

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF JOSE ANTONIO	*	
PUGA RICO ON BEHALF OF	*	BEVERAGE HEARING BOARD
ERNESTO’S MEXCAN GRILL, LLC,	*	
T/A ERNESTO’S MEXICAN GRILL,	*	FOR
FOR A NEW CLASS B, BEER, WINE,	*	
AND LIQUOR 7-DAY ON-SALE	*	HOWARD COUNTY, MARYLAND
LICENSE	*	
	*	Case No.:19-04

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 6, 2019, the Hearing Board heard the application of Jose Antonio Puga Rico (the “Applicant”), on behalf of Ernesto’s Mexican Grill, LLC, t/a Ernesto’s Mexican Grill, (“Ernesto’s”), for a new Class B, Beer, Wine, and Liquor 7-Day On-Sale License for a 2,069-square foot restaurant with a 477-square foot patio located at 5715 Richards Valley Road, 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 Applicant was represented by Thomas 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.

SUMMARY OF TESTIMONY

Jose Antonio Puga Rico, 50% owner, managing member and proposed resident agent, was sworn and testified before the Board.

Mr. Puga Rico testified that he has lived in Howard County for twenty-two years and is a registered voter. He testified that he is part owner and the resident agent at Ernesto's Fine Mexican Food in Ellicott City and there has never been an alcohol violation there. He stated that he is familiar with Howard County Rules and Regulations regarding alcohol and will continue to abide by them. He further testified that he will be one of three managers at the site and will split his time between the two restaurants. He plans to open this location by the middle of March.

Mr. Puga Rico testified that he will be serving Tex-Mex cuisine which will be ordered at the counter and delivered to the table. He said the bar is at a separate counter with a separate cashier and one drink at a time will be served. Mr. Puga Rico testified that he is TAMS certified and all the servers will also be TAMS certified. He testified that there will be a written alcohol policy that all employees will read and sign.

Mr. Puga Rico stated that he expects to have a total of fifteen staff members and that there will always be a manager on site. Mr. Puga Rico testified the hours of operation will be 10:30am to 9:00pm Sunday through Thursday and 10:30am to 10:00pm Friday and Saturday. He explained that to access the patio you must go through the restaurant and that the patio is visible through the glass door and there is an aluminum fence barrier around the patio, which will be monitored by staff.

In response to questions from the Board, Mr. Puga Rico explained the use of "Puga" versus "Puga Rico" as his last name is a common cultural practice in Mexico of adding your mother's last name to your given name. He stated that his passport states "Puga Rico."

The following exhibit was submitted into the record as Applicant's Exhibit #1

- *Ernesto's Mexican Grill Menu*

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.

FINDINGS OF FACT

1. The Hearing Board finds that Jose Antonio Puga Rico, on behalf of Ernesto's Mexican Grill, LLC, t/a Ernesto's Mexican Grill, has applied for a new Class B, Beer, Wine and Liquor 7-day on-sale license for a 2,069-square foot restaurant with a 477-square foot patio located at 5715 Richards Valley Road, Ellicott City, MD 21043.

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 Mr. Puga Rico, the resident agent applicant, has been a Howard County resident for more than two years and is a registered voter.

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 Jose Antonio Puga Rico, on behalf of Ernesto's Mexican Grill, LLC, t/a Ernesto's Mexican Grill, has applied for a new Class B, Beer, Wine, and Liquor 7-day on-sale license for a 2,069-square foot restaurant with a 477-square foot patio located at 5715 Richards Valley Road, Ellicott City, MD 21043.

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 Jose Antonio Puga Rico 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 th 26 day of February, 2019, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Jose Antonio Puga Rico, on behalf of Ernesto's Mexican Grill, LLC, t/a Ernesto's Mexican Grill, for a new Class B, Beer, Wine, and Liquor 7-day on-sale license for a 2,069-square foot restaurant with a 477-square foot patio located at 5715 Richards Valley Road, Ellicott City, MD 21043, be and the same is hereby **GRANTED**, subject to the following conditions:

- (a) That the Applicant complies with all State and County laws and regulations;
- (b) That the Applicant satisfies any requirements necessary to obtain the license by May 21, 2019, 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



Gene Ryan, Chairperson



Mary Bird, Vice-Chairperson

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



Charles C. Feaga, Member

ABSENT AT TIME OF SIGNING

Heather Gaetano, Member



Lewis Taylor, Esquire
Senior Assistant County Solicitor

ABSENT

Charley C. Sung, Member