

IN THE MATTER OF THE \* BEFORE THE ALCOHOLIC  
APPLICATION OF DAVID BURKS AND \*  
MAUREEN K. DAHLE ON BEHALF OF \* BEVERAGE HEARING BOARD  
OCEAN CITY BREWING CO. 3, LLC, t/a \*  
OCEAN CITY BREWING COMPANY, \* FOR  
FOR A NEW CLASS B BEER, WINE, \*  
AND LIQUOR 7-DAY ON-SALE \* HOWARD COUNTY, MARYLAND  
LICENSE \*  
\* Case No.: 17-28  
\*

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**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 June 27, 2017, the Hearing Board heard the application of David Burks and Maureen K. Dahle (the “Applicants”), on behalf of Ocean City Brewing Co. 3, LLC, t/a Ocean City Brewing Company (“Ocean City Brewing Co. 3, LLC”), for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 5,034 square foot restaurant with a 1,000 square foot patio located at 6630 Marie Curie Drive, Suite L, Elkridge, Maryland 21075. The hearing was properly advertised pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicants were represented by David F. Mister, Esquire. There were no protestants who appeared in opposition to the application.

All the documents on file were incorporated into the record by reference. These include the following: a letter dated May 31, 2017, from the attorney for the Applicants enclosing the application; a copy of the floor plan; a copy of the site plan; a copy of the floor

plan for the patio area; a Corporate Charter Approval sheet for Ocean City Brewing Co. 3, LLC; a copy of the Articles of Organization for Ocean City Brewing Co. 3, LLC; the background investigation questionnaires for the Applicants; a receipt dated April 12, 2017, from the Department of Public Safety and Correctional Services for David Emory Burks; a memorandum dated June 1, 2017, from the Liquor Board Administrator to the Alcohol Beverage Inspector, the Department of Inspections, Licenses, and Permits, the Bureau of Environmental Health, the Department of Planning and Zoning, and the Office of the Fire Marshal; the background investigation of the Applicants by the Alcohol Beverage Inspector dated June 15, 2017; an email dated June 5, 2017, from the Department of Inspections, Licenses, and Permits; a memorandum dated June 8, 2017, from the Department of Planning and Zoning; an email dated June 9, 2017, from the Office of the Fire Marshal; a memorandum dated June 20, 2017, from the Bureau of Environmental Health; a letter dated June 2, 2017, to the Department of Finance; letter from the Department of Finance; a letter dated June 2, 2017, to the Comptroller of the Treasury; a letter dated June 15, 2017, from the Comptroller of the Treasury; an email from the Liquor Board Administrator to the attorney for the Applicant including a fax transmission dated June 1, 2017, and a letter dated June 2, 2017, advising notification of the hearing date, and enclosing the required advertisement; and an e-mail dated June 12, 2017, from the Alcoholic Beverage Inspector stating the premises had been posted.

#### **SUMMARY OF TESTIMONY**

The Attorney for the Applicant proffered that the proposed Class B licensee will be a sister entity to a micro-brewery located in Ocean City, Maryland, and that new OC Brewing restaurants have opened in Harford County and Reisterstown. The Howard County location

will not brew beer.

Maureen Dahle was sworn and testified that she is a 90% owner and managing member of Ocean City Brewing Co. 3, LLC and that she will be the manager of the proposed restaurant. She testified that all customers are carded and the staff will have regular meetings about alcohol service. She stated that all managers have been alcohol awareness certified and that they plan to have all wait staff certified as well. Ms Dahle testified that there will be at least two servers monitoring the outdoor patio area.

Ms. Dahle testified that they will have about 40 employees, not including managers. There will be five managers and there will always be a manager on duty. She stated that she expects to work approximately 70 hours per week at the start. She stated that there have been no alcohol service violations at the other OC Brewing locations.

Ms. Dahle testified that she has professional experience as an insurance broker and that she has no ownership interest in any of the other OC Brewing locations. She testified that she is alcohol awareness certified and that she had previous experience working in a restaurant.

David Burks was sworn and testified that is a Howard County resident and a 10% owner of Ocean City Brewing Co. 3, LLC. He stated that he works at Wegman's supermarket and that he will visit the restaurant two to three times per month. He stated that he understands he must appear before the Board if there are any violations alleged. He testified that previously he was the manager at another licensed establishment that did not have any violations while he worked there.

The following Exhibits were entered into the record:

- Exhibit #1: menu
- Exhibit #2: employee handbook
- Exhibit #3: alcohol service handbook
- Exhibit #4: alcohol awareness certifications for several employees

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 David Burks and Maureen K. Dahle on behalf of Ocean City Brewing Co. 3, LLC, t/a Ocean City Brewing Company, have applied for a new Class B Beer, Wine, and Liquor, 7-day on-sale license for a 5,034 square foot restaurant with a 1,000 square foot patio located at 6630 Marie Curie Drive, Suite L, Elkridge, Maryland 21075.
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 David Burks has been a Howard County resident for more than two years, is a registered voter, and 10% shareholder of Ocean City Brewing Co. 3, LLC, t/a Ocean City Brewing Company.
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 David Burks and Maureen K. Dahle on behalf of Ocean City Brewing Co. 3, LLC, t/a Ocean City Brewing Company, have applied for a new Class B Beer, Wine, and Liquor, 7-day on-sale license for a 5,034 square foot restaurant with a 1,000 square foot patio located at 6630 Marie Curie Drive, Suite L, Elkridge, Maryland 21075.

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 David Burks meets the requirements of Rules 1.09(T), 1.09(U), 2.06, and 2.10 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.

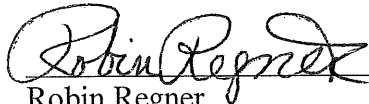
**ORDER**

For the foregoing reasons, it is this 11<sup>th</sup> day of July, 2017, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of David Burks and Maureen K. Dahle on behalf of Ocean City Brewing Co. 3, LLC, t/a Ocean City Brewing Company, for a new Class B Beer, Wine, and Liquor, 7-day on-sale license for a 5,034 square foot restaurant with a 1,000 square foot patio located at 6630 Marie Curie Drive, Suite L, Elkridge, Maryland 21075, be and the same is hereby **GRANTED**, subject to the following conditions:

- (a) That the Applicants comply with all State and County Rules and Regulations; and
- (b) Failure to comply with these conditions and obtain the license by October 31, 2017, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING  
BOARD OF HOWARD COUNTY,  
MARYLAND



Robin Regner  
Acting Administrator



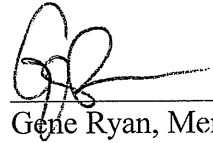
Heather Gaetano, Chairperson

Absent AT TIME OF SIGNING  
Mary Bird, Vice-Chairperson

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



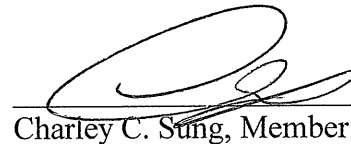
Charles C. Feaga, Member



Gene Ryan, Member



Lewis Taylor, Esquire  
Assistant County Solicitor



Charley C. Sung, Member