

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF BARBARA SUSAN	*	
ASNER, JONATHAN THOMAS	*	BEVERAGE HEARING BOARD
PARSONNET, AND ALLAN NG, ON	*	
BEHALF OF SHAKE SHACK	*	FOR
MANAGEMENT COMPANY, LLC,	*	
T/A SHAKE SHACK, FOR A CLASS B	*	HOWARD COUNTY, MARYLAND
BEER, WINE, AND LIQUOR 7-DAY	*	
ON SALE LICENSE	*	Case No.:17-48
	*	

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 November 28, 2017, the Hearing Board heard the application of Barbara Susan Asner, Jonathan Thomas Parsonnet, and Allan Ng (“Applicants”), on behalf of Shake Shack Maryland Management Company, LLC, t/a Shake Shack (“Shake Shack”), for a new Class B Beer, Wine, and Liquor, 7-day on sale license, for a 3,013-square foot restaurant with a 939-square foot outside patio, located at 10300 Little Patuxent Parkway, Suite 3040, Columbia, Maryland 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 Leanne Schrecengost, 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

Jonathan Parsonnet, authorized member and 1% owner of Shake Shack, was sworn and testified that he will oversee the Shake Shack at the Columbia Mall in addition to other Shake Shack locations. Mr. Parsonnet testified that he has been managing restaurants for over 30 years and is familiar with the rules and regulations governing the sale of alcoholic beverages and will abide by them. He stated that there have been no violations at the establishments where he has worked. He testified that there were no violations during his tenure at other Shake Shack locations. Mr. Parsonnet expects that there will be alcohol sales of 3-5% at this Shake Shack location and indicated that this location will hire 50-60 employees. Mr. Parsonnet testified that all managers will be alcohol awareness certified and that all employees will be required to take an annual on-line course for alcohol awareness training. All customers who purchase alcohol will be required to provide ID. Mr. Parsonnet testified that the proposed hours of operation will be Sunday through Thursday from 11:00 a.m. to 10:30 p.m. and Friday and Saturday from 11:00 a.m. to 11:00 p.m. Mr. Parsonnet testified that there will be an outdoor patio area with 40-45 seats with metal railings and planters providing a barricade. There will always be a server located in the outside patio area along with other hospitality employees. Mr. Parsonnet expects to work at this location on a daily basis when it first opens and then 1-2 days a week thereafter. Mr. Parsonnet entered into the record Applicant's Exhibit #1 which is the Shake Shack Menu.

Allan Ng, authorized member and 1% owner, was sworn and testified that he is the Area Director for the Shake Shacks in D.C., Virginia, and Maryland and will be supporting Mr. Parsonnet, even though he will not be spending time at this location. Mr. Ng has read and understands the rules and regulations governing the sale of alcoholic beverages. Mr. Ng testified

that one of the establishments he oversaw in Prince George's County did have a violation for serving a minor and subsequent steps were taken to re-train management in an alcohol awareness class. He stated that the employee involved was terminated and the any managers on duty during a second violation will be terminated, whether they were directly involved in the violation or not.

Barbara Susan Asner, proposed resident agent and 10% owner, was sworn and testified that she has lived in Howard County for 40 years and is a registered voter. Ms. Asner stated that she is alcohol awareness certified and understands her responsibilities as a resident agent. Ms. Asner testified that she will visit the establishment monthly and will observe the servers, assess the ages of customers who are consuming alcohol, and will discuss any problems she observes with the manager on duty. Ms. Asner has read and understands the rules and regulations governing the sale of alcoholic beverages and will abide by them.

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 Barbara Susan Asner, Jonathan Thomas Parsonnet, and Allan Ng, on behalf of Shake Shack Maryland Management Company, LLC, t/a Shake Shack, have applied for a new Class B, Beer, Wine, and Liquor, 7-day on sale license, for a 3,013 square foot restaurant with a 939-square foot outside patio, located at 10300 Little Patuxent Parkway, Suite 3040, Columbia, Maryland 21044.

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 Barbara Susan Asner has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Shake Shack Maryland Management Company, LLC, t/a Shake Shake.

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 Barbara Susan Asner, Jonathan Thomas Parsonnet, and Allan Ng, on behalf of Shake Shack Maryland Management Company, LLC, t/a Shake Shack, have applied for a new Class B, Beer, Wine, and Liquor, 7-day on sale license, for a 3,013 square foot restaurant with a 939-square foot outside patio, located at 10300 Little Patuxent Parkway, Suite 3040, Columbia, Maryland 21044.

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 Barbara Susan Asner 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 the application would not

unduly disturb the peace and safety of the neighborhood.

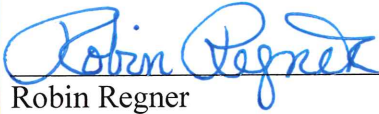
ORDER

For the foregoing reasons, it is this 12th day of December, 2017, by the Alcoholic Beverage Hearing Board of Howard County, **ORDERED** that the application of Barbara Susan Asner, Jonathan Thomas Parsonnet, and Allan Ng, on behalf of Shake Shack Maryland Management Company, LLC, t/a Shake Shack, for a new Class B, Beer, Wine, and Liquor, 7-day on sale license, for a 3,013 square foot restaurant with a 939-square foot outside patio, located at 10300 Little Patuxent Parkway, Suite 3040, Columbia, Maryland 21044, be and the same is hereby **GRANTED**, subject to the following conditions:

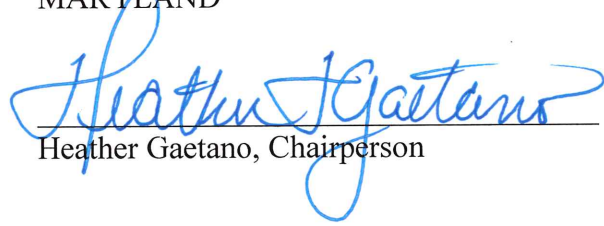
- (a) That the Applicants comply with all State and County laws and regulations; and
- (b) That the Applicants satisfy any requirements necessary to obtain the license by March 12, 2018, unless that deadline is extended by the Board upon good cause shown; and
- (c) Failure to comply with these conditions shall render this Proposed Decision and Order null and void.

ATTEST:

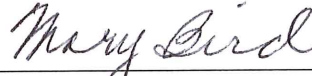
ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Robin Regner
Acting Administrator



Heather Gaetano, Chairperson

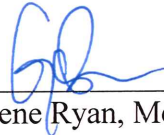


Mary Bird, Vice-Chairperson

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



Charles C. Feaga, Member



Gene Ryan, Member



Lewis Taylor, Esquire
Senior Assistant County Solicitor

Absent AT TIME OF SIGNING

Charley C. Sung, Member