

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF JOHN GERALD	*	BEVERAGE HEARING BOARD
O'CONNOR, ON BEHALF OF THE	*	FOR
RATHSKELLER, LLC, T/A THE	*	HOWARD COUNTY,
RATHSKELLER, FOR A NEW CLASS D	*	MARYLAND
BEER, WINE, AND LIQUOR 7-DAY	*	Case No.: 19-02
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 January 8, 2019, the Hearing Board heard the application of John Gerald O’Connor (“Applicant”), on behalf of The Rathskeller, LLC, t/a The Rathskeller (“The Rathskeller”), for a new Class D Beer, Wine, and Liquor 7-day on-sale license for a 983-square foot tavern with a 1,350-square foot outdoor patio located at 5782 Main Street, Elkridge, Maryland 21075.

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 M. 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

Mr. Meachum explained that an application was filed for this same proposal in 2016, and the Board approved the application by Decision and Order dated October 18, 2016. He stated that the applicant received his original liquor license approval prior to making major

investments in updating the historic property and construction has taken longer than expected to complete. Mr. Meachum stated The Rathskeller anticipates being ready to open by the end of April 2019.

Mr. Meachum stated there were no changes in the current application from the original submission in 2016 and he proposed to incorporate by reference everything from the original Decision and Order into the record of this case.

John Gerald O'Connor, Managing Member and 100% shareholder for The Rathskeller, was sworn and testified that there have been no changes to the proposal originally filed in 2016. Mr. O'Connor testified that construction of the historic property has taken more time than anticipated due to weather delays and a lengthy site development plan process.

Mr. O'Connor testified about the architectural rendering of the proposed facility, which is still under construction, describing the historic feel of the restaurant, which includes 11-foot ceilings, creating a barrow vault with tiffany lighting, arches, an outside patio/seating area with stone and wrought iron fencing and original quality salvaged siding.

Mr. O'Connor testified that this facility will house three businesses, including his engineering offices and a storefront with a coffee shop that will share the patio space until 3:00 p.m. After 3:00 p.m., The Rathskeller will use the patio space.

Mr. O'Connor testified that he is alcohol awareness certified and understands that someone who is certified must be present on site at all times.

Mr. Meachum requested that the Board allow enough time for the license to be picked up to make sure no extensions are necessary. He stated that the applicant is highly motivated to get this restaurant ready to open and requests that the Board give the applicant to the end of May to pick up his liquor license.

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.

Based on the evidence presented at the hearing, as well as the evidence and findings contained in Alcoholic Beverage Hearing Board case 16-43, which is incorporated here by reference, the Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The Hearing Board finds that John Gerald O'Connor, on behalf of The Rathskeller, LLC, t/a The Rathskeller, has applied for a new Class D Beer, Wine, and Liquor 7-day on-sale license for a 983-square foot tavern with a 1,350-square foot outdoor patio located at 5782 Main Street, Elkridge, Maryland 21075

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 John Gerald O'Connor has been a Howard County resident for more than two years, is a registered voter, and a 100% owner of The Rathskeller.

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 John Gerald O'Connor, on behalf of The Rathskeller, LLC, t/a The Rathskeller, has applied for a new Class D Beer, Wine, and Liquor, 7-day on-sale license for a 983-square foot tavern with a 1,350-square foot outdoor patio

located at 5782 Main Street, Elkridge, Maryland 21075.

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 John Gerald O'Connor 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 12th day of February, 2019, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of John Gerald O'Connor, on behalf of The Rathskeller, LLC, t/a The Rathskeller, for a new Class D Beer, Wine, and Liquor 7-day on-sale license for a 983-square foot tavern with a 1,350-square foot outdoor patio located at 5782 Main Street, Elkridge, Maryland 21075, be and the same is hereby **GRANTED**, subject to the following conditions:

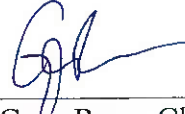
- (a) That the Applicant complies with all State and County laws and regulations; and
- (b) That the Applicant satisfies any requirements necessary to obtain the license by May 30, 2019, unless that deadline is extended by the Board upon good cause shown; and
- (c) Failure to comply with these conditions shall render this Proposed Decision and Order null and void.

ATTEST:

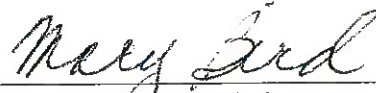
ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Robin Regner
Board Administrator

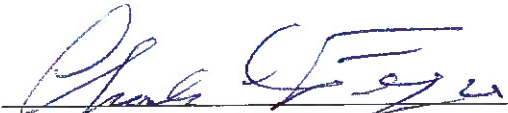


Gene Ryan, Chairperson



Mary Bird, Vice-Chairperson

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



Charles C. Feaga, Member



Heather Gaetano, Member



Lewis Taylor, Esquire
Senior Assistant County Solicitor

Absent AT TIME OF SIGNING

Charley C. Sung, Member