

IN THE MATTER OF THE * BEFORE THE ALCOHOLIC
 APPLICATION OF JAMES ALAN NOSS, *
 ON BEHALF OF JLKE STUDIOS, LLC, * BEVERAGE HEARING BOARD
 t/a PINOT'S PALETTE, FOR A NEW *
 CLASS D BEER, WINE, AND LIQUOR * FOR
 7-DAY ON-SALE LICENSE *
 * HOWARD COUNTY, MARYLAND

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 9, 2014, the Hearing Board heard the application of James Alan Noss (“Applicant”), on behalf of Pinot's Palette, LLC, t/a Pinot's Palette (“JLKE Studios, LLC”), for a new Class D Beer, Wine, and Liquor 7-day on-sale license for a 1,675 square foot tavern located at 11105 Resort Road, Suite 105, Ellicott City, Maryland 21042. 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 June 20, 2014, from the Applicant’s attorney enclosing the application; a copy of the floor plan; the background questionnaire from the Applicant; a copy of the Maryland Motor Vehicle Administration driving record for the Applicant; the alcohol awareness certification from the Restaurant Association of Maryland Education Foundation for Jim Noss and Lisa Noss; a copy of the Articles of Organization for JLKE Studios, Inc.; a copy of the Corporate Charter Approval Sheet for JLKE Studios, Inc.; a copy of the floor plan; a memorandum dated July 25, 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 investigation of the Applicant by the Alcoholic Beverage Inspector dated August 18, 2014; an e-mail dated August 4, 2014, from the

Department of Inspections Licenses and Permits, a memorandum dated August 28, 2014, from the Department of Planning and Zoning; a memorandum dated August 12, 2014, from the Bureau of Environmental Health; an email dated August 12, 2014, from the Office of the Fire Marshal; a letter dated July 25, 2014, to the Department of Finance; a letter dated August 7, 2014, from the Department of Finance; a letter dated July 24, 2014, to the Comptroller of Maryland; a letter dated August 4, 2014, from the Comptroller of the Treasury; a fax transmission to the Applicant's attorney enclosing a letter dated July 30, 2014, with notification of the hearing date and the necessity to advertise; an email dated August 14, 2014, from the Alcoholic Beverage Inspector stating the premises had been posted; and a letter dated September 9, 2014, from the Applicant's attorney enclosing the certification of advertisement from the Howard County Times to the Baltimore Sun

SUMMARY OF TESTIMONY

James Alan Noss, 50% shareholder of JLKE Studios, LLC, was sworn and testified that he and his wife are co-owners of Pinot's Palette. Mr. Noss testified that the concept involves painting, having a glass of wine or another alcoholic beverage, and having fun. Mr. Noss testified that JLKE Studios, LLC is a franchise, and that he and his wife are the first to open one in Maryland.

Mr. Noss testified that his customers will sign up for a two to three hour painting class, where they will have an instructor assisting them with their painting. Mr. Noss testified that during that time, the customers will be given breaks, and have the opportunity to purchase alcoholic beverages. Mr. Noss testified that they will offer snack type food, and that the bar would only be open when a class is being conducted.

Mr. Noss testified that there will be approximately 40 customers in a class, with three to four employees present. Mr. Noss testified that the establishment will be open Tuesday through Friday, 11:00 A.M. to 6:00 P.M., with a manager present for information and booking and classes will occur in the evenings from 7 P.M. to 10 P.M. On Saturday and Sunday they will also be open 11-6 with events at night.

Mr. Noss testified that he is alcohol awareness certified, and that he will have the bartender trained also. Mr. Noss testified that there will be at least one bartender, and one assistant present during each event. Mr. Noss testified that they will have music that will be geared towards the particular audience that is attending the class. Mr. Noss testified that they

will have multiple shifts of painting classes. Mr. Noss stated that only participants in painting classes will be allowed to purchase and consume alcoholic beverages.

Mr. Noss testified that if approved, they expect to be open near the end of October or the first of November.

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

FINDINGS OF FACT

1. The Hearing Board finds that James Alan Noss, on behalf of JLKE Studios, LLC, t/a Pinot's Palette, has applied for a new Class D Beer, Wine, and Liquor 7-day on-sale license, for a 1,675 square foot tavern located at 11105 Resort Road, Suite 105, Ellicott City, Maryland 21042.

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 James Alan Noss has been a Howard County resident for more than two years, is a registered voter, and a 100% shareholder of JLKE Studios, 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 James Alan Noss, on behalf of JLKE Studios, LLC, t/a Pinot's Palette, has applied for a new Class D Beer, Wine, and Liquor 7-day on-sale license, for a 1,675 square foot tavern located at 11105 Resort Road, Suite 105, Ellicott City, Maryland 21042.

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 James Alan Noss 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.

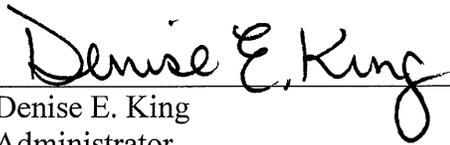
ORDER

For the foregoing reasons, it is this 14th day of October, 2014, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of James Alan Noss, on behalf of JLKE Studios, LLC, t/a Pinot's Palette, for a new Class D Beer, Wine, and Liquor 7-day on-sale license for a 1,675 square foot restaurant located at 11105 Resort Road, Suite 105, Ellicott City, Maryland 21042 , be and the same is hereby **GRANTED** subject to the following conditions:

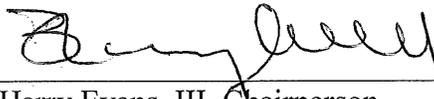
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicant obtains the license and complies with the following conditions:
 - a. That the Applicant complies with all State and County rules and regulations; and
 - b. Failure to comply with these conditions and obtain the license by December 30, 2014, shall render this Proposed Decision and Order null and void.

ATTEST:

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



Denise E. King
Administrator

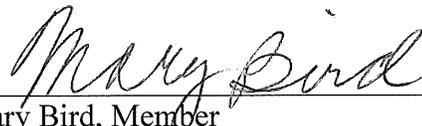


Harry Evans, III, Chairperson



Charles C. Feaga, Vice-Chairperson

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



Mary Bird, Member



Lewis Taylor, Esquire
Assistant County Solicitor

William Neault, Member



Charley C. Sung, Member