

IN THE MATTER OF THE * BEFORE THE ALCOHOLIC
APPLICATION BY JAMES A. DICHIARA *
ON BEHALF OF CENTRE PARK GRILL, * BEVERAGE HEARING BOARD
LLC, t/a CENTRE PARK GRILL, FOR A *
TRANSFER OF A CLASS B BEER, * FOR
WINE, AND LIQUOR 7-DAY ON-SALE *
LICENSE * HOWARD COUNTY, MARYLAND

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 10, 2014, the Hearing Board heard the application of James A. DiChiara, (“Applicant”), on behalf of Centre Park Grill, LLC, t/a Centre Park Grill (“Centre Park Grill, LLC”), for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license currently held by Sharonlee Vogel on behalf of Laurel Café, Inc., t/a Café de Paris, for a 5,800 square foot restaurant with a 400 square foot patio located at 8808 Centre Park Drive, Columbia, Maryland 21045. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicant was represented by Anthony Palaigos, 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: the application; a copy of the floor plan; the Articles of Organization for Centre Park Grill, LLC; a letter dated January 16, 2014 from the State of Maryland Department of Assessment and Taxation confirming acceptance of the Articles of Organization for Centre Park Grill, LLC; the Operating Agreement of Centre Park Grill, LLC; the background investigation questionnaire from James A. DiChiara; a criminal history check from the State of Maryland Department of Public Safety and Correctional Services for James A. DiChiara; a memorandum dated May 22, 2014, from the Liquor Board to the Alcoholic Beverage Inspector, the Department of Inspections, Licenses and Permits, the Bureau of Environmental Health and the Department of Planning and Zoning; the background investigation of the Applicant by the Alcoholic Beverage

Inspector dated May 8, 2014; a memorandum dated April 29, 2014 to the Liquor Board Administrator from the Department of Planning and Zoning; an email dated June 3, 2014 to the Liquor Board Administrator from the Office of the Fire Marshal; a memorandum dated May 7, 2014 to the Liquor Board Administrator from the Bureau of Environmental Health; a letter dated May 15, 2014, to the Department of Finance from the Liquor Board Administrator; a letter dated May 29, 2014 to the Liquor Board Administrator from the Department of Finance; a letter dated May 15, 2014, to the Comptroller of Maryland; a letter dated May 9, 2014 to the Liquor Board Administrator from the Comptroller of Maryland stating there were outstanding Maryland Sales & Use Tax and Maryland Withholding Tax for Laurel Café, Inc.; a letter dated June 19, 2014, from the Comptroller of Maryland stating the corporation name is not a match and that they need more information; a fax transmission dated May 22, 2014 to the Applicant's attorney from the Liquor Board Administrator enclosing a letter dated May 29, 2014, with notification of the hearing date and the necessity to advertise; an email dated May 2, 2014, from the Alcoholic Beverage Inspector stating the premises had been posted; and a letter dated July 3, 2014 to the Liquor Board from the Applicant's attorney enclosing the certification of advertisement from the Howard County Times and the Baltimore Sun

SUMMARY OF TESTIMONY

James A. DiChiara, 100% owner of Centre Park Grill, LLC, was sworn and testified that he has lived in Howard County for 12 years, and that he is a registered voter. Mr. Di Chiara testified that his alcohol awareness certification has expired, but that he will take another class to be recertified.

Mr. DiChiara testified that he has prior experience, as he is the sole owner of the Mt. Airy Tavern where he has been the Executive Chef for five years. Mr. DiChiara testified that Mt. Airy Tavern is a restaurant with a bar, but that 75% of his sales are from food. Mr. DiChiara testified that Mt. Airy Tavern offers contemporary food made from scratch, and that whenever possible he purchases produce from local farmers. Mr. DiChiara testified that his policy is to have all servers alcohol awareness certified, and that anyone appearing to be under the age of 30 must show identification. Mr. DiChiara testified that he takes pride in the success of Mt. Airy Tavern, and that he has never had any violations. Mr. DiChiara testified that he plans to operate the Centre Park Grill in a similar manner to Mt. Airy Tavern.

Mr. DiChiara testified that for the first six months, he will be at the Centre Park Grill from opening until closing. Mr. DiChiara testified that their hours of operation will be Sunday through Thursday, 11:00 A.M. to 11:00 P.M., and Friday and Saturday, 11:00 A.M. to 12:00 midnight. Mr. DiChiara testified that he plans to employ 65 to 75 persons.

Mr. DiChiara testified that he plans to renovate the restaurant, and make cosmetic changes. He will not expand the bar area. Mr. DiChiara testified that he will purchase an ID Guide Book, along with a scanner to help with identification cards. Mr. DiChiara testified that they do have an outside patio with tables under the overhang. Mr. DiChiara testified that the patio is fenced in.

Mr. DiChiara testified that if approved, he plans to open by the end of the year, and will close in August for the renovations.

Joe Link was sworn and testified in support of the application. Mr. Link testified that he has known Mr. DiChiara for five years, and that he will run an upstanding restaurant.

Jerry Blumenthal was sworn and testified in support of the application. Mr. Blumenthal testified that he has eaten at the Mt. Airy Tavern, and the food is excellent. Mr. Blumenthal testified that the approval of the liquor license would be a benefit to Howard County.

Joe Mann was sworn and testified that he and his wife live across the street from the restaurant. Mr. Mann stated that previously when the location was a tavern, they experienced problems with noise. Mr. Mann testified that since a restaurant has moved to the location, there have not been any noise problems and that he is not contesting the current application.

The following exhibits were entered into the record:

Exhibit #1 – packet containing a photo of the location of Centre Park Grill, a copy of the posted sign for the transfer hearing; a copy of the certificate of good standing and the Articles of Organization for Centre Park Grill LLC; a copy of the menu at Mt. Airy Tavern, photos and information regarding Mt. Airy Tavern; breakdown of food versus liquor sales at Mt. Airy Tavern; and the history of Mt. Airy Tavern from the Carroll County Liquor Board

Exhibit #2 – a copy of the Maryland Judiciary Case Search Results for James DiChiara

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicants waived the right to request the Liquor Board to hear the case.

FINDINGS OF FACT

1. The Hearing Board finds that James A. DiChiara, on behalf of Centre Park Grill, LLC, t/a Centre Park Grill, has applied for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license currently held by Sharonlee Vogel on behalf of Laurel Café, Inc., t/a Café de Paris, for a 5,800 square foot restaurant with a 400 square foot outdoor patio located at 8808 Centre Park Drive, Columbia, Maryland 21045.

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 James A. DiChiara has been a Howard County resident for more than two years, is a registered voter, and a 100% shareholder of Centre Park Grill, LLC, t/a Centre Park Grill.

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 in the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that James A. DiChiara, on behalf of Centre Park Grill, LLC, t/a Centre Park Grill has applied for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license currently held by Sharonlee Vogel on behalf of Laurel Café, Inc., t/a Café de Paris, for a 5,800 square foot restaurant with a 400 square foot outdoor patio located at 8808 Centre Park Drive, Columbia, Maryland 21045.

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 James A. DiChiara 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 the application will not unduly disturb the peace and safety of the residents in the neighborhood.

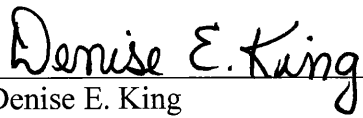
ORDER

For the foregoing reasons, it is this 12th day of August, 2014, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of James A. DiChiara, on behalf of Centre Park Grill, LLC, t/a Centre Park Grill, for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license currently held by Sharonlee Vogel on behalf of Laurel Café, Inc., t/a Café de Paris, for a 5,800 square foot restaurant with a 400 square foot outdoor patio located at 8808 Centre Park Drive, Columbia, Maryland 21045, be and the same is hereby **GRANTED** subject to the following conditions:

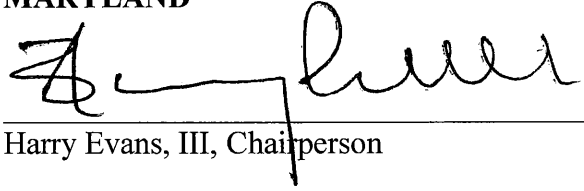
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicant obtains the license and complies with the following conditions:
 - a. That James A. DiChiara successfully complete an Alcohol Awareness program; and
 - b. That the Applicant comply with all State and County rules and regulations; and
 - c. Failure to comply with these conditions and obtain the license by October 31, 2014, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator



Harry Evans, III, Chairperson



Charles C. Feaga, Vice-Chairperson

REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
MARGARET ANN NOLAN
COUNTY SOLICITOR

ABSENT

Mary Bird, Member



William Neault, Member



Lewis Taylor, Esquire
Assistant County Solicitor