

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF CHRISTOPHER	*	
CHIA-CHI TSIEN, THOMAS AVALLONE,	*	BEVERAGE HEARING BOARD
AND BRUCE FREDERICK HAWKINS	*	
ON BEHALF OF BERTUCCI'S	*	FOR
RESTAURANTS (COLUMBIA), LLC, T/A	*	
BERTUCCI'S, FOR A TRANSFER OF	*	HOWARD COUNTY,
A CLASS B BEER, WINE, AND LIQUOR	*	
7-DAY ON SALE LICENSE	*	MARYLAND
	*	
	*	CASE NO: 19-08

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 12, 2019, the Hearing Board heard the application of Christopher Chia-Chi Tsien, Thomas Avallone, and Bruce Frederick Hawkins (the "Applicants"), on behalf of Bertucci's Restaurants (Columbia), LLC, t/a Bertucci's ("Bertucci's"), for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license, from Christopher C. Tsien, Dean Edward Carman, and Kevin George Bakas, on behalf of Bertucci's of Columbia, Inc. t/a Bertucci's Italian Restaurant, for a 7,168 square foot restaurant located at 9081 Snowden River Parkway, Columbia, Maryland 21046.

The hearing was properly advertised and 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

Thomas Avallone, Vice Chairman of the LLC, was sworn and testified that he oversees all company operations, has had no changes to his personal information since the application was submitted, and has no felonies or violations of alcohol or gambling laws. Mr. Avallone testified that he is a member and manager of Bertucci's Restaurants (Columbia), LLC.

Applicant's Exhibit No. 1, *Current Version of Bertucci's Menu*, was submitted and accepted into the record.

Mr. Avallone testified that Bertucci's will have approximately 25 employees and that all bartenders and servers will have alcohol awareness training through the ServSafe alcohol certification program. He also testified that all customers requesting alcohol will be required to provide identification.

Mr. Avallone testified that he has received the Board's Rules and Regulations and understands and agrees to them and that he would appear before the Board should any violations occur at this restaurant.

Mr. Avallone stated that if this transfer were approved, the operations at Bertucci's would remain the same. He also clarified that the parent company of Bertucci's is Planet Hollywood.

William Kistle, General Manager of Bertucci's, was sworn and testified that he oversees day-to-day operations at this restaurant. He testified that all customers will be carded, no

vertical IDs will be accepted, and that any non-Maryland identification must be brought to the manager to be verified. He also testified that the birth date when a patron can be legally served alcohol will be posted on a sign in the kitchen area as a reminder to employees. Mr. Kistle testified that there have been no violations at this restaurant during the five years that he has been manager at this location.

Ms. Schrecengost proffered that Christopher Tsien has been the resident agent at this location since 2006 and will be continuing on as the resident agent for Bertucci's.

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 Christopher Chia-Chi Tsien, Thomas Avallone, and Bruce Frederick Hawkins, on behalf of Bertucci's Restaurants (Columbia), LLC, t/a Bertucci's, have applied for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license from Christopher C. Tsien, Dean Edward Carman, and Kevin George Bakas, on behalf of Bertucci's of Columbia, Inc., t/a Bertucci's Italian Restaurant, for a 7,168 square foot restaurant located at 9081 Snowden River Parkway, Columbia, Maryland 21046.

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 Christopher Chia-Chi Tsien has been a Howard County resident for more than two years, is a registered voter, a 10% shareholder, and an

authorized member of Bertucci's.

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 Christopher Chia-Chi Tsien, Thomas Avallone, and Bruce Frederick Hawkins, on behalf of Bertucci's Restaurants (Columbia), LLC, t/a Bertucci's, have applied for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license from Christopher C. Tsien, Dean Edward Carman, and Kevin George Bakas, on behalf of Bertucci's of Columbia, Inc., t/a Bertucci's Italian Restaurant, for a Class B Beer, Wine, and Liquor 7-day on-sale license for a 7,168 square foot restaurant located at 9081 Snowden River Parkway, Columbia, Maryland 21046.

2. The Hearing Board concludes that the Applicants are fit and proper persons to hold an alcoholic beverage license.

3. The Hearing Board finds that Christopher Chia-Chi Tsien has been a Howard County resident for more than two years, is a registered voter, a 10% shareholder, and an authorized member of Bertucci's.

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 26th day of March, 2019, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Christopher Chia-Chi Tsien, Thomas Avallone, and Bruce Frederick Hawkins, on behalf of Bertucci's Restaurants (Columbia), LLC, t/a Bertucci's, for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license from Christopher C. Tsien, Dean Edward Carman, and Kevin George Bakas, on behalf of Bertucci's of Columbia, Inc., t/a Bertucci's Italian Restaurant, for a Class B Beer, Wine, and Liquor 7-day on-sale license for a 7,168 square foot restaurant located at 9081 Snowden River Parkway, Columbia, Maryland 21046 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;
- (b) That the Applicants satisfy any requirements necessary to obtain the license by May 25, 2019, 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:

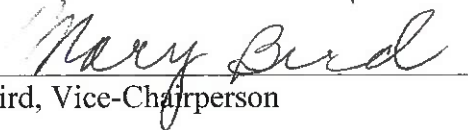
ALCOHOLIC BEVERAGE HEARING BOARD
OF HOWARD COUNTY, MARYLAND



Robin Regner
Board Administrator



Gene Ryan, Chairperson



Mary Bird, Vice-Chairperson

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

ABSENT AT TIME OF SIGNING
Charles C. Feaga, Member



Heather Gaetano, Member



Lewis Taylor, Esquire
Senior Assistant County Solicitor

ABSENT
Charley C. Sung, Member