

| | | |
|--------------------------------|---|-------------------------|
| IN THE MATTER OF | * | BEFORE THE ALCOHOLIC |
| THE APPLICATION OF JUSTIN | * | |
| CURTIS LAVIS ON BEHALF OF JL | * | BEVERAGE HEARING BOARD |
| HOSPITALITY, LLC, FOR A NEW | * | |
| CLASS D BEER, WINE, AND LIQUOR | * | FOR |
| 7-DAY ON-SALE LICENSE | * | |
| | * | HOWARD COUNTY, MARYLAND |
| | * | |
| | * | Case No.: 16-02 |

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 December 15, 2015, the Hearing Board heard the application of Justin Curtis Lavis (the “Applicant”), on behalf of JL Hospitality, LLC (“JL Hospitality, LLC”), for a new Class D Beer, Wine, and Liquor 7-day on-sale license for a 1,018,441 square foot entertainment venue known as Merriweather Post Pavillion located at 10475 Little Patuxent Parkway, Columbia, Maryland 21044. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicant was 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 November 5, 2015, from the attorney for the Applicant; the application; a copy of the Articles of Organization for JL Hospitality, LLC; a copy of the Corporate Charter Approval Sheet for JL Hospitality, LLC; a letter dated November 2, 2015,

from the Maryland Department of Assessment and Taxation confirming the acceptance of the Articles of Organization for JL Hospitality, LLC; the background investigation questionnaire for the Applicant; an email from the attorney for the Applicant to the Liquor Board Administrator; a copy of the map showing the proposed license premises of JL Hospitality, LLC; a memorandum dated November 10, 2015, from the Liquor Board to the Alcohol Beverage Inspector, the Department of Inspections, Licenses, and Permits, the Bureau of Environmental Health, the Department of Planning and Zoning, and the Office of the Fire Marshal; the background investigation of the Applicant from the Alcohol Beverage Inspector, dated December 10, 2015; a memorandum dated November 17, 2015, from the Bureau of Environmental Health; an email dated November 18, 2015, from the Department of Inspections, Licenses, and Permits; a letter dated November 20, 2015, from the Office of the Fire Marshal; a memorandum dated November 17, 2015, from the Department of Planning and Zoning; a letter dated November 10, 2015, to the Department of Finance; a letter from the Department of Finance; a letter dated November 10, 2015, to the Comptroller of the Treasury; a letter dated November 23, 2015, from the Comptroller of the Treasury; a fax transmission to the attorney for the Applicant enclosing a letter dated November 10, 2015, with notification of the hearing date and the necessity to advertise; an letter dated December 15, 2015, from the attorney for the Applicant enclosing certification of advertisement from the Baltimore Sun and Patuxent Publishing; and a memorandum dated November 30, 2015, from the Alcoholic Beverage Inspector stating the premises had been posted.

SUMMARY OF TESTIMONY

Justin Curtis Lavis, 100% managing member of JL Hospitality, LLC, was sworn and

testified that he has lived in Howard County for 20 years, is a registered voter, and is alcohol awareness certified. Mr. Lavis testified that he has been employed at Merriweather Post Pavilion for 24 years, and has worked with the police department on the inside operations, and the parking lot area. Mr. Lavis testified that their focus has been on underage drinking and fake identification cards. They work on trying to prevent people who have been drinking in the parking lot and who are intoxicated, from entering into the concerts.

Mr. Lavis testified that he is usually there for approximately 17 hours when there is a concert, because he is there before and after each show. For the last ten years he has run show day operations.

Mr. Lavis testified that their concessions are normally open from April through October, as it is a seasonal venue. Mr. Lavis testified that in the future, they will notify the Liquor Board when the final show of the season is scheduled. Mr. Lavis testified that they will also send a letter to the Liquor Board several weeks prior to the first show being scheduled.

Mr. Lavis testified that they employ approximately two hundred employees for a sold out show. Mr. Lavis testified that because they are a seasonal venue, they employ a lot of teachers. Mr. Lavis testified that they will try to keep the experienced employees, and that they do not have any volunteers.

Mr. Lavis testified that they hope to schedule larger concerts, with multiple stages. Referencing the venue map included with the application and upcoming construction, Mr. Lavis testified that they will be losing Zone A, but will be gaining a new Zone A, which will include a new stage area. Mr. Lavis testified that they estimate that the new stage will be completed by the end of the summer. Mr. Lavis testified that they also hope to have two to three festivals per

season that will be located outside of the gates.

Mr. Lavis testified that their larger events are the three-day Jazz Festival, which draws an older crowd, and Kenny Chesney, a country music entertainer, who draws patrons in their 20s and 30s. They have a two-day PHISH concert, which draws patrons from 25 to 35 years of age, and the Vans WARPED Tour, which is a national tour that draws a young crowd, and promotes up and coming bands.

Mr. Lavis testified that they are obtaining a new payroll company. This new system will allow them to enter new employees into the system, and to enter information when they become alcohol awareness certified. The employees will not be allowed to be on the schedule if they are not alcohol awareness certified. Mr. Lavis testified that they plan to have on-site training for alcohol awareness.

Mr. Lavis testified that he is familiar with the alcohol beverage licenseing conditions placed on the Merriweather Post Pavilion licensee in 2004, along with the three new conditions requested by the Alcoholic Beverage Inspector, and approved by the Howard County Chief of Police. Mr. Lavis testified that he agrees with all of them, as described by Detective Baxter.

Detective Baxter, the Alcoholic Beverage Inspector, was sworn and testified that the following conditions should be placed on the liquor license of JL Hospitality, LLC.

1. No limit to points of sale, defined as individual people selling
2. Stands must be permanent or stationary portables
3. No wandering or mobile sales
4. Stands must each have an Alcohol Awareness certified, non-selling manager, overseeing sales
5. Single servings must be in clear plastic cups or light weight plastic bottles, without caps
6. All purchased alcoholic beverages served in bottles or cans, may not be sold/served unopened
7. No sales closer than 120 feet of last covered seat

8. Prior to any event, a police agreement in writing is required, that specifies the number of servings per transaction allowed for that event. This amount can be reduced at any time during the event by JL Hospitality, LLC, or the Howard County Police Department
9. All sales cease 30 minutes prior to the end of the show, or earlier if determined by the police department or JL Hospitality
10. All employees that serve or sell alcoholic beverages, will be certified in Alcohol Awareness, as defined by the Comptroller of Maryland

The following Exhibit was entered into the record:

Exhibit #1 – an email from the Alcoholic Beverage Inspector to the attorney for the Board with newly suggested conditions, and a memorandum dated April 14, 2004, from the Howard County Chief of Police listing conditions on the liquor license for Merriweather Post Pavilion

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicant waived his 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 Justin Curtis Lavis on behalf of JL Hospitality, LLC, has applied for a new Class D Beer, Wine, and Liquor 7-day on-sale license for a 1,018,441 square foot entertainment venue located at 10475 Little Patuxent Parkway, Columbia, Maryland 21044.
2. The Hearing Board finds that the Applicant is a fit and proper person to hold an alcoholic beverage license.
3. The Hearing Board finds that Justin Curtis Lavis has been a Howard County resident for more than two years, is a registered voter, and a 100% shareholder of JL Hospitality, 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 of the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Justin Curtis Lavis on behalf of JL Hospitality, LLC, has applied for a new Class D Beer, Wine, and Liquor 7-day on-sale license for a 1,018,441 square foot entertainment venue located at 10475 Little Patuxent Parkway, Columbia, MD 21044.

2. The Hearing Board concludes that the Applicant is a fit and proper person to hold an alcoholic beverage license.

3. The Hearing Board concludes that Justin Curtis Lavis 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 this application would not unduly disturb the peace and safety of the neighborhood.

ORDER

For the foregoing reasons, it is this 19th day of January, 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Justin Curtis Lavis on behalf of JL Hospitality, LLC, for a new Class D Beer, Wine, and Liquor 7-day on-sale

license for a 1,018,441 square foot entertainment venue located at 10475 Little Patuxent Parkway, Columbia, Maryland 21044, be and the same is hereby **GRANTED**, subject to the following conditions:

1. That the Licensee shall at all times comply with the License

Conditions described herein: and

2. That the Licensee complies with all State and County Rules and

Regulations; and

3. Failure to comply with these conditions and obtain the license by March

31, 2016, shall render this Proposed Decision and Order null and void.

ATTEST:

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


Denise E. King
Administrator


Mary Bird, Chairperson

ABSENT
Harry Evans, III, Vice-Chairperson

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


Charles C. Feaga, Member


Heather Gaetano, Member


Lewis Taylor, Esquire
Assistant County Solicitor

Charley C. Sung, Member