

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF CHAD DANIEL	*	
CHRISTOPHER D'AMORE, LINDELL	*	BEVERAGE HEARING BOARD
CALDER EAGAN, GREGG MICHAEL	*	
SCHWIND, AND WILLIAM CARLL	*	FOR
WOODCOCK, JR. ON BEHALF OF	*	
INNER ARBOR TRUST, INC., FOR A	*	HOWARD COUNTY, MARYLAND
NEW CLASS C BEER, WINE, AND	*	
LIQUOR 7-DAY ON-SALE LICENSE	*	Case No.:18-18
	*	

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 8, 2018, the Hearing Board heard the application of Chad Daniel Christopher D'Amore, Lindell Calder Eagan, Gregg Michael Schwind, and William Carll Woodcock, Jr. (the "Applicants"), on behalf of Inner Arbor Trust, Inc., (also known as Merriweather Park at Symphony Woods) for a new Class C, Beer, Wine, and Liquor 7-Day On-Sale License for a 5,043 square foot facility (Chrysalis Stage) and 21.97 acres (956,805 square feet) of outdoor licensed area located at 10431 Little Patuxent Parkway, Columbia, MD 21044.

The hearing was properly advertised and the property posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicants were represented by Indira Sharma, Esquire. There were no protestants who appeared in opposition to the application.

All the documents on file were incorporated into the record by reference.

SUMMARY OF TESTIMONY

Chad Daniel Christopher D'Amore, Director of Events for the Inner Arbor Trust and proposed Resident Agent, was sworn and testified before the Board.

Mr. D'Amore reviewed the application and confirmed that no information has changed since the submission of the application. He testified that he has not been convicted or charged with any felonies, has resided in Howard County for 26 years and is a registered voter. He stated that he understands the responsibilities of acting as the resident agent and understands Liquor Board Rules and Regulations and will abide by them.

He testified that the Inner Arbor Trust is a 501(c)(3) non-profit organization which provides arts and cultural performances such as pops concerts and orchestra concerts, as well as a kid series. As the Director of Events, Mr. D'Amore will oversee all event logistics and staff including the food and beverage service. There will be managers who are certified in alcohol awareness in the rare event that Mr. D'Amore is not present. The alcohol will be stored in a locked compartment in the Chrysalis structure.

He testified that the area to be covered by the license encompasses the Chrysalis stage and 22 acres of the Symphony Woods property. He stated that the liquor license is necessary in order to allow JL Hospitality, the licensee for the Merriweather Post Pavilion, to apply for a Class D per diem license so that they can operate events that include the area controlled by Inner Arbor Trust, and in the future to allow Inner Arbor Trust to sell and serve alcohol at its events.

Mr. D'Amore testified that access to alcohol will be controlled and contained on the licensed premises by setting up perimeters using fencing for events, and having access and egress points controlled with trained, certified staff doing ID checks and wristband checks. The staff

will be trained through an internal training program and they will receive certification, as recognized by the Comptroller of Maryland. He testified that they developed an Alcohol Beverage Service Policy with Martin Johnson, former Howard County Alcoholic Beverage Inspector. The policy for checking identification included in the Alcohol Beverage Service Policy is to check ID for anyone who appears younger than 40 years of age. Vertical ID cards will not be accepted.

Mr. D'Amore stated that the hours of operation will depend on the event but will be no later than 11:00 p.m. with the last alcoholic beverage being served thirty minutes before the park closes. Mr. D'Amore stated that he, Ms. Basu, and Ms. Giles are all Alcohol Awareness certified.

Mr. D'Amore stated that there are twenty-three events planned with eighteen or twenty of them offering alcohol for sale. They plan on selling primarily beer and wine with the possibility of pre-mixed cocktails in cans.

The Board raised the issue of whether Inner Arbor Trust would abide by the same condition that apply to the JL Hospitality license, which also covers a large outdoor area. These were identified to include:

- * no wandering or mobile sales;
- * having alcohol awareness certified servers;
- * opened containers only sold;
- * plastic containers only permitted;
- * limit on the number of drinks served at a time; and
- * alcohol sales to stop thirty minutes before the end of an event.

Mr. D'Amore agreed to the conditions.

The following exhibits were submitted into the record during Mr. D'Amore's testimony:

1. *Chrysalis use area map*
2. *Alcoholic Beverage Service Policy*

3. *Alcohol Awareness Training Certificate for Mr. D'Amore*

4. *Alcohol Awareness Training Certificates for Nina Basu and Ms. Giles*

Milton Matthews, President and CEO of the Columbia Association, was sworn and testified before the Board. Mr. Matthews stated that he reviewed the Liquor License application and described the easement area and the easement area agreement between Columbia Association and the Inner Arbor Trust. He indicated that the Columbia Association supports Inner Arbor Trust receiving a liquor license. He went on to explain how the land will be used between Merriweather and Inner Arbor Trust with the per diem licenses. The following exhibit was submitted into the record during Mr. Matthews testimony:

5. *Agreement between Columbia Association and Inner Arbor Trust*

Lindell Calder Eagan, Chair of the Board of Inner Arbor Trust and an applicant for the license, was sworn and testified before the Board.

Ms. Eagan stated that she has reviewed the application and that none of the information on the application has changed

Ms. Eagan testified that it is very important for the Inner Arbor Trust to be able to have a liquor license to help to develop the park and to help with the expenses of doing so. Ms. Eagan testified that she is Alcohol Awareness certified, has reviewed the rules regarding liquor licenses and understands them and will abide by them. She stated that she would report any rule violations that she becomes aware of. Ms. Eagan said that she has been a resident of Howard County for 48 years and understands and accepts the responsibilities of being on the liquor license.

Ms. Eagan explained that the previous arrangement allowing JL Hospitality to use the

Symphony Woods grounds was changed to allow Inner Arbor Trust to control logistics, the size of the events, and to generate revenue from liquor sales.

The following exhibit was submitted into the record during Ms. Eagan's testimony:

6. Alcohol Awareness Certification for Ms. Eagan

Gregg Schwind, Vice Chair of the Board of Directors for Inner Arbor Trust, Secretary of the organization and an applicant for the Inner Arbor Trust liquor license, was sworn and testified before the Board.

He stated that he has reviewed the liquor license application and no information has changed. Mr. Schwind said that he chose to be a named licensee because he believes the license is important to the organization to help meet community expectations and help Inner Arbor going forward.

Mr. Schwind said he is Alcohol Awareness Certified. He has reviewed and understands the Liquor Board's Rules and Regulations and he explained what he would do if he saw a violation of those rules. He has been a resident of Howard County for seventeen years and understands and accepts the responsibilities of being a named individual on the liquor license. Mr. Schwind testified to the need for this license for the community and further described what kind of events will be held at the venue.

The following exhibits were submitted into the record during Mr. Schwind's testimony:

7. A list of the officers of the Inner Arbor Trust

8. Alcohol Awareness Certificate for Mr. Schwind

William Woodcock, Corporate Treasurer and Chair of the Fundraising Committee for the Inner Arbor Trust and an applicant for the Inner Arbor Trust liquor license, was sworn and

testified before the Board.

Mr. Woodcock said he has reviewed the liquor license application and noted that no information has changed. Mr. Woodcock testified that the information submitted on the liquor application originally was not complete - he omitted some information regarding his legal record concerning motor vehicle violations, including a DUI charge in 1990. Mr. Woodcock stated that he did not omit these items to conceal information from the Board and when he found the discrepancy, he submitted an addendum in a letter of explanation to the Board.

Mr. Woodcock chose to be a named licensee because he believes the license will be an essential part of maintaining the long-term financial stability and growth of the Trust.

Mr. Woodcock testified that he is a 48-year resident of Howard County, has read and understands the Liquor Board Rules and explained what he would do if he saw a violation of those rules.

The Board questioned Mr. Woodcock about the motor vehicle violations listed on the application. He committed to not have any further such violations in the future.

The following exhibit was submitted into the record during Mr. Woodcock's testimony:

1. Alcohol Awareness Certificate for Mr. Woodcock

At the conclusion of the Applicant's presentation, a copy of the Decision and Order for the JL Hospitality license (ABHB Case 16-02) was produced by the Board and the conditions referenced in Mr. D'Amore's testimony were reviewed by counsel for the Applicants. Testimony was received from Det. Baxter, the Alcoholic Beverage Inspector, regarding one condition concerning sales proximate to seats, which Det. Baxter was not concerned about in the context of the Inner Arbor Trust license. Counsel for the Applicants consented to the following conditions

on behalf of the Applicants:

1. Points of sale for alcohol must be permanent or stationary portables
2. No wandering or mobile sales
3. Stands must each have an Alcohol Awareness certified, non-selling manager, overseeing sales
4. Single servings must be in clear plastic cups or light weight plastic bottles, without caps
5. All purchased alcoholic beverages served in bottles or cans, may not be sold/served unopened
6. Prior to any event, a police agreement in writing is required, that specifies the number of servings per transaction allowed for that event. This amount can be reduced at any time during the event by Inner Arbor Trust, or the Howard County Police Department
7. All sales cease 30 minutes prior to the end of the show, or earlier if determined by the police department or Inner Arbor Trust
8. All employees that serve or sell alcoholic beverages, will be certified in Alcohol Awareness, as defined by the Comptroller of Maryland

FINDINGS OF FACT

1. The Hearing Board finds that Chad Daniel Christopher D'Amore, Lindell Calder Eagan, Gregg Michael Schwind, and William Carll Woodcock, Jr., on behalf of Inner Arbor Trust, Inc., have applied for a new Class C, Beer, Wine, and Liquor, 7-day on-sale license for a

5,043-square foot facility (Chrysalis Stage) and 21.97 acres (956,805 square feet) of outdoor licensed area located at 10431 Little Patuxent Parkway, Columbia, MD 21044.

2. The Hearing Board finds that the Inner Arbor Trust, Inc., is a non-profit organization.

3. The Hearing Board finds that the Applicants are fit and proper persons to hold an alcoholic beverage license.

4. The Hearing Board finds that Chad Daniel Christopher D'Amore has been a Howard County resident for more than two years and is a registered voter and full-time manager of the licensed premises.

5. The Hearing Board finds that the granting of the application is necessary for the accommodation of the public.

6. The Hearing Board finds that the granting of the application will not unduly disturb the peace and safety of the residents of the neighborhood.

7. The Hearing Board finds that the Applicants have consented to eight special conditions on the license, which are outlined herein.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Chad Daniel Christopher D'Amore, Lindell Calder Eagan, Gregg Michael Schwind, and William Carll Woodcock, Jr., on behalf of Inner Arbor Trust, Inc., have applied for a new Class C, Beer, Wine, and Liquor, 7-day on-sale license for a 5,043-square foot facility (Chrysalis Stage) and 21.97 acres (956,805 square feet) of outdoor licensed area located at 10431 Little Patuxent Parkway, Columbia, MD 21044.

2. The Hearing Board concludes that the Inner Arbor Trust, Inc., is a non-profit

organization.

3. The Hearing Board concludes that the Applicants are fit and proper persons to hold an alcoholic beverage license.

4. The Hearing Board concludes that Chad Daniel Christopher D'Amore meets the requirements of Rules 1.10(S), 1.10(T), and 2.06 of the Liquor Board Rules and Regulations concerning resident agent qualifications.

5. The Hearing Board concludes that the granting of the application is necessary for the accommodation of the public.

6. The Hearing Board concludes that the granting of the application will not unduly disturb the peace and safety of the residents of the neighborhood.

7. The Hearing Board concludes that the Applicants have consented to eight special conditions on the license, which are outlined herein.

ORDER

For the foregoing reasons, it is this 22ND day of MAY, 2018, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Chad Daniel Christopher D'Amore, Lindell Calder Eagan, Gregg Michael Schwind, and William Carll Woodcock, Jr., on behalf of Inner Arbor Trust, Inc., for a new Class C, Beer, Wine, and Liquor, 7-day on-sale license for a 5,043 square foot facility (Chrysalis Stage) and 21.97 acres (956,805 square feet) of outdoor licensed area located at 10431 Little Patuxent Parkway, Columbia, MD 21044 be and the same is hereby **GRANTED**, subject to the following conditions:

- (a) That the Applicants comply with all State and County laws and regulations;
- (b) That the Licensees shall at all times comply with the following conditions:

1. Points of sale for alcohol must be permanent or stationary portables
2. No wandering or mobile sales
3. Stands must each have an Alcohol Awareness certified, non-selling manager, overseeing sales
4. Single servings must be in clear plastic cups or light weight plastic bottles, without caps
5. All purchased alcoholic beverages served in bottles or cans, may not be sold/served unopened
6. Prior to any event, a police agreement in writing is required, that specifies the number of servings per transaction allowed for that event. This amount can be reduced at any time during the event by Inner Arbor Trust, or the Howard County Police Department
7. All sales cease 30 minutes prior to the end of the show, or earlier if determined by the police department or Inner Arbor Trust
8. All employees that serve or sell alcoholic beverages, will be certified in Alcohol Awareness, as defined by the Comptroller of Maryland;

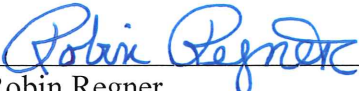
(c) That the Applicants satisfy any requirements necessary to obtain the license by August 22, 2018, unless that deadline is extended by the Board upon good cause shown; and


(d) Failure to comply with these conditions shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING

BOARD OF HOWARD COUNTY,
MARYLAND


Robin Regner
Board Administrator



Heather Gaetano, Chairperson


Mary Bird, Vice-Chairperson

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


Charles C. Feaga, Member

RECUSED
Gene Ryan, Member


Lewis Taylor, Esquire
Senior Assistant County Solicitor

Absent AT TIME OF SIGNING
Charley C. Sung, Member