

IN THE MATTER OF THE * BEFORE THE ALCOHOLIC
APPLICATION OF GARRY BRENT *
MOWERY, COLLEEN MARIE HUNTER, * BEVERAGE HEARING BOARD
AND JOSEPH GEORGE KERN ON *
BEHALF OF GMR COLUMBIA, INC., * FOR
t/a SEASONS 52, FOR A NEW CLASS *
BLX 7-DAY ON-SALE LICENSE * HOWARD COUNTY, MARYLAND
*

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 28, 2014 and February 19, 2014, the Hearing Board heard the application of Garry Brent Mowery, Colleen Marie Hunter, and Joseph George Kern ("Applicants"), on behalf of GMR Columbia, Inc., t/a Seasons 52 ("GMR Columbia, Inc."), for a new Class BLX Beer, Wine, and Liquor 7-day on-sale license for a 9,208 square foot restaurant with a 699 square foot outdoor patio, located at 10300 Little Patuxent Parkway, Columbia, Maryland 21044. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by Leanne M. Schrecengost, 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 November 4, 2013, from the Applicants' attorney enclosing the application; a copy of the floor plan; a copy of the Articles of Incorporation of GMR Columbia, Inc.; a copy of the management structure for GMR Columbia, Inc.; the background investigation questionnaire from Gary Brent Mowery; a background investigation questionnaire from Colleen Marie Hunter; a copy of the driving record of Colleen Marie Hunter from the Florida Department of Highway Safety and Motor Vehicles; a criminal history information request from the Florida Department of Law Enforcement for Colleen Marie Hunter; a background investigation questionnaire from Joseph George Kern; a copy of the driving record of Joseph George Kern from the Florida Department of Highway Safety and Motor Vehicles; a criminal history information request for Joseph George Kern from the Florida Department of Law Enforcement; a letter dated January 22, 2014, from the Applicants' attorney enclosing an updated list of licenses held by Joseph Kern and Colleen Hunter, and a violation chart for Coleen Hunter and Garry Mowery; a memorandum dated January 3, 2014, from the Liquor Board to the Alcoholic

Beverage Inspector, the Department of Inspections, Licenses and Permits, the Bureau of Environmental Health and the Department of Planning and Zoning; the background investigations of the Applicants from the Alcoholic Beverage Inspector dated January 13, 2014; an e-mail dated January 8, 2014, from the Department of Inspections, Licenses and Permits; a memorandum dated January 8, 2014, from the Bureau of Environmental Health; a letter dated January 3, 2014, to the Department of Finance; a letter dated January 17, 2014, from the Department of Finance; a letter dated January 3, 2014, to the Comptroller of Maryland; a letter dated January 13, 2014, from the Comptroller of Maryland; an email from the Liquor Board Administrator enclosing a fax transmission to the Applicants' attorney, and a letter dated December 20, 2014, with notification of the hearing date and the necessity to advertise; a memorandum dated January 8, 2014, from the Alcoholic Beverage Inspector stating the premises had been posted; and certification of advertisement from Howard County Times and The Baltimore Sun.

SUMMARY OF TESTIMONY – JANUARY 28, 2014

Leanne Schrecengost, Applicants' attorney, stated that Seasons 52 will be a new restaurant located in the new Avenue area of downtown Columbia. Ms. Schrecengost stated that they hope to be open by mid-July or August of 2014.

Joseph George Kern, President of GMR Columbia, Inc., was sworn and testified that he is Vice President and Division Council with Darden Restaurants, Inc. Mr. Kern testified that Seasons 52 will seat 273 patrons, with 40 exterior seats. The concept of the restaurant is a fresh healthy grill that will have a seasonally inspired menu. Mr. Kern testified that there will be nothing on the menu more than 475 calories.

Mr. Kern testified that the outside patio area will have planters, and a three foot high fence. Mr. Kern testified that customers will enter the outside area through the interior of the restaurant.

Mr. Kern testified that they will employ approximately 130 employees, and that all servers will be required to be alcohol awareness certified. Mr. Kern testified that servers will be required to ask for identification from anyone who appears to be under the age of 30.

Mr. Kern testified that he is familiar with the rules and regulations governing the sale of alcoholic beverages, and that he understands the responsibility of being on the liquor license.

Colleen Marie Hunter, Assistant Secretary, was sworn and testified that she is the Director of Licensing for Darden, and that she has 15 years of experience with them.

A motion was made to continue the hearing until February 19, 2014, so that the Hearing Board could speak to the resident agent, Garry Brent Mowery, who was unable to attend.

SUMMARY OF TESTIMONY – FEBRUARY 19, 2014

Garry Brent Mowery, Assistant Secretary and 10% owner of GMR Columbia, Inc., was sworn and testified that he is a registered voter, that he has lived in Howard County for 22 years, and is that he is alcohol awareness certified. Mr. Mowery testified that he has been a resident agent for Olive Garden and Red Lobster for 20 years. Mr. Mowery testified that he is familiar with the Hearing Board's Rules and Regulations. Mr. Mowery testified that he visits the establishments to get to know the managers, and to make sure things are going smoothly. Mr. Mowery testified that he keeps a record of when he visits the restaurants.

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

Based on the evidence presented at the hearing, the Hearing Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Hearing Board finds that Garry Brent Mowery, Colleen Marie Hunter, and Joseph George Kern on behalf of GMR Columbia, Inc., t/a Seasons 52, have applied for a 9,208 square foot restaurant with a 699 square foot outdoor patio located at 10300 Little Patuxent Parkway, Columbia, Maryland 21044.

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 Garry Brent Mowery has been a Howard County resident for more than two years, is a registered voter and 10% owner of GMR Columbia, Inc., t/a Seasons 52.

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 in the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board finds that Garry Brent Mowery, Colleen Marie Hunter, and Joseph George Kern on behalf of GMR Columbia, Inc., t/a Seasons 52, have applied for a 9,208 square foot restaurant with a 699 square foot outdoor patio located at 10300 Little Patuxent Parkway, Columbia, Maryland 21044.

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 Garry Brent Mowery 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 will not unduly disturb the peace and safety of the residents in the neighborhood.

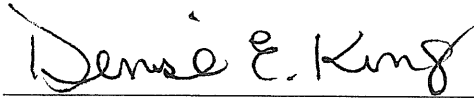
ORDER

For the foregoing reasons, by a 4 to 0 vote, it is this 10th day of June, 2014, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Garry Brent Mowery, Colleen Marie Hunter, and Joseph George Kern on behalf of GMR Columbia, Inc., t/a Seasons 52, for a new Class BLX Beer, Wine, and Liquor 7-day on-sale license for a 9,208 square foot restaurant with a 699 square foot outdoor patio located at 10300 Little Patuxent Parkway, Columbia, Maryland 21044, be and the same is hereby **GRANTED** subject to the following conditions:

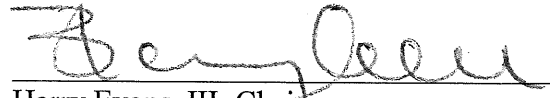
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicants obtain the license, and comply with the following conditions:
 - (a) That the Applicants comply with all State and County rules and regulations; and
 - (b) Failure to comply with these conditions and obtain the license before August 31, 2014, shall render this proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator

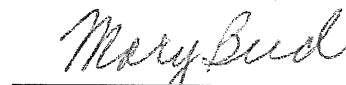


Harry Evans, III, Chairperson




Charles C. Feaga, Vice-Chairperson

REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
MARGARET ANN NOLAN
COUNTY SOLICITOR



Mary Bird, Member



William Neault, Member



Lewis Taylor, Esquire
Assistant County Solicitor