

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF RICHARD BRETT	*	BEVERAGE HEARING BOARD
MITCHELL AND LEHO POLDMAE ON	*	FOR
BEHALF OF NEO COLUMBIA, LLC	*	HOWARD COUNTY, MARYLAND
T/A NEO PIZZA FOR A NEW CLASS B	*	
BEER AND WINE 7-DAY ON-SALE	*	CASE NO: 19-44
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 September 24, 2019, the Hearing Board heard the application of Richard Brett Mitchell and Leho Poldmae (“Applicants”) on behalf of Neo Columbia, LLC t/a Neo Pizza (“Neo Pizza”), for a new Class B Beer and Wine, 7-day on-sale license for a 2,956-square foot restaurant with a 695-square foot outdoor patio located at 8872 McGaw Road, Suite 1575, Columbia, Maryland 21045.

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 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

Leho Poldmae, 90% owner and managing member, was sworn and testified that he has experience in the restaurant business since 1995. He stated these restaurants include

pizza restaurants and Green Turtle restaurants. Mr. Poldmae testified he launched his own restaurant named Neo Pizza in 2016; the location in Columbia will be his third Neo Pizza location. Mr. Poldmae also stated that he has owned a total of nine establishments over a 24-year period and there were a few violations including:

1. Finksburg J&P – violation for picking up license late
2. Westminster Green Turtle – noise nuisance violation
3. Hunt Valley Green Turtle – underage service

Mr. Poldmae submitted, and the Board accepted the below exhibit into the record:

Exhibit#1 – Commendation Letters

Mr. Poldmae testified that Neo Pizza will be a fast food/casual restaurant with a self-service tap system for craft beer and wine. He explained that customers of legal age to purchase alcohol will have their identification and credit card scanned and will receive a wristband which will be scanned at the tap. The wristbands are visible and have a RFID sensor. Each customer will only initially be allowed 32 ounces of beer or 12 ounces of wine. After 32 ounces of beer or 12 ounces of wine, your scan access is terminated, and you must find the manager or person in charge at the time in order to have your scan access activated. A second scan of the wristband would be permitted to allow the customer to receive additional ounces depending on beer or wine. Customers are only charged for the amount of alcohol they pour. The wristband will be returned when the Customer leaves the premises.

Mr. Poldmae testified that there will be approximately eight employees on the floor including bussers, food runners, cashiers/POS takers, and a manager. All employees will be TIPs certified. There will always be an employee monitoring the tap usage. Neo Pizza will

be open seven days a week and the hours of operation will be from 11 a.m. to 10 p.m. from Sunday through Thursday and from 11 a.m. to 11 p.m. on Friday and Saturdays.

Mr. Poldmae testified that there will be an outdoor patio area with metal fencing. There are approximately 4 tables on the outdoor patio. He testified that he has read and understands the Liquor Board Rules and Regulations and will abide by them. He hopes to open Neo Pizza in January 2020 if possible. Mr. Poldmae stated that he will provide to the Board a copy of the signed and dated Operating Agreement.

Richard Brett Mitchell, proposed resident agent and 10% interest holder, was sworn and testified that he is a registered voter and has lived in Howard County for more than two years. Mr. Mitchell stated that he has alcohol beverage experience previously as bartender, owned a pizzeria in North Carolina, worked at a Green Turtle, General Manager for On The Border Restaurant, and he is now the food and beverage director for Holiday Inn at National Airport. He has not been involved in any liquor violations. Mr. Mitchell testified that he has read the Liquor Board Rules and Regulations and will abide by them.

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 Richard Brett Mitchell and Leho Poldmae, on behalf of Neo Columbia, LLC t/a Neo Pizza, have applied for a new Class B Beer and Wine, 7-day on-sale license for a 2,956-square foot restaurant with a 695-square foot outdoor patio located at 8872 McGaw Road, Suite 1575, Columbia, Maryland 21045.

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 Richard Brett Mitchell has been a Howard County resident for more than two years, is a registered voter, and has a 10% financial interest in Neo Columbia, LLC.

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 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 that Richard Brett Mitchell and Leho Poldmae, on behalf of Neo Columbia, LLC t/a Neo Pizza, have applied for a new Class B Beer and Wine, 7-day on-sale license for a 2,956-square foot restaurant with a 695-square foot outdoor patio located at 8872 McGaw Road, Suite 1575, Columbia, Maryland 21045.

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 Richard Brett Mitchell 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 this application would not unduly disturb the peace and safety of the neighborhood.

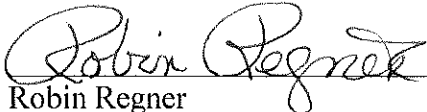
ORDER

For the foregoing reasons, it is this 13th day of NOVEMBER 2019, by the Alcoholic Beverage Hearing Board of Howard County, **ORDERED**, that the application of that Richard Brett Mitchell and Leho Poldmae, on behalf of Neo Columbia, LLC t/a Neo Pizza, for a new Class B Beer and Wine, 7-day on-sale license for a 2,956-square foot restaurant with a 695-square foot outdoor patio located at 8872 McGaw Road, Suite 1575, Columbia, Maryland 21045, 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 22, 2020, 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


ABSENT
Gene Ryan, Chairperson


ABSENT AT TIME OF SIGNING
Mary Bird, Vice Chairperson

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


Harry Evans, Member


Heather Gaetano, Member


Jamar Herry, Esquire
Assistant County Solicitor


Charley C. Sung, Member