

IN THE MATTER OF THE * BEFORE THE ALCOHOLIC
APPLICATION OF PAUL APOLLO *
DELFIKO, ON BEHALF OF LINA DEL, * BEVERAGE HEARING BOARD
INC., t/a CHEF PAOLINO, FOR A NEW *
CLASS B BEER, WINE, AND LIQUOR * FOR
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 Paul Apollo Delfico (“Applicant”), on behalf of Lina Del, Inc., t/a Chef Paolino (“Lina Del, Inc.”), for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 6,300 square foot restaurant located at 3419 Plumtree Drive, Suite 101, Ellicott City, Maryland 21042. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicant was represented by Thomas M. Meachum, 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 April 9, 2014, from the Applicant’s attorney, enclosing the application; a letter dated April 24, 2014, from the Applicant’s attorney, enclosing page four of the application with three resident signatures for the Applicant; a background investigation questionnaire from the Applicant; a copy of the floor plan; a copy of the Articles of Incorporation for Lina Del, Inc.; a copy of the Corporate Charter approval sheet for Lina Del, Inc.; 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 from the Alcoholic Beverage Inspector dated July 2, 2014; an email dated May 30, 2014, from the Department of Inspections, Licenses, and Permits; a letter dated July 10, 2014,

from the Office of the Fire Marshal to the Liquor Board Administrator; a letter dated May 15, 2014 from the Liquor Board Administrator to the Department of Finance; a letter dated May 15, 2014 from the Liquor Board Administrator to the Comptroller of Maryland; a letter dated June 19, 2014, from the Comptroller of Maryland to the Liquor Board; a fax transmission dated May 28, 2014 from the Liquor Board Administrator to the Applicant's attorney enclosing legal advertisement, and a letter dated May 28, 2014, with notification of the hearing date and the necessity to advertise; an email dated June 26, 2014, from the Alcoholic Beverage Inspector stating the premises had been posted; and a letter dated June 26, 2014, from the Applicant's attorney to the Liquor Board Administrator enclosing the certification of advertisement for the Howard County Times and the Baltimore Sun

SUMMARY OF TESTIMONY

Paul Apollo Delfico, President and 100% shareholder of Lina Del, Inc., t/a Chef Paolino, was sworn and testified that he has lived in Howard County for 12 years, and that he is a registered voter. Mr. Delfico testified that he will become alcohol awareness certified.

Mr. Delfico testified that he has prior experience with alcoholic beverages as he was a licensee in the Columbia Mall from 1983 until 1988, and that he was a licensee in Baltimore County, Baltimore City, and Fredericksburg, Virginia. Mr. Delfico testified that he has never had a liquor law violation while being a licensee.

Mr. Delfico testified that Chef Paolino is a family restaurant offering Italian cuisine, and that they have been operating for three weeks without alcoholic beverages. Mr. Delfico testified that the restaurant seats 120 patrons in the front, and 60 patrons in the downstairs area. The hours of operation are 11:00 A.M. to 11:00 P.M., Monday through Saturday, and 12:00 noon to 9:00 P.M. on Sunday. Mr. Delfico testified that they employ approximately 24 people. Mr. Delfico testified that he plans to spend approximately 80 hours per week at the restaurant.

Mr. Delfico testified that they have a written policy manual that he requires all of the employees to read and sign. Mr. Delfico testified that he will review these policies with the employees, and that will include reviewing the Liquor Board's Rules and Regulations.

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicant's attorney waived the right to request the Liquor Board to hear the case.

Based on the evidence presented at the hearing, the Hearing Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Hearing Board finds that Paul Apollo Delfico on behalf of Lina Del, Inc., t/a Chef Paolino, has applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 6,300 square foot restaurant located at 3419 Plumtree Drive, Suite 101, Ellicott City, Maryland 21042.
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 Paul Apollo Delfico has been a Howard County resident for more than two years, is a registered voter, and 100% owner of Lina Del, Inc., t/a Chef Paolino.
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 in the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Paul Apollo Delfico, on behalf of Lina Del, Inc., t/a Chef Paolino has applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 6,300 square foot restaurant located at 3419 Plumtree Drive, Suite 101, Ellicott City, Maryland 21042.
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 Paul Apollo Delfico 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.

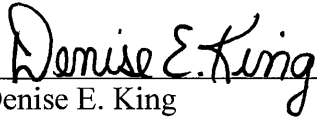
ORDER

For the foregoing reasons, by a 3 to 0 vote, it is this 12th day of August, 2014, by the Alcoholic Beverage Hearing Board of Howard County, Maryland, **ORDERED** that the application of Paul Apollo Delfico on behalf of Lina Del, Inc., t/a Chef Paolino, for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 6,300 square foot restaurant located at 3419 Plumtree Drive, Suite 101, Ellicott City, Maryland 21042, be and the same is hereby **GRANTED** subject to the following conditions:

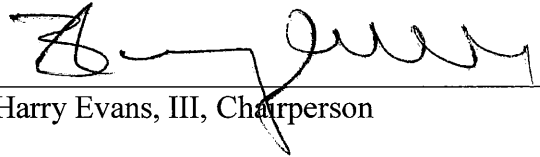
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicant obtains the license, and complies with the following conditions:
 - a. That the Applicant complies with all State and County rules and regulations;
 - b. That the Applicant become alcohol awareness certified; and
 - c. Failure to comply with these conditions and obtain the license before September 30, 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

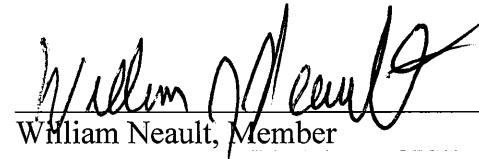


Charles C. Feaga, Vice-Chairperson

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



Mary Bird, Member



William Neault, Member



Lewis Taylor, Esquire
Assistant County Solicitor