

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF JAMES EDWARD	*	
ROBERTS, JON HECKENDORF, AND	*	BEVERAGE HEARING BOARD
JAMES MORROW ROBERTSON ON	*	
BEHALF OF VETERANS OF FOREIGN	*	FOR
WARS HOWARD COUNTY MEMORIAL	*	
POST 8097, t/a V.F.W. POST 8097, FOR	*	HOWARD COUNTY, MARYLAND
A CLASS C BEER, WINE, AND LIQUOR	*	
7-DAY ON-SALE LICENSE	*	Case No.: 16-30
	*	

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### **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 June 28, 2016, the Hearing Board heard the application of James Edward Roberts, Jon Heckendorf, and James Morrow Robertson (the “Applicants”), on behalf of Veterans of Foreign Wars Howard County Memorial Post 8097, t/a V.F.W. Post 8097, for a resident agent change from Donald Drabeck to James Edward Roberts on the Class C Beer, Wine, and Liquor, 7-day on-sale license for a 93,000 square foot area located at 7209 Montevideo Road, Jessup, Maryland 20794. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were not represented by an attorney. 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 copy of the application; a copy of the minutes of meeting of the Veterans of

Foreign War of the United States, Howard County Memorial Post 8097; copies of the background investigation questionnaires for the Applicants; a memorandum dated May 26, 2016, from the Liquor Board Administrator 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 investigations of the Applicants by the Alcohol Beverage Inspector, dated June 14, 2016; an letter dated June 3, 2016, from the Office of the Fire Marshal; a letter dated May 26, 2016, to the Department of Finance; a letter from the Department of Finance; a letter dated May 26, 2016, to the Comptroller of the Treasury; a letter dated June 16, 2016, from the Comptroller of the Treasury; a facsimile transmission dated May 26, 2016, from the Liquor Board Administrator to the Applicants enclosing a letter dated May 26, 2016, with notification of the hearing date and the necessity to advertise; the certificates of notice of public hearing from the Howard County Times and the Baltimore Sun; and an e-mail dated June 14, 2016, from the Alcoholic Beverage Inspector stating the premises had been posted.

### **SUMMARY OF TESTIMONY**

James Edward Roberts, member of V.F.W. Howard County Memorial Post 8097, was sworn and testified that he has been a resident of Howard County for 67 years, that he is a registered voter, and that he is alcohol awareness certified. Mr. Roberts testified that he has been on the liquor license of V.F.W. Post 8097 for 20 years.

Mr. Roberts testified that they normally do not have any underage individuals on the premises, and the members are well behaved. Mr. Roberts testified that they serve beer, wine, and liquor, but only serve snacks for food.

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 James Edward Roberts, Jon Heckendorf, and James Morrow Robertson, on behalf of V.F.W. Howard County Memorial Post 8097, t/a V.F.W. Post 8097, have applied for a resident agent change from Donald Drabeck to James Edward Roberts on the Class C Beer, Wine, and Liquor, 7-day on-sale license for a 93,000 square foot area located at 7209 Montevideo Road, Jessup, Maryland 20794.

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 James Edward Roberts has been a Howard County resident for more than two years, is a registered voter, and a member of Howard County Memorial Post 8097, t/a V.F.W. Post 8097.

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 James Edward Roberts, Jon Heckendorf, and James Morrow Robertson, on behalf of V.F.W. Howard County Memorial Post 8097, t/a V.F.W. Post 8097, have applied for a resident agent change from Donald Drabeck to James Edward Roberts on the Class C Beer, Wine, and Liquor, 7-day on-sale license for a 93,000

square foot area located at 7209 Montevideo Road, Jessup, Maryland 20794.

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 James Edward Roberts 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 12<sup>th</sup> day of July, 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of James Edward Roberts, Jon Heckendorf, and James Morrow Robertson, on behalf of V.F.W. Howard County Memorial Post 8097, t/a V.F.W. Post 8097, for a resident agent change from Donald Drabeck to James Edward Roberts on the Class C Beer, Wine, and Liquor, 7-day on-sale license for a 93,000 square foot area located at 7209 Montevideo Road, Jessup, Maryland 20794, 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

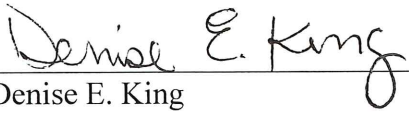
Regulations; and

- (b) Failure to comply with these conditions and obtain the license by August 31, 2016, shall render this Proposed Decision and Order null and void.

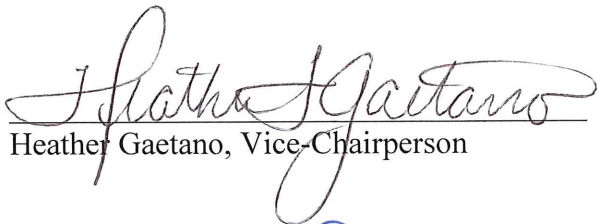


ATTEST:

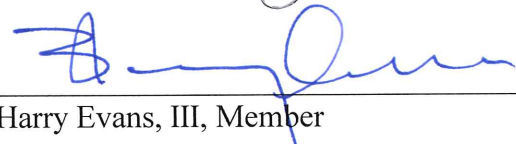
ALCOHOLIC BEVERAGE HEARING  
BOARD OF HOWARD COUNTY,  
MARYLAND

  
Denise E. King  
Administrator

  
Mary Bird, Chairperson


  
Heather Gaetano, Vice-Chairperson

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

  
Harry Evans, III, Member

  
Lewis Taylor, Esquire  
Assistant County Solicitor

  
Charles C. Feaga, Member

  
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