

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF COLETTE M.	*	
NEWTON, WILLIAM JOSEPH KRAUS,	*	BEVERAGE HEARING BOARD
AND STEPHEN SCOTT NEWTON ON	*	
BEHALF OF MISSION BBQ ELLICOTT	*	FOR
CITY, LLC, t/a MISSION BBQ, FOR A	*	
NEW CLASS B BEER 7-DAY ON-SALE	*	HOWARD COUNTY, MARYLAND
LICENSE	*	
	*	Case No. 16-22

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 10, 2016, the Hearing Board heard the application of Colette M. Newton, Stephen Scott Newton, and William Joseph Kraus (the “Applicants”), on behalf of Mission BBQ Ellicott City, LLC, t/a Mission BBQ (“Mission BBQ Ellicott City, LLC”), for a new Class B Beer 7-day on-sale license for a 5,449 square foot restaurant with a 986 square foot outdoor patio located at 3410 Plum Tree Drive, Ellicott City, Maryland 21042. The hearing was properly advertised pursuant to Article 2B 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 January 7, 2016, from the attorney for the Applicants enclosing the application; the background investigation questionnaires for the Applicants; a copy of the floor

plan; a copy of the Articles of Organization for Mission BBQ Ellicott City, LLC; certification that the Articles of Organization for Mission BBQ Ellicott City, LLC, is a true copy of the public record from State of Maryland Department of Assessments and Taxation; a copy of a memorandum dated March 17, 2016, from the Liquor Board 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 from the Alcohol Beverage Inspector, dated January 14, 2016; an email dated March 18, 2016, by the Department of Inspections, Licenses, and Permits; a memorandum dated March 1, 2016, from the Bureau of Environmental Health; a memorandum dated February 1, 2016, from the Department of Planning and Zoning; a letter dated March 17, 2016, to the Department of Finance; a letter from the Department of Finance; a letter dated March 17, 2016, to the Comptroller of the Treasury; a letter dated March 24, 2016, from the Comptroller of the Treasury; a facsimile transmission cover sheet dated March 17, 2016, to the attorney for the Applicants, attaching a letter with notification of the hearing date, and the advertisement; an email dated April 15, 2016, from the Alcoholic Beverage Inspector stating the premises had been posted, and a letter dated May 4, 2016, from the attorney for the Applicants enclosing a copy of the certificates of advertising from the Howard County Times and the Baltimore Sun.

SUMMARY OF TESTIMONY

William Joseph Kraus, was sworn and testified that he has a 75% interest in Mission BBQ Management, LLC. Mr. Kraus testified that Mission BBQ Management, LLC has a 90% interest in Mission BBQ Ellicott City, LLC. He stated that there are 27 Mission BBQ

restaurants in 7 states.

Mr. Kraus testified that he and Mr. Newton came up with the concept of Mission BBQ, because they love both barbeque, and their country. Mr. Kraus testified that he and Mr. Newton are proud patriots, and wanted to remind people that we live in a great country. Mr. Kraus testified that they opened their first Mission BBQ restaurant on September 11, 2011.

Mr. Kraus testified that they currently have five Mission BBQ restaurants operating in Howard County, Baltimore County, Baltimore City, Anne Arundel County, and St. Mary's County. Mr. Kraus testified that they opened a Mission BBQ restaurant in Columbia in 2014, and that they have not had any violations.

Mr. Kraus testified that they will have 20 to 25 employees per shift, and that all management will be alcohol awareness certified. They will also have written policies for the employees. Mr. Kraus testified that there will be a Director of Operations, and a full-time management team on premises at all times.

Mr. Kraus testified that when a customer comes into the restaurant, they will walk up to the counter to place their order. If they order a beer, they will be carded immediately.

Mr. Kraus testified that they will have a 986 square foot outdoor patio that will only be accessible from the inside of the restaurant. Mr. Kraus testified that there will be a wrought iron fence around the patio to ensure compliance with the liquor laws, and that they will also have staff oversee the area.

Mr. Kraus testified that if approved, they hope to be open in mid-July.

Colette Newton, 10% shareholder of Mission BBQ Ellicott City, LLC, t/a Mission BBQ, was sworn and testified that she has lived in Howard County for 14 years, and that she is a

registered voter. Ms. Newton testified that she is a licensee for the Mission BBQ restaurants in Perry Hall, Glen Burnie, and Columbia.

Ms. Newton testified that she would provide an extra set of eyes to ensure compliance with the rules and regulations. Ms. Newton testified that the beer is served in cans.

Stephen Scott Newton, was sworn and testified that he has a 25% interest in Mission BBQ Management, LLC, which has a 90% interest in Mission BBQ Ellicott City, LLC. Mr. Newton testified that he is a licensee for various Outback Steakhouses in Maryland, and that he has 34 years of restaurant experience. Mr. Newton testified that his role will be operational oversight of the restaurant, as he provides to the other Mission BBQ restaurants. Mr. Newton testified that he is responsible for making sure that the employees understand their obligations. Mr. Newton testified that the employees will be trained initially when they are hired, and two times per year after that. Mr. Newton testified that all managers are alcohol awareness certified.

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicants did not waive 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 Colette M. Newton, William Joseph Kraus, and Stephen Scott Newton, on behalf of Mission BBQ Ellicott City, LLC, t/a Mission BBQ, have applied for a new Class B Beer 7-day on-sale license for a 5,449 square foot restaurant with a 986 square foot outdoor patio located at 3410 Plum Tree Drive, Ellicott City, Maryland 21042.

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 Colette M. Newton has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Mission BBQ Ellicott City, LLC.

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 of the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Colette M. Newton, William Joseph Kraus, and Stephen Scott Newton, on behalf of Mission BBQ Ellicott City, LLC, t/a Mission BBQ, have applied for a new Class B Beer 7-day on-sale license for a 5,449 square foot restaurant with a 986 square foot outdoor patio located at 3410 Plum Tree Drive, Ellicott City, Maryland 21042.

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

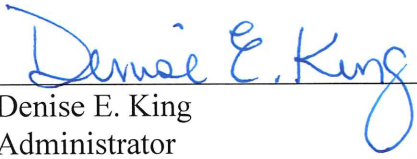
ORDER

For the foregoing reasons, it is this 25th day of May, 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Colette M. Newton, William Joseph Kraus, and Stephen Scott Newton, on behalf of Mission BBQ Ellicott City, LLC, t/a Mission BBQ, for a new Class B Beer 7-day on-sale license for a 5,449 square foot restaurant with a 986 square foot outdoor patio located at 3410 Plum Tree Drive, Ellicott City, Maryland 21042, 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 September 30, 2016, shall render this Proposed Decision and Order null and void.

ATTEST:


ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND


Denise E. King
Administrator

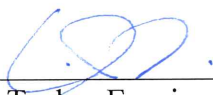

Mary Bird, Chairperson


Harry Evans, III, Vice-Chairperson

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


Charles C. Feaga, Member


Heather Gaetano, Member


Lewis Taylor, Esquire
Assistant County Solicitor

ABSENT
Charley C. Sung, Member