

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF BARBARA SUSAN	*	
ASNER AND KEVIN ANTHONY	*	BEVERAGE HEARING BOARD
TALLUNGAN, ON BEHALF OF UNCLE	*	
JULIO’S COLUMBIA CONCESSIONS,	*	FOR HOWARD COUNTY, MARYLAND
LLC, T/A UNCLE JULIO’S MEXICAN	*	
FROM SCRATCH, FOR A CLASS B	*	
BEER, WINE, AND LIQUOR 7-DAY	*	CASE NO.:18-13
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 April 17, 2018, the Hearing Board heard the application of Barbara Susan Asner and Kevin Anthony Tallungan (“Applicants”) on behalf of Uncle Julio’s Columbia Concessions, LLC, t/a Uncle Julio’s Mexican From Scratch (“Uncle Julio’s”), for a new Class B Beer, Wine, and Liquor, 7-day on-sale license, for a 8,692-square foot restaurant with a 1,506-square foot outside patio located at 10300 Little Patuxent Parkway, Suite 2530, Columbia, MD 21044.

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 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

Kevin Tallungan, an authorized person of Uncle Julio's, LLC., was sworn and testified that he is the Director of Operations in the D.C., Maryland, and Virginia area and oversees all operations, including setting policies, hiring, and training. Mr. Tallungan testified that the company was created in 1986 and offers high-end Mexican food made from scratch using only the best ingredients. He stated that he expects to have approximately 120 employees and they will be trained in alcohol service policies. Mr. Tallungan testified that rules will be posted in the kitchen and employees will be tested prior to being permitted to serve alcohol. All employees that serve or pour alcohol will be alcohol awareness certified. He stated that every shift will include a pre-shift meeting to go over alcohol service policies and the birth date when patrons can be legally served. He stated that they will not accept driver licenses that are vertical and that identification will be required for everyone that appears to be under the age of 30. Mr. Tallungan testified that the outside patio will have fencing and submitted exhibits showing fencing types and location drawing. He stated that the restaurant will open every day at 11 a.m. and stay open Sunday through Thursday until 10 p.m. and Friday and Saturday until 11 p.m. The restaurant plans to open by May 1, 2018.

Mr. Tallungan testified that he is alcohol awareness certified and that he understands the Liquor Board Rules and Regulations and will answer to the Board for any violations. Mr. Tallungan testified that he is listed as a Class B member in the Operating Agreement and there is a resolution defining his role as an authorized person. Leanne Schrecengost stated that the Applicants agree to amending the resolution to be clarify his role as an authorized person. Mr. Tallungan submitted the following exhibits into the record:

1. List of Employees Rules entitled "Eleven Steps to Responsible Alcohol Beverage Service"
2. Daily Alcohol Service Education Program
3. Fencing types for outdoor patio
4. Diagram showing where fencing will be located on the patio

Barbara Susan Asner, proposed resident agent, was sworn and testified that she has been a resident of Howard County for more than 40 years, is a registered voter, has no felony convictions, and is an authorized member with a 10% financial interest in Uncle Julio's. Ms. Asner testified that she is currently a resident agent for Shake Shack. She stated that she intends to visit Uncle Julio's twice a month and plans to meet with management staff, ask to see employee records, make sure the license is posted, and check to make sure that no minors are being served alcohol. If she sees anything questionable, she will discuss her concerns with the manager. Ms. Asner testified that she is alcohol awareness certified and submitted Applicant's Exhibit 5, TIPS certification card.

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 Barbara Susan Asner and Kevin Anthony Tallungan, on behalf of Uncle Julio's Columbia Concessions, LLC, t/a Uncle Julio's Mexican From Scratch, have applied for a new Class B Beer, Wine, and Liquor, 7-day on-sale license, for a 8,692-square foot restaurant with a 1,506-square foot outside patio located at 10300 Little Patuxent Parkway, Suite 2530, 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 Barbara Susan Asner has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Uncle Julio'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 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 Barbara Susan Asner and Kevin Anthony Tallungan, on behalf of Uncle Julio's Columbia Concessions, LLC, t/a Uncle Julio's Mexican From Scratch, have applied for a new Class B Beer, Wine, and Liquor, 7-day on-sale license, for a 8,692-square foot restaurant with a 1,506-square foot outside patio located at 10300 Little Patuxent Parkway, Suite 2530, 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 Barbara Susan Asner 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 the application will not unduly

disturb the peace and safety of the neighborhood.

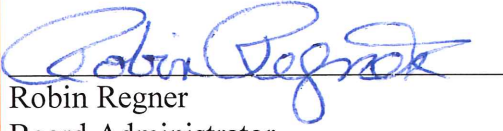
ORDER

For the foregoing reasons, it is this 25th day of April, 2018, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED**, that the application of Barbara Susan Asner and Kevin Anthony Tallungan, on behalf of Uncle Julio's Columbia Concessions, LLC, t/a Uncle Julio's Mexican From Scratch, for a new Class B Beer, Wine, and Liquor, 7-day on-sale license, for a 8,692-square foot restaurant with a 1,506-square foot outside patio located at 10300 Little Patuxent Parkway, Suite 2530, 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 an amended resolution be submitted to the Board clarifying the role of the applicants as authorized persons; and
- (c) That the Applicants satisfy any requirements necessary to obtain the license by July 27, 2018, unless that deadline is extended by the Board upon good cause shown; and
- (d) 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

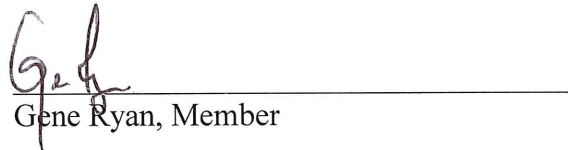

Robin Regner
Board Administrator



Heather Gaetano, Chairperson



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


Charley C. Sung, Member