

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF JOHN I. LEHMAN,	*	
BRIAN M. BOSTON, AND JAMES T.	*	BEVERAGE HEARING BOARD
MORTON ON BEHALF OF HIGHLAND	*	
RESTAURANT GROUP, LLC, t/a	*	FOR
HIGHLAND INN, FOR A RESIDENT	*	
AGENT CHANGE ON A CLASS B	*	HOWARD COUNTY, MARYLAND
BEER, WINE, AND LIQUOR 7-DAY	*	
ON-SALE LICENSE WITH A CLASS	*	
B-SBW OFF-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 March 27, 2014, the Hearing Board heard the application of John I. Lehman, Brian M. Boston, and James T. Morton ("Applicants"), on behalf of Highland Restaurant Group, LLC, t/a Highland Inn ("Highland Restaurant Group, LLC"), for a resident agent change from Gregory B. Phillips to John I. Lehman on the Class B Beer, Wine, and Liquor 7-day on-sale license with a Class B-SBW off-sale license, for a 3,100 square foot restaurant with a 1,200 square foot patio located at 12857 Highland Road, Highland, Maryland 20777. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by Leanne M. Schrecengost, Esquire. There were no protestants who appeared in opposition to the application.

All the documents on file are incorporated in the record by reference. These include the following: a letter dated January 30, 2014, from the Applicants' attorney enclosing the resident agent change application for Highland Restaurant Group, LLC; a copy of the floor plan; a copy of the Articles of Organization of Highland Restaurant Group, LLC; a copy of the certification of approval of the Articles of Organization of Highland Restaurant Group, LLC; the background investigation questionnaires from John I. Lehman, Brian M. Boston, and James T. Morton; a

receipt dated January 24, 2014, from Criminal Justice Information System – Central Repository for the fingerprint application of John I. Lehman; a memorandum dated February 10, 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 6, 2014; a memorandum dated February 25, 2014, to the Liquor Board Administrator from the Bureau of Environmental Health; a memorandum dated February 19, 2014, to the Liquor Board Administrator from the Department of Planning and Zoning; an email dated February 21, 2014, from the Office of the Fire Marshal; a letter dated February 12, 2014, to the Department of Finance from the Liquor Board Administrator; a letter dated February 25, 2014, from the Department of Finance; a letter dated February 12, 2014, to the Comptroller of Maryland from the Liquor Board Administrator; a letter dated February 21, 2014, from the Comptroller of Maryland; a letter dated February 27, 2014, to the Applicants' attorney from the Liquor Board Administrator advising them of the hearing date and the necessity to advertise; an email dated March 5, 2014, from the Alcoholic Beverage Inspector stating the premises had been posted; and certification of advertisement from the Howard County Times and the Baltimore Sun

SUMMARY OF TESTIMONY

John I. Lehman, 10% owner of Highland Restaurant Group, LLC, was sworn and testified that he has been a Howard County resident for thirty years, and that he is a registered voter. Mr. Lehman testified that he lives within three miles of the restaurant, and that he is available quickly, if needed. Mr. Lehman testified that he stops in the restaurant at least once per week, either for lunch or dinner. Mr. Lehman testified that he does keep a record of the days and times that he visits.

Mr. Lehman testified that he is familiar with the Liquor Board Rules and Regulations, and that he understands his responsibility as a resident agent. Mr. Lehman also testified that he is familiar with the rules regarding the Class B-SBW license that is held by the restaurant.

Mr. Lehman testified that Highland Inn is a fine dining restaurant, and that he is very comfortable with the clientele, and the fact that Brian Boston is there on a regular basis.

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 John I. Lehman, Brian M. Boston, and James T. Morton on behalf of Highland Restaurant Group, LLC, t/a Highland Inn, have applied for a resident agent change from Gregory B. Phillips to John I. Lehman on the Class B Beer, Wine, and Liquor 7-day on-sale license with a Class B-SBW off-sale license, for a 3,100 square foot restaurant with a 1,200 square foot patio located at 12857 Highland Road, Highland, Maryland 20777.
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 John I. Lehman has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Highland Restaurant Group, 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 John I. Lehman, Brian M. Boston and James T. Morton on behalf of Highland Restaurant Group, LLC, t/a Highland Inn, have applied for a resident agent change from Gregory B. Phillips to John I. Lehman on the Class B Beer, Wine, and Liquor 7-day on-sale license with a Class B-SBW off-sale license, for a 3,100 square foot restaurant with a 1,200 square foot patio located at 12857 Highland Road, Highland, Maryland 20777.
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 John I. Lehman meets the requirements of Rules 1.09(S), 1.09(T), 2.06, and 2.10 of the Rules and Regulations of the Liquor Board 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.

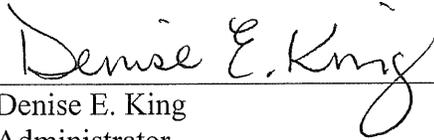
ORDER

For the foregoing reasons, it is this 8th day of April, 2014, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application by John I. Lehman, Brian M. Boston and James T. Morton on behalf of Highland Restaurant Group, LLC, t/a Highland Inn, for a resident agent change from Gregory B. Phillips to John I. Lehman on the Class B Beer, Wine, and Liquor 7-day on-sale license with a Class B-SBW off-sale license, for a 3,100 square foot restaurant with a 1,200 square foot patio located at 12857 Highland Road, Highland, Maryland 20777, be and the same is hereby **GRANTED** subject to the following conditions:

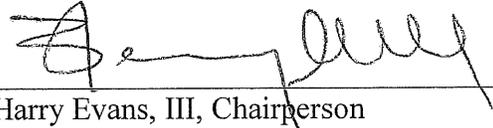
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicants obtain the license and comply with the following conditions:
 - a. That the Applicants comply with all State and County rules and regulations; and
 - b. Failure to comply with these conditions and obtain the license before April 25, 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



Mary Bird, Member

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

ABSENT

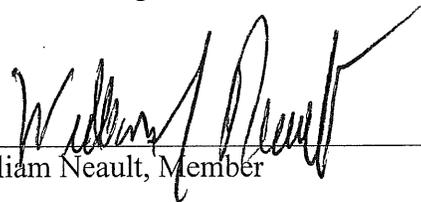
Lisa Lopez Friedman, Member



Charles C. Feaga, Member



Lewis Taylor, Esquire
Assistant County Solicitor



William Neault, Member