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| IN THE MATTER OF THE            | * | BEFORE THE ALCOHOLIC    |
| APPLICATION OF COLETTE M.       | * |                         |
| NEWTON, WILLIAM JOSEPH KRAUS,   | * | BEVERAGE HEARING BOARD  |
| AND STEPHEN SCOTT NEWTON, ON    | * |                         |
| BEHALF OF MISSION BBQ           | * | FOR                     |
| COLUMBIA, LLC, t/a MISSION BBQ, | * |                         |
| FOR A NEW CLASS B BEER 7-DAY    | * | HOWARD COUNTY, MARYLAND |
| 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 Colette M. Newton, William Joseph Kraus, and Stephen Scott Newton (“Applicants”), on behalf of Mission BBQ Columbia, LLC, t/a Mission BBQ (“Mission BBQ Columbia, LLC”), for a new Class B Beer 7-day on-sale license for a 4,500 square foot restaurant with a 1,199 square foot outside patio located at 6270 Columbia Crossing Circle, Columbia, Maryland 21045. 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 July 10, 2014, from the Applicants’ attorney enclosing the application; the background questionnaires from the Applicants; a copy of the Articles of Organization for Mission BBQ Columbia, LLC; a letter dated December 13, 2013, from the State of Maryland Department of Assessments and Taxation confirming acceptance of the file of the Articles of Organization for Mission BBQ Columbia, Inc.; a copy of the floor plan; a letter dated August 1, 2014, from the Applicants’ attorney enclosing an additional signature page of the application; 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; an e-mail dated September 9, 2014, from the Department of Inspections Licenses and Permits; 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, and an email dated October 3, 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 the Treasury; a fax transmission to the Applicants' attorney enclosing a letter dated September 4, 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; and 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 Joseph Kraus, Manager and 67.5% shareholder of Mission of BBQ Columbia, LLC, via his ownership interest in Mission BBQ Management, LLC, was sworn and testified that he is alcohol awareness certified. Mr. Kraus testified that he and his partners own ten other Mission BBQ restaurants. Mr. Kraus testified that he and Mr. Newton came up with the concept because of their love of barbeque. Mr. Kraus testified that after the terrorist attack of 9/11, they felt they wanted to give back to the community. They give back to first responders, and at 12:00 noon everyday, they stop work and play the National Anthem.

Mr. Kraus testified that they have not had any violations at the other Mission BBQ restaurants. Mr. Kraus testified that this restaurant has been open since July 2014, and that their customers have been asking for beer to accompany their meals. Mr. Kraus testified that customers, walk to the counter, where they order their food and beverages from the cashier.

Mr. Kraus testified that he has approximately 15 to 20 employees working per shift, and that all of them are alcohol awareness certified. Mr. Kraus testified that there is a written manual of policies for the employees, which includes the Liquor Board's Rules and Regulations.

Mr. Kraus testified that they have a 1,199 square foot outside patio, which is enclosed with a four foot high wrought iron fence. Mr. Kraus testified that access to the patio is only

available from the inside of the restaurant. Mr. Kraus testified that there will be an employee outside on the patio at all times.

Colette Newton, Authorized Person and 10% shareholder of Mission BBQ Columbia, LLC, was sworn and testified that she has lived in Howard County for 14 years, and is a registered voter. Ms. Newton testified that she will go to the restaurant two to three times per week. Ms. Newton testified that she is familiar with the Liquor Board's Rules and Regulations, and that she is alcohol awareness certified. Ms. Newton testified that they may have music piped out to the patio, but there will not be any live music.

Stephen Newton, Manager and 22.5% shareholder for Mission BBQ Columbia, LLC, via his ownership interest in Mission BBQ Management, LLC, was sworn and testified that their concept is a barbeque restaurant where the meat has been dry-rubbed and smoked on-site. Mr. Newton testified that they have homemade sauces on each table, so that the customers can make their own choice about which sauce they would like to use.

Mr. Newton testified that he has been in the restaurant business for 35 years. Mr. Newton testified that he is responsible for compliance at the restaurant. Mr. Newton testified that he visits all the restaurants two to three times per week.

Mr. Newton testified that all employees are trained every quarter.

Mr. Newton testified that the patio will have a supervisor who will be in and out to oversee the customers.

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 Colette M. Newton, William Joseph Kraus, and Stephen Scott Newton, on behalf of Mission BBQ Columbia, LLC, t/a Mission BBQ, have applied for a new Class B Beer 7-day on-sale license for a 4,500 square foot restaurant with a 1,199 square foot outside patio located at 6270 Columbia Crossing Circle, 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 Colette M. Newton has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of Mission BBQ Columbia, LLC.

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 Colette M. Newton, William Joseph Kraus, and Stephen Scott Newton, on behalf of Mission BBQ Columbia, LLC, t/a Mission BBQ, have applied for a new Class B Beer 7-day on-sale license for a 4,500 square foot restaurant with a 1,199 square foot outside patio located at 6270 Columbia Crossing Circle, 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 Colette M. Newton 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.

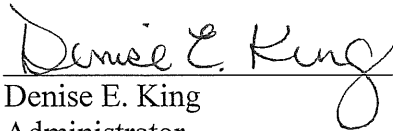
#### ORDER

For the foregoing reasons, it is this 28<sup>th</sup> day of October, 2014, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Colette M. Newton, William Joseph Kraus, and Stephen Scott Newton, on behalf of Mission BBQ Columbia, LLC, t/a Mission BBQ, for a new Class B Beer 7-day on-sale license for a 4,500 square foot restaurant with a 1,199 square foot outside patio located at 6270 Columbia Crossing Circle, 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 by December 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

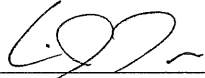


Charles C. Feaga, Vice-Chairperson



Mary Bird, Member

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



Lewis Taylor, Esquire  
Assistant County Solicitor



William Neault, Member

Charley C. Sung, Member