

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF WILLIAM SEAN	*	
ALEWINE, ON BEHALF OF HIGHLAND	*	BEVERAGE HEARING BOARD
TAVERN, LLC, T/A TWIST AND	*	
TURN TAVERN, FOR A TRANSFER OF	*	FOR
CLASS B BEER, WINE, AND LIQUOR	*	
7-DAY ON-SALE LICENSE	*	HOWARD COUNTY, MARYLAND
	*	
	*	Case No. 17-02
	*	

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 December 20, 2016, the Hearing Board heard the application of William Sean Alewine (the “Applicant”), on behalf of Highland Tavern, LLC., t/a Twist and Turn Tavern, for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license held by Donald Eugene Souder, on behalf of Twist and Turn Tavern, LLC, t/a Twist and Turn Tavern, for a 2,007 square foot restaurant and a 1200 square foot patio located at 13380 Clarksville Pike, Highland, Maryland 20777. The hearing was properly advertised pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicant was represented by Thomas Meachum, 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 December 5, 2016, from the attorney for the Applicant submitting an amended application, removing one of the original applicants and adding a new member of the LLC; the background investigation questionnaire for the Applicant; Articles of Organization for Highland Tavern, LLC; a letter dated July 14, 2016, from the State Department of Assessment and Taxation confirming the acceptance of Highland Tavern, LLC's Articles of Organization; an Operating Agreement between William Alewine and Jill Sellers dated August 1, 2016; a copy of a memorandum dated October 14, 2016, from the Liquor Board 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 investigation of the Applicant by the Alcohol Beverage Inspector dated December 8, 2016; a memorandum dated November 14, 2016, from the Department of Planning and Zoning; a memorandum dated December 2, 2016, from the Office of the Fire Marshal; a memorandum dated November 16, 2016, from Environmental Health; a letter dated October 14, 2016 to the Department of Finance; a letter from the Department of Finance; a letter dated October 14, 2016, to the Comptroller of the Treasury; a letter dated December 14, 2016, from the Comptroller of the Treasury; a fax transmission dated October 18, 2016 from the Liquor Board Administrator to the attorney for the Applicant attaching a letter dated October 14, 2016, from the Liquor Board Administrator to the attorney for the Applicant, advising notification of the hearing date, and enclosing the required advertisement; and an email dated December 5, 2016, from the Alcoholic Beverage Inspector stating the premises had been posted.

SUMMARY OF TESTIMONY

William Sean Alewine, 50% owner of Highland Tavern, LLC t/a Twist and Turn Tavern, was sworn and testified that he has been a resident of Howard County for over 15 years, is a registered voter, and is alcohol awareness certified. Mr. Alewine testified that he will be the owner and operator of the restaurant and will be on site 70-80 hours per week. Mr. Alewine testified that he is familiar with the rules and regulations governing the sale of alcoholic beverages and that he will abide by them. Mr. Alewine testified that this local restaurant and small bar will serve American cuisine, will be active in the community by supporting ball clubs and the local PTA, and will also participate in recycling oil, cardboard, and bottles.

Mr. Alewine testified that the Highland Tavern has been operating since August, 2016, and that there is a Management Agreement in place dated August 2, 2016, between Twist and Turn, LLC and Donald Souder and Highland Tavern, LLC, Patrick Sellers and Sean Alewine . Mr. Alewine stated that he was not aware the Liquor Board Rules require a Management Agreement to be filed with the Board within 10 days of its execution. A copy of the Management Agreement was provided to the Board.

Mr. Alewine testified that since taking over the restaurant, there have not been significant changes, just some menu changes and elimination of the practice of keeping the restaurant open later on weekends. The hours of operation are Monday to Thursday, 11 a.m. to 11 p.m.; Friday and Saturday, 11 a.m. to 2 a.m.; and Sunday, 10 a.m. to 11 p.m. There will be 11 employees serving alcohol and all employees that serve alcohol will be TAM certified. Many of these employees are the same employees that worked with the previous owner.

There will also be a general manager in place. Mr. Alewine indicated that the patio is currently closed at this time of year, however, when the patio is open, the patio is enclosed and an employee will monitor it so that no alcohol will leave the patio.

The following Exhibits were entered into the record:

Exhibit #1 – Brunch/Lunch Menu & Full Menu

Exhibit #2 – Liquor Concession Management Agreement

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicant waived his 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 William Sean Alewine, on behalf of Highland Tavern, LLC, t/a Twist and Turn Tavern, has applied for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license held by Donald Eugene Souder, on behalf of Twist and Turn Tavern, LLC, t/a Twist and Turn Tavern, for a 2,007 square foot restaurant with a 1,200 square foot patio, located at 13380 Clarksville Pike, Highland, Maryland 20777.
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 William Sean Alewine has been a Howard County resident for more than two years, is a registered voter, and a 50% shareholder of Highland Tavern, LLC, t/a Twist and Turn Tavern. Jill Sellers, a member of the LLC, is also a 50% shareholder of Highland Tavern, LLC, t/a Twist and Turn Tavern.
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 finds that William Sean Alewine, on behalf of Highland Tavern, LLC, t/a Twist and Turn Tavern, has applied for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license held by Donald Eugene Souder, on behalf of Twist and Turn Tavern, LLC, t/a Twist and Turn Tavern, for a 2,007 square foot restaurant with a 1,200 square foot patio, located at 13380 Clarksville Pike, Highland, Maryland 20777.

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 William Sean Alewine 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

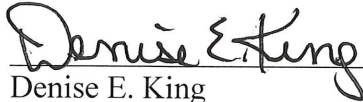
For the foregoing reasons, it is this 24th day of January 2017, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of William Sean Alewine, on behalf of Highland Tavern, LLC., t/a Twist and Turn Tavern, for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license held by Donald Eugene Souder, on behalf of Twist and Turn Tavern, LLC, t/a Twist and Turn Tavern, for a 2,007 square foot restaurant with a 1,200 square foot patio, located at 13380 Clarksville Pike, Highland, Maryland 20777

be and the same is hereby **GRANTED**, subject to the following conditions:

- (a) That the Applicant complies with all State and County Rules and Regulations; and
- (b) Failure to comply with these conditions and obtain the license by April 30, 2017, shall render this Proposed Decision and Order null and void.

ATTEST:

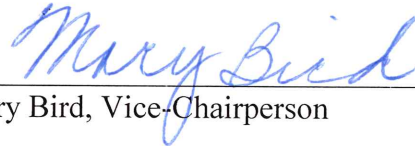
ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator



Heather Gaetano, Chairperson



Mary Bird, Vice-Chairperson

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



Charles C. Feaga, Member



Lewis Taylor, Esquire
Assistant County Solicitor

ABSENT AT TIME OF SIGNING
Gene Ryan, Member

ABSENT
Charley C. Sung, Member