

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF ROBERT J. BARRY,	*	
JR. AND STEVEN LEE TIEDEMANN,	*	BEVERAGE HEARING BOARD
ON BEHALF OF THE GREEN TURTLE	*	
COLUMBIA, LLC, T/A THE GREEN	*	FOR
TURTLE, FOR A RESIDENT AGENT	*	
CHANGE ON A CLASS B BEER	*	HOWARD COUNTY, MARYLAND
WINE, AND LIQUOR 7-DAY ON-SALE	*	
LICENSE	*	Case No.: 18-33
	*	

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 May 22, 2018 and June 19, 2018, the Hearing Board heard the application of Robert J. Barry, Jr. and Steven Lee Tiedemann (the “Applicants”), on behalf of The Green Turtle Columbia, LLC, t/a The Green Turtle (“Green Turtle”), for a resident agent change from Gregory C. Carey and Steven Lee Tiedemann to Robert J. Barry, Jr. and Steven Lee Tiedemann on a Class B Beer, Wine, and Liquor 7-day on-sale license for a 7,200-square foot restaurant with an 800-square foot outside patio, located at 8872 McGaw Road, Suite C, 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 David Mister, 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

David Mister introduced Robert J. Barry, Jr., the proposed resident agent, as the President and Chief Executive Officer of the Green Turtle franchise and stated that the current resident agent, Gregory C. Carey, has health problems and needs to step down as resident agent. He stated that Mr. Barry is a licensee on eight other locations in the State of Maryland, has resided in Howard County for 22 years and is a registered voter. There was a question about Mr. Barry's voter registration status as reflected in the Alcoholic Beverage Inspector's Background Report. Mr. Mister offered the follow exhibit which was accepted into the record:

Applicant's Exhibit 1 – public voter registration record

Robert J. Barry, Jr. was sworn and testified that he is the President and Chief Operating Officer as well as a managing member of The Green Turtle restaurants that are located in Anne Arundel and Baltimore counties. Mr. Barry testified that he is a licensee at these other locations and explained that the current resident agent has health problems and needs to step down. Mr. Mister addressed the report issued by the Alcoholic Beverage Inspector concerning Mr. Barry's background investigation, which showed three violations that occurred at the Green Turtle location in White Marsh, Maryland in 2017 and were not disclosed in Mr. Barry's application. Mr. Mister stated that he takes full responsibility for not including this information in the application and he did not mean to mislead the board. Mr. Mister described the violations and offered additional information and explanations about what occurred.

Mr. Barry testified that he did not visit the White Marsh Green Turtle on a day-to-day basis and did not act as manager at that location and these violations all occurred within a

short period of time. Mr. Barry testified about the details of the violations at this location and described the changes that were made to address the violations including termination of some employees and a change of bartenders and managers. Mr. Barry testified that no additional violations have been received since that time. Mr. Mister stated that he sent a letter to the Board dated May 14, 2018 which addressed these violations.

Mr. Barry testified that he hired Mr. Mister to prepare this liquor application and assumed that all information in the application was correct. Mr. Barry testified that he did misinterpret some questions in the background questionnaire and thought administrative violations were not required to be listed, just criminal convictions. He apologized to the Board for not disclosing this information.

Mr. Barry testified that he is responsible for 46 Green Turtle locations from New York to Virginia, however, is only a licensee on some of these Green Turtle locations. Mr. Barry testified that he is on the liquor license in Carroll County and Baltimore County. He stated that in Virginia, there are different liquor laws than Maryland and corporations hold the license rather than individuals.

Mr. Mister offered to provide additional information concerning Mr. Barry's interest in the other Green Turtle locations and identify any violations that occurred. The Board determined that they needed a more complete background report and a clearer understanding of Mr. Barry's relationship to other Green Turtle restaurants. The Board postponed the hearing to a future date and requested documentary evidence be provided to the Board in advance of the next hearing to address their concerns. The Board also requested certification of Mr. Barry's voter registration.

The hearing was reconvened on June 19, 2018. Mr. Mister had provided to the Board

by letter dated June 14, 2018, supplementary materials on behalf of Greene Turtle Columbia, LLC, including a supplement to Application Question 8 as to Robert J. Barry, Jr. and licenses which Mr. Barry has or with which he has had a relationship. At the hearing on June 19th, Mr. Mister referenced this letter and offered to answer any additional questions that the Board had. He again explained that the current resident agent had a stroke and wanted to relocate in Florida so Mr. Barry wants to step into this role as Resident Agent.

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 Robert J. Barry, Jr. and Steven Lee Tiedemann, on behalf of The Green Turtle Columbia, LLC, t/a The Green Turtle, have applied for a resident agent change from Gregory C. Carey and Steven Lee Tiedemann to Robert J. Barry, Jr. and Steven Lee Tiedemann on a Class B Beer, Wine, and Liquor 7-day on-sale license for a 7,200-square foot restaurant with an 800-square foot outside patio, located at 8872 McGaw Road, Suite C, 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 Robert J. Barry, Jr. has been a Howard County resident for more than two years, is a registered voter, and is a 15% interest holder, managing member and president/CEO of the company.

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 Robert J. Barry, Jr. and Steven Lee Tiedemann, on behalf of The Green Turtle Columbia, LLC, t/a The Green Turtle, have applied for a resident agent change from Gregory C. Carey and Steven Lee Tiedemann to Robert J. Barry, Jr. and Steven Lee Tiedemann on a Class B Beer, Wine, and Liquor 7-day on-sale license for a 7,200-square foot restaurant with an 800-square foot outside patio, located at 8872 McGaw Road, Suite C, 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 Robert J. Barry, Jr. 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 this application would not unduly disturb the peace and safety of the neighborhood.

ORDER

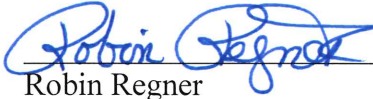
For the foregoing reasons, it is this 11th day of September 2018, by the Alcoholic Beverage Hearing Board of Howard County, **ORDERED** that the application of Robert J. Barry, Jr. and Steven Lee Tiedemann, on behalf of The Green Turtle Columbia, LLC, t/a The

Green Turtle, for a resident agent change from Gregory C. Carey and Steven Lee Tiedemann to Robert J. Barry, Jr. and Steven Lee Tiedemann on a Class B Beer, Wine, and Liquor 7-day on-sale license for a 7,200-square foot restaurant with an 800-square foot outside patio, located at 8872 McGaw Road, Suite C, 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 Rules; and Regulations; and
- (b) That the Applicants satisfy any requirements necessary to obtain the license by December 11, 2018, 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



Heather Gaetano, Chairperson

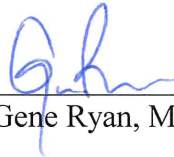


Mary Bird, Vice-Chairperson

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

ABSENT

Charley C. Sung, Member