

|                                 |   |                         |
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| IN THE MATTER OF THE            | * | BEFORE THE ALCOHOLIC    |
| APPLICATION OF CHRISTOPHER      | * |                         |
| JAMES BUZAITIS AND LUIGI        | * | BEVERAGE HEARING BOARD  |
| PALMA-ESPOSITO ON BEHALF        | * |                         |
| OF YOU PIZZA OF CLARKSVILLE,    | * | FOR                     |
| INC., T/A YOU PIZZA, FOR A NEW  | * |                         |
| CLASS B, BEER, WINE, AND LIQUOR | * | HOWARD COUNTY, MARYLAND |
| 7-DAY ON-SALE LICENSE           | * |                         |
|                                 | * | Case No.:18-38          |
|                                 | * |                         |

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### **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 September 11 and October 23, 2018, the Hearing Board heard the application of Christopher James Buzaitis and Luigi Palma-Esposito (the "Applicants"), on behalf of You Pizza of Clarksville, Inc., t/a You Pizza ("You Pizza"), for a new Class B, Beer, Wine, and Liquor 7-Day On-Sale License for a 2,300-square foot restaurant with a 494-square foot patio located at 12250 Clarksville Pike, Suite G, Clarksville, MD 21029.

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 Thomas 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.

## **SUMMARY OF TESTIMONY**

### **September 11, 2018, Hearing**

Luigi Palma-Esposito, President and 90% owner of You Pizza, was sworn and testified before the Board.

Mr. Palma-Esposito testified that You Pizza has been open for sixteen months without a liquor license and that customers often ask for beer, wine, or a drink with their meals. He testified that he has been in the restaurant business for twenty years and has been a licensee for a number of restaurants. He said he has had one violation of the Liquor laws, selling wine off-sale, in the past.

He testified that the concept of You Pizza is counter service where you choose your pizza or salad options and the food is ready to take to a table by the time you pay the cashier. Mr. Palma-Esposito testified that customers wanting beer or wine order at the cashier where they will be asked for identification. The employees serving the wine will be TAMS certified.

Mr. Palma-Esposito testified that if the customer orders two drinks, the person they are with is required to come to the counter and show identification. He said the restaurant is an open concept where the manager and employees can see the seating area from the counter and will monitor the eating area.

According to Mr. Palma-Esposito, the hours of operation are 11:00 a.m. to 10:00 p.m. Sunday through Thursday and 11:00 a.m. to 11:00 p.m. Friday and Saturday.

He testified that the employees who serve the alcohol and the manager will be TAMS certified. Mr. Palma-Esposito testified that in addition to the TAMS training he will personally train staff regarding alcohol laws and service and that he will monitor them very closely.

Mr. Palma-Esposito testified that he has two other restaurants with liquor licenses, Facci

in Turf Valley and Facci on Montpelier Rd. He stated that it is his practice to card everyone who orders a drink in order to prevent any problems.

He testified that there is an outdoor patio of 494 square feet which is right outside the front door which is enclosed by planters to confine the space and will be monitored by staff. He said that he also owns Pasta Blitz in Clarksville which has a similar set up and it has worked well and both Facci's have outdoor patios and have had no problems.

Mr. Palma-Esposito testified that he has made many contributions to the community through his restaurants and will continue to do so.

Christopher James Buzaitis, 10% stock holder, secretary and treasurer, and proposed resident agent, was sworn and testified before the Board.

Mr. Buzaitis testified that he is a registered voter, has resided in Howard County for five years and lives right down the street from Mr. Palma-Esposito. He testified that he worked at a liquor store in Wisconsin in his early twenties so he is familiar with liquor laws and never had any violations. He stated that he will get the TAMS certification and he understands the Board's rules and regulations.

Mr. Buzaitis testified that he is a stay-at-home dad and will be spending a lot of time at the restaurant making sure that all liquor rules are followed properly. He stated that he is not yet alcohol awareness certified.

#### **October 23, 2018, Hearing**

The case was reopened on October 23, 2018, to consider comments submitted by the Howard County Health Department dated October 9, 2018, identifying an issue with the facilities at the restaurant and the ability to serve mixed drinks. The Health Department indicated that it had no objection to the proposed liquor license, as long as there was no mixing



of drinks without proper facilities.

Luigi Palma-Esposito gave additional testimony that the proposed restaurant will not have a bar or a designated area to mix drinks, however, he wants to provide after-dinner drinks that do not require mixing to his customers. He testified that he had two other restaurants that had beer, wine and liquor licenses, but did not have mixed drinks or a bar. Mr. Esposito testified that he will only have six liquors on site that require no mixing and proposed that a stipulation be added to the Decision and Order specifying this. Mr. Esposito suggested that the Health Department inspect the premises at any time to confirm that this stipulation is being adhered to.

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicants waived their rights 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 James Buzaitis and Luigi Palma-Esposito, on behalf of You Pizza of Clarksville, Inc., t/a You Pizza, have applied for a new Class B, Beer, Wine, and Liquor, 7-day on-sale license for a 2,300-square foot restaurant with a 494-square foot patio located at 12250 Clarksville Pike, Suite G, Clarksville, MD 21029.
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 Mr. Buzaitis, the resident agent applicant, has been a Howard County resident for more than five years and is a registered voter.
4. The Hearing Board finds that the Applicants have consented to a condition on the license that the only liquor to be stored or served at the restaurant will be: limoncello,

orangeccello, sambuca, amaretto, Jagermeister, and Amaro Averna, and that there will be no mixing of drinks.

5. The Hearing Board finds that the granting of the application is necessary for the accommodation of the public.

6. 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 Christopher James Buzaitis and Luigi Palma-Esposito, on behalf of You Pizza of Clarksville, Inc., t/a You Pizza, have applied for a new Class B, Beer, Wine and Liquor, 7-day on-sale license for a 2,300-square foot restaurant with a 494-square foot patio located at 12250 Clarksville Pike, Suite G, Clarksville, MD 21029.

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 Christopher James Buzaitis 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 Applicants have consented to a condition on the license that the only liquor to be stored or served at the restaurant will be: limoncello, orangeccello, sambuca, amaretto, Jagermeister, and Amaro Averna, and that there will be no mixing of drinks.

5. The Hearing Board concludes that the granting of the application is necessary for the accommodation of the public.

6. The Hearing Board concludes 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 13<sup>th</sup> day of November 2018, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED**, that the application of Christopher James Buzaitis and Luigi Palma-Esposito, on behalf of You Pizza of Clarksville, Inc., t/a You Pizza, for a new Class B, Beer, Wine and Liquor, 7-day on-sale license for a 2,300-square foot restaurant with a 494-square foot patio located at 12250 Clarksville Pike, Suite G, Clarksville, MD 21029, be and the same is hereby **GRANTED**, subject to the following conditions:

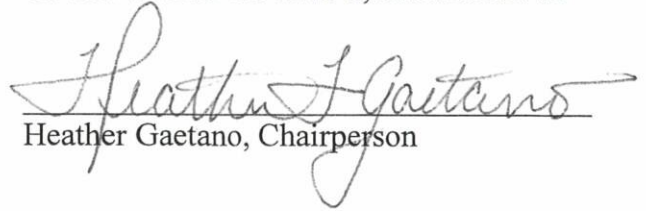
- (a) That the Applicants comply with all State and County laws and regulations;
- (b) That, with the consent of the Applicants, the only liquor to be stored or served at the restaurant will be: limoncello, orangeccello, sambuca, amaretto, Jagermeister, and Amaro Averna, and that there will be no mixing of drinks;
- (c) That Christopher Buzaitis provide evidence that he has successfully completed an alcohol awareness course as required by State law;
- (d) That the Applicants satisfy any requirements necessary to obtain the license by February 11, 2019, unless that deadline is extended by the Board upon good cause shown; and
- (e) Failure to comply with these conditions shall render this Proposed Decision and Order null and void.

ATTEST:



Robin Regner  
Board Administrator

ALCOHOLIC BEVERAGE HEARING BOARD  
OF HOWARD COUNTY, MARYLAND



Heather Gaetano, Chairperson


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ABSENT

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

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ABSENT

Charley C. Sung, Member