

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF TIMOTHY FURMAN	*	
DOUGHERTY, JOHN G. LAYTHAM,	*	BEVERAGE HEARING BOARD
AND THOMAS M. MEYER ON BEHALF	*	
OF CLYDE’S OF COLUMBIA,	*	FOR
INC., t/a CLYDE’S OF COLUMBIA/THE	*	
PALACE, FOR A RESIDENT AGENT	*	HOWARD COUNTY, MARYLAND
CHANGE AND AN EXTENSION OF	*	
PREMISES ON A CLASS B BEER,	*	CASE NO. 17-31
WINE, AND 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 July 11, 2017, the Hearing Board heard the application of Timothy Furman Dougherty, John G. Laytham, and Thomas M. Meyer (the “Applicants”), on behalf of Clyde’s of Columbia, Inc., t/a Clyde’s of Columbia/The Palace (“Clyde’s of Columbia”), for a resident agent change from William Ireland to Timothy Furman Dougherty, and for an extension of premises on a Class B Beer, Wine, and Liquor 7-day On-Sale License for a 14,713 square foot restaurant with a 982square foot patio and a 3,198 square foot patio/pavilion, located at 10221 Wincopin Circle, Columbia, Maryland 21044. The hearing was properly advertised and the premises posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicants were represented by Thomas Coale, 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

Timothy Furman Dougherty, proposed resident agent for Clyde's of Columbia, Inc., t/a Clyde's of Columbia/The Palace, was sworn and testified that he has been a Howard County resident for over 30 years, is a registered voter, and will become alcohol awareness certified prior to the license being issued. Mr. Dougherty testified that he has never been convicted of a felony, has not held a liquor license previously and does not own any interest in Clyde's of Columbia. He testified that new employees will go through corporate training in D.C. as well as on the premises and that all servers will be alcohol awareness certified.

Mr. Dougherty testified that he is familiar with the rules and regulations governing the sale of alcoholic beverages and that he will abide by them and that the operation will be run in full compliance with the liquor laws.

Mr. Dougherty testified that he works at the establishment on a full-time basis and will be supervising the operation. He is familiar with Clyde's policies and that secret shoppers will come to this establishment on a regular basis. Anyone under 35 years of age will have their ID checked.

Thomas Meyer, Vice President of Clyde's, was sworn and testified about the plan to turn Tomato Palace into a music entertainment venue. Food will continue to be served and the new space will be also be used for private banquets, wedding, and corporate functions. He testified that the daily receipts from the sale of food will exceed the daily receipts from the sale of alcoholic beverages. Mr. Meyer anticipates that the new concept will be open by the end of 2017 or January 2018. The new space will be called The Palace and seating capacity in the new configuration will be approximately 240. The hours of operation will be mainly in

the evening and this establishment will be open until 1 a.m. Some daytime activities will occur as well, such as private events – luncheons, family entertainment, and children’s acts.

Tickets for events at this venue will be handled through Tickeyfly and there will be a full menu and drinks available throughout the show, however, there will be no requirement to purchase food. The type of events at this venue will be of high quality and will include national touring acts, jazz programming, and rock and roll.

Jeff Owens, treasurer of Clyde’s of Columbia, was sworn and testified that he worked with an architect when applying for this extension of premises and that the calculations of square footage on the final application are correct.

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 Timothy Furman Dougherty, John G. Laytham, and Thomas M. Meyer (the “Applicants”), on behalf of Clyde’s of Columbia, Inc., t/a Clyde’s of Columbia/The Palace (“Clyde’s of Columbia”), have applied for a resident agent change from William Ireland to Timothy Furman Dougherty and for an extension of premises for a Class B Beer, Wine, and Liquor 7-day On-Sale License for a 14,713 square foot restaurant with a 982 patio and a 3,198 square foot patio/pavilion, located at 10221 Wincopin Circle, Columbia, Maryland 21044.

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 Timothy Furman Dougherty has been a Howard County resident for more than two years, is a registered voter, and is a full-time manager at Clyde's of Columbia.

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 Timothy Furman Dougherty, John G. Laytham, and Thomas M. Meyer (the "Applicants"), on behalf of Clyde's of Columbia, Inc., t/a Clyde's of Columbia/The Palace ("Clyde's of Columbia"), have applied for a resident agent change from William Ireland to Timothy Furman Dougherty and for an extension of premises for a Class B Beer, Wine, and Liquor 7-day On-Sale License for a 14,713 square foot restaurant with a 981.68 patio and a 3,197.79 square foot patio/pavilion, located at 10221 Wincopin Circle, Columbia, Maryland 21044.

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 Timothy Furman Dougherty meets the requirements of Rules 1.10(S), 1.10(T), 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 the application would not

unduly disturb the peace and safety of the neighborhood.

ORDER

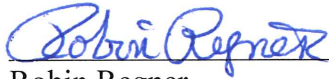
For the foregoing reasons, it is this 30th day of August, 2017, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Timothy Furman Dougherty, John G. Laytham, and Thomas M. Meyer (the "Applicants"), on behalf of Clyde's of Columbia, Inc., t/a Clyde's of Columbia/The Palace ("Clyde's of Columbia"), for a resident agent change from William Ireland to Timothy Furman Dougherty and for an extension of premises for a Class B Beer, Wine, and Liquor 7-day On-Sale License for a 14,713 square foot restaurant with a 981.68 patio and a 3,197.79 square foot patio/pavilion, located at 10221 Wincopin Circle, Columbia, Maryland 21044, 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; and
- (b) That Timothy Furman Dougherty provide an alcohol awareness certification prior to issuance of this license; and
- (c) That the Howard County Health Department completes a review of kitchen-dining area alterations and addition of a new bar as well as a Pre-Opening inspection of the entire facility; and
- (d) That the Applicants satisfy any requirements necessary to obtain the license by February 28, 2018, 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:

ALCOHOLIC BEVERAGE HEARING

BOARD OF HOWARD COUNTY,
MARYLAND



Robin Regner
Acting Administrator



Heather Gaetano, Chairperson

ABSENT

Mary Bird, Vice-Chairperson

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

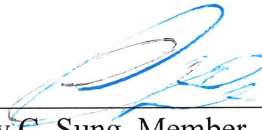


Charles C. Feaga, Member

ABSENT AT TIME OF SIGNING
Gene Ryan, Member



Lewis Taylor, Esquire
Assistant County Solicitor



Charley C. Sung, Member