

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF WILLIAM M.	*	
ZINGER AND WILLIAM H. ZINGER, ON	*	BEVERAGE HEARING BOARD
BEHALF OF HAYRIZING, INC., t/a	*	
LUNA BELLA RISTORANTE FOR A	*	FOR
TRANSFER AND AN EXTENSION OF	*	
PREMISES ON A CLASS B BEER,	*	HOWARD COUNTY, MARYLAND
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 October 14, 2014, the Hearing Board heard the application of William M. Zinger and William H. Zinger ("Applicants"), on behalf of HayRiZing, Inc., t/a Luna Bella Ristorante, ("HayRiZing, Inc."), for a transfer of the Class B Beer, Wine, and Liquor 7-day on-sale license, currently held by Michael Blair, Joseph Iacia and Celeste Gebler, on behalf of Luna Bella, Inc., t/a Luna Bella, and an extension of premises from a 2,284 square foot restaurant, to a 2,284 square foot restaurant with a 1,394 square foot outdoor patio located at 6420 Freetown Road, Suite 165, Columbia, Maryland 21044. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by Thomas M. Meachum, 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 Applicants' attorney to the Liquor Board Administrator enclosing the application; a copy of the floor plan; the background questionnaires from the Applicants; a driving record for William M. Zinger from the Maryland Motor Vehicle Administration; a copy of the Articles of Incorporation for HayRiZing, Inc.; a copy of the confirmation of acceptance of the filing of HayRiZing, Inc., from the State of Maryland Department of Assessments and Taxation; a memorandum dated September 4, 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 September 23, 2014; a memorandum dated October 14, 2014, from the Department of Planning and Zoning; a memorandum dated September 18, 2014, from the Bureau of Environmental Health; a letter dated September 16, 2014, from the Office of the Fire Marshal; a letter dated September 3, 2014, to the Department of Finance; a letter dated September 24, 2014, from the Department of Finance; a letter dated September 3, 2014, to the Comptroller of Maryland; a letter dated September 11, 2014, from the Comptroller of Maryland; a fax transmission to the Applicants' attorney enclosing a letter dated September 24, 2014, with notification of the hearing date and the necessity to advertise; an email dated September 24, 2014, from the Alcoholic Beverage Inspector stating the premises had been posted; a letter dated October 8, 2014, from the Applicants' attorney enclosing the certification of advertisement from the Howard County Times and the Baltimore Sun.

#### SUMMARY OF TESTIMONY

William M. Zinger, President/Treasurer, and 1% shareholder of HayRiZing, Inc., was sworn and testified that he is a registered voter, is alcohol awareness certified, and is a full-time manager at Luna Bella Ristorante. Mr. Zinger testified that he has prior experience in the restaurant business, and has never had any violations.

Mr. Zinger testified that at the beginning, he will be at the restaurant from opening until close, but eventually he will work forty to fifty hours per week. Mr. Zinger testified that he will be responsible for making sure all rules and regulations are followed, that the food is being handled properly, and that there is a pleasant environment.

Mr. Zinger testified that the concept is an Italian neighborhood restaurant. Mr. Zinger testified that for the most part, the restaurant will remain the same. Mr. Zinger testified that they may change the menu slightly, after approximately six months. Mr. Zinger testified that he plans to have a house special, which will be Florentine steak.

Mr. Zinger testified that the hours of operation will be 11:30 A.M. to 9:00 P.M., Monday through Thursday, 11:30 A.M. to 10:00 P.M., Friday and Saturday, and 4:00 P.M. to 9:00 P.M., Sunday. Mr. Zinger testified that during the week, they will have approximately 11 employees working per shift, and approximately 15 employees working on weekends. Mr.

Zinger testified that all the servers will be alcohol awareness certified. Mr. Zinger testified that they will have written policies that will be given to the employees.

Mr. Zinger testified that they are requesting a patio that will have 24 seats. Food runners will transport the food to the patio, and there will be a server who will remain on the patio at all times. Mr. Zinger testified that he expects to have three servers working on the patio when it is busy. Mr. Zinger testified that the bar on the patio will be a service station. Mr. Zinger stated that he is in discussion with the landlord about fencing for the patio.

William H. Zinger, 99% shareholder of HayRiZing, Inc., was sworn and testified that he has lived in Howard County for 52 years, and that he retired from the Johns Hopkins Applied Physics Lab. Mr. Zinger testified that he will assist with the administrative and operational responsibilities of the restaurant. Mr. Zinger testified that for the first month, he will be at the restaurant two to three days per week, and after that, will be there frequently. Mr. Zinger testified that he is alcohol awareness certified, and that he is familiar with the Liquor Board Rules and Regulations.

The Applicants consented to approval of their license contingent on their submittal of a proposed patio fence to the Hearing Board for approval. The Applicants submitted a proposed fence design, which was considered and approved by the Hearing Board in public session on October 28, 2014

The following Exhibit was entered into the record:

Exhibit #1 – menu for Luna Bella Ristorante

Exhibit #2 – proposed fence design

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.

#### FINDINGS OF FACT

1. The Hearing Board finds that William M. Zinger and William H. Zinger, on behalf of HayRiZing, Inc., t/a Luna Bella Ristorante, have applied for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license, currently held by Michael Blair, Joseph Iacia and Celeste Gebler on behalf of Luna Bella, Inc., t/a Luna Bella, and an extension of premises from a 2,284 square foot restaurant, to a 2,284 square foot restaurant with a 1,394 square foot outdoor patio located at 6420 Freetown Road, Suite 165, 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 William M. Zinger has been a Howard County resident for more than two years, is a registered voter, and a full-time manager at Luna Bella.

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 William M. Zinger and William H. Zinger, on behalf of HayRiZing, Inc., t/a Luna Bella Ristorante, have applied for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license, currently held by Michael Blair, Joseph Iacia and Celeste Gebler on behalf of Luna Bella, Inc., t/a Luna Bella, and an extension of premises from a 2,284 square foot restaurant, to a 2,284 square foot restaurant with a 1,394 square foot outdoor patio located at 6420 Freetown Road, Suite 165, 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 William M. Zinger 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

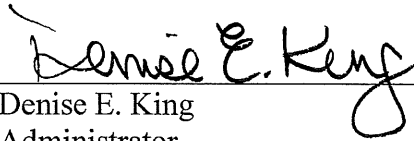
For the foregoing reasons, it is this 18<sup>th</sup> day of November, 2014, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of William M. Zinger and William H. Zinger, on behalf of HayRiZing, Inc., t/a Luna Bella Ristorante, for a transfer of a Class B Beer, Wine, and Liquor 7-day on-sale license, currently held by Michael Blair, Joseph Iacia and Celeste Gebler on behalf of Luna Bella, Inc., t/a Luna Bella, and an extension of premises from a 2,284 square foot restaurant, to a 2,284

square foot restaurant with a 1,394 square foot outdoor patio located at 6420 Freetown Road, Suite 165, Columbia, Maryland 21044, be and the same is hereby **GRANTED** subject to the following conditions:

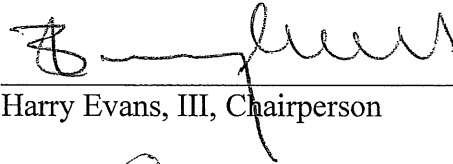
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicants obtain the license and comply with the following conditions:
  - a. That the Applicants comply with all State and County rules and regulations; and
  - b. That the Applicants submit a copy of the patio with the proposed barrier they intend to have surrounding the patio for the Board's approval; and
  - c. 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:**

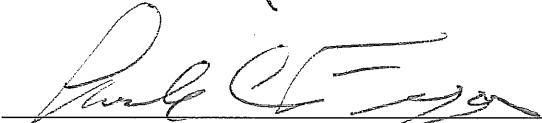
**ALCOHOLIC BEVERAGE HEARING  
BOARD OF HOWARD COUNTY,  
MARYLAND**



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

\_\_\_\_\_  
ABSENT

William Neault, Member



Lewis Taylor, Esquire  
Assistant County Solicitor



Charley C. Sung, Member