

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF JOHN	*	
GERALD O'CONNOR ON	*	BEVERAGE HEARING BOARD
BEHALF OF THE RATHSKELLER,	*	
LLC T/A THE RATHSKELLER,	*	FOR
FOR A CHANGE IN CLASS AND	*	
EXTENSION OF PREMISES	*	HOWARD COUNTY, MARYLAND
FOR A CLASS D, BEER, WINE	*	
AND LIQUOR 7-DAY ON/OFF SALE	*	Case No.: 22-15
LICENSE		

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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 February 22, 2022, the Hearing Board heard the application of John Gerald O'Connor (the “Applicant”), on behalf of The Rathskeller, LLC, t/a The Rathskeller (“The Rathskeller”), for a change in class and extension of premises for a Class D, Beer, Wine and Liquor 7-Day On/off Sale License for a 2,116 sq. ft. restaurant with a 1,350 sq. ft. exterior located at 5782 Main Street, Elkridge, MD 21075.

The hearing was properly advertised, and the property posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicant was represented by Claude de Vastey Jones, Esquire.

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

**SUMMARY OF TESTIMONY**

John Gerald O'Connor, 100% interest holder and resident agent, was sworn in and

testified before the Board.

Mr. O'Connor testified he is a registered voter, has lived in Howard County for about 26 years and has owned the property for about 9 years. Mr. O'Conner stated he is changing from a Class D Beer, Wine and Liquor 7-day On Sale License to a Class D Beer, Wine and Liquor On/off Sale License. Mr. O'Connor stated he is the only licensee for the liquor license. Mr. O'Connor stated he is seeking the change because the Rathskeller is currently in a basement and occupies a fenced in patio space under the previous license. Mr. O'Connor stated the intent is to expand the operation to the first floor space that was a prior coffee shop and to conduct off-premise sales in the shop space. Mr. O'Connor stated he has had no violations and is Alcohol Awareness Certified. Mr. O'Connor stated his managers and servers have been or will be Alcohol Awareness Certified. Mr. O'Connor stated he ensures his employees follow the laws concerning the sales of alcoholic beverages and the employees will be certified by Techniques of Alcohol Management (TAMS) or another entity in order to serve alcohol.

Mr. O'Connor testified to the floor plan and stated where alcohol will be sold, entry and exit points, and that the patio space is fenced in with 2 gated entrances that are monitored by servers. Mr. O'Connor stated all alcohol sold is brought up from the basement, served outside and then brought back downstairs. Mr. O'Connor stated the coffee shop space they are expanding to has its own counter and sales space to sell alcohol on and off premises. Mr. O'Connor stated downstairs access would be through stairs that go to the first floor. Mr. O'Connor stated where the off premise sales would be made and that the purchases would be made at the counter space.

Mr. O'Connor stated he has read the Howard County Liquor Board Rules and Regulations and will agree to abide by them. Mr. O'Connor stated he is on the licensed premises 10-12 hours a day. Mr. O'Connor stated the average daily receipts from the sale of alcohol would not exceed

the average daily receipts from the sale of food with this change. Mr. O'Connor stated he buys produce from a local farm, tries to support the community and wants to use the space for local events. Mr. O'Connor stated Historic Elkrige is within Elkrige and he stated he hopes for a revitalization of the area.

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 John Gerald O'Connor, on behalf of The Rathskeller, LLC, t/a The Rathskeller ("The Rathskeller"), has applied for a change in class and extension of premises for a Class D, Beer, Wine and Liquor 7-Day On/off Sale License for a 2,116 sq. ft. restaurant with a 1,350 sq. ft. exterior located at 5782 Main Street, Elkrige, MD 21075.
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 John Gerald O'Connor, 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 John Gerald O'Connor, on behalf of The Rathskeller, LLC, t/a The Rathskeller ("The Rathskeller"), has applied for a change in class and extension of premises for a Class D, Beer, Wine and Liquor 7-Day On/off Sale License for a 2,116 sq. ft. restaurant with a 1,350 sq. ft. exterior located at 5782 Main Street, Elkridge, MD 21075.

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 John Gerald O'Connor, 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.

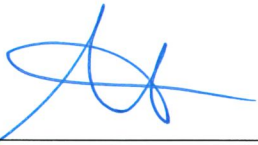
5. The Hearing Board concludes that the granting of the application will not unduly disturb the peace and safety of the residents of the neighborhood.

## ORDER

For the foregoing reasons, it is this 19<sup>th</sup> day of May, 2022, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of John Gerald O'Connor, on behalf of The Rathskeller, LLC, t/a The Rathskeller ("The Rathskeller"), for a change in class and extension of premises for a Class D, Beer, Wine and Liquor 7-Day On/off Sale License for a 2,116 sq. ft. restaurant with a 1,350 sq. ft. exterior located at 5782 Main Street, Elkridge, MD 21075, be and the same is hereby **GRANTED**, subject to the following conditions:

- (a) That the Applicant comply with all State and County laws and regulations;
- (b) That the Applicant satisfy any requirements necessary to obtain the license by August 22, 2022 unless that deadline is extended by the Board upon good cause shown;
- (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**

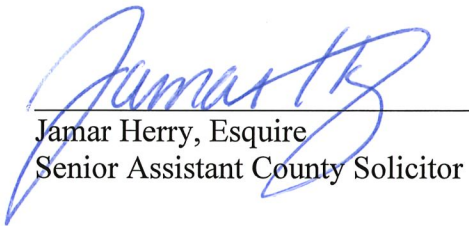
*Kel L. Berg for*  
\_\_\_\_\_  
Mary Bird, Chairperson

*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