

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF LAUREN MCINTURFF	*	
AND WENDY BINDER ON BEHALF OF	*	BEVERAGE HEARING
WENDEC ENTERPRISES, LLC, t/a SECOND	*	
CHANCE SALOON, FOR A RESIDENT AGENT	*	BOARD FOR
CHANGE ON A CLASS B BEER, WINE,	*	
AND LIQUOR 7-DAY ON-SALE LICENSE	*	HOWARD COUNTY, MD
	*	
	*	Case No. 17-15

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 March 22, 2017, the Hearing Board heard the application of Lauren McInturff and Wendy Binder (the “Applicants”), on behalf of WenDec Enterprises, LLC, t/a Second Chance Saloon (“WenDec Enterprises, LLC”), for a resident agent change from Brian Donoghue to Lauren McInturff on a Class B Beer, Wine, and Liquor 7-day on-sale license for a 4,200 square foot restaurant with a 1,500 square foot patio located at 5888-A Robert Oliver Place, Columbia, Maryland 21045. The hearing was properly advertised pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicants were not represented by an attorney. 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: an email dated March 13, 2017, from the Administrator to the Applicant for WenDec Enterprises, LLC, t/a Second Chance Saloon, notifying them that the hearing scheduled before the Alcoholic Beverage Hearing Board on March 14, 2017, would be postponed until March 22, 2017; the application; copies of the background investigation questionnaires for the Applicants; a copy of the voter registration record for Lauren Marie McInturff; an email dated February 2, 2017, from Brian Donoughe to the Liquor Board Administrator confirming his resignation as a liquor license holder; a copy of the Minutes of the Meeting of Stockholders of WenDec Enterprise, Inc., dated December 20, 2016; a letter dated December 20, 2016, from Elizabeth A. Green, attorney for WenDec Enterprises, Inc.; an email dated December 6, 2016, to Wendy Binder, from Brian Donoughe; a copy of the Articles or Certificate of Reinstatement of WenDec Enterprises, LLC; a memorandum dated February 13, 2017, from the Liquor Board Administrator 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 by the Alcohol Beverage Inspector dated March 6, 2017; a memorandum dated March 1, 2017, from the Department of Planning and Zoning; a letter dated February 16, 2017, from the Office of the Fire Marshal; a letter dated February 13, 2017, to the Department of Finance; letter from the Department of Finance; a Manual Certification report for WenDec Enterprises, LLC, dated February 21, 2017, from the State of Maryland Department of Assessments and Taxation; a letter dated February 13, 2017, to the Comptroller of Maryland; a letter dated March 8, 2017, from the Comptroller of Maryland; an email dated February 16, 2017, from the Liquor Board Administrator to the

Applicant, attaching a fax transmission sheet, with a letter from the Liquor Board Administrator to the Applicant, advising notification of the hearing date, and enclosing the required advertisement; and an e-mail dated February 21, 2017, from the Alcoholic Beverage Inspector stating the premises had been posted.

SUMMARY OF TESTIMONY

Wendy Binder, 90% shareholder of WenDec Enterprises, LLC, t/a Second Chance Saloon, was sworn and testified that it was necessary to find a new resident agent because Brian Donoghue, was taking a position with a liquor distributor, and it would be a conflict to be on a retail liquor license. Ms. Binder testified that Lauren McInturff has worked at the restaurant since they opened in 2008.

Lauren McInturff, 10% shareholder of WenDec Enterprises, LLC, was sworn and testified that she has lived in Howard County for 34 years, is a registered voter, and is alcohol awareness certified. Ms. McInturff testified that she has worked on Friday nights since the restaurant opened, and is at the restaurant several times per week. Ms. McInturff testified that she is familiar with the rules and regulations governing the sale of alcoholic beverages, and that she understands the responsibility of being a licensee.

Ms. McInturff testified that they have not had any violations during the time that she has worked at Second Chance Saloon. Ms. McInturff testified that they have a small staff to manage, and that she will help run the front-end staff meetings.

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 Lauren McInturff and Wendy Binder, on behalf of WenDec Enterprises, LLC, t/a Second Chance Saloon, have applied for a resident agent change from Brian Donoghue to Laurel McInturff on a Class B Beer, Wine, and Liquor 7-day on-sale license for a 4,200 square foot restaurant with a 1,500 square foot patio located at 5888-A Robert Oliver Place, 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 Lauren McInturff has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of WenDec Enterprises, LLC, t/a Second Chance Saloon.

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 Lauren McInturff and Wendy Binder, on behalf of WenDec Enterprises, LLC, t/a Second Chance Saloon, have applied for a resident agent change from Brian Donoghue to Lauren McInturff on a Class B Beer, Wine, and Liquor 7-day on-sale license for a 4,200 square foot restaurant with a 1,500 square foot patio located at 5888-A Robert Oliver Place, 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 Lauren McInturff 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 finds that the granting of the application will not unduly disturb the peace and safety of the residents of the neighborhood.

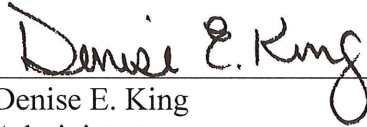
ORDER

For the foregoing reasons, it is this 20th day of April, 2017, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Lauren McInturff and Wendy Binder, on behalf of WenDec Enterprises, LLC, t/a Second Chance Saloon, for a resident agent change from Brian Donoghue to Laurel McInturff on a Class B Beer, Wine, and Liquor 7-day on-sale license for a 4,200 square foot restaurant with a 1,500 square foot patio located at 5888-A Robert Oliver Place, Columbia, Maryland 21045, be and the same is hereby **GRANTED**, subject to the following conditions:

- (a) That the Applicants comply with all State and County laws; and
- (b) Failure to comply with these conditions and obtain the license by April 30, 2017, shall render this Proposed Decision and Order null and void.

ATTEST:

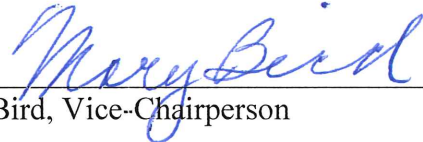
ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator



Heather Gaetano, Chairperson

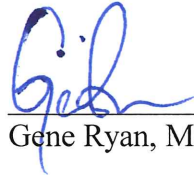


Mary Bird, Vice-Chairperson

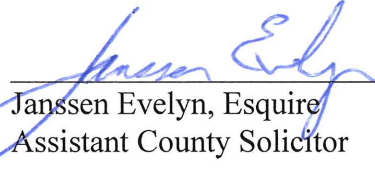
REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
GARY W. KUC
COUNTY SOLICITOR

ABSENT

Charles C. Feaga, Member



Gene Ryan, Member



Janssen Evelyn, Esquire
Assistant County Solicitor



Charley C. Sung, Member