

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF ALAIN VIAUD,	*	
DOUGLAS MEISTER, AND	*	FOR
LINDA CARTER ON BEHALF	*	
OF THE COLUMBIA LOUNGE, INC.,	*	HOWARD COUNTY, MARYLAND
t/a 11TH FRAME, FOR A NEW	*	
CLASS D BEER, WINE, AND LIQUOR	*	Case No. 15-25
7-DAY ON-SALE LICENSE	*	

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 19, 2015, and June 23, 2015, the Hearing Board heard the application of Alain Viaud, Douglas Meister, and Linda Carter (“Applicants”), on behalf of The Columbia Lounge, Inc., t/a 11th Frame (“The Columbia Lounge, Inc.”), for a new Class D Beer, Wine, and Liquor 7-day on-sale license for a 28,612 square foot tavern located at 7100 Carved Stone, Columbia, Maryland 21045. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by Linda C. Carter, 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 8, 2014 from Applicants’ attorney enclosing a copy of the Application, Articles of Incorporation, Articles of Merger, Background Investigation Questionnaires for each Applicant, The Columbia Lounge, Inc.’s By-Laws, a copy of a check for \$260.00 made payable to Director of Finance for Howard County, Department of Safety

and Correctional Services Report for Douglas Conrad Meister, a copy of each Applicants' Driving Record and Driver's License, Floor Plan of the Premises, Lease Agreement, Limited Irrevocable Power of Attorney for Randall Altman, Barbara Deming, and Nancy Hartman, Minutes, Resignation Letters from Randall Altman, Barbara Deming, and Nancy Hartman, and a Copy of Stock Certificates for Douglas Meister, Linda Carter, Leiserv, LLC and Alain Viaud; Background Check Results Report from the Howard County Police Department dated May 13, 2015 for each of the Applicants; a Limited Irrevocable Power of Attorney for Randall S. Altman, Barbara C. Deming, and Nancy Hartman; letters dated September 11, 2014 from Randall S. Altman, Barbara C. Deming, and Nancy Hartman resigning as officers of Columbia Lounge, Inc. and as licensees; a letter dated April 21, 2015 from Applicants' attorney enclosing a copy of the following: an amendment to Page 3 of the application, Amended Supplement to Application, and Interim Liquor License Management Agreement; a memo dated April 22, 2015 from the Liquor Board Administrator to the Police Department, Department of Inspections, Licenses and Permits, Environmental Health, Department of Planning and Zoning, Office of the Fire Marshal and others; a memo dated May 12, 2015 from the Department of Planning and Zoning to the Liquor Board Administrator; a letter dated May 8, 2015 to the Liquor Board Administrator from the Office of the Fire Marshal; a letter dated April 22, 2015 from the Liquor Board Administrator to the Department of Finance; a letter dated April 27, 2015 from the Department of Finance to the Liquor Board Administrator; a letter dated April 15, 2015 to the office of the Comptroller of Maryland from the Liquor Board Administrator; a letter dated May 14, 2015 from the Comptroller of Maryland to the Liquor Board Administrator, a facsimile cover sheet dated February 13, 2015 to Linda Carter, Esquire from the Liquor Board Administrator with a copy of the Notice of Public Hearing; a copy of the

Notice of Public Hearing which was published in The Baltimore Sun on May 3, 2015; a letter dated April 15, 2015 from the Liquor Board Administrator to the Applicants' attorney; and an e-mail dated May 5, 2015 stating that the property had been posted.

SUMMARY OF PROCEEDINGS

Applicants initially submitted an application in December 2014 for a Transfer of a Class D license previously held by Randall S. Altman, Barbara C. Deming, and Nancy Hartman ("Former Licensees") on behalf of Columbia Lounge, Inc. Based on the Applicants' submission of the resignations of the Former Licensees in September 2014, the Board Administrator advised counsel for the Applicants that it was not clear, based on the resignations, that there was an existing license to transfer. At the May 19 hearing, Applicants submitted a memorandum of law and presented oral argument to the effect that the resignation of the Former Licensees did not affect the legal validity of the existing license. The Hearing Board continued the case until June 23, 2015 in order that they could receive legal advice on the validity of the existing license and invited the applicants to submit additional legal support for their arguments. On June 23, 2015, counsel for the Applicants submitted another memorandum of law shortly before the Hearing reiterating the arguments previously made that the resignation of the Former Licensees had no effect on the legal validity of the existing license. During the June 23 Hearing, the Hearing Board indicated that it believed the existing license had in fact expired at the time that all of the Former Licensees resigned in September 2014. It was observed that the pending application could be converted into an application for a New license without the necessity of re-advertising because the existing advertising substantially complied with statutory notice requirements.

The Applicants requested that the pending application for a Transfer be converted to an application for a New license. The Hearing Board agreed to this amendment of the pending application.

Debbie Parlette was sworn and testified that she has been the manager at Columbia Lanes since 1990 and that during that time they have had no violations. She stated that she is alcohol awareness certified and that they have 25 employees, 18 of whom are alcohol awareness certified and that they do not accept vertical IDs. She testified that their hours are 9 A.M. to 11 P.M. Sunday through Thursday and 9 A.M. to 1 A.M. on Friday and Saturday. She stated that they have 32 lanes of ten-pin bowling. She testified that alcoholic beverages are available during all hours of operations but that the bar is open Monday through Thursday 6 P.M. to 11 P.M., Friday and Saturday 6 P.M. to 12:30 P.M. and Sunday 1 P.M. to 10 P.M. Ms. Parlette stated that they have around 1300 bowlers in numerous leagues. She testified that she believes alcohol service is necessary to accommodate the public and that granting the license will not threaten the peace or public safety.

Alain Viaud was sworn and testified that he is a 10% owner of Columbia Lounge Inc., t/a 11th Frame, and that he is 19 year Howard County resident, a registered voter, and is alcohol awareness certified. He stated that is employed as an accountant for Hospice of the Chesapeake and that he is familiar with the Liquor Board's Rules and Regulations. He testified that he will visit the establishment at least once per month and will review records and observe alcohol service for compliance with the law.

Douglas Meister was sworn and testified that he is an attorney and a 1% owner and corporate officer of Columbia Lounge Inc. He testified that he is a licensee on other licenses in Maryland, that none of those licenses are Class D licenses, and that they have not had any

violations. He stated that he is familiar with the Rules and Regulations, understands his responsibility as a licensee, and will visit and oversee the establishment.

Linda Carter, attorney for the Applicants, was sworn and testified that she is a 1% owner of Columbia Lounge Inc. and a corporate officer. She stated that she currently serves on a license in Baltimore County and has previously served as a license on other licenses, none of which have had any violations. She states that she is alcohol awareness certified and familiar with the Rules and Regulations.

FINDINGS OF FACT

1. The Hearing Board finds that Alain Viaud, Douglas Meister, and Linda Carter on behalf of The Columbia Lounge, Inc., t/a 11th Frame, have applied for a new Class D Beer, Wine, and Liquor 7-day on-sale license for a 28,612 square foot tavern located at 7100 Carved Stone, 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 Alain Viaud has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of The Columbia Lounge, Inc., t/a 11th Frame.

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 this application will not unduly disturb the peace and safety of the residents in the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Alain Viaud, Douglas Meister, and Linda Carter on behalf of The Columbia Lounge, Inc., t/a 11th Frame, have applied for a new Class D Beer, Wine, and Liquor 7-day on-sale license for a 28,612 square foot tavern located at 7100 Carved Stone, 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 Alain Viaud 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 26th day of June, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Alain Viaud, Douglas Meister, and Linda Carter on behalf of The Columbia Lounge, Inc., t/a 11th Frame, for a new Class D Beer, Wine, and Liquor 7-day on-sale license for a 28,612 square foot tavern located at 7100 Carved Stone, 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) Failure to comply with these conditions and obtain the license by July 31, 2015, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND

Denise E. King
Denise E. King
Administrator

Mary Bird
Mary Bird, Chairperson

Harry Evans, III, Vice-Chairperson

REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
MARGARET ANN NOLAN
COUNTY SOLICITOR

ABSENT
Charles C. Feaga, Member

Heather Gaetano
Heather Gaetano, Member

Lewis Taylor, Esquire
Assistant County Solicitor

Charley C. Sung
Charley C. Sung, Member