

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF SCOTT EUGENE	*	BEVERAGE HEARING BOARD
MCDONALD, CALEB BENYI AND	*	FOR
THOMAS MICHAEL ON BEHALF	*	HOWARD COUNTY, MARYLAND
OF DIVE SAVAGE, LLC T/A DIVE	*	
BAR & GRILLE FOR A NEW CLASS	*	
B BEER, WINE AND LIQUOR	*	Case No.: 21-19
7-DAY ON SALE LICENSE	*	

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 May 25, 2021, the Hearing Board heard the application of Scott Eugene McDonald, Caleb Benyi and Thomas Michael (“Applicants”) on behalf of Dive Savage, LLC t/a Dive Bar & Grille (“Dive Bar & Grille) for a new Class B Beer and Wine, 7-day on-sale license for a 8,740 -square foot restaurant with a 3,332-square foot exterior located at 8600 Foundry Street, Unit 605-101, Savage, MD 20763.

The hearing was properly advertised, and the property was posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicants were represented by Christopher DeCarlo, Esquire. 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

Caleb Benyi, 5% interest owner and proposed licensee, was sworn in and testified

as follows:

Mr. Benyi testified that he will be the General Manger of Dive Bar & Grille. Mr. Benyi testified that there are five Dive Bar & Grille locations in the Pittsburgh area and he has served as the General Manager of one of those locations for three years and as a Regional Manager for two and a half years of all five stores. Mr. Benyi testified that while he has never held a liquor license, there has never been a liquor board violation at any of the locations he has managed.

Mr. Benyi testified that he will be living in Howard County full-time before the opening of the restaurant. Mr. Benyi testified that he plans to work at the restaurant every day when they first open and will eventually work five days a week between 50 and 60 hours. Mr. Benyi testified that when he is not at the restaurant, an assistant manager will be present. Mr. Benyi testified that this is a family owned business that supports the community by selling and promoting local craft beers. Mr. Benyi testified that the outdoor space, part of which is above ground level, will be partitioned and staffed at all times.

Mr. Benyi testified that they expect to sell 70% food and 30% alcohol, and the proposed hours of operation are 11:00am to 2:00am. Mr. Benyi testified that they hope to have live entertainment in the future.

Mr. Benyi testified that he is Alcohol Awareness certified and that the assistant manager is as well. Mr. Benyi stated that all bartenders will be certified within ninety days and expects to have 30-50 employees. Mr. Benyi testified that he is familiar with the Board's Rules and Regulations and understands them and ensures there will be no violations. Mr. Benyi testified that there is an in-house training program at all Dive Bar & Grille locations.

Thomas Michael, an owner and licensee of one of the Pittsburgh locations for four year was sworn in and testified as follows:

Mr. Michael testified that he has been in the restaurant business for almost 20 years. Mr. Michael testified that he plans to be at the Savage location one out of every three weeks as will the other partners on a rotating basis.

Mr. Michael testified that he is RAM certified in Maryland and RAM certified in Pennsylvania, has reviewed and understands the Board's Rules and Regulations and has never received a liquor board violation.

Mr. Michael testified that Dive Bar & Grille will be involved in the community by hosting fundraisers and other community events.

Scott McDonald, 10% interest owner and proposed resident agent, was sworn and testified as follows:

Mr. McDonald testified that he has been a Howard County resident for 26 years, lives three blocks from the location, is a registered voter and has never been convicted of a felony. Mr. McDonald testified that he works full time as an HVAC operator and has never held a liquor license.

Mr. McDonald testified that he plans to visit the site a few times a week, has read the Board's Rules and Regulations and is Alcohol Awareness certified.

The following exhibits were entered into the record:

Applicant's Exhibit #1 – Dive Bar & Grille menu

Applicant's Exhibit #2 – Alcohol Awareness certifications

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 Scott Eugene McDonald, Caleb Benyi and Thomas Michael on behalf of Dive Savage, LLC t/a Dive Bar & Grille have applied for a new Class B Beer and Wine, 7-day on-sale license for a 8,740 -square foot restaurant with a 3,332-square foot exterior located at 8600 Foundry Street, Unit 605-101, Savage, MD 20763.

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 the granting of the application is necessary for the accommodation of the public.

4. 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 Scott Eugene McDonald, Caleb Benyi and Thomas Michael on behalf of Dive Savage, LLC t/a Dive Bar & Grille have applied for a new Class B Beer and Wine, 7-day on-sale license for a 8,740 -square foot restaurant with a 3,332-square foot exterior located at 8600 Foundry Street, Unit 605-101, Savage, MD 20763.

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 the granting of the application is necessary for the accommodation of the public.

4. The Hearing Board concludes that the granting of this application would not unduly disturb the peace and safety of the neighborhood.

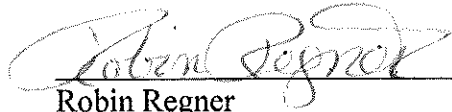
ORDER

For the foregoing reasons, it is this 30 day of June, 2021, by the Alcoholic Beverage Hearing Board of Howard County, **ORDERED**, that the application of Scott Eugene McDonald, Caleb Benyi and Thomas Michael on behalf of Dive Savage, LLC t/a Dive Bar & Grille for a new Class B Beer and Wine, 7-day on-sale license for a 8,740-square foot restaurant with a 3,332-square foot exterior located at 8600 Foundry Street, Unit 605-101, Savage, MD 20763, 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 September 20, 2021, unless that deadline is extended by the Board upon good cause shown; and
- (c) Failure to comply with these conditions shall render this Proposed Decision and Order null and void.

ATTEST:

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



Robin Regner
Board Administrator




Mary Bird, Chairperson



Harry Evans, Vice Chairperson

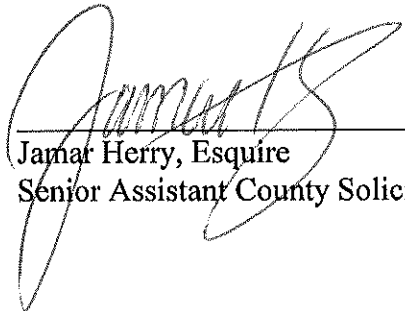
**REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
GARY W. KUC
COUNTY SOLICITOR**




Charley C. Sung, Member



Steven Chen, Member



Jamar Herry, Esquire
Senior Assistant County Solicitor



Claire Kim, Member