

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF SUSAN ELIZABETH	*	
CURLEY, FRANCIS BOYD CURLEY, JR., AND	*	BEVERAGE HEARING
KEVIN FRANCIS CURLEY ON BEHALF OF	*	
REGIONALE, LLC, T/A REGIONALE, FOR	*	BOARD FOR
A CLASS B BEER AND LIGHT WINE,	*	
7-DAY ON-SALE LICENSE	*	HOWARD COUNTY, MD
	*	
	*	Case No. 17-01

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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 December 20, 2016, the Hearing Board heard the application of Susan Elizabeth Curley, Francis Boyd Curley, Jr., and Kevin Francis Curley (the “Applicants”), on behalf of RegionAle, LLC, t/a RegionAle, for a new Class B Beer and Light Wine 7-day on-sale license for a 1,645 square foot restaurant with a 600 square foot outdoor patio, located at 5705 Richards Valley Road, Suite B-1, Ellicott City, Maryland 21043. The hearing was properly advertised pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicants were represented by Thomas M. 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 August 11, 2016 from the attorney for the Applicants

enclosing the application, a copy of the floor plan, copies of the background investigation questionnaires for the Applicants, a copy of the Maryland Motor Vehicle driving record for Kevin Francis Curley, a copy of the Articles of Organization for RegionAle, LLC, a letter from the Maryland State Department of Assessments and Taxation dated August 5, 2016, confirming the acceptance of RegionAle, LLC; a letter dated September 23, 2016 from the attorney for the Applicants enclosing a revised first page of the application; a memorandum dated October 14, 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 December 12, 2016; a memorandum dated November 14, 2016, from the Department of Planning and Zoning; a memorandum dated November 2, 2016, from the Bureau of Environmental Health; a letter dated December 2, 2016, from the Office of the Fire Marshal; a letter dated October 14, 2016 to the Department of Finance; 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 Maryland; an e-mail dated October 21, 2016 from the Department of Inspections, Licenses and Permits; a fax transmission dated October 18, 2016, from the Liquor Board Administrator to the attorney for the Applicants, enclosing a letter dated October 14, 2016, advising notification of the hearing date, and enclosing the required advertisement; and an e-mail dated December 5, 2016, from the Alcoholic Beverage Inspector stating the premises had been posted.

#### **SUMMARY OF TESTIMONY**

Susan Elizabeth Curley, Member and 10% shareholder for RegionAle, LLC, was

sworn and testified that she has lived in Howard County for more than two years, is a registered voter, and is alcohol awareness certified. Ms. Curley testified that she will handle day to day banking/accounting and will work at the restaurant on a daily basis. Ms. Curley testified that she is familiar with the rules and regulations governing the sale of alcoholic beverages and that she will abide by them.

Kevin Francis Curley, Member, CEO and 85% shareholder for RegionAle, LLC, testified that he has had experience serving alcohol at various restaurants and was previously a manager of a restaurant that served alcohol, but has never held a liquor license. Mr. Curley testified that he will be the owner/operator of the restaurant and will be at the restaurant approximately 110 hours per week. He testified that he is familiar with the rules and regulations governing the sale of alcoholic beverages, and that he will abide by them. Mr. Curley also testified that he is alcohol awareness certified.

Mr. Curley testified that this operation is a restaurant serving famous American sandwiches from around the country. The hours of operation will be Sunday through Thursday 11 a.m. to 9 p.m. and Friday and Saturday from 11 a.m. to 10 p.m. There will be approximately 6 employees working on each shift. There is a proposed enclosed patio area accessible only from inside the restaurant with approximately 15-20 seats, which will be monitored by an employee when in use. Mr. Curley testified that the restaurant is currently open, has made contributions to the community, and has a recycling program. He testified that the average daily receipts from the sale of food will exceed the average daily receipts from the sale of alcohol.

There was one exhibit entered into the record: Exhibit 1- Menu for RegionAle.

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 Susan Elizabeth Curley, Francis Boyd Curley, Jr., and Kevin Francis Curley, on behalf of RegionAle, LLC, t/a RegionAle, have applied for a new Class B Beer and Light Wine 7-day on-sale license for a 1,645 square foot restaurant with a 600 square foot outdoor patio, located at 5705 Richards Valley Road, Suite B-1, 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 Susan Elizabeth Curley has been a Howard County resident for more than two years, is a registered voter, and a member and 10% shareholder of RegionAle, LLC, t/a RegionAle.

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 Susan Elizabeth Curley, Francis Boyd Curley, Jr., and Kevin Francis Curley, on behalf of RegionAle, LLC, t/a RegionAle, have applied for a new Class B Beer and Light Wine 7-day on-sale license for a 1,645 square foot restaurant with a 600 square foot outdoor patio, located at 5705 Richards Valley Road,



Suite B-1, 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 Susan Elizabeth Curley 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.

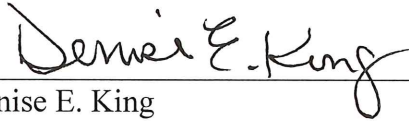
#### **ORDER**

For the foregoing reasons, it is this 10<sup>th</sup> day of January, 2017, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Susan Elizabeth Curley, Francis Boyd Curley, Jr., and Kevin Francis Curley, on behalf of RegionAle, LLC, t/a RegionAle, for a new Class B Beer and Light Wine 7-day on-sale license for a 1,645 square foot restaurant with a 600 square foot outdoor patio, located at 5705 Richards Valley Road, Suite B-1, Ellicott City, Maryland 21043, be and the same is hereby **GRANTED**, subject to the following conditions:

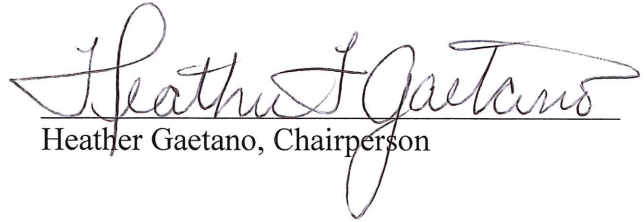
- (a) That the Applicants comply with all State and County Rules and Regulations;  
and
- (b) Failure to comply with these conditions and obtain the license by April 30, 2017, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING  
BOARD OF HOWARD COUNTY,  
MARYLAND



Denise E. King  
Administrator



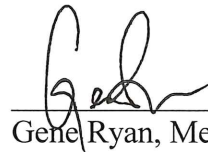
Heather Gaetano, Chairperson

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Mary Bird, Vice-Chairperson

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



Charles C. Feaga, Member



Gene Ryan, Member



Lewis Taylor, Esquire  
Assistant County Solicitor

**ABSENT**

Charley C. Sung, Member