

IN THE MATTER OF THE * BEFORE THE ALCOHOLIC
APPLICATION OF LAWRENCE JOHN *
STORCH AND JAMES KEITH ZIELKE * BEVERAGE HEARING BOARD
ON BEHALF OF MD LAST CALL, INC., *
t/a CHAMPPS AMERICANA, FOR A * FOR
TRANSFER OF A CLASS B BEER, *
WINE AND LIQUOR 7-DAY ON-SALE * HOWARD COUNTY, MARYLAND
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 April 22, 2014, the Hearing Board heard the application of Lawrence John Storch and James Keith Zielke, ("Applicants"), on behalf of MD Last Call, Inc., t/a Champps Americana, ("MD Last Call, Inc."), for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license currently held by Lawrence Storch, James Zielke and Marc Buehler, on behalf of Champps of Maryland, Inc., t/a Champps, for a 9,083 square foot restaurant with a 1,000 square foot outdoor patio located at 10300 Little Patuxent Parkway, Columbia, MD 21044. The hearing was properly advertised pursuant to Article 2B 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 in the record by reference. These include the following: an Order of the U.S. Bankruptcy Court for the District of Delaware in case No. 13-13220, a letter dated April 1, 2014, from Gray/Robinson, Attorneys at Law, enclosing the transfer application for MD Last Call, Inc.; a copy of the floor plan; a copy of the Amended and Restated Articles of Incorporation dated March 12, 2014 for MD Last Call, Inc.; a letter dated March 13, 2014, from the State Department of Assessments and Taxation confirming acceptance of the Articles of Incorporation for MD Last Call, Inc.; the background investigation questionnaires from Lawrence John Storch and James Keith Zielke; a copy of a criminal history

check for James Keith Zielke from the Kansas Bureau of Investigation; a copy of the driving record from the Kansas Department of Revenue for James Keith Zielke; a memorandum dated April 4, 2014, from the Comptroller of Maryland to the Liquor Board enclosing the Bulk Transfer Permit for MD Last Call, Inc.; a memorandum dated March 24, 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 April 9, 2014; a memorandum dated March 26, 2014, from the Department of Planning and Zoning; a memorandum dated March 31, 2014 to the Liquor Board Administrator from the Bureau of Environmental Health; a letter dated March 14, 2014, to the Department of Finance; a letter dated April 4, 2014, from the Department of Finance; a letter dated March 14, 2014, to the Comptroller of Maryland; a letter dated April 2, 2014, from the Comptroller of Maryland; a fax transmission dated March 24, 2014 to the Applicants enclosing a letter dated March 14, 2014, with notification of the hearing date and the necessity to advertise; an email dated April 2, 2014, from the Alcoholic Beverage Inspector stating the premises had been posted; and advertising certification from the Howard County Times.

SUMMARY OF TESTIMONY

Leanne Schrecengost, Applicants' attorney, gave a brief summary of the application. Ms. Schrecengost stated that pursuant to a federal bankruptcy order, MD Last Call, Inc. became the owner of Champps Restaurant. Ms. Schrecengost stated that James Zielke is the sole Director, and Lawrence Storch is the Asst. Secretary for the corporation. Ms. Schrecengost made a correction to the stock ownership for the parent company, Last Call Operating Company, II, Inc. Ms. Schrecengost stated that there were 135 original shares of stock, and 15 shares of stock were owned by Mr. Storch.

Ms. Schrecengost stated that James Zielke has been employed with Champps for seven years, and Lawrence Storch has been the resident agent at Champps for thirteen years, without any violations.

James Keith Zielke, Director of MD Last Call, Inc., was sworn and testified that he has been involved with The Fox & Hound, which is a company that owns Bailey Restaurants, since 1997. Mr. Zielke testified that in 2007, The Fox & Hound acquired Champps, a public company.

Mr. Zielke testified that after the purchase of Champps, he became an officer for Champps in November 2007. Mr. Zielke testified that that acquisition came with a lot of debt and that it was challenging for six years. They had to file for Chapter 11 bankruptcy and closed several stores. Mr. Zielke testified that GE Capital Service Finance was the first lien holder so they became the record owner.

Mr. Zielke testified that the debt was restructured, allowed the new owners to come in and make additional capital investments in the business. Mr. Zielke testified that the company is going to remodel all of the Champps' locations, and they have already completed some. Mr. Zielke testified that they hope to have the Champps in Columbia remodeled by the end of 2015.

Mr. Zielke testified that the operation will not change. All employees have been re-hired and the assets have been purchased by the new entity, which is MD Last Call, Inc. Mr. Zielke testified that he will be an officer of this entity.

Mr. Zielke testified that he stops at all restaurant locations at least a couple of times each year. Mr. Zielke testified that he will make sure that management complies with all rules and regulations. Mr. Zielke testified that all hosts, hostesses, managers, and servers will be alcohol awareness certified. Mr. Zielke testified that he is also alcohol awareness certified. Regarding his affiliation with other licensed establishments, Mr. Zielke stated that a complete list can be found with the bankruptcy filing provided to the Board. Mr. Zielke stated that a violation at a restaurant in Germantown, which he was not personally involved in, was mistakenly not reported because the State was left of the listing used by the company's advisors in preparing the various license applications required because of the bankruptcy order.

Lawrence Storch, Assistant Secretary and 10% shareholder of MD Last Call, Inc., was sworn and testified he has lived in Howard County for 46 years and that he has been the resident agent for Champps for 13 years. Mr. Storch testified that he visits the store once per month and observes the operation. Mr. Storch testified that he feels Champps is a well-run restaurant. Mr. Storch testified that he is familiar with the Liquor Board Rules and Regulations, and that he understands his responsibility as the resident agent.

The following Exhibit was entered into the record:

Exhibit #1 – a copy of the certification of legal advertisement from the Howard Sun

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

FINDINGS OF FACT

1. The Hearing Board finds that Lawrence John Storch and James Keith Zielke, on behalf of MD Last Call, Inc., t/a Champps, have applied for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license currently held by Lawrence John Storch, James Keith Zielke and Marc Buehler on behalf of Champps of Maryland, Inc., t/a Champps, for a 9,083 square foot restaurant with a 1,000 square foot outdoor patio located at 10300 Little Patuxent Parkway, Columbia, Maryland 21044.

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 Lawrence John Storch has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of MD Last Call, Inc.

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 Lawrence John Storch and James Keith Zielke, on behalf of MD Last Call, Inc., t/a Champps, have applied for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license currently held by Lawrence John Storch, James Keith Zielke and Marc Buehler on behalf of Champps of Maryland, Inc., t/a Champps, for a 9,083 square foot restaurant with a 1,000 square foot outdoor patio located at 10300 Little Patuxent Parkway, Columbia, Maryland 21044.

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 Lawrence John Storch 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.

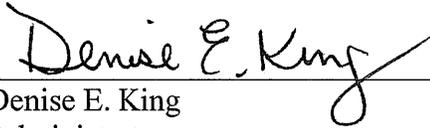
ORDER

For the foregoing reasons, it is this 15th day of May, 2014, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Lawrence John Storch and James Keith Zielke, on behalf of MD Last Call, Inc., t/a Champps Americana, for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license currently held by Lawrence John Storch, James Keith Zielke, and Marc Buehler on behalf of Champps of Maryland, Inc., t/a Champps, for a 9,083 square foot restaurant with a 1,000 square foot outdoor patio located at 10300 Little Patuxent Parkway, Columbia, Maryland 21044, 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 May 1, 2014, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator

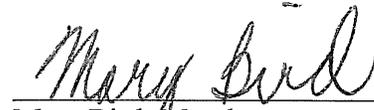


Harry Evans, III, Chairperson

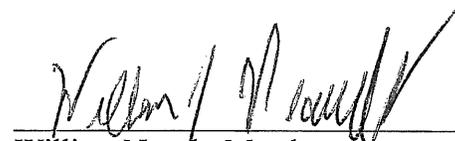


Charles C. Feaga, Vice-Chairperson

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



Mary Bird, Member



William Neault, Member



Lewis Taylor, Esquire
Assistant County Solicitor