

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF ANGELA WILLIAMS	*	
RUSSELL, BRETT IMMANUEL	*	BEVERAGE HEARING BOARD
PARKER, AND DANIELLE	*	
GIORGIANNI-CAPESTANY ON	*	FOR
BEHALF OF NORMANDY	*	
RESTAURANT, INC., t/a NORMANDY	*	HOWARD COUNTY, MARYLAND
LANES LOUNGE, FOR A CLASS D	*	
BEER, WINE AND LIQUOR 7-DAY	*	Case No. 15-24
ON-SALE 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 May 19, 2015 and June 23, 2015, the Hearing Board heard the application of Angela Williams Russell, Brett Immanuel Parker, and Danielle Giorgianni-Capestany ("Applicants"), on behalf of Normandy Restaurant, Inc., t/a Normandy Lanes Lounge ("Normandy Restaurant, Inc."), for a new Class D Beer, Wine, and Liquor 7-day on-sale license for a 28,520 square foot tavern located at 8419 Baltimore National Pike, Ellicott City, Maryland 21043. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by Linda C. Carter, 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 May 5, 2015, from the Applicants' attorney requesting that Brett

Parker be excused because of medical reasons; an email dated May 7, 2015, from the Alcoholic Beverage Hearing Board granting the request to excuse Brett Parker from the hearing; a letter dated April 21, 2015, from the Applicants' attorney providing information that was requested; amendments to the original application; a copy of an Interim Liquor License Management Agreement; a Limited Irrevocable Power of Attorney for Bryan Wayne Narer, Michael D. Long and Kelly M. Kaiser; a copy of the floor plan; a letter dated December 8, 2014, from Sue Cook, Paralegal for Meyers, Rodbell & Rosenbaum, P.A., enclosing the application; a copy of the background investigation questionnaires for the Applicants; a copy of the driving record for Danielle M. Capestany from the New York Motor Vehicle Administration; a copy of the driving record for Angela Williams Russell from the Maryland Motor Vehicle Administration; a copy of the driving record for Brett I. Parker from the State of Connecticut Department of Motor Vehicles; a copy of the New York State driver license for Danielle Marie Capestany; a copy of the Connecticut driver license for Brett I. Parker; a copy of the Maryland driver license for Angela Williams Russell; a criminal history record check from Maryland's Department of Public Safety and Correctional Services Criminal Justice Information System dated November 3, 2014, for Angela Williams Russell; a letter dated November 18, 2014, from Maryland's Criminal Justice Information System regarding the processing of the criminal history record check for Danielle Marie Capestany; a copy of the lease between Leiserv, Inc., Landlord, and Normandy Restaurant, Inc., Lessee; a copy of Minutes of Special Meeting of Normandy Restaurant, Inc. by Unanimous Consent; a letter dated January 18, 2001, from the Maryland State Department of Assessment and Taxation confirming the acceptance of the filing of the Articles of Incorporation for Normandy Restaurant, Inc.; a copy of the Articles of Incorporation for Normandy Restaurant, Inc.; a copy of the By-Laws for Normandy Restaurant, Inc.; copies

of memorandums dated September 11, 2014 from Kelly Kaiser, Bryan Narer, and Michael Long resigning as officers of Normandy Restaurant, Inc. and as licensees; copies of stock certificates of Normandy Restaurant, Inc. for Angela Russell, Brett Parker, Danielle Giorgianni-Capestany; Dundalk Concession, Inc., and Pikesville Concession, Inc.; a memorandum dated April 22, 2015, 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 May 13, 2015; a memorandum dated May 12, 2015, from the Department of Planning and Zoning; a letter dated May 8, 2015, from the Office of the Fire Marshal; a letter dated April 22, 2015, to the Department of Finance; a letter dated April 27, 2015, from the Department of Finance; a letter dated April 15, 2015, to the Comptroller of Maryland; a letter dated May 14, 2015, from the Comptroller of Maryland; a fax transmission to the Applicants' attorney enclosing a letter dated April 15, 2015, with notification of the hearing date and the necessity to advertise; and an email dated May 5, 2015, from the Alcoholic Beverage Inspector stating the property had been posted.

SUMMARY OF PROCEEDINGS

Applicants initially submitted an application in December 2014 for a Transfer of a Class D license previously held by Bryan Wayne Narer, Michael D. Long, and Kelly M. Kaiser ("Former Licensees") on behalf of Normandy Restaurant, Inc. Based on the Applicants' submission of the resignations of the Former Licensees in September 2014, the Board Administrator advised counsel for the Applicants that it was not clear, based on the resignations, that there was an existing license to transfer. At the May 19 hearing, Applicants submitted a memorandum of law and presented oral argument to the effect that the resignation of the Former Licensees did not affect the legally validity of the existing license. The Hearing

Board continued the case until June 23, 2015 in order that they could receive legal advice on the validity of the existing license and invited the applicants to submit additional legal support for their arguments. On June 23, 2015, counsel for the Applicants submitted another memorandum of law shortly before the Hearing reiterating the arguments previously made that the resignation of the Former Licensees had no effect on the legal validity of the existing license. During the June 23 Hearing, the Hearing Board indicated that it believed the existing license had in fact expired at the time that all of the Former Licensees resigned in September 2014. It was observed that the pending application could be converted into an application for a New license without the necessity of re-advertising because the existing advertising substantially complied with statutory notice requirements.

The Applicants requested that the pending application for a Transfer be converted to an application for a New license. The Hearing Board agreed to this amendment of the pending application.

Jason Howard, manager at Normandy Restaurant, Inc., t/a Normandy Lanes Lounge, was sworn and testified that he has worked for Normandy Lanes Lounge for three years, and that he has experience in the bowling lanes industry. Mr. Howard testified that he is alcohol awareness certified. Mr. Howard testified that Normandy Lanes Lounge has 25 employees, and that they will require 100% of them to become alcohol awareness certified. Mr. Howard testified that the hours of operation are Monday through Thursday, 9:00 A.M. to 10:00 P.M., Friday and Saturday, 9:00 A.M. to 1:00 A.M., and Sunday 9:00 A.M. to 10:00 P.M. Mr. Howard testified that they have 32 lanes, 25 leagues in the fall with approximately 1,000 bowlers. Mr. Howard testified that they serve approximately 2,000 guests per week. Mr. Howard testified that they use an ID scanner for every transaction involving a customer who

appears to be under the age of 35. Mr. Howard testified that they also have security guards working on Friday and Saturday evenings. Mr. Howard testified that they have not had any violations at the center.

Mr. Howard testified that it is a standard practice for bowling centers to offer their customers alcoholic beverages. Mr. Howard testified that the granting of this application is necessary to accommodate the public, and that it would not affect the peace and safety of the citizens in the area.

Danielle Giorgianni-Capestany, Assistant Secretary and 1% shareholder of Normandy Restaurant, Inc., t/a Normandy Lanes Lounge, was sworn and testified that she has been employed with Normandy Lanes Restaurant, Inc., for 12 ½ years. Ms. Capestany testified that she is alcohol awareness certified. Ms. Capestany testified that she works for Bowlmor-AMF, Inc. and works at the corporate officer where she is responsible for financial operations of the company's various bowling centers. Ms. Capestany testified that she will not be visiting the center. Ms. Capestany testified that she is a 1% shareholder, Dundalk Concession, Inc., is a 44% shareholder, Pikesville Concession Company, Inc. is a 44% shareholder, Angela Russell is a 10% shareholder, and Brett Parker is a 1% shareholder of Normandy Restaurant, Inc., t/a Normandy Lanes Lounge. Ms. Capestany testified that she is familiar with the Rules and Regulations for Howard County, and that she will abide by them.

Angela Williams Russell, Assistant Secretary and 10% shareholder of Normandy Restaurant, Inc., t/a Normandy Lanes Lounge, was sworn and testified that she has been a Howard County resident for six and a half years, is a registered voter, and is alcohol awareness certified. Ms. Russell testified that she is an attorney and that she will visit the bowling center at least five to ten times per year and will observe the operation to make sure it is being

managed properly. Ms. Russell testified that she has reviewed the Rules and Regulations, and understands the responsibility of being the resident agent.

The following Exhibit was entered into the record:

Exhibit #1 – a packet containing daily specials, hours and pricing, party and event information, bowling league information, a copy of the floor plan, and an example of their menu

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

FINDINGS OF FACT

1. The Hearing Board finds that Angela Williams Russell, Brett Immanuel Parker, and Danielle Giorgianni-Capestany on behalf of Normandy Restaurant, Inc., t/a Normandy Lanes Lounge, have applied for a new Class D Beer, Wine, and Liquor 7-day on-sale license for a 28,520 square foot tavern located at 8419 Baltimore National Pike, Ellicott City, Maryland 21043.

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 Angela Williams Russell has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Normandy Restaurant, Inc., t/a Normandy Lanes.

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 Angela Williams Russell, Brett Immanuel Parker and Danielle Giorgianni-Capestany on behalf of Normandy Restaurant, Inc., t/a Normandy Lanes Lounge, have applied for a new Class D Beer, Wine, and Liquor 7-day on-sale license for a 28,520 square foot tavern located at 8419 Baltimore National Pike, Ellicott City, Maryland 21043.

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 Angela Williams Russell 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 20th day of June, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Angela Williams Russell, Brett Immanuel Parker and Danielle Giorgianni-Capestany on behalf of Normandy Restaurant, Inc., t/a Normandy Lanes Lounge, for a new Class D Beer, Wine, and Liquor 7-day on-sale license for a 28,520 square foot tavern located at 8419 Baltimore National Pike, Ellicott City, Maryland 21043, 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 July 31, 2015, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND

Denise E. King
Denise E. King
Administrator

Mary Bird
Mary Bird, Chairperson

Harry Evans, III, Vice-Chairperson

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

ABSENT
Charles C. Feaga, Member

Heather Gaetano
Heather Gaetano, Member

LTD.
Lewis Taylor, Esquire
Assistant County Solicitor

Charley C. Sung
Charley C. Sung, Member