

IN THE MATTER OF THE * BEFORE THE ALCOHOLIC
APPLICATION OF BRETT FREDERICK *
ARNOLD ON BEHALF OF SMOKIN' * BEVERAGE HEARING BOARD
HOT, LLC, t/a SMOKIN' HOT BAR AND *
GRILLE, FOR AN EXTENSION OF * FOR
PREMISES ON 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 (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 25, 2014, the Hearing Board heard the application of Brett Frederick Arnold ("Applicant"), on behalf of Smokin' Hot, LLC, t/a Smokin' Hot Bar and Grille ("Smokin' Hot, LLC"), for an extension of premises to add 1,360 square feet to the 2,740 square foot restaurant located at 2465 Rt. 97, Units 1 and 2, Glenwood, Maryland 21738. 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 in the record by reference; these include the following: a letter dated February 7, 2014, from the Applicant's attorney enclosing the application for Smokin' Hot, LLC; a copy of the floor plan; the background investigation questionnaire for Brett Frederick Arnold; a memorandum dated February 26, 2014, from the Liquor Board Administrator to the Alcoholic Beverage Inspector, the Department of Inspections, Licenses and Permits, the Bureau of Environmental Health, the Department of Planning and Zoning, and the Fire Marshall's Office; the background investigation report by the Alcoholic Beverage Inspector dated March 5, 2014; a memorandum dated February 27, 2014, to the Liquor Board from the Department of Planning and Zoning; a memorandum dated March 12, 2014, from the Bureau of Environmental Health; an email dated March 4, 2014, from the Department

of Inspections, Licenses and Permits; a letter dated March 11, 2014, from the Office of the Fire Marshal; a letter dated February 26, 2014, to the Department of Finance from the Liquor Board Administrator; a memorandum dated March 25, 2014, from the Department of Finance to the Liquor Board; a letter dated February 26, 2014, to the Comptroller of Maryland; a letter dated March 10, 2014, from the Comptroller of Maryland; a fax transmission dated February 27, 2014, to the Applicant's attorney from the Liquor Board Administrator, enclosing the legal advertisement and a letter dated February 27, 2014, to the Applicant's attorney from the Liquor Board Administrator notifying the Applicant of the hearing date and the necessity to advertise; an email dated March 6, 2014, from the Alcoholic Beverage Inspector to the Liquor Board Administrator stating the premises had been posted.

SUMMARY OF TESTIMONY

Brett Frederick Arnold, 100% shareholder for Smokin' Hot, LLC, was sworn and testified that he had previously submitted an application for an extension of premises for Smokin' Hot, LLC, and it was approved. Mr. Arnold testified that due to personal issues, the amount of time to complete the process lapsed and he is returning to complete the project.

Mr. Arnold testified that everything is the same as the previous application, and that he has not had any violations since he opened. Mr. Arnold testified that the request for the extension is to have more space in the dining/lounge area. Mr. Arnold testified that the seating will not increase.

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicant 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 Brett Frederick Arnold, on behalf of Smokin' Hot, LLC, t/a Smokin' Hot Bar and Grille, has applied for an extension of premises to add 1,360 square feet to the 2,740 square foot restaurant located at 2465 Rt. 97, Units 1 and 2, Glenwood, Maryland 21738.

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 Brett Frederick Arnold has been a Howard County resident for more than two years, is a registered voter, and an authorized member and 100% owner of Smokin' Hot, LLC, t/a Smokin' Hot Bar and Grille.

4. The Hearing Board finds that the granting of the application for an extension of premises 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 Brett Frederick Arnold, on behalf of Smokin' Hot, LLC, t/a Smokin' Hot Bar and Grille, has applied for an extension of premises to add 1,360 square feet to the 2,740 square foot restaurant located at 2465 Rt. 97, Units 1 and 2, Glenwood, Maryland 21738.

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 Brett Frederick Arnold 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 for an extension of premises is necessary for the accommodation of the public.

5. The Hearing Board concludes that the granting of this application will not unduly disturb the peace and safety of the residents in the neighborhood.

ORDER

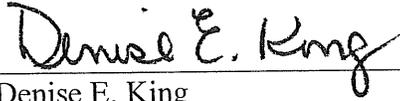
For the foregoing reasons, by a vote of 4 to 0, it is this 23rd day of April, 2014, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Brett Frederick Arnold, on behalf of Smokin' Hot, LLC, t/a Smokin' Hot Bar and Grille, for an extension of premises to add 1,360 square feet to the 2,740 square foot restaurant located at 2465 Rt. 97, Units 1 and 2, Glenwood, Maryland 21738, 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:

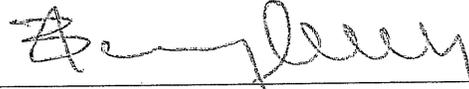
- (a) That the Applicant comply with all State and County rules and regulations; and
- (b) Failure to comply with these conditions and obtain the license before June 30, 2014; shall render this Proposed Decision and Order null and void.

ATTEST:

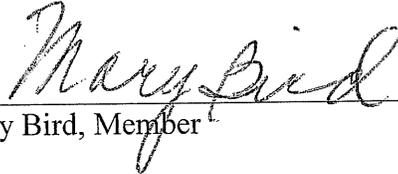
**ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND**



Denise E. King
Administrator



Harry Evans, III, Chairperson

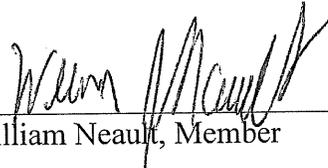


Mary Bird, Member

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



Charles C. Feaga, Member



William Neault, Member



Lewis Taylor, Esquire
Assistant County Solicitor