

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF JAMES P.	*	BEVERAGE HEARING BOARD
PARISEAULT, ANDREW A. LEACH	*	FOR
AND JACQUELINE B. LEACH ON	*	HOWARD COUNTY, MD
BEHALF OF GRILLMARX HC LLC	*	
T/A GRILLMARX STEAKHOUSE &	*	CASE NO.: 20-19
RAW BAR FOR A NEW CLASS B	*	
BEER, WINE & LIQUOR 7-DAY	*	
ON SALE LICENSE	*	

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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 July 14, 2020, the Hearing Board heard the application of James P. Pariseault, Andrew A. Leach and Jacqueline B. Leach (“Applicants”) on behalf of GrillMarx HC LLC t/a GrillMarx Steakhouse & Raw Bar (“GrillMarx”) for a new Class B Beer, Wine and Liquor 7-day on-sale license for a 6,971.5-square foot restaurant with a 912-square foot outdoor patio located at 10175 Little Patuxent Parkway, Columbia, MD 21044.

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

Andrew Leach, proposed licensee with a 55% ownership interest in GrillMarx, was sworn in and testified that the original hearing scheduled for June 9, 2020 was postponed due to confusion with changing the corporate name, however, it has been decided to keep the original corporate name of GrillMarx HC, LLC. Mr. Leach testified that he understands that if approved, the license will be in the name of GrillMarx HC, LLC. Mr. Leach also testified that he understands that if the liquor license is transferred or the name changed in the future, he would need to come back before the Hearing Board for approval.

Mr. Leach testified that he has had previous experience with owning and operating a restaurant and has been in the business for 20-30 years, including his roles as a waiter, bartender, manager and as a part owner. Mr. Leach stated that he has worked at 15-20 restaurants including owning and operating two other GrillMarx restaurants, which are located in Clarksburg and Olney, Maryland.

Mr. Leach testified that he hopes to open GrillMarx in Columbia as soon as possible; however, he needs to hire and train employees. Mr. Leach stated that there is a 912 square foot patio at this location and the patio will be enclosed with a decorative rock wall and that customers would need to go through the restaurant to access or exit the patio area. Mr. Leach testified that he will be the principal owner and operator of GrillMarx and plans to be there every day for the immediate future.

Mr. Leach testified that he is alcohol awareness certified and that all staff will be TIPs certified. Mr. Leach stated that he plans to have 50-60 employees when the restaurant is fully operating and that the hours of operation will be Friday and Saturday

from 11 a.m. to 11 p.m.; Monday through Thursday from 11 a.m. to 10 p.m.; and on Sunday from 10 a.m. to 9 p.m.

Mr. Leach testified that in reviewing his background report, he became aware of two violations at his other GrillMarx locations; however, he is only familiar with the violation of 2012 where a young server served an underage cadet and as a result, the server was terminated. Mr. Leach testified that there have been no other fines or violations since that time. Mr. Leach testified that he took the violation for the underaged sale seriously when it happened and in response, they ensured the staff was TIPs certified and had staff meetings before each shift.

Mr. Leach testified that he did not report this violation on his application, because he did not remember it at the time the application was completed. Mr. Leach also testified that there was no hearing before the liquor board in Montgomery County for this violation and they were only issued a fine and a citation. Concerning the background report of a violation in 2014, Mr. Leach stated he was not aware of this violation for an unauthorized purchase of alcohol. Mr. Leach explained that a 6-pack of gluten free beer was purchased and the purchase receipt was placed in the log book with other receipts – this was done without realizing this was not permitted by the Rules. Mr. Leach further explained that the Montgomery County liquor inspector wrote the infraction in a report and they viewed it as a warning, as there was no fine or citation.

Mr. Leach testified that he has been a licensee at the Olney location since 2009 and there have been no violations since that time. Mr. Leach stated that he has been a licensee at the Clarksburg location since 2013 with no violations.

Mr. Leach testified that he has read and reviewed the liquor board rules and regulations and that no prohibited practices will occur at this restaurant. Mr. Leach stated that he understands that he cannot purchase alcohol at a liquor store and bring it into the GrillMarx restaurant to serve customers. Mr. Leach testified that the restaurant at this location will accommodate the public.

Mr. Leach testified that he plans to contribute to the community by donating gift cards and supporting school fundraisers to benefit local schools and little league programs. He also plans to support, donate, and sponsor events for local charities. Mr. Leach stated that he believes word of mouth is a beneficial tool in the community. Mr. Leach testified that he plans to hire employees that live in the area and stated that this restaurant is not a chain restaurant but a family-owned restaurant.

Mr. Leach introduced, and the Board accepted into the record, Exhibit No. 1 – the menu for GrillMarx.

Mr. Leach testified that he takes responsibility for his second-degree assault and intoxicated endangerment charge and has learned from this incident. He said that he does not abuse alcohol, and this was an isolated incident.

Mr. Leach also stated he was contacted by the owner of the building to open a restaurant at this location and he liked the beautiful setting on the lake. Mr. Leach also stated that the building is both commercial and residential and this is a good opportunity to open his restaurant at this location. Mr. Leach testified that there is adequate parking for his restaurant at this location. Mr. Leach plans to be at the Columbia, MD location every day at first as there will be a lot of training and overseeing of operations; however, he still has an active role with his other two restaurants.

Jacqueline Leach, proposed licensee with a 35% membership interest in GrillMarx, was sworn and testified that she has had experience in owning and operating a restaurant. Ms. Leach stated she was previously a teacher and a part-time server, but she quit her teaching job to work at the Olney GrillMarx location where she has worked and operated for 10 years.

Ms. Leach testified that her role at this location will be as a full-time general manager and that she will live at the Lakehouse, upstairs from the proposed restaurant. Ms. Leach testified that she is alcohol awareness certified and stated that all employees will be TIPs certified and will comply with all liquor laws. Ms. Leach testified that she has never been cited for a violation of liquor laws, except for the violation from 2012, during which she was not on site at the restaurant that day. Ms. Leach stated that the employee who served the minor alcohol was terminated on the spot by the manager. Ms. Leach testified that they have not had a violation since 2012 and plans to be very diligent and careful going forward.

James Pariseault, proposed resident agent with a 10% membership interest in GrillMarx, was sworn and testified that he has lived in Howard County since 1989. Mr. Pariseault testified that he has never been convicted of a felony and is TIPs certified. Mr. Pariseault stated that he has never held a liquor license and will not be an employee of this GrillMarx. Mr. Pariseault testified that he expects to be at GrillMarx 3-4 times per week and will go in unannounced to keep an eye on operations, especially on Friday and Saturday nights when things are hectic. Mr. Pariseault stated that he is a big fan of the other GrillMarx restaurants and owns property nearby this proposed restaurant.

Mr. Pariseault testified that he understands that he will need to notify the Liquor

Board should he move and that he takes his role seriously. Mr. Pariseault testified that he has read, reviewed, and understands the Board Rules and will abide by them and ensures no prohibited practices will occur at the restaurant. Mr. Pariseault testified that he will monitor written records and receipts that are kept by the restaurant and make sure all employee records are properly maintained. Mr. Pariseault stated that this restaurant will be good for the community.

Guy Poirier, Liquor License Inspector for Montgomery County, was sworn and testified that he was assigned to the GrillMarx location in Olney and that at the request of Jackie Leach, he reviewed the violations at that location. Mr. Poirier testified that he found there was one violation for a sale to a minor in December of 2012 and that there was a warning in 2014 for a receipt that was found with other receipts for purchase of beer from Safeway. Mr. Poirier stated that this was not a violation, but a warning, and GrillMarx was given information about what is permitted to do under the rules in Montgomery County. Mr. Poirier testified that for the past six years, GrillMarx has had no issues or problems. Mr. Poirier stated that Mr. and Mrs. Leach took the violation for the sale to a minor very seriously and learned from their mistake. Mr. Poirier testified that in response to this infraction, Mr. and Mrs. Leach provided additional training and education to all staff members and all employees received alcohol awareness training and became TIPs certified.

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 James P. Pariseault, Andrew A. Leach and Jacqueline B. Leach, on behalf of GrillMarx HC LLC t/a GrillMarx Steakhouse & Raw Bar, have applied for a new Class B Beer, Wine and Liquor 7-day on-sale license for a 6,971.5-square foot restaurant with a 912-square foot outdoor patio located at 10175 Little Patuxent Parkway, Columbia, MD 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 James Pariseault is a Howard County resident, is a registered voter, and has a 10% interest in the business.

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 James P. Pariseault, Andrew A. Leach and Jacqueline B. Leach, on behalf of GrillMarx HC LLC t/a GrillMarx Steakhouse & Raw Bar, have applied for a new Class B Beer, Wine and Liquor 7-day on-sale license for a 6,971.5-square foot restaurant with a 912-square foot outdoor patio located at 10175 Little Patuxent Parkway, Columbia, MD 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 James Pariseault is a Howard County

resident, a registered voter, and has a 10% interest in the business.

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 5th day of August, 2020, by the Alcoholic Beverage Hearing Board of Howard County, **ORDERED**, that the application of James P. Pariseault, Andrew A. Leach and Jacqueline B. Leach, on behalf of GrillMarx HC LLC t/a GrillMarx Steakhouse & Raw Bar, for a new Class B Beer, Wine and Liquor 7-day on-sale license for a 6,971.5-square foot restaurant with a 912-square foot outdoor patio located at 10175 Little Patuxent Parkway, Columbia, MD 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 the Applicants satisfy any requirements necessary to obtain the license by November 2, 2020, unless that deadline is extended by the Board upon good cause shown; and

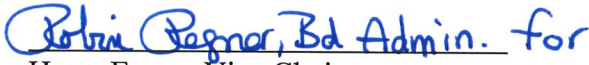
(c) Failure to comply with these conditions shall render this Proposed Decision and Order null and void.

ATTEST:

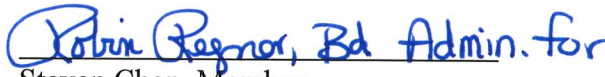
**ALCOHOLIC BEVERAGE
HEARING BOARD OF HOWARD
COUNTY, MARYLAND**

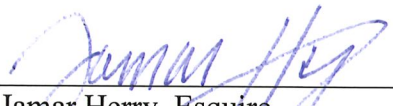

Robin Regner
Board Administrator


Mary Bird, Chairperson


Harry Evans, Vice Chairperson

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


Steven Chen, Member


Jamar Herry, Esquire
Senior Assistant County Solicitor

(Absent)
Charley C. Sung, Member

Absent AT TIME OF SIGNING
Claire Kim, Member