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| IN THE MATTER OF                  | * | BEFORE THE ALCOHOLIC    |
| THE APPLICATION OF NATHANIEL      | * |                         |
| DAVID HYNSON ON BEHALF OF         | * | BEVERAGE HEARING BOARD  |
| MUTINY PIRATE BAR II, LLC, t/a    | * |                         |
| MUTINY PIRATE BAR & ISLAND        | * | FOR                     |
| GRILLE, FOR A CLASS B BEER, WINE, | * |                         |
| AND LIQUOR 7-DAY ON-SALE          | * | HOWARD COUNTY, MARYLAND |
| LICENSE                           | * |                         |
|                                   | * | Case No.: 16-15         |
|                                   | * |                         |

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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 March 8 and 22, 2016, the Hearing Board heard the application of Nathaniel David Hynson (the “Applicant”), on behalf of Mutiny Pirate Bar II, LLC, t/a Mutiny Pirate Bar & Island Grille (“Mutiny Pirate Bar II, LLC”), for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 2,300 square foot restaurant with a 493 square foot patio, and a 1,406 square foot roof deck located at 3713 Old Columbia Pike, Ellicott City, Maryland 21043. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicant was 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. These include the following: a letter dated January 6, 2016, to the Board of License Commissioners from the

paralegal for the attorney for the Applicant, enclosing the application for a new restaurant; a copy of the floor plan; a letter dated November 17, 2015, from the Maryland State Department of Assessments and Taxation confirming the acceptance of Articles of Organization for Mutiny Pirate Bar II, LLC; a copy of the Articles of Organization of Mutiny Pirate Bar II, LLC; the background investigation questionnaire for the Applicant; an email from the paralegal for the attorney for the Applicant, giving additional background information on the Applicant; a memorandum dated January 12, 2016, 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 Applicant by the Alcohol Beverage Inspector, dated January 14, 2016; a letter dated January 29, 2016, from the Office of the Fire Marshal; a memorandum dated February 1, 2016, from the Department of Planning and Zoning; an email dated January 15, 2016, from the Department of Inspections, Licenses and Permits; a memorandum dated March 2, 2016, from the Bureau of Environmental Health; a letter dated January 12, 2016, to the Department of Finance; a letter from the Department of Finance; a letter dated January 5, 2016, to the Comptroller of the Treasury; a letter dated January 21, 2016, from the Comptroller of the Treasury; a facsimile dated January 19, 2016, from the Administrator of the Liquor Board to the attorney for the Applicant, enclosing a letter dated January 19, 2016, with notification of the hearing date and the necessity to advertise; an e-mail dated February 24, 2016, from the Alcoholic Beverage Inspector stating the premises had been posted; and a letter dated March 7, 2016, from the paralegal for the attorney for the Applicant, enclosing the legal advertisements from The Baltimore Sun and Patuxent Publishing.

### **SUMMARY OF TESTIMONY**

Nathaniel David Hynson, Authorized Member and 100% shareholder, for Mutiny Pirate Bar II, LLC, was sworn and testified he is alcohol certified, and has prior experience in the restaurant business. Mr. Hynson testified that he worked for 12 years at Iron Bridge Wine Company as a bartender and floor manager, and worked seven months at Mutiny Pirate Bar & Island Grille in Anne Arundel County. Mr. Hynson testified that his customers in Anne Arundel County liked the concept of the restaurant, which specializes in rum drinks.

Mr. Hynson testified that he will be the general manager, and will be at the restaurant five days per week. Mr. Hynson testified that they will have 40 employees and all managers will be alcohol awareness certified. Mr. Hynson testified that they will have a written policy manual for the employees, and that he will review the policies with them regularly. Mr. Hynson testified that the hours of operation will be Sunday through Thursday, 11:00 A.M. to 10:00 P.M., and Friday and Saturday, 11:00 A.M. to 1:00 A.M.

Mr. Hynson testified that they will have two outside areas, one outside patio, and one outside roof deck. Mr. Hynson testified that they will have security cameras with monitors inside, and will have staff managing the outdoor areas.

Mr. Hynson testified that he feels that Mutiny Pirate Bar & Island Grille will be an accommodation to the public, and that the restaurant will not disturb the peace and safety of the citizens in the area. Mr. Hynson testified that there are no residences adjacent to the location.

Mr. Hynson testified that regarding his driving record, he was charged with Driving While Intoxicated in 2007, but received probation before judgement. Mr. Hynson testified that that was a huge mistake, and that he regrets it. Mr. Hynson stated that he has modified his

conduct because he has too much to lose at this point, and that he has had a clean driving record for the last four years.

The following Applicant's Exhibit was entered into the record:

Exhibit #1 - menu for Mutiny Pirate Bar & Island Grille

The hearing was continued and the record was held open until March 22, 2016, to ensure legal sufficiency of the posting of the property. There was no additional evidence presented at the March 22, 2016, hearing. Board Member Heather Gaetano, who was absent at the March 8, 2016, hearing, stated for the record that she had listened to the recording of the March 8 hearing.

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicant waived his 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 Nathaniel David Hynson on behalf of Mutiny Pirate Bar II, LLC, t/a Mutiny Pirate Bar & Island Grille has applied for a new Class B Beer, Wine, and Liquor, 7-day on-sale license for a 2,300 square foot restaurant with a 493 square foot patio and a 1,406 square foot roof deck located at 3713 Old Columbia Pike, Ellicott City, Maryland 21043.
2. The Hearing Board finds that the Applicant is a fit and proper person to hold an alcoholic beverage license.
3. The Hearing Board finds that Nathaniel David Hynson has been a Howard



County resident for more than two years, is a registered voter, and a 100% shareholder of Mutiny Pirate Bar II, LLC, t/a Mutiny Pirate Bar & Island Grille.

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 Nathaniel David Hynson on behalf of Mutiny Pirate Bar II, LLC, t/a Mutiny Pirate Bar & Island Grille has applied for a new Class B Beer, Wine, and Liquor, 7-day on-sale license for a 2,300 square foot restaurant with a 493 square foot patio and a 1,406 square foot roof deck located at 3713 Old Columbia Pike, Ellicott City, Maryland 21043.

2. The Hearing Board concludes that the Applicant is a fit and proper person to hold an alcoholic beverage license.

3. The Hearing Board concludes that Nathaniel David Hynson 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.

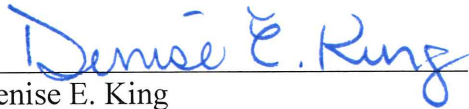
**ORDER**

For the foregoing reasons, it is this 26<sup>th</sup> day of April, 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Nathaniel David Hynson on behalf of Mutiny Pirate Bar II, LLC, t/a Mutiny Pirate Bar & Island Grille, for a new Class B Beer, Wine, and Liquor, 7-day on-sale license for a 2,300 square foot restaurant with a 493 square foot patio and a 1,406 square foot roof deck located at 3713 Old Columbia Pike, Ellicott City, Maryland 21043, be and the same is hereby **GRANTED**, subject to the following conditions:

1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicant obtains the license and complies with the following conditions:
  - (a) That the Applicant complies with all State and County laws; and
  - (b) That the Applicant submit an acceptable patio design with appropriate barriers; and
  - (c) Failure to comply with these conditions and obtain the license by September 30, 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

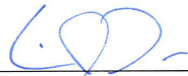
REVIEWED BY HOWARD COUNTY  
OFFICE OF LAW  
GARY W. KUC  
COUNTY SOLICITOR



Charles C. Feaga, Member



Heather Gaetano, Member



Lewis Taylor, Esquire  
Assistant County Solicitor



Charley C. Sung, Member