

IN THE MATTER OF THE * BEFORE THE ALCOHOLIC
APPLICATION OF JUSTIN BALCIUNAS *
AND JEFFREY CHARLES GOSNEAR * BEVERAGE HEARING BOARD
ON BEHALF OF GP OF MARYLAND II, *
LLC, t/a GROTTO PIZZA FOR A NEW * FOR
CLASS B BEER, WINE, AND LIQUOR *
7-DAY ON-SALE LICENSE * HOWARD COUNTY, MARYLAND
*
* Case No.: 16-06
*

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 19, 2016, the Hearing Board heard the application of Justin Balciunas and Jeffrey Charles Gosnear (the “Applicants”), on behalf of GP of Maryland II, LLC, t/a Grotto Pizza (“GP of Maryland II, LLC”), for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 7,908 square foot restaurant with a 1,100 square foot patio located at 7075 Minstrel Way, Columbia, Maryland 21046. 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 were incorporated into the record by reference. These include the following: a letter dated November 16, 2015, from the Applicants attaching the application; a copy of the Certificate of Formation of GP of Maryland II, LLC dated February 12, 2015; a

certification from the State of Maryland Department of Assessments and Taxation that the Articles of Organization for GP of Maryland II, LLC, is a true copy; a copy of the Articles of Organization for GP of Maryland II, LLC; a copy of the Action to Replace Grotto Manager of GP of Maryland II, LLC dated September 24, 2015; a copy of the First Amendment to Limited Liability Company Agreement for GP of Maryland II, LLC; an email dated December 9, 2015, from the Attorney for the Liquor Board to the Liquor Board Administrator; a copy of the Limited Liability Company Agreement for GP of Maryland II, LLC; background investigation questionnaires for the Applicants; copies of receipts from the Department of Public Safety and Correctional Services Criminal Justice Information System – Central Repository; copies of the criminal history record check of Maryland’s Criminal Justice Information System for the Applicants; a copy of the Certificate of Live Birth for Justin Balciunas; a copy of the Maryland driver’s license for Justin Balciunas; a copy of the Maryland Motor Vehicle Administration driving record for Justin Balciunas; a copy of the Maryland’s BEST alcohol awareness training certification for Justin Balciunas; a copy of the Virginia driver’s license for Jeffrey Charles Gosnear; a copy of the Virginia Department of Motor Vehicle driving record for Jeffrey Charles Gosnear; a copy of the Birth Return for Jeffrey Charles Gosnear; a copy of a memorandum dated December 7, 2015, from the Liquor Board 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 from the Alcohol Beverage Inspector, dated December 9, 2015; an email dated December 7, 2015, from the Department of Inspections, Licenses, and Permits; a memorandum dated December 10, 2015, from the Department of Planning and Zoning; a letter dated December

7, 2015, to the Department of Finance; an email dated December 24, 2015, from the Department of Finance; a letter dated December 7, 2015, to the Comptroller of the Treasury; a letter dated December 15, 2015, from the Comptroller of the Treasury; an email dated December 18, 2015, to Martin Johnson, representative of the Applicants, with notification of the hearing date and the necessity to advertise; and a memorandum dated December 18, 2015, from the Alcoholic Beverage Inspector stating the premises had been posted.

SUMMARY OF TESTIMONY

Justin Balciunas, Managing Member and 10% shareholder of GP of Maryland II, LLC, t/a Grotto Pizza, was sworn and testified that he has lived in Howard County since 2011, and is a registered voter. Mr. Balciunas testified that he is the primary architect for Grotto Pizza's expansion west of the Bay Bridge. Mr. Balciunas testified that he will oversee the operations of the restaurant daily, but will remain employed at a financial advisory firm.

Mr. Balciunas testified that Grotto Pizza is a family-style, sit-down restaurant. Mr. Balciunas testified that they have invested 1.5 million dollars in construction at the Columbia location. Mr. Balciunas testified that they have 60 tables, with 200 seats. They will employ 10 bartenders, and 30 servers. Mr. Balciunas testified that they expected only 18% of their revenue to come from the sale of alcoholic beverages. Mr. Balciunas testified that they will not have a stand-alone bar.

Jeffrey Charles Gosnear, Managing Member of GP Maryland II, LLC, t/a Grotto Pizza, was sworn and testified that he is the Vice President and Chief Operating Officer for Grotto Pizza, Inc. Mr. Gosnear testified that he is on two liquor licenses for Grotto Pizza locations in in Ocean City. Mr. Gosnear testified that they have not had any violations at either location.

Mr. Gosnear testified that their hours of operation will be Sunday through Thursday, 11:00 A.M. to 11:00 P.M., and Friday and Saturday 11:00 A.M. to 1:00 A.M. Mr. Gosnear testified that they have adequate parking and lighting at the Columbia location. Mr. Gosnear testified that they invest in their communities, and focus on the environment.

John Pelkey, General Manager at the Gambrell's Grotto Pizza, was sworn and testified that he has worked for Grotto Pizza for fifteen years. Mr. Pelkey testified that he will move to the Columbia location, and will be at the restaurant 6 days per week.

Mr. Pelkey testified that the sale of alcoholic beverages will be controlled by the bar staff. Mr. Pelkey testified that the alcoholic beverages will be stored behind the bar in a locked area. Mr. Pelkey testified that they will also have cameras installed. Mr. Pelkey testified that they will have internal training for the bartenders and servers, and that they will be required to pass a test before being scheduled to work. Mr. Pelkey testified that they will also have Martin Johnson conduct training with their staff.

The following Exhibits were entered into the record:

- Exhibit #1 – aerial map and photographs of interior and exterior of Grotto Pizza
- Exhibit #2 - (7) alcohol awareness certificates for the management team
- Exhibit #3 - a menu

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 Justin Balciunas and Jeffrey Charles Gosnear, on

behalf of GP of Maryland II, LLC, t/a Grotto Pizza, have applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 7,908 square foot restaurant with a 1,100 square foot patio located at 7075 Minstrel Way, Columbia, Maryland 21046.

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 Justin Balciunas has been a Howard County resident for more than two years, is a registered voter, a Managing Member, and a 10% shareholder of GP of Maryland II, LLC, t/a Grotto Pizza.

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 Justin Balciunas and Jeffrey Charles Gosnear, on behalf of GP of Maryland II, LLC, t/a Grotto Pizza, have applied for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 7,908 square foot restaurant with a 1,100 square foot patio located at 7075 Minstrel Way, Columbia, Maryland 21046.

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 Justin Balciunas 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 this application would not unduly disturb the peace and safety of the neighborhood.

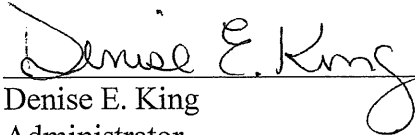
ORDER

For the foregoing reasons, it is this 11th day of February 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Justin Balciunas and Jeffrey Charles Gosnear, on behalf of GP of Maryland II, LLC, t/a Grotto Pizza, for a new Class B Beer, Wine, and Liquor 7-day on-sale license for a 7,908 square foot restaurant with a 1,100 square foot patio located at 7075 Minstrel Way, Columbia, Maryland 21046, 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 by May 31, 2016, shall render this Proposed Decision and Order null and void.

ATTEST:

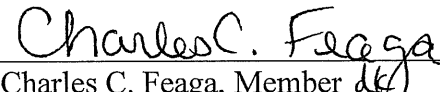
ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND


Denise E. King
Administrator

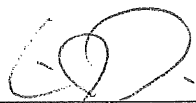

Mary Bird, Chairperson dk

ABSENT
Harry Evans, III, Vice-Chairperson

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


Charles C. Feaga, Member dk


Heather Gaetano, Member dk


Lewis Taylor, Esquire
Assistant County Solicitor

ABSENT
Charley C. Sung, Member