

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF BOBBY RAY	*	BEVERAGE HEARING BOARD
MITCHELL AND MARY ANN	*	FOR
MITCHELL ON BEHALF OF MA'S	*	HOWARD COUNTY, MARYLAND
KETTLE, INC. T/A MA'S KETTLE FOR	*	
RESIDENT AGENT CHANGE AND	*	Case No.: 20-33
CHANGE OF CLASS FROM A BEER &	*	
LIGHT WINE TO A BEER, WINE &	*	
LIQUOR CLASS B LIQUOR 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 October 27, 2020, the Hearing Board heard the application of Bobby Ray Mitchell and Mary Ann Mitchell (the "Applicants") on behalf of Ma's Kettle, Inc. t/a Ma's Kettle ("Ma's Kettle") for a resident agent change from Mary Ann Mitchell to Bobby Ray Mitchell and a change of class from a beer and light wine to a beer, wine and liquor class B 7-day on sale license for a 3,080 square foot restaurant located at 8949 Baltimore Street, Savage, MD 20763.

The hearing was properly advertised, and the property posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicants were 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

Bobby Ray Mitchell, proposed resident agent and current licensee, was sworn in and testified. Mr. Mitchell testified that Ma's Kettle was opened in 1976 and in 1983 they acquired a license to serve beer and light wine. Mr. Mitchell testified that since that time, they have had no violations. Mr. Mitchell also stated that their night time business has increased, and customers are asking for mixed drinks. Mr. Mitchell testified that he is more involved in the business and proposes that he replace his mother, Mary Ann Mitchell, as resident agent. Mr. Mitchell testified that he has lived in Howard County for 60 years and is a registered voter. Mr. Mitchell stated that he also runs a catering business (Putting on the Ritz) which is under the same corporation as Ma's Kettle, Inc.

John O'Connell testified in favor of the application. Mr. O'Connell frequents Ma's Kettle on a regular basis and believes having a liquor license would be a benefit to the customers.

Janet Shoenfeld stated that she has known the Mitchell's for 25 years and has used their catering services several times and frequents the restaurant. Ms. Shoenfeld testified that the Mitchells are good business owners and are known for donating to the community. Mr. Shoenfeld believes that extending the alcohol license will be welcomed by the customers.

Susan Garber testified that she supports the expanded license. Ms. Garber believes the Mitchells are responsible owners and now that they serve dinner it is appropriate to serve cocktails as well as beer and wine.

Joe Chervenak testified that he supports the liquor license. Mr. Chervenak stated that the restaurant and the family are a big part of the community and contribute to the

community.

Chris Zahlis testified in support of the application. Mr. Zahlis stated that he and his family regularly go to Ma's Kettle and sometimes go elsewhere if someone in their group wants a cocktail because cocktails are currently unavailable at Ma's Kettle.

Brian Clifford has been going to Ma's Kettle for sixteen years. Mr. Clifford doesn't drink alcohol but is in favor of the application because he believes it will help the business.

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 Bobby Ray Mitchell and Mary Ann Mitchell on behalf of Ma's Kettle, Inc. t/a Ma's Kettle have applied for a resident agent change from Mary Ann Mitchell to Bobby Ray Mitchell and a change of class from a beer and light wine to a beer, wine and liquor class B 7-day on sale license for a 3,080 square foot restaurant located at 8949 Baltimore Street, Savage, MD 20763.

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 Bobby Ray Mitchell is a Howard County resident, is a registered voter, and a 77.33% interest holder of Ma's Kettle.

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 Bobby Ray Mitchell and Mary Ann Mitchell on behalf of Ma's Kettle, Inc. t/a Ma's Kettle have applied for a resident agent change from Mary Ann Mitchell to Bobby Ray Mitchell and a change of class from a beer and light wine to a beer, wine and liquor class B 7-day on sale license for a 3,080 square foot restaurant located at 8949 Baltimore Street, Savage, MD 20763.

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 Bobby Ray Mitchell 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 28th day of December, 2020, by the Alcoholic Beverage Hearing Board of Howard County, **ORDERED** that the application of Bobby Ray Mitchell and Mary Ann Mitchell on behalf of Ma's Kettle, Inc. t/a Ma's Kettle for a resident agent change from Mary Ann Mitchell to Bobby Ray Mitchell and a change of class from a beer and light wine to a beer, wine and liquor class B 7-day on sale license

for a 3,080 square foot restaurant located at 8949 Baltimore Street, Savage, MD 20763, be and the same is hereby **GRANTED**, subject to the following conditions:

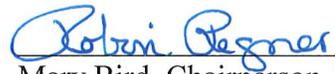
- (a) That the Applicants comply with all State and County Rules and Regulations; and
- (b) That the Applicants satisfy any requirements necessary to obtain the license by March 1, 2021, unless that deadline is extended by the Board upon good cause shown; and
- (c) Failure to comply with these conditions shall render this Proposed Decision and Order null and void.

ATTEST:

**ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND**



Robin Regner
Board Administrator



Robin Regner, Bd. Admin. for
Mary Bird, Chairperson

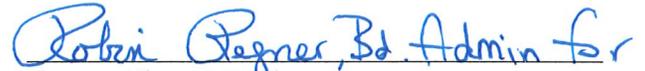


Robin Regner, Bd. Admin. for
Harry Evans, Vice-Chairperson

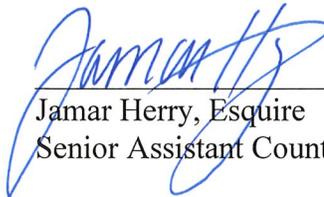
**REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
GARY W. KUC
COUNTY SOLICITOR**



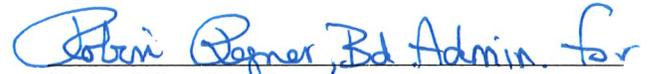
Robin Regner, Bd. Admin. for
Charley Sung, Member



Robin Regner, Bd. Admin. for
Steven Chen, Member



Jamar Herry, Esquire
Senior Assistant County Solicitor



Robin Regner, Bd. Admin. for
Claire Kim, Member