

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF JANE	*	
JOHNSON AND MICHAEL	*	BEVERAGE HEARING BOARD
JOHNSON ON BEHALF OF	*	
EM-JA, LLC T/A JUDGE'S	*	FOR
BENCH FOR AN EXTENSTION	*	
OF PREMISES FOR A CLASS D	*	HOWARD COUNTY, MARYLAND
BEER, WINE AND LIQUOR/RBWC	*	
7-DAY LICENSE	*	Case No.: 22-25
	*	

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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 June 14, 2022, the Hearing Board heard the application of Jane Johnson and Michael Johnson (the “Applicants”), on behalf of EM-JA, LLC, t/a Judge's Bench (“Judge's Bench”), for an extension of premises for a Class D, Beer, Wine and Liquor/RBWC, 7-Day License for a 2,600 sq. ft. tavern with a 505 sq. ft. patio located at 8385 Main Street, Ellicott City, MD 21043.

The hearing was properly advertised, and the property posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicants were not represented by counsel and 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**

Jane Johnson, the resident agent, was sworn in and testified before the Hearing Board.

Ms. Johnson testified that the extension of premises will include an additional 600 square feet of the third floor interior space, an additional outdoor space of 400 square feet to include part of the sidewalk, and a new deck to be built, which is in the permitting process. Ms. Johnson stated that these changes are located to the right rear of the building, and she testified as to pictures of the concept plan of what the premises will look like when the building is completed. Ms. Johnson explained the site plan, the building permit details and the existing structure and size. She also explained where the new deck and staircase leading to the third floor and deck will be located. Ms. Johnson stated that the third floor is not a new space, and that it is not currently part of the licensed premises.

Ms. Johnson stated that she would be hiring additional bartenders because the third floor will have a separate bar area, and that initially, it would only be open on the weekends until it is staffed completely. Ms. Johnson stated that if there is another pandemic, she will utilize the outside deck, and that even if the third floor bar isn't open, patrons will be able to come to the third floor with drinks and use the outside deck area. Ms. Johnson stated that customers will not be able to access the deck from the street and a gate or railing could be installed, but there wouldn't be access to alcohol unless the third floor was open. Ms. Johnson stated that historically she has been at a disadvantage without having an outdoor area in the warmer months, so this would help her business.

Michael Johnson, the licensee, was sworn in and testified before the Hearing Board.

Mr. Johnson stated that he failed to disclose a probation before judgement for a DUI in 2017 in his background investigation. Mr. Johnson stated in his paperwork that he has had many traffic infractions in the 57 years he has been driving, but that he didn't write anything specific. Mr. Johnson stated that in the future he would be clearer about any infractions.

Elizabeth Walsh, County Council member, was sworn in and testified before the Hearing Board.

Ms. Walsh testified that the District One office is in strong support of the application and extension of premises. Ms. Walsh stated that District One has supported the expansion into outdoor public spaces and unused private spaces in Ellicott City to expand businesses to not only make money, but to also build community relationships. Ms. Walsh stated that her office has filed legislation in the past with regard to the pandemic to make businesses, government and customers aware of underutilized spaces. Ms. Walsh stated that there was an untapped market for outdoor dining and lounging and she is pleased to see this happening in this business district.

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 Jane Johnson and Michael Johnson (the “Applicants”), on behalf of EM-JA, LLC, t/a Judge's Bench (“Judge's Bench”), have applied for an extension of premises for a Class D, Beer, Wine and Liquor/RBWC, 7-Day License for a 2,600 sq. ft. tavern with a 505 sq. ft. patio located at 8385 Main Street, Ellicott City, MD 21043.

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 Jane Johnson, the resident agent applicant, 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 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 Jane Johnson and Michael Johnson (the “Applicants”), on behalf of EM-JA, LLC, t/a Judge's Bench (“Judge's Bench”), have applied for an extension of premises for a Class D, Beer, Wine and Liquor/RBWC, 7-Day License for a 2,600 sq. ft. tavern with a 505 sq. ft. patio located at 8385 Main Street, Ellicott City, MD 21043.

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 Jane Johnson, the resident agent applicant, 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 the application will not unduly disturb the peace and safety of the residents of the neighborhood.

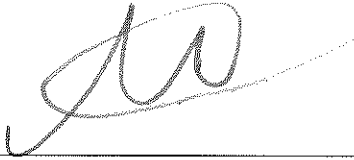
### ORDER

For the foregoing reasons, it is this 24<sup>th</sup> day of August 2022, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Jane Johnson and Michael Johnson (the “Applicants”), on behalf of EM-JA, LLC, t/a Judge's Bench (“Judge's Bench”), for an extension of premises for a Class D, Beer, Wine and Liquor/RBWC, 7-Day

License for a 2,600 sq. ft. tavern with a 505 sq. ft. patio located at 8385 Main Street, Ellicott City, MD 21043, be and the same is hereby **GRANTED**, subject to the following conditions:

- (a) That the Applicants comply with all State and County laws and regulations; and
- (b) That the Applicants satisfy any requirements necessary to obtain the license by December 14, 2022 unless that deadline is extended by the Hearing Board upon good cause shown; and
- (c) Failure to comply with these conditions shall render this Proposed Decision and Order null and void.

**ATTEST:**



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Ashley Aguilar  
Board Administrator

**ALCOHOLIC BEVERAGE HEARING  
BOARD OF HOWARD COUNTY,  
MARYLAND**

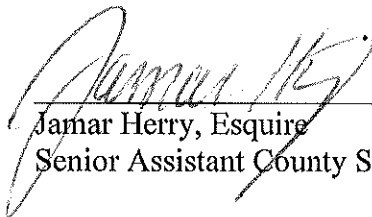
*Kel L. Berg for*  
\_\_\_\_\_  
Mary Bird, Chairperson

*Kel L. Berg for*  
\_\_\_\_\_  
Harry Evans, Vice-Chairperson

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

*Kel L. Berg for*  
\_\_\_\_\_  
Charley Sung, Member

*Kel L. Berg for*  
\_\_\_\_\_  
Steve Chen, Member

  
\_\_\_\_\_  
Jamar Herry, Esquire  
Senior Assistant County Solicitor

*Kel L. Berg for*  
\_\_\_\_\_  
Claire Kim, Member