

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF DANA HUEBNER	*	
MORSBERGER ON BEHALF OF	*	BEVERAGE HEARING BOARD
LANE PIZZA II, INC., t/a PIZZA HUT,	*	
FOR A TRANSFER OF A CLASS B	*	FOR
BEER AND LIGHT WINE 7-DAY ON-	*	
SALE LICENSE	*	HOWARD COUNTY, MARYLAND

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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 October 28, 2014, the Hearing Board heard the application of Dana Huebner Morsberger (“Applicant”), on behalf of Lane Pizza II, Inc., t/a Pizza Hut (“Lane Pizza II, Inc.”), for a transfer of the Class B Beer and Light Wine 7-day on-sale license, currently held by Sandra Darlene Files, on behalf of Lane Pizza II, Inc., t/a Pizza Hut, for a 2,986 square foot restaurant located at 10120 Baltimore National Pike, Ellicott City, Maryland 21042. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicant was represented by Preston A. Pairo III, 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 30, 2014, from the Applicant's attorney to the Liquor Board Administrator enclosing the application; an addendum to the application dated September 25, 2014; an addendum to the resident agent change for Lane Pizza II, Inc.; the background questionnaire from the Applicant; a copy of the Articles of Incorporation for Lane Pizza II, Inc., a copy of the confirmation of acceptance of the filing of Lane Pizza II, Inc., from the State of Maryland Department of Assessments and Taxation; a memorandum dated September 24, 2014, from the Liquor Board Administrator 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 investigation of the

Applicant by the Alcoholic Beverage Inspector dated October 15, 2014; a memorandum dated October 28, 2014, from the Department of Planning and Zoning; a letter dated September 24, 2014, to the Department of Finance; a letter dated October 23, 2014, from the Department of Finance; a letter dated September 24, 2014, to the Comptroller of Maryland; a letter dated October 2, 2014, from the Comptroller of Maryland; an email to the Applicant's attorney, dated September 18, 2014, enclosing a letter dated September 18, 2014, with notification of the hearing date and the necessity to advertise; and an email dated October 10, 2014, from the Alcoholic Beverage Inspector stating the premises had been posted.

#### SUMMARY OF TESTIMONY

Dana Huebner Morsberger, President/Treasurer/Secretary and 90% shareholder for Lane Pizza II, Inc., t/a Pizza Hut, was sworn and testified that she has lived in Howard County for more than two years, and is a registered voter. Ms. Morsberger testified that she is TIPS certified. Ms. Morsberger testified that she has been a licensee for the ElkrIDGE Pizza Hut since 2003, and has never had any violations. Ms. Morsberger testified that she purchased 90% of the stock of Lane Pizza II, Inc., from Sandra Files. Ms. Morsberger testified that she plans to spend approximately 25 hours per week at the Pizza Hut in Ellicott City, and will not have any difficulty managing both Pizza Huts.

Ms. Morsberger testified that Lane Pizza II, Inc. has 45 employees, 11 of whom are alcohol awareness certified. Ms. Morsberger testified that their policy is to ask for identification from everyone who attempts to purchase an alcoholic beverage. Ms. Morsberger testified that employees receive a bonus of \$250.00, if they ask for identification from a police cadet who is sent into the restaurant to attempt an underage sale of alcohol.

The following Exhibits were entered into the record:

Exhibit #1 – certification of advertisement from the Baltimore Sun

Exhibit #2 – TIPS certification for Dana Morsberger

Exhibit #3 – TIPS certifications for 11 employees

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

### FINDINGS OF FACT

1. The Hearing Board finds that Dana Huebner Morsberger, on behalf of Lane Pizza II, Inc., t/a Pizza Hut, has applied for a transfer of a Class B Beer and Light Wine 7-day on-sale license, currently held by Sandra Darlene Files on behalf of Lane Pizza II, Inc., t/a Pizza Hut, for a 2,986 square foot restaurant located at 10120 Baltimore National Pike, Ellicott City, Maryland 21043.

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 Dana Huebner Morsberger has been a Howard County resident for more than two years, is a registered voter, and a 90% shareholder of Lane Pizza II, Inc.

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 Dana Huebner Morsberger on behalf of Lane Pizza II, Inc., t/a Pizza Hut, has applied for a transfer of a Class B Beer and Light Wine 7-day on-sale license, currently held by Sandra Darlene Files on behalf of Lane Pizza II, Inc., t/a Pizza Hut, for a 2,986 square foot restaurant located at 10120 Baltimore National Pike, Ellicott City, Maryland 21043.

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 Dana Huebner Morsberger 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.

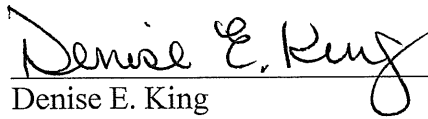
**ORDER**

For the foregoing reasons, it is this 25<sup>th</sup> day of November, 2014, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Dana Huebner Morsberger, on behalf of Lane Pizza II, Inc., t/a Pizza Hut, for a transfer of a Class B Beer and Light Wine 7-day on-sale license, currently held by Sandra Darlene Files on behalf of Lane Pizza II, Inc., t/a Pizza Hut, for a 2,986 square foot restaurant located at 10120 Baltimore National Pike, Ellicott City, Maryland 21043, be and the same is hereby **GRANTED** subject to the following conditions:

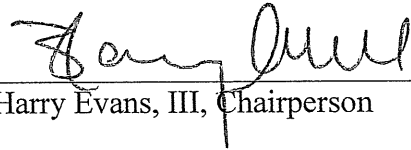
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicant obtains the license and complies with the following conditions:
  - a. That the Applicant complies with all State and County rules and regulations; and
  - b. Failure to comply with these conditions and obtain the license by February 28, 2015, 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



Lewis Taylor, Esquire  
Assistant County Solicitor

\_\_\_\_\_  
William Neault, Member

ABSENT

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Charley C. Sung, Member