beer, Wine, and Liquor 7-day on-sale license issued on behalf of Greystone Grill I, LLC, t/a Gadsby's Bar American.
5. The Hearing Board finds that it is not necessary to impose a sanction, as the license has been surrendered.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Patricia F. Knapp and Michael Knapp are the Licensees on behalf of Greystone Grill I, LLC, t/a Gadsby's Bar American, a Class B Beer, Wine, and Liquor 7-day on-sale license located at 8850 Columbia 100 Parkway, Columbia, Maryland 21045.
2. The Hearing Board concludes that the Licensees have violated the following provisions of the Liquor Board Rules and Regulations:
 - a. Liquor Board Rule 4.01(a) – Records
 - b. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
 - c. Liquor Board Rule 4.08 – Licensee's Responsibilities
 - d. Liquor Board Rule 5.07 – Acts Contrary to Law

- e. Liquor Board Rule 5.10(a) – Relation with Wholesalers
 - f. Liquor Board Rule 5.13(a) – Alcoholic Beverage Containers/Refillable or Tampering
3. The Hearing Board concludes that it is not necessary to impose a sanction, as the Licensees voluntarily surrendered the Class B Beer, Wine, and Liquor 7-day on-sale license issued on behalf of Greystone Grill I, LLC, t/a Gadsby's Bar American.

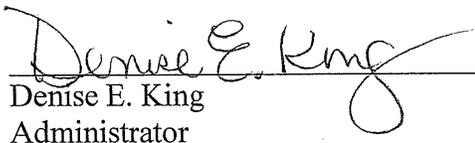
ORDER

For the foregoing reasons, and upon finding a violation of Rules 4.01(a); 4.04; 4.08; 5.07; 5.10(a); and 5.13(a) of the Liquor Board's Rules and Regulations, it is this 7th day of January, 2015, by the Alcoholic Beverage Hearing Board for Howard County, Maryland, **ORDERED:**

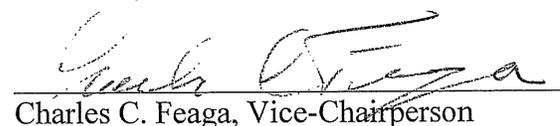
That the Class B Beer, Wine, and Liquor 7-day on-sale license issued on behalf of Greystone Grill I, LLC, t/a Gadsby's Bar American, located at 8850 Columbia 100 Parkway, Columbia, Maryland 21045, is surrendered and is null and void.

ATTEST:

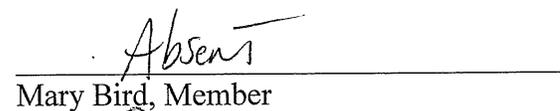
**ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND**


Denise E. King
Administrator

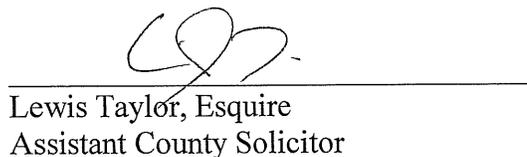

Harry Evans, III, Chairperson

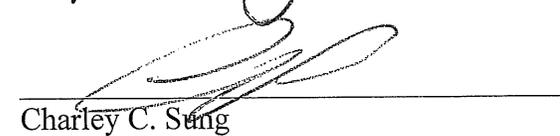

Charles C. Feaga, Vice-Chairperson

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


Mary Bird, Member


Heather Gaetano, Member


Lewis Taylor, Esquire
Assistant County Solicitor


Charley C. Sung

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER MAY APPEAL THE
DECISION TO THE LIQUOR BOARD WITHIN TEN DAYS OF THE DATE OF THE
DECISION, IN ACCORD WITH RULE 6.14 OF THE RULES AND REGULATIONS OF
THE LIQUOR BOARD.