

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF BRIAN THOMAS	*	
DONOUGHE AND WENDY ROCHELLE	*	BEVERAGE HEARING BOARD
BINDER ON BEHALF OF WENDEC	*	
ENTERPRISES, LLC, t/a SECOND	*	FOR
CHANCE SALOON, FOR A RESIDENT	*	
AGENT CHANGE ON A CLASS B	*	HOWARD COUNTY, MARYLAND
BEER, WINE, AND LIQUOR 7-DAY	*	
ON-SALE LICENSE	*	
	*	

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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 March 25, 2014, the Hearing Board heard the application of Brian Thomas Donoughe and Wendy Rochelle Binder ("Applicants"), on behalf of Wendec Enterprises, LLC, t/a Second Chance Saloon ("Wendec Enterprises, LLC"), for a resident agent change from Roger Miles to Brian Thomas Donoughe on the Class B Beer, Wine, and Liquor 7-day on-sale license for a 4,200 square foot restaurant located at 5888 A Robert Oliver Place, Columbia, Maryland 21045. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were not represented by an attorney. There were no protestants who appeared in opposition to the application.

All the documents on file are incorporated in the record by reference. These include the following: the resident agent change application for Wendec Enterprises, LLC; the background investigation questionnaires from Brian Thomas Donoughe and Wendy Rochelle Binder; a letter dated February 14, 2014, from Elizabeth A. Green, an attorney, attaching Minutes of a Meeting of Stockholders of Wendec Enterprise, LLC; a memorandum dated February 26, 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 by the Alcoholic Beverage Inspector dated March 17, 2014; a letter dated February 26, 2014, to the Department of Finance; an email dated March 25, 2014, from the Department of Finance; a letter dated February 26, 2014, to the Comptroller of Maryland; a letter dated March 19, 2014, from the Comptroller of Maryland; an email dated March 25, 2014, from the Licensees showing payment of taxes;; a letter dated March 4, 2014, to the Applicants advising them of the hearing date and the necessity to advertise; a memorandum dated March 5, 2014, from the Alcoholic Beverage Inspector stating the premises had been posted; and certification of advertisement from the Howard County Times and the Baltimore Sun

#### SUMMARY OF TESTIMONY

Wendy Rochelle Binder, 90% shareholder for Wendec Enterprises, LLC, was sworn and testified that the Applicants are applying for a change of resident agent, because the former resident agent has moved out of the State. Ms. Binder testified that she has known Brian Thomas Donoughe for five years, and that he is a middle school math teacher in Howard County. Ms. Binder testified that Mr. Donoughe has lived in Howard County for approximately 40 years. Ms. Binder testified that Mr. Donoughe works part-time at the restaurant.

Brian Thomas Donoughe, 10% shareholder for Wendec Enterprises, LLC, was sworn and testified that he has been a resident of Howard County for approximately 40 years, is a registered voter and is alcohol awareness certified. Mr. Donoughe testified that he is a teacher in Howard County, and that he works part-time at Second Chance Saloon, and Merriweather Post Pavilion. Mr. Donoughe testified that he is a bartender on the weekends at the restaurant, and that he will stop by during the week to make sure everything is operating smoothly. Mr. Donoughe testified that he is familiar with the Liquor Board's Rules and Regulations

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicants chose to waive 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 Brian Thomas Donoughe and Wendy Rochelle Binder on behalf of Wendec Enterprises, LLC, t/a Second Chance Saloon, have applied for a resident agent change from Roger Miles to Brian Thomas Donoughe, on the Class B Beer, Wine,

and Liquor 7-day on-sale license for a 4,200 square foot restaurant located at 5888 A Robert Oliver Place, 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 Brian Thomas Donoughe has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Wendec Enterprises, LLC, t/a Second Chance Saloon.

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 in the neighborhood.

#### CONCLUSIONS OF LAW

1. The Hearing Board concludes that Brian Thomas Donoughe and Wendy Rochelle Binder on behalf of Wendec Enterprises, LLC, t/a Second Chance Saloon, have applied for a resident agent change from Roger Miles to Brian Thomas Donoughe, on the Class B Beer, Wine, and Liquor 7-day on-sale license for a 4,200 square foot restaurant located at 5888 A Robert Oliver Place, 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 Brian Thomas Donoughe meets the requirements of Rules 1.09(S), 1.09(T), and 2.10 of the Rules and Regulations of the Liquor Board 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

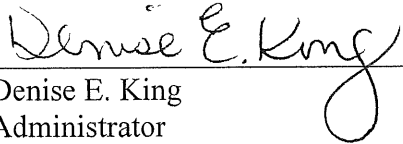
For the foregoing reasons, it is this 8<sup>th</sup> day of April, 2014, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Brian Thomas Donoughe and Wendy Rochelle Binder on behalf of Wendec Enterprises, LLC, t/a Second Chance Saloon, for a resident agent change on the Class B Beer,


Wine, and Liquor 7-day on-sale license for a 4,200 square foot restaurant located at 5888 A Robert Oliver Place, Columbia, Maryland 21045, 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 April 30, 2014, shall render this Proposed Decision and Order null and void.

ATTEST:

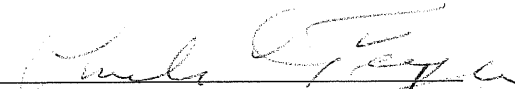
ALCOHOLIC BEVERAGE HEARING  
BOARD OF HOWARD COUNTY,  
MARYLAND


  
Denise E. King  
Administrator

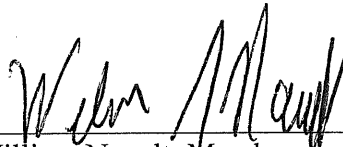
  
Harry Evans, III, Chairperson

  
Mary Bird, Member

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

  
Charles C. Feaga, Member

  
Lewis Taylor, Esquire  
Assistant County Solicitor

  
William Neault, Member