

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF EDWARD	*	
RANDOLPH MARRINER, MARY	*	BEVERAGE HEARING BOARD
ELIZABETH MARRINER, AND	*	
RACHAEL HAYES MULL, ON	*	FOR
BEHALF OF VICTORIA RESTAURANT	*	
GROUP, LLC, T/A FOOD PLENTY,	*	HOWARD COUNTY,
FOR A CHANGE IN CLASS TO A CLASS	*	
B, BEER, WINE, AND LIQUOR 7-DAY	*	
ON-SALE LICENSE WITH	*	
SBW OFF-SALE PERMIT	*	Case No.:18-37
	*	

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 August 23, 2018, the Hearing Board heard the application of Edward Randolph Marriner, Mary Elizabeth Marriner, and Rachael Hayes Mull (“Applicants”), on behalf of Victoria Restaurant Group, LLC, t/a Food Plenty (“Food Plenty”), for a change in class from a Class BLX to a Class B, Beer, Wine, and Liquor, 7-day on-sale license with a SBW off-sale permit, for a 9,825-square foot restaurant with a 494-square foot outside patio, located at 12240 Clarksville Pike, Clarksville, Maryland 21029.

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

Thomas Coale proffered that due to a change in law allowing individuals to hold up to six Class B Licenses, the Applicants are requesting to change their Class BLX license to a Class B on-sale license with a SBW permit to allow them to sell off-premises growlers.

Edward Randolph Marriner, 30% owner of Victoria Restaurant Group, LLC, and resident agent licensee for Food Plenty, was sworn and addressed a discrepancy with the proposed outdoor license area. He testified that the outdoor dining area should be 494 square feet in accordance with comments from the Department of Planning and Zoning which indicated that the approved site development plan only authorized the outdoor dining area for 494 square feet. Mr. Marriner testified that his restaurant has complied with this 494-square foot outdoor dining requirement by posting signs that patrons cannot pass a certain point with alcohol and by using planter boxes to provide a physical barrier to keep patrons in the licensed area.

Mr. Marriner testified that the requested SBW permit is only allowed with a Class B license and not with the current BLX license. He testified that the SBW permit is limited to beer and wine and only applies to customers who dine on the premises.

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 Edward Randolph Marriner, Mary Elizabeth Marriner, and Rachael Hayes Mull, on behalf of Victoria Restaurant Group, LLC, t/a Food Plenty, have applied for a change in class from a Class BLX to a Class B, Beer, Wine, and Liquor, 7-day on-sale license with a SBW off-sale permit, for a 9,825-square foot restaurant with a 494-square foot outside patio, located at 12240 Clarksville Pike, Clarksville, Maryland 21029.

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 Edward Randolph Marriner has been a Howard County resident for more than two years, is a registered voter, and a 30% shareholder of Victoria Restaurant Group, LLC, t/a Food Plenty.

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 Edward Randolph Marriner, Mary Elizabeth Marriner, and Rachael Hayes Mull, on behalf of Victoria Restaurant Group, LLC, t/a Food Plenty, have applied for a change in class from a Class BLX to a Class B, Beer, Wine, and Liquor, 7-day on-sale with a SBW off-sale permit, for a 9,825-square foot restaurant with a 494-square foot outside patio, located at 12240 Clarksville Pike,

Clarksville, Maryland 21029.

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 Edward Randolph Marriner 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 would not unduly disturb the peace and safety of the neighborhood.

ORDER

For the foregoing reasons, it is this 23rd day of October 2018, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Edward Randolph Marriner, Mary Elizabeth Marriner, and Rachael Hayes Mull, on behalf of Victoria Restaurant Group, LLC, t/a Food Plenty, for a change in class from a Class BLX to a Class B, Beer, Wine, and Liquor, 7-day on-sale with a SBW off-sale permit, for a 9,825-square foot restaurant with a 494-square foot outside patio, located at 12240 Clarksville Pike, Clarksville, Maryland 21029, 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 January 23, 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



Heather Gaetano, Chairperson

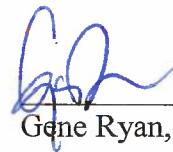
~~Absent AT TIME OF SIGNING~~

Mary Bird, Vice-Chairperson

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



Charles C. Feaga, Member



Gene Ryan, Member



Lewis Taylor, Esquire
Senior Assistant County Solicitor

~~Absent AT TIME OF SIGNING~~

Charley C. Sung, Member