

IN THE MATTER OF THE \* BEFORE THE ALCOHOLIC  
 APPLICATION OF JOSE ANTONIO \*  
 PUGA RICO AND ERNESTO PUGA ON \* BEVERAGE HEARING BOARD  
 BEHALF OF ERNESTO’S TEX-MEX, \*  
 LLC, t/a ERNESTO’S FINE MEXICAN \* FOR  
 FOOD FOR AN EXTENSION OF \*  
 PREMISES ON A CLASS B BEER, \* HOWARD COUNTY, MARYLAND  
 WINE, AND LIQUOR 7-DAY ON-SALE \*  
 LICENSE \*  
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**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 (the “Hearing Board”).

On May 20, 2014, the Hearing Board heard the application of Jose Antonio Puga Rico and Ernesto Puga (“Applicants”), on behalf of Ernesto’s Tex-Mex, LLC, t/a Ernesto’s Fine Mexican Food (“Ernesto’s Tex-Mex, LLC”), for an extension of the premises to add a 1,023 square foot patio to the 3,582 square foot restaurant located at 10040 Baltimore National Pike, Suite E, 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 April 4, 2014, from the Applicants’ attorney enclosing the application for Ernesto’s Tex-Mex, LLC; a copy of the floor plan; the background investigation questionnaires for Jose Antonio Puga Rico and Ernesto Puga; a memorandum dated April 24, 2014, from the Liquor Board Administrator 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 Fire Marshall’s Office; a memorandum dated April 29, 2014, to the Liquor Board Administrator from the Department of Planning and Zoning; a memorandum

dated May 7, 2014, from the Bureau of Environmental Health; an email dated April 29, 2014, from the Department of Inspections, Licenses and Permits; a letter dated May 2, 2014, from the Office of the Fire Marshal; a letter dated April 24, 2014, to the Department of Finance from the Liquor Board Administrator; a memorandum dated May 9, 2014, from the Department of Finance to the Liquor Board Administrator; a letter dated April 24, 2014, to the Comptroller of Maryland; letter dated May 9, 2014, from the Comptroller of Maryland; a fax transmission to the Applicants' attorney from the Liquor Board Administrator, enclosing the legal advertisement and a letter dated April 1, 2014, notifying the Applicants of the hearing date and the necessity to advertise; an email dated May 2, 2014, from the Alcoholic Beverage Inspector to the Liquor Board Administrator stating that the premises had been posted, and certification of advertisement from the Howard Sun and Patuxent Publishing

#### SUMMARY OF TESTIMONY

Jose Puga Rico, was sworn and testified that he has been an owner/licensee for Ernesto's Tex-Mex, LLC, since September of 2013. Mr. Puga Rico testified that business has been improving every month. Mr. Puga Rico testified that he is asking for an extension of the premises for an outside patio.

Mr. Puga Rico testified that the patio would only be accessible through the restaurant, and that a hostess would escort the customers to the patio area. Mr. Puga Rico testified that the patio would have approximately ten tables that seat four customers per table. Mr. Puga Rico testified that they will have one server assigned to the patio area, Monday through Thursday, and two servers assigned to the patio Friday through Sunday. All of the servers will be alcohol awareness certified.

Mr. Puga Rico testified that there are no residences in the immediate area. Mr. Puga Rico testified that he plans to have lights on poles, along with lighting on the wall. He will place potted plants on the patio for decoration, and will have umbrellas for the tables.

The following Exhibit was entered into record:

Exhibit #1 – photograph of patio area

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

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

### FINDINGS OF FACT

1. The Hearing Board finds that Jose Antonio Puga Rico and Ernesto Puga, on behalf of Ernesto's Tex-Mex, LLC, t/a Ernesto's Fine Mexican Food, have applied for an extension of the premises to add a 1,023 square foot patio to the 3,582 square foot restaurant located at 10040 Baltimore National Pike, Suite E, 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 Jose Antonio Puga Rico has been a Howard County resident for more than two years, is a registered voter, and a 50% owner of Ernesto's Tex-Mex, LLC, t/a Ernesto's Fine Mexican Food.

4. The Hearing Board finds that the granting of the application for an extension of the premises 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 Jose Antonio Puga Rico and Ernesto Puga, on behalf of Ernesto's Tex-Mex, LLC, t/a Ernesto's Fine Mexican Food, have applied for an extension of the premises to add a 1,023 square foot patio to the 3,582 square foot restaurant located at 10040 Baltimore National Pike, Suite E, 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 Jose Antonio Puga Rico 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 for an extension of the premises 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.

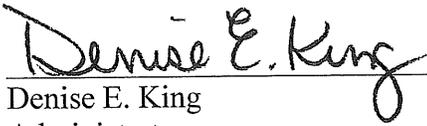
**ORDER**

For the foregoing reasons, by a vote of 4 to 0, it is this 30<sup>th</sup> day of May, 2014, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Jose Antonio Puga Rico and Ernesto Puga, on behalf of Ernesto's Tex-Mex, LLC, t/a Ernesto's Fine Mexican Food, for an extension of the premises to add a 1,023 square foot patio to the 3,582 square foot restaurant located at 10040 Baltimore National Pike, Suite E, 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 obtains 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 before July 31, 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

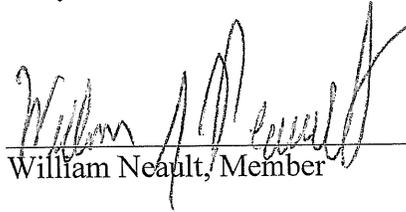
REVIEWED BY HOWARD COUNTY  
OFFICE OF LAW  
MARGARET ANN NOLAN

COUNTY SOLICITOR



Lewis Taylor, Esquire  
Assistant County Solicitor

Mary Bird, Member



William Neault, Member