

IN THE MATTER OF THE \* BEFORE THE ALCOHOLIC  
 APPLICATION OF ROSS STEPHEN \*  
 HUEBNER ON BEHALF OF LIBON, \* BEVERAGE HEARING BOARD  
 INC., t/a PIZZA HUT, FOR A TRANSFER \*  
 OF A CLASS B, BEER AND LIGHT \* FOR  
 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 November 18, 2014, the Hearing Board heard the application of Ross Stephen Huebner ("Applicant"), on behalf of Libon, Inc., t/a Pizza Hut ("Libon, Inc."), for a transfer of the Class B, Beer and Light Wine 7-day on-sale license, currently held by Hannelore A. Tye on behalf of Libon, Inc., t/a Pizza Hut, for a 2,986 square foot restaurant located at 706 Lisbon Center Drive, 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 August 5, 2014, from the Applicant's attorney to the Board's Administrator enclosing the application; a copy of the Articles of Incorporation for Libon, Inc., a copy of the management agreement between William Tye, personal representative of the Estate of Hannelore Tye, and Ross Huebner on behalf of Libon, Inc., t/a Pizza Hut; a copy of

the background investigation questionnaire from the Applicant; a copy of the Motor Vehicle Administration record for the Applicant; a memorandum dated October 22, 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 investigation of the Applicant by the Alcoholic Beverage Inspector dated November 6, 2014; a memorandum dated November 14, 2014, from the Department of Planning and Zoning; a letter dated October 28, 2014, from the Howard County Department of Fire and Rescue Services; a letter dated October 22, 2014, to the Department of Finance; a letter dated October 27, 2014, from the Department of Finance; a letter dated October 22, 2014, to the Comptroller of Maryland; a letter dated October 31, 2014, from the Comptroller of Maryland; an email to the Applicant's attorney enclosing a letter dated October 22, 2014, with notification of the hearing date and the necessity to advertise; certification of advertisement from the Howard County Times and the Baltimore Sun; and a memorandum dated November 4, 2014, from the Alcoholic Beverage Inspector stating the premises had been posted.

#### **SUMMARY OF TESTIMONY**

Ross Stephen Huebner, President/Treasurer/Secretary and 100% shareholder for Libon, Inc., t/a Pizza Hut, was sworn and testified that he has lived in Howard County for 42 years, is a registered voter, and is alcohol awareness certified. Mr. Huebner testified that he is the owner of the Pizza Hut in Clarksville and Columbia, and that neither have had violations. Mr. Huebner testified that if approved, he will own three Pizza Huts, but only two will have alcoholic beverage licenses. The Columbia location no longer has a license.

Mr. Huebner testified that he acquired the shares of Libon, Inc., in July 2014, and that a management agreement was signed on July 22, 2014.

Mr. Huebner testified that he will spend between 45 to 60 hours per week between the two Pizza Huts that hold alcoholic beverage licenses. Mr. Huebner testified that he has experienced managers and staff working at both locations and that all the managers are alcohol awareness certified.

Mr. Huebner testified that it is his policy to ask for identification from everyone ordering alcoholic beverages.

The following Exhibit was entered into the record:

Exhibit #1 – TIPS certification for Ross Stephen Huebner.

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 Ross Stephen Huebner on behalf of Libon, 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 Hannelore Tye for a 2,986 square foot restaurant located at 706 Lisbon Center Drive, Woodbine, MD, 21797.
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 Ross Stephen Huebner has been a Howard County resident for more than two years, is a registered voter, and a 100% shareholder of Libon, 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 Ross Stephen Huebner on behalf of Libon, 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 Hannelore Tye for a transfer of the 2,986 square foot restaurant located at 706 Lisbon Center Drive, Woodbine, MD 21797.

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 Ross Stephen Huebner 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.

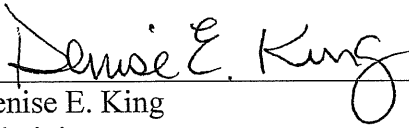
**ORDER**

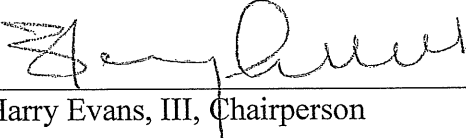
For the foregoing reasons, it is this 24<sup>th</sup> day of February, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Ross Stephen Huebner, on behalf of Libon, Inc., t/a Pizza Hut, for a transfer of a Class B, Beer and Light Wine, 7-day on-sale license, currently held by Hannelore Tye on behalf of Libon, Inc., t/a Pizza Hut, for a 2,986 square foot restaurant located at 706 Lisbon Center Drive, Woodbine, MD 21797, be and the same is hereby **GRANTED** subject to the following conditions:

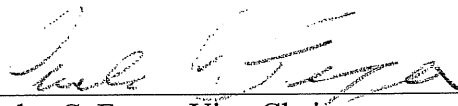
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicant obtains the license and complies with the following conditions:
- (a) That the Applicant complies with all State and County rules and regulations; and
  - (b) Failure to comply with these conditions and obtain the license by March 31, 2015, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING  
BOARD OF HOWARD COUNTY,  
MARYLAND

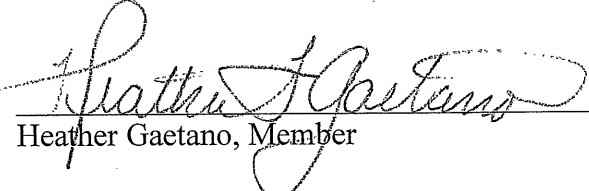
  
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Denise E. King  
Administrator


  
\_\_\_\_\_  
Harry Evans, III, Chairperson


  
\_\_\_\_\_  
Charles C. Feaga, Vice-Chairperson

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

ABSENT  
\_\_\_\_\_  
Mary Bird, Member

  
\_\_\_\_\_  
Heather Gaetano, Member

  
\_\_\_\_\_  
Lewis Taylor, Esquire  
Assistant County Solicitor

  
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Charley C. Sung, Member