

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF CLARE MARIE	*	
FREY, NOEL CHRISTOPHER	*	BEVERAGE HEARING BOARD
JOHNSON, AND PETER MICHAEL	*	
FREY ON BEHALF OF THE WHITE	*	FOR
OAK TAVERN, LLC, t/a THE WHITE	*	
OAK TAVERN, FOR A TRANSFER OF	*	HOWARD COUNTY, MARYLAND
A CLASS B 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 May 13, 2014, the Hearing Board heard the application of Clare Marie Frey, Noel Christopher Johnson, and Peter Michael Frey (“Applicants”), on behalf of The White Oak Tavern, LLC, t/a The White Oak Tavern (“The White Oak Tavern, LLC”), for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license currently held by Steven Stanton, Christopher Reich, and William Dean Volmer on behalf of 411, Inc., t/a Jilly’s Restaurant, 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 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 February 28, 2014, from the Applicants’ attorney, enclosing the application; a copy of the Articles of Organization for The White Oak Tavern, LLC; the background questionnaire from Peter Michael Frey; a copy of the driver’s record from the Maryland Motor Vehicle Administration for Peter Michael Frey; a copy of the case search information for Peter Michael Frey, from the District Court of Maryland; the

background questionnaire from Noel Christopher Johnson; a copy of the driver's record from the Maryland Motor Vehicle Administration for Noel Christopher Johnson; a copy of the case search information for Noel Christopher Johnson, from the District Court of Maryland; an email from the Applicants' attorney to the Liquor Board Administrator regarding a background question; the background questionnaire from Clare Marie Frey; a copy of the drivers record from the Maryland Motor Vehicle Administration for Clare Marie Frey; a copy of a Liquor Concession Management Agreement between 411, Inc. and The White Oak Tavern, LLC; a memorandum dated April 1, 2014, 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; the background investigations of the Applicants by the Alcoholic Beverage Inspector dated March 17, 2014; a letter dated March 14, 2014, to the Department of Finance; a letter dated March 14, 2014, to the Comptroller of Maryland; a letter dated April 11, 2014 and April 30, 2014, from the Comptroller of Maryland; a fax transmission to the Applicants' Licensing Assistant enclosing a letter dated April 1, 2014, with notification of the hearing date and the necessity to advertise; a memorandum dated April 23, 2014, from the Alcoholic Beverage Inspector stating the premises had been posted; and certification from the Howard County Times and The Baltimore Sun.

SUMMARY OF TESTIMONY

Clare Marie Frey, 33 1/3% owner of The White Oak Tavern, LLC, was sworn and testified that she has lived in Howard County for more than two years, is a registered voter, and is alcohol awareness certified. Ms. Frey testified that she has been in the restaurant business since 2000, and has worked at Carrabbas, Bare Bones, and Longhorn Steakhouse.

Ms. Frey testified that she and the other two proposed licensees have been operating The White Oak Tavern, LLC since January 25, 2014, under a management agreement. Ms. Frey testified that she is the manager, and generally works between 55 to 65 hours per week.

Ms. Frey testified that they have 46 employees, 15 of which work in the back of the restaurant. Ms. Frey testified that they plan to have all servers become alcohol awareness certified. Ms. Frey testified that they have written policies, which they require their employees to read and sign. Ms. Frey testified that their policy is to ask for identification from anyone who appears to be under the age of 40. Ms. Frey testified that she is familiar with the Liquor Board's Rules and Regulations, and that she will abide by them.

Noel Christopher Johnson, 33 1/3% owner of The White Oak Tavern, LLC, was sworn and testified that he is the bar manager and bookkeeper for the restaurant. Mr. Johnson testified that he has been in the restaurant business since 1996, and has worked as a server, bartender, and manager. Mr. Johnson testified that he is alcohol awareness certified, and that he works approximately 60 to 70 hours per week at the restaurant. Mr. Johnson testified that he has read the Liquor Board's Rules and Regulations, and that he will abide by them.

Peter Michael Frey, 33 1/3% owner of The White Oak Tavern, LLC, was sworn and testified that he is the general manager and bookkeeper for the restaurant. Mr. Frey testified that he is working at the restaurant between 55 and 60 hours per week. Mr. Frey testified that he is alcohol awareness certified and has ten years of previous experience as a bartender at Bare Bones. Mr. Frey testified that he has never been involved with any violations. Mr. Frey testified that he is familiar with the Liquor Board's Rules and Regulations, and that he will abide by them.

The following exhibits were entered into the record:

Exhibit #1 – menu for The White Oak Tavern

Exhibit #2 – the employee guide for The White Oak Tavern

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicants waived the right to request the Liquor Board to hear the case.

FINDINGS OF FACT

1. The Hearing Board finds that Clare Marie Frey, Noel Christopher Johnson, and Peter Michael Frey, on behalf of The White Oak Tavern, LLC, t/a The White Oak Tavern, have applied for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license currently held by Steven Stanton, Christopher Reich, and William Dean Volmer on behalf of 411, Inc., t/a Jilly's Restaurant, 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 an alcoholic beverage license.

3. The Hearing Board finds that Clare Marie Frey has been a Howard County resident for more than two years, is a registered voter, and a 33-1/3% shareholder of The White Oak Tavern, LLC.

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 Marie Frey, Noel Christopher Johnson, and Peter Michael Frey, on behalf of The White Oak Tavern, LLC, t/a The White Oak Tavern, have applied for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license currently held by Steven Stanton, Christopher Reich, and William Dean Volmer on behalf of 411, Inc., t/a Jilly's Restaurant 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 an alcoholic beverage license.

3. The Hearing Board concludes that Clare Marie 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 30th day of May, 2014, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Clare Marie Frey, Noel Christopher Johnson, and Peter Michael Frey, on behalf of The White Oak Tavern, LLC, t/a The White Oak Tavern, for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license currently held by Steven Stanton, Christopher Reich, and William Dean Volmer on behalf of 411, Inc., t/a Jilly's Restaurant 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:

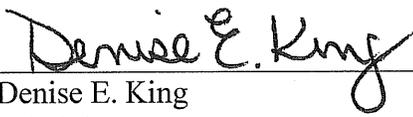
1. That this **PROPOSED DECISION AND ORDER** shall

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 June 30, 2014, shall render this Proposed Decision and Order null and void.

ATTEST:

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



Denise E. King
Administrator



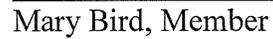
Harry Evans, III, Chairperson



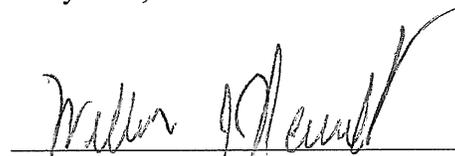
Charles C. Feaga, Vice-Chair

REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
MARGARET ANN NOLAN

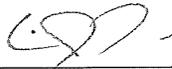
COUNTY SOLICITOR



Mary Bird, Member



William Neault, Member



Lewis Taylor, Esquire
Assistant County Solicitor