

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF NAIL A. SARA,	*	
RAYMOND C. ROBERTS, ROCCO	*	BEVERAGE HEARING BOARD
RICCI, AND MARY L. BOUGHN ON	*	
BEHALF OF COLUMBIA VANTAGE HOUSE	*	FOR
CORPORATION, t/a VANTAGE HOUSE,	*	
FOR A CLASS C – CONTINUING CARE	*	HOWARD COUNTY,
RETIREMENT COMMUNITY BEER,	*	
WINE, AND LIQUOR 7-DAY ON-SALE	*	MARYLAND
LICENSE	*	
	*	Case No.: 16-05
	*	

\*\*\*\*\*

### **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 January 12, 2016, the Hearing Board heard the application of Nail A. Sara, Raymond C. Roberts, Rocco Ricci, and Mary L. Boughn (the “Applicants”), on behalf of Columbia Vantage House Corporation, t/a Vantage House (“Columbia Vantage House Corporation”), for a new Class C – Continuing Care Retirement Community Beer, Wine, and Liquor 7-day on-sale license for a 51,664 square foot area located at 5400 Vantage Point Road, Columbia, Maryland 21044. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by Katherine L. Taylor, Esquire. There was a protestant who appeared in opposition to the application.

All the documents on file were incorporated into the record by reference. These include

the following: an Entry of Appearance from Katherine L. Taylor, Esquire, noting her appearance on behalf of the Applicants; an email dated January 4, 2016, from the attorney for the Applicants enclosing documents that address issues with the application; a letter dated November 11, 2015, from the Executive Director of Vantage House, to the Administrator of the Liquor Board attaching amended application pages; a letter dated November 23, 2015, from the Administrative Assistant for Vantage House to the Administrator of the Liquor Board, amending the background investigation questionnaire for Mary L. Boughn; copies of background investigation questionnaires for the Applicants; a copy of the application; a copy of the Articles of Amendment and Restatement for Columbia Vantage House Corporation; a copy of the Articles of Incorporation of Columbia Vantage House Corporation; copies of previously submitted floor plans; an email dated September 24, 2015, from a previous attorney for the Applicants; an email dated October 14, 2015, from a previous attorney for the Applicants attaching documents identifying areas to be licensed; an email dated September 24, 2015, from a previous attorney for the Applicants attaching plats containing explanation of the square footage; a copy of Columbia Vantage House Corporation notes to Consolidated Financial Statements dated June 30, 2013 and 2012; a copy of Columbia Vantage House Corporation Articles of Amendment and Restatement; a copy of Exhibit D to Registration Application of Columbia Vantage House Corporation dated July 31, 1986; an amendment to the application by the attorney for the Applicants enclosing floor plans; a memorandum dated November 24, 2015, from the Liquor Board to the Alcohol Beverage Inspector, the Department of Inspections, Licenses, and Permits, the Bureau of Environmental Health, the Department of Planning and Zoning, and the Office of the Fire Marshal; the background investigation of the Applicants from the Alcohol Beverage Inspector, dated

December 10, 2015; a memorandum dated December 2, 2015, from the Bureau of Environmental Health; an email dated November 24, 2015, from the Department of Inspections, Licenses, and Permits; a letter dated December 15, 2015, from the Office of the Fire Marshal; a memorandum dated December 14, 2015, from the Department of Planning and Zoning; a letter dated November 24, 2015, to the Department of Finance; a letter from the Department of Finance; a letter dated November 24, 2015, to the Comptroller of the Treasury; a letter dated December 8, 2015, from the Comptroller of the Treasury; a fax transmission to the attorney for the Applicants enclosing a letter dated December 14, 2015, with notification of the hearing date and the necessity to advertise; and a memorandum dated December 18, 2015, from the Alcoholic Beverage Inspector stating the premises had been posted.

#### **SUMMARY OF TESTIMONY**

The attorney for the Applicants stated that Columbia Vantage Corporation is a non-stock, not for profit entity, that is run by the Board of Directors, and the Executive Director. There are four Applicants, the proposed resident agent licensee who is the Director of Dining Services, and three members of the Board of Directors. The attorney for the Applicants stated they are requesting to amend the application to only license 51,664 square feet of the building.

Marianne Ritacco, Executive Director of Vantage House, was sworn and testified that she has been the Executive Director since 2004, and that she is in charge of overseeing operations, and the quality of life for the residents.

Ms. Ritacco testified that Vantage House is a continuing care facility that offers independent living, assisted living, and healthcare. They offer three meals a day to their residents, and each resident has a declining balance account. Ms. Ritacco testified that the

residents are able to invite guests to eat with them for a separate fee, and that they can charge this to their declining balance account or pay cash. Ms. Ritacco testified that meals are served in the main dining area, and the breakfast café. Ms. Ritacco testified that the age range of residents is 60 and older, but that the average move-in age is 80. Ms. Ritacco testified that they currently have approximately 270 clients in the entire building.

Ms. Ritacco testified that the residents are requesting that they apply for a liquor license so they can have alcoholic beverages served with their meals. Ms. Ritacco testified that prior to the application, they have had Happy Hours for the residents, but if a resident wanted to have an alcoholic beverage with their meals, they had to bring it with them to the dining area.

Ms. Ritacco testified that she will be responsible, along with Mr. Sara, to have the staff properly trained, and age qualified to serve alcoholic beverages. They will implement a carding policy that would require anyone appearing to be under the age of 40 produce identification.

Ms. Ritacco testified that she feels a liquor license is necessary to accommodate their residents, and that it would not disturb the peace and safety of the community. Ms. Ritacco testified that the liquor license would help support the lifestyle of the residents. Ms. Ritacco testified that the private residences are not part of the proposed licensed area.

Nail A. Sara was sworn and testified that he has been a Howard County resident since 2010, and is a registered voter. Mr. Sara testified that he is the Chef, and the Director of Dining Services for Vantage House, and that he has prior experience with alcoholic beverage licenses. Mr. Sara testified that he has worked in hotels, and for the last 20 years has worked for retirement communities which have all held alcoholic beverage licenses. Mr. Sara testified that he has been working at Vantage House since 2005. Mr. Sara testified that he is on premises approximately

40 hours per week. He has an Assistant Director, and four supervisors who work for him. Mr. Sara testified that they will store alcoholic beverages on the second floor in a locked cage. Mr. Sara testified that he is familiar with the rules and regulations governing the sale of alcoholic beverages. He stated that his alcohol certification training is scheduled and that all managers in his department will be certified.

Mr. Sara testified that he is responsible for overseeing the food operations for Vantage House. Mr. Sara testified that they have 145 seats in the main dining area, and 35 seats in the café. Mr. Sara testified that they have a fine dining program with 30-35 healthy meal choices. Mr. Sara testified that the residents have been expressing a desire to have an alcoholic beverage served with their meals.

Raymond Roberts, Director of the Corporate Board of Directors, was sworn and testified that he is very familiar with Vantage House, as his parents moved in as residents in 2003. Mr. Roberts testified that his father lived there until he died in 2008, and his mother lived there until she died in 2015. Mr. Roberts testified that four to five years ago he was on the Finance Committee, and for two years he has been on the Board of Directors, and has become the Chairman of the Finance Committee. Mr. Roberts testified that the Board consists of 19 Directors, and they are in support of the application for a liquor license.

Mr. Roberts testified that his parents could have alcoholic beverages in their rooms, but would have to bring it to dinner with them if they wanted it to accompany their meals. Mr. Roberts testified that he feels the liquor license is necessary to accommodate the residents.

Mr. Roberts testified that the role of the Board of Directors is the oversight of the entire community at Vantage House. They meet every two months, and the Finance Committee meets

more often.

Rocco Ricci, Director of the Corporate Board of Directors, was sworn and testified that he has been on the Board of Directors for Vantage House for four to five years. Mr. Ricci testified that he was originally on the Finance Committee. Mr. Ricci testified that he volunteered to be on the liquor license, as he has total confidence in the operations of Vantage House.

The following Exhibits were entered into the record:

- Exhibit #1 – Maps and floor plans showing the square footage
- Exhibit #2 - Four photographs
  - a – second floor dining area
  - b – the front entrance showing the tower
  - c – the winter garden
  - d – first floor living room/common space
- Exhibit #3 - a copy of the menu

Louise Welker, resident of Vantage House, was sworn and testified in protest of the application. Ms. Welker testified that she has been a resident at Vantage House for 10 years. Ms. Welker testified that Vantage House has not had alcohol for 25 years, and that she feels there is no need for it.

Ms. Welker testified that when age increases, your equilibrium and your balance decrease. Ms. Welker testified that if you talk to any resident at Vantage House and ask them what their biggest fear is, they will tell you falling. Ms. Welker testified that consuming alcoholic beverages will not help. Ms. Welker also testified that 85% of the residents at Vantage House are on prescription medicines. Ms. Welker testified that she does not feel it is advantageous to have alcoholic beverages available to the residents.

Ms. Welker testified that the residents were not notified about the application for the liquor license. Ms. Welker testified that she found out through the sign posting.

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 Nail A. Sara, Raymond C. Roberts, Rocco Ricci, and Mary L. Boughn, on behalf of Columbia Vantage House Corporation, t/a Vantage House have applied for a new Class C – Continuing Care Retirement Community Beer, Wine, and Liquor 7-day on-sale license for a 51,664 square foot area located at 5400 Vantage Point Road, 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 Nail A. Sara has been a Howard County resident for more than two years, is a registered voter, and a full-time manager at Vantage House.

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 Nail A. Sara, Raymond C. Roberts, Rocco Ricci, and Mary L. Boughn, on behalf of Columbia Vantage House Corporation, t/a Vantage House have applied for a new Class C – Continuing Care Retirement Community Beer, Wine,

and Liquor 7-day on-sale license for a 51,664 square foot area located at 5400 Vantage Point Road, 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 Nail A. Sara meets the requirements of Rules 1.09(T), 1.09(U), 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 this application would not unduly disturb the peace and safety of the neighborhood.

#### **ORDER**

For the foregoing reasons, it is this 8<sup>th</sup> day of March, 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Nail A. Sara, Raymond C. Roberts, Rocco Ricci, and Mary L. Boughn, on behalf of Columbia Vantage House Corporation, t/a Vantage House for a new Class C – Continuing Care Retirement Community Beer, Wine, and Liquor 7-day on-sale license for a 51,664 square foot area located at 5400 Vantage Point Road, Columbia, Maryland 21044, be and the same is hereby **GRANTED**, subject to the following conditions:

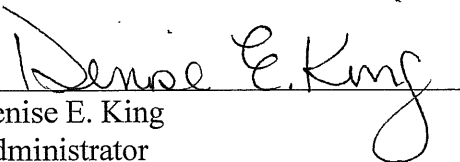
1. That this **PROPOSED DECISION AND ORDER** shall become final  
when the Applicants obtain the license and comply with the  
following conditions:

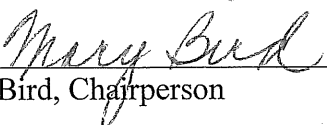


- (a) That the Applicants comply with all State and County Rules and Regulations; and
- (b) That Applicant, Nail Sara, obtain certification of alcohol awareness training and present the certification to the Board
- (c) Failure to comply with these conditions and obtain the license by May 31, 2016, shall render this Proposed Decision and Order null and void.

ATTEST:


ALCOHOLIC BEVERAGE HEARING  
BOARD OF HOWARD COUNTY,  
MARYLAND

  
Denise E. King  
Administrator

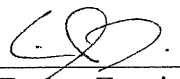
  
Mary Bird, Chairperson

ABSENT  
Harry Evans, III, Vice-Chairperson

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

  
Charles C. Feaga, Member

ABSENT  
Heather Gaetano, Member

  
Lewis Taylor, Esquire  
Assistant County Solicitor

  
Charley C. Sung, Member