

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF JOHN	*	
KANELLOPOULOS ON BEHALF OF	*	BEVERAGE
EMFY, INC. T/A EC DINER FOR A	*	FOR
TRANSFER AND EXTENSION OF	*	HOWARD COUNTY, MARYLAND
PREMISES FOR A CLASS B	*	
BEER, WINE AND LIQUOR 7-DAY	*	Case No.: 21-09
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 February 9, 2021, the Hearing Board heard the application of John Kanellopoulos (the “Applicant”) on behalf of EFMY, Inc. t/a EC Diner (“EC Diner”) for an extension of premises and a transfer of a Class B, Beer, Wine and Liquor, 7-day on sale license from Tie Mortos, Inc. t/a Double-T Diner for a 14,950 square foot restaurant with a 2000 square foot patio located at 10055 Baltimore National Pike, Ellicott City, MD 21042.

The hearing was properly advertised, and the property posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicant was not represented by counsel and 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

John Kanellopoulos, sole applicant, was sworn and testified.

Mr. Kanellopoulos testified that he is in the process of buying the assets of Tie Mortos, Inc. which is owned by his family members. Mr. Kanellopoulos testified he is currently the General Manager operating under a management agreement and will complete the sale of the business once the liquor license has been approved.

Mr. Kanellopoulos testified that while they are now operating under COVID-19 restrictions, they have the capacity to seat 204 people inside including at booths, tables and the counter and that they are using an outdoor county-approved tent that seats 72 people which Mr. Kanellopoulos hopes to make permanent.

Mr. Kanellopoulos testified that EC Diner serves breakfast lunch and dinner seven days a week and the business has been serving alcohol since it opened in 1998 with approximately 1% of their income coming from alcohol sales.

Mr. Kanellopoulos testified that the current hours of operation are 6:00am to 10:00pm seven days a week; however, the hours will more than likely be expanded after the COVID-19 restrictions are lifted. Mr. Kanellopoulos testified that there are 60 employees at the diner; 40 in the front of the house and 20 in the back. Mr. Kanellopoulos testified that there are five managers who are all alcohol awareness certified and all alcohol sales are overseen by a manager who obtains the drinks for service. Mr. Kanellopoulos stated that all new servers will also be alcohol certified and company policy is to card anyone who appears to be under 40 years old and not serving anyone who appears to be under the influence.

Mr. Kanellopoulos testified that with the help of Martin Johnson he has reviewed

and understands the Board's Rules and Regulations and has asked Mr. Johnson to review the business' alcohol policies. Mr. Kanellopoulos testified that Mr. Johnson will be conducting surprise inspections in the future to ensure compliance and he invites Detective Mark Baxter to visit at any time and offer suggestions.

Mr. Kanellopoulos testified that he has 18 years of experience in the restaurant business, is a licensee in Baltimore County, and has never had an alcohol violation. Mr. Kanellopoulos stated he plans to be at the restaurant approximately 60 hours a week and has managers that will oversee the operation when he is not there and will report to him.

Mr. Kanellopoulos testified that the restaurant believes in recycling and in giving back to the community through charitable contributions.

The following Exhibits were accepted into the record:

1. Group of photos of the business inside and out

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 John Kanellopoulos on behalf of EFMY, Inc. t/a EC Diner has applied for an extension of premises and a transfer of a Class B, Beer, Wine and Liquor, 7-day on sale license from Tie Mortos, Inc. t/a Double-T Diner for a 14,950 square foot restaurant with a 2000 square foot patio located at 10055 Baltimore National Pike, Ellicott City, MD 21042.

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 John Kanellopoulos is a Howard County resident and is a registered voter.

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 John Kanellopoulos on behalf of EFMY, Inc. t/a EC Diner has applied for an extension of premises and a transfer of a Class B, Beer, Wine and Liquor, 7-day on sale license from Tie Mortos, Inc. t/a Double-T Diner for a 14,950 square foot restaurant with a 2000 square foot patio located at 10055 Baltimore National Pike, Ellicott City, MD 21042.

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 Bobby John Kanellopoulos 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.

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 this application would not unduly disturb the peace and safety of the neighborhood.

ORDER

For the foregoing reasons, it is this 3rd day of May, 2021, by the Alcoholic Beverage Hearing Board of Howard County, **ORDERED** that the application of that John Kanellopoulos on behalf of EFMY, Inc. t/a EC Diner for an extension of premises and transfer of a Class B, Beer, Wine and Liquor, 7-day on sale license from Tie Mortos, Inc. t/a Double-T Diner for a 14,950 square foot restaurant with a 2000 square foot patio located at 10055 Baltimore National Pike, Ellicott City, MD 21042, be and the same is hereby **GRANTED**, subject to the following conditions:

- (a) That the Applicant comply with all State and County Rules and Regulations; and
- (b) That the Applicant satisfy any requirements necessary to obtain the license by June 30, 2021, unless that deadline is extended by the Board upon good cause shown; and
- (c) 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



Mary Bird, Chairperson



Harry Evans, Vice-Chairperson

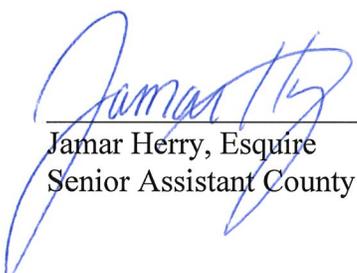
**REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
GARY W. KUC
COUNTY SOLICITOR**



Charley Sung, Member



Steven Chen, Member



Jamar Herry, Esquire
Senior Assistant County Solicitor



Claire Kim, Member