

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF KATHERINE DIANE	*	
SOROTA, COLLEEN MARIE HUNTER,	*	BEVERAGE HEARING BOARD
AND JOSEPH G. KERN ON BEHALF	*	
OF GMR COLUMBIA, INC. T/A THE	*	FOR
OLIVE GARDEN ITALIAN	*	
RESTAURANT, FOR A CHANGE OF	*	HOWARD COUNTY, MARYLAND
RESIDENT AGENT AND CHANGE IN	*	
CLASS FOR A CLASS BLX, BEER,	*	Case No. 17-42
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 September 26, 2017, the Hearing Board heard the application of Katherine Diane Sorota, Colleen Marie Hunter, and Joseph G. Kern (the “Applicants”), on behalf of GMR Columbia, Inc., t/a The Olive Garden Italian Restaurant (“The Olive Garden”), for a change of resident agent and change in class from a Class B to a Class BLX, Beer, Wine, and Liquor 7-day on-sale license for a 9,100-square foot restaurant located at 8315 Benson Drive, Columbia, Maryland 21045.

The hearing was properly advertised and the property posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicants were represented by Leanne Schrecengost, Esquire. There were no protestants who appeared in opposition to the

application.

All the documents on file were incorporated into the record by reference.

SUMMARY OF TESTIMONY

Katherine Diane Sorota, the proposed resident agent, was sworn and testified that she has lived in Howard County for 14 years, is a registered voter and is alcohol awareness certified. She testified that she is familiar with the rules and regulations governing the sale of alcoholic beverages and agrees to abide by them and that she understands the obligations involved with being a resident agent. Ms. Sorota testified that she is also a resident agent for two other restaurants, which have had no violations. Ms. Sorota testifies that she visits these other restaurants unannounced once a month on average to check the operations and plans to do the same with this restaurant.

Colleen Marie Hunter was sworn and testified that she is the Senior Director of Licensing and Liquor Compliance for approximately 1,800 restaurants nationwide and that she resides in Orlando, Florida. Ms. Hunter testified that she understands that she would be responsible for any violations that occur at this restaurant. She indicated that there have been previous violations at restaurants outside of Howard County and these violations are taken very seriously. Ms. Hunter testified that every employee at this restaurant would be alcohol awareness trained and certified every year. She stated that her corporation has 34 restaurants in Maryland with approximately 5,000 employees and that alcohol awareness training is a continuous, on-going process. Training occurs in-house as well as on-line. Ms. Hunter acknowledged that there have been about 8 previous alcohol violations in their Maryland restaurants but they have occurred over a period of many years and thousands of employees. If

an alcohol violation would occur, the employee would be immediately terminated and all staff would be retrained and recertified. Ms. Hunter testified that the Olive Garden has a table top device that has the ability to check IDs and they also contract with BARS, a private ID compliance check service. Ms. Hunter clarified that there was confusion concerning a past due sales and use tax reported by the Comptroller of Maryland due to an incorrect account number, however, this issue has been resolved and the Comptroller's Office would provide an updated report clearing any outstanding taxes.

Joseph G. Kern was sworn and testified that he is the Senior Vice President of Development at Darden and is an attorney for real estate development. He testified that this restaurant complies with the requirement of Section 23-903 of the Alcoholic Beverage Article that a restaurant have a minimum capital investment of \$750,000 to hold a Class BLX license. Mr. Kern testified that restaurant recently had a major construction remodel with an investment of \$150,000 and confirmed that since 2002, this restaurant has met the \$750,000 requirement for capital improvements.

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.

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

FINDINGS OF FACT

1. The Hearing Board finds that Katherine Diane Sorota, Colleen Marie Hunter, and Joseph G. Kern, on behalf of GMR Columbia, Inc., t/a The Olive Garden Italian Restaurant, have applied for a change of resident agent and change in class from a Class B to a

Class BLX, Beer, Wine, and Liquor 7-day on-sale license for a 9,100-square foot restaurant located at 8315 Benson Drive, 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 Katherine Diane Sorota has been a Howard County resident for more than two years, is a registered voter, and a 10% stockholder of GMR Columbia, Inc., t/a The Olive Garden Italian 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 the application will not unduly disturb the peace and safety of the residents of the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Katherine Diane Sorota, Colleen Marie Hunter, and Joseph G. Kern, on behalf of GMR Columbia, Inc., t/a The Olive Garden Italian Restaurant, have applied for a change of resident agent and change in class from a Class B to a Class BLX, Beer, Wine, and Liquor 7-day on-sale license for a 9,100-square foot restaurant located at 8315 Benson Drive, 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 Katherine Diane Sorota meets the requirements of Rules 1.10(S), 1.10(T), and 2.06 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 would not unduly disturb the peace and safety of the neighborhood.

ORDER

For the foregoing reasons, it is this 26th day of October 2017, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Katherine Diane Sorota, Colleen Marie Hunter, and Joseph G. Kern, on behalf of GMR Columbia, Inc., t/a The Olive Garden Italian Restaurant, for a change of resident agent and change in class from a Class B to a Class BLX, Beer, Wine, and Liquor 7-day on-sale license for a 9,100-square foot restaurant located at 8315 Benson Drive, Columbia, Maryland 21045, be and the same is hereby **GRANTED**, subject to the following conditions:

- (a) That the Applicants comply with all State and County Rules and Regulations; and
- (b) That the Applicants submit evidence from the State Comptroller showing compliance with State tax law; and
- (c) That the Applicants satisfy any requirements necessary to obtain the license by January 24, 2018, unless that deadline is extended by the Board upon good cause shown; and
- (d) Failure to comply with these conditions shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING

BOARD OF HOWARD COUNTY,
MARYLAND



Robin Regner
Acting Administrator



Heather Gaetano, Chairperson

ABSENT

Mary Bird, Vice-Chairperson

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



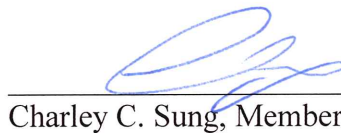
Charles C. Feaga, Member

ABSENT

Gene Ryan, Member



Lewis Taylor, Esquire
Senior Assistant County Solicitor



Charley C. Sung, Member