

IN THE MATTER OF THE * BEFORE THE ALCOHOLIC
APPLICATION OF ROBERT ARTHUR *
THOMAS AND JOHN ALBERT WEILER * BEVERAGE HEARING BOARD
OF WAA-COLUMBIA CROSSING, LLC, *
t/a BUFFALO WILD WINGS, FOR A NEW* FOR
CLASS B BEER, WINE, AND LIQUOR *
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 February 11, 2014, the Hearing Board heard the application of Robert Arthur Thomas and John Albert Weller (“Applicants”), on behalf of WAA-Columbia Crossing, LLC, t/a Buffalo Wild Wings (“WAA-Columbia Crossing, LLC”), for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 7,716 square foot restaurant with a 861 square foot outdoor patio, located at 6191 Columbia Crossing Circle, Columbia, Maryland 21045. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicant were represented by Leanne M. Schrecengost, 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 January 10, 2014, from the Applicants’ attorney, enclosing a revised first page of the application; a letter dated November 6, 2013, from the Applicants’ attorney enclosing the application; a copy of the floor plan; a copy of the Articles of Organization of WAA-Columbia Crossing, LLC; an Affidavit of Compliance with the Bulk Transfers Act; alcohol awareness certification from Responsible Alcohol Service Class (RAS) for Mike Bond, Brooke Armentrout, Stanley Wilson, Brian Salliey, Charles Scites, Lalonda McClain, and Jerrell Gloster; the background investigation questionnaire from Robert Arthur Thomas; a copy of the driving record of Robert Arthur Thomas from the Maryland Motor Vehicle Administration; a criminal history record check for Robert Arthur Thomas from the Maryland Criminal Justice Information System – Central Repository; the background investigation questionnaire for John Albert Weiler; a copy of the driving record of John Albert Weiler from the State of Illinois; a letter dated August 13, 2013 from John Weiler authorizing Lake in the Hills Police Department

to send fingerprints to the State of Illinois to request a background check; a letter dated December 11, 2013, to the Liquor Board Administrator advising that John Weiler had no criminal history with either Illinois State Police or the FBI; a copy of the fingerprint applicant card of John A. Weiler from the Illinois State Police Bureau of Identification; a copy of the applicant card receipt for fingerprinting of Robert Arthur Thomas; a memorandum dated January 15, 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 investigations of the Applicants from the Alcoholic Beverage Inspector dated February 6, 2014; an e-mail dated January 21, 2014, from the Department of Inspections, Licenses and Permits; a memorandum dated January 30, 2014, from the Department of Planning and Zoning; a letter dated January 16, 2014, to the Department of Finance; a letter dated January 31, 2014, from the Department of Finance; a letter dated January 16, 2014, to the Comptroller of Maryland; a letter dated January 29, 2014, from the Comptroller of Maryland; an email from the Liquor Board Administrator enclosing a fax transmission to the Applicants' attorney, and a letter dated January 16, 2014, with notification of the hearing date and the necessity to advertise; a memorandum dated January 24, 2014, from the Alcoholic Beverage Inspector stating the premises had been posted.

SUMMARY OF TESTIMONY

Leanne Schrecengost, Applicants' attorney, stated that Buffalo Wild Wings is applying for a liquor license, at the recently vacated location of Don Pablos. Ms. Schrecengost stated that the restaurant can seat 262 patrons, which includes 50 outdoor seats.

John Weiler, Authorized Member of WAA – Columbia Crossing, LLC, was sworn and testified that he is 90% owner and manager of Wings Across America, LLC. Mr. Weiler testified that since 2005, they have opened 9 stores in Chicago, and 12 stores in Maryland, and that they employ 800 people.

Mr. Weiler testified that the restaurant's concept started in Columbus, Ohio in 1982, as a college bar, offering wings, and is now a family-style restaurant with a sports theme. Mr. Weiler testified that 75% of their sales are from food, and 25% from alcoholic beverages.

Mr. Weiler testified that all of their servers, bartenders, and managers are alcohol awareness certified. Mr. Weiler testified that they have their own State certified trainer in their Human Resources Department. Mr. Weiler testified that it is their policy to ask for identification from everyone. Mr. Weiler testified that they have secret shoppers to test their employees.

Mr. Weiler testified that they have an outdoor patio that is enclosed with a 3 ½ foot wrought iron fence. Mr. Weiler testified that the patio has fifty seats, and they have 4 servers

and a manager overseeing the area. Mr. Weiler testified that their hours of operation are Monday through Thursday, 11:00 A.M. to 1:00 A.M., Friday and Saturday 11:00 A.M. to 2:00 A.M. and Sunday 11:00 A.M. to 12:00 midnight.

Mr. Weiler testified he is familiar with the rules and regulations governing the sale of alcoholic beverages, and that he understands his responsibility as a licensee.

Scott Schwartz was sworn and testified that his role in the operation is to oversee the twelve restaurants in Maryland. Mr. Schwartz testified that he has three area managers reporting to him. Mr. Schwartz testified that the twelve restaurants in Maryland generate 5000 customers per week.

Mr. Schwartz testified that their alcohol awareness trainer goes into the restaurants regularly to give refresher courses. Mr. Schwartz testified that they do not accept vertical identification cards.

Robert Thomas, 10% shareholder for WAA-Columbia Crossing, LLC, was sworn and testified that he has lived in Howard County since 1984, and that he is a registered voter. Mr. Thomas testified that he is not directly involved in the day to day operations of the restaurant, but that he understands his responsibility as the resident agent. Mr. Thomas testified that he will become alcohol awareness certified.

The following Exhibits were entered into the record:

Exhibit 1 – certification of advertisement from Howard County Times and The Baltimore Sun

Exhibit 2 – a menu for Buffalo Wild Wings

Exhibit 3 – alcohol awareness certificate for Michael Bond

Exhibit 4 – Buffalo Wild Wings School-Business Partnership document

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicants waived 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 Robert Arthur Thomas and John Albert Weiler on behalf of WAA-Columbia Crossing, LLC, t/a Buffalo Wild Wings, have applied for a 7,716 square foot restaurant with an 861 square foot outdoor patio located at 6191 Columbia Crossing Circle, Columbia, Maryland 21045.
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 Robert Arthur Thomas has been a Howard County resident for more than two years, is a registered voter, and 10% owner of WAA-Columbia Crossing, LLC, t/a Buffalo Wild Wings.
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 the application will not unduly disturb the peace and safety of the residents in the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Robert Arthur Thomas and John Albert Weiler on behalf of WAA-Columbia Crossing, LLC, t/a Buffalo Wild Wings, have applied for a 7,716 square foot restaurant with an 861 square foot outdoor patio located at 6191 Columbia Crossing Circle, Columbia, Maryland 21045.
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 Robert Arthur Thomas 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.

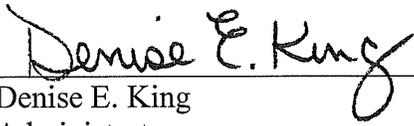
ORDER

For the foregoing reasons, it is this 8th day of MAY, 2014, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Robert Arthur Thomas and John Albert Weiler on behalf of WAA-Columbia Crossing, LLC, t/a Buffalo Wild Wings, for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 7,715 square foot restaurant with a 861 square foot outdoor patio located at 6191 Columbia Crossing Circle, Columbia, Maryland 21045, 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) That Robert Arthur Thomas become alcohol awareness certified; and
 - (c) Failure to comply with these conditions and obtain the license before May 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



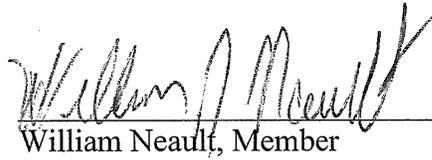
Harry Evans, III, Chairperson

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