

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF JAMES THOMAS	*	
KOSAKOWSKI, CHRISTOPHER H.	*	BEVERAGE HEARING BOARD
ROBINSON, AND KENDRA DAWN	*	
MILLER ON BEHALF OF BJROC	*	
MARYLAND, LLC, t/a BJ'S	*	FOR
RESTAURANT & BREWHOUSE, FOR	*	
A NEW CLASS B BEER, WINE, AND	*	HOWARD COUNTY, MARYLAND
LIQUOR 7-DAY ON-SALE LICENSE	*	
AND A REFILLABLE CONTAINER	*	Case No.: 16-52
PERMIT	*	
	*	

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 November 8, 2016, the Hearing Board heard the application of James Thomas Kosakowski, Christopher H. Robinson, and Kendra Dawn Miller (the "Applicants"), on behalf of BJROC Maryland, LLC, t/a BJ's Restaurant & Brewhouse ("BJROC Maryland, LLC"), for a new Class B Beer, Wine, and Liquor 7-day on-sale license, and a refillable container permit for a 7,742 square foot restaurant located at 6181 Columbia Crossing Circle, Columbia, Maryland 21045. The hearing was properly advertised pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicants 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: an e-mail from the attorney for the Applicants, dated September 6, 2016, attaching a letter amending the application; a letter from the attorney for the Applicants, dated July 13, 2016, enclosing the application; the refillable container permit application; copies of the background investigation questionnaires for the Applicants; a copy of the California driver's license report for Kendra Dawn Miller; a copy of the California criminal history record from the Department of Justice's Bureau of Criminal Information and Analysis for Kendra Dawn Miller; a copy of the floor plan; a copy of the Corporate Charter Approval Sheet for BJROC Maryland, LLC; a copy of the Limited Liability Company Registration for BJROC Maryland, LLC from the Maryland State Department of Assessments and Taxation; a copy of the Certificate of Status for BJROC Maryland, LLC, from the State of California; a memorandum dated October 7, 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 October 24, 2016; an e-mail from the Department of Inspections, Licenses and Permits dated October 12, 2016; a memorandum dated October 17, 2016, from the Department of Planning and Zoning; a letter dated October 7, to the Department of Finance; a letter from the Department of Finance; a letter dated October 7, 2016, to the Comptroller of the Treasury; a letter dated October 31, 2016, from the Comptroller of the Treasury; a fax transmission dated October 7, 2016, from the Liquor Board Administrator to the attorney for the Applicants, enclosing a letter dated October 7, 2016, advising notification of the hearing date, and enclosing the required advertisement; an email dated November 2, 2016, from the attorney

for the Applicants to the Liquor Board Administrator, enclosing the certificate of advertisement from Patuxent Publishing Company; an email dated November 7, 2016, from the attorney for the Applicants, to the Liquor Board Administrator, enclosing the certificate of advertisement from The Baltimore Sun; and an e-mail dated October 21, 2016, from the Alcoholic Beverage Inspector stating the premises had been posted.

SUMMARY OF TESTIMONY

James Thomas Kosakowski, Authorized Person for BJROC Maryland, LLC, t/a BJ's Restaurant & Brewhouse, was sworn and testified that he has lived in Howard County for approximately nine years, is a registered voter, and is alcohol awareness certified. Mr. Kosakowski testified that he has 35 years of management experience in the restaurant business. Mr. Kosakowski testified that he has been a licensee for several restaurants, one located in Howard County. Mr. Kosakowski testified that during that time, there were never any violations at the establishments.

Mr. Kosakowski testified that the BJ's Restaurant chain has been in existence for 35 years, and originally opened on the west coast. Within the last six to eight years, it has moved to the east coast. Mr. Kosakowski testified that BJ's Restaurant brews their own beer, but not on site. Mr. Kosakowski testified that they offer seasonal beers, pizza, burgers, salads, and sandwiches.

Mr. Kosakowski testified that their employees have online training regarding alcohol service, and are required to take a test, and score 90% or above. They have the employees meet before their shift to discuss the operation of the restaurant. Mr. Kosakowski testified that their policy is to ask for identification of anyone who appears to be under the age of 30.

Mr. Kosakowski testified that they are also applying for a growler permit, and that they

currently have one in the Frederick, Maryland restaurant. He stated that they have a label that meets legal requirements.

Mr. Kosakowski testified that their hours of operation are Sunday through Thursday, 11:00 A.M. to 12:00 midnight, and Friday and Saturday 11:00 A.M. to 1:00 A.M.

Mr. Kosakowski testified that they will have 222 seats in the restaurant.

The following Exhibit was entered into the record:

Exhibit #1 - 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.

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 Thomas Kosakowski, Christopher H. Robinson, and Kendra Dawn Miller, on behalf of BJROC Maryland, LLC, t/a BJ's Restaurant & Brewhouse, have applied for a new Class B Beer, Wine, and Liquor, 7-day on-sale license, and a refillable container permit for a 7,742 square foot restaurant located at 6181 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 James Thomas Kosakowski has been a Howard County resident for more than two years, is a registered voter, and an authorized person of BJROC Maryland, LLC, t/a BJ's Restaurant & Brewhouse.

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 of the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that James Thomas Kosakowski, Christopher H. Robinson, and Kendra Dawn Miller, on behalf of BJROC Maryland, LLC, t/a BJ's Restaurant & Brewhouse, have applied for a new Class B Beer, Wine, and Liquor, 7-day on-sale license, and a refillable container permit for a 7,742 square foot restaurant located at 6181 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 James Thomas Kosakowski 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 would not unduly disturb the peace and safety of the neighborhood.

ORDER

For the foregoing reasons, it is this 5th day of November 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of James Thomas Kosakowski, Christopher H. Robinson, and Kendra Dawn Miller on behalf of BJROC Maryland, LLC, t/a BJ's Restaurant & Brewhouse, for a new Class B Beer, Wine,

and Liquor, 7-day on-sale license, and a refillable container permit for a 7,742 square foot restaurant located at 6181 Columbia Crossing Circle, Columbia, Maryland 21045, be and the same is hereby **GRANTED**, subject to 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 March 31, 2016, shall render this Proposed Decision and Order null and void.

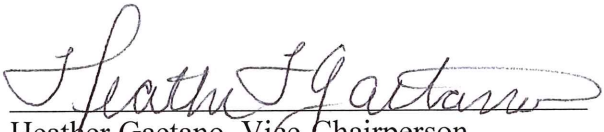
ATTEST:

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



Charles C. Feaga, Member



Charley C. Sung, Member



Lewis Taylor, Esquire
Assistant County Solicitor