

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF JENNIFER	*	
CONCEPCION ON BEHALF OF	*	BEVERAGE HEARING BOARD
THE GREENE TURTLE COLUMBIA,	*	
LLC T/A THE GREENE TURTLE FOR	*	FOR HOWARD COUNTY, MARYLAND
A RESIDENT AGENT CHANGE ON A	*	
CLASS B BEER, WINE & LIQUOR	*	Case No.:21-14
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 April 27th, 2021 and May 11, 2021, the Hearing Board heard the application of Jennifer Concepcion (the “Applicant”) on behalf of The Greene Turtle Columbia, LLC t/a The Greene Turtle (“The Greene Turtle”) for a resident agent change replacing Robert J. Barry, Jr. on a Class B, Beer, Wine and Liquor 7-day on sale license for a 7,200 square foot restaurant with an 800 square foot patio located at 8872 McGaw Rd., Suite C, Columbia, MD 21044

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 counsel, David Mister, Esq., 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

Jennifer Concepcion, proposed resident agent, was sworn in and testified before the

Board.

Ms. Concepcion testified that she is married to the Chief Executive Officer of The Greene Turtle franchise and she is in the process of becoming a licensee at three other Greene Turtle locations in Maryland. Ms. Concepcion testified that she and her husband visit each location at least once a week and she will visit the locations more often when she is a licensee. Ms. Concepcion testified that the Columbia location is closest to her home, so she expects to be there regularly. Ms. Concepcion testified that there is a lot of turnover in staff and hopes to provide some consistency as a licensee, although the day-to-day duties are assigned to the General Manager and the other managers at the location.

Ms. Concepcion testified that she is certified in alcohol awareness training and has reviewed and is familiar with the Board's Rules and Regulations as well as the regulations for the other counties of where she is a licensee. Ms. Concepcion testified that there are approximately thirty-five staff members at the Columbia location including a General Manager and two other managers, all of whom are alcohol awareness certified. Ms. Concepcion testified that all new employees are certified within thirty days of employment.

Ms. Concepcion testified that the hours of operation are currently 11:00am to 11:00pm Sunday through Thursday and 11:00am to 12:00am Friday and Saturday. Ms. Concepcion stated that she expects the hours to be expanded to 11:00am to 12:00am Sunday through Thursday and 11:00am to 2:00am post Covid19.

Ms. Concepcion testified that there is a company policy in place which outlines that all guests who appear to be forty years old or younger are to be carded and that there have been no violations at the Columbia location in over two years.

Ms. Concepcion testified that she sees the important issues of her role as accurate record

keeping, paying taxes appropriately, alcohol awareness training and reviewing the rules consistently as they differ slightly with each County.

Randall Black, General Manager of The Greene Turtle in Columbia was sworn and testified as follows:

Mr. Black testified that he has been employed with The Greene Turtle for six years and has been in industry for ten years. Mr. Black testified that as General Manager he runs the day-to-day operations of the Columbia location, works 50 plus hours per week and oversees the hiring of employees and ordering of alcohol.

Mr. Black testified that he is alcohol awareness certified, as are all members of the staff. Mr. Black also testified that the in-service training program is mandatory at all Greene Turtle locations and it includes online tutorials on ways to identify customers who are intoxicated by assessing behavior clues, judgment, and coordination. Mr. Black testified that approximately once every two weeks someone will come in who appears to be already intoxicated; these customers are tracked on a communication log. In addition, Mr. Black and staff remain in communication with the Alcoholic Beverage Inspector.

Mr. Black testified that if staff is found to have served alcohol to an underage customer, they are automatically terminated. Mr. Black testified that there is always a manager on premises, and they understand that having a liquor license is a privilege.

The following Exhibit was entered into the record:

Applicant Exhibit #1 - Organizational chart and Safe Alcohol Service document

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicant waived her right to request the Liquor Board to hear the case.

FINDINGS OF FACT

1. The Hearing Board finds that Jennifer Concepcion on behalf of The Greene Turtle Columbia, LLC t/a The Greene Turtle has applied for a resident agent change replacing Robert J. Barry, Jr. on a Class B, Beer, Wine and Liquor 7-day on sale license for a 7,200 square foot restaurant with an 800 square foot patio located at 8872 McGaw Rd., Suite C, Columbia, MD 21044
2. The Hearing Board finds that the Applicant is a fit and proper person to serve as a resident agent on an alcoholic beverage license.
3. The Hearing Board finds that Jennifer Concepcion is a Howard County resident.
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 Jennifer Concepcion on behalf of The Greene Turtle Columbia, LLC t/a The Greene Turtle has applied for a resident agent change replacing Robert J. Barry, Jr. on a Class B, Beer, Wine and Liquor 7-day on sale license for a 7,200 square foot restaurant with an 800 square foot patio located at 8872 McGaw Rd., Suite C, Columbia, MD 21044
2. The Hearing Board concludes that the Applicant is a fit and proper person to serve as a resident agent on an alcoholic beverage license.
3. The Hearing Board concludes that Jennifer Concepcion meets the requirements 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 this application would not unduly disturb the peace and safety of the neighborhood.

ORDER

For the foregoing reasons, it is this 8th day of June, 2021, by the Alcoholic Beverage Hearing Board of Howard County, **ORDERED** that the application of Jennifer Concepcion on behalf of The Greene Turtle Columbia, LLC t/a The Greene Turtle for a resident agent change replacing Robert J. Barry, Jr. on a Class B, Beer, Wine and Liquor 7-day on sale license for a 7,200 square foot restaurant with an 800 square foot patio located at 8872 McGaw Rd., Suite C, Columbia, MD 21044, be and the same is hereby **GRANTED**, subject to the following conditions:

- (a) That the Applicant complies with all State and County Rules; and Regulations; and
- (b) that the Applicant satisfy any requirements necessary to obtain the license by August 25, 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

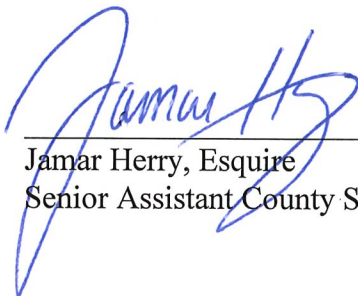
**REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
GARY W. KUC
COUNTY SOLICITOR**



Charley C. Sung, Member



Steven Chen, Member



Jamar Herry, Esquire
Senior Assistant County Solicitor

(NOT PRESENT)
Claire Kim, Member