

IN THE MATTER OF THE * BEFORE THE ALCOHOLIC
 APPLICATION OF THOMAS J. YATES *
 ON BEHALF OF VINO, LLC, t/a PETITE * BEVERAGE HEARING BOARD
 CELLARS, FOR A RESIDENT AGENT *
 CHANGE ON A CLASS A-1, BEER, * FOR
 WINE, AND LIQUOR 7-DAY OFF-SALE *
 LICENSE * HOWARD COUNTY, MARYLAND
 *
 * Case No. 15-08

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 March 24, 2015, the Hearing Board heard the application of Thomas J. Yates, (“Applicant”), on behalf of Vino, LLC, t/a Petite Cellars, (“Vino, LLC”), for a resident agent change from Hampson Fields, Jr. to Thomas J. Yates on the Class A-1, Beer, Wine, and Liquor 7-day off-sale license, currently held by Hampson Fields, Jr. and Thomas J. Yates, for a 8,500 square foot package goods store located at 11079 Resort Road, Suite 100, Ellicott City, Maryland 21042. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicant was 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: the application; a copy of the consent of sole voting member dated January 12, 2015, for Vino, LLC; a copy of the background investigation questionnaire from the Applicant; a memorandum dated February 26, 2015, 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 March 10, 2015; a memorandum dated February 26, 2015, from the Department of Planning and Zoning; a memorandum dated March 3, 2015, from the Bureau of Environmental Health; a letter dated March 6, 2015, from the Howard County Department of Fire and Rescue Services; a letter dated February 26, 2015, to the Department of Finance; a letter dated March 13, 2015, from the Department of Finance; a letter dated February 26, 2015, to the Comptroller of Maryland; a letter dated March 4, 2015, from the Comptroller of Maryland; an email to the Applicant enclosing a letter dated February 26, 2015, 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 March 4, 2015, from the Alcoholic Beverage Inspector stating the premises had been posted.

SUMMARY OF TESTIMONY

Thomas J. Yates, 100% shareholder of Vino, LLC, t/a Petite Cellars, was sworn and testified that he has lived in Howard County for two years, and is a registered voter. Mr. Yates testified that he has been open for one and a half years, and that he has not had any violations. Mr. Yates testified that he has now lived in Howard County for two years, and would like to become the resident agent and sole licensee.

Mr. Yates testified it was an oversight that he did not disclose the violation that occurred in 2007, while he was a licensee in Montgomery County. Mr. Yates testified that he had left the day-to-day management of the business at that time to be a consultant for The Perfect Pour, and that his son was operating the business. Mr. Yates testified that his son did

not inform him of the violation, so he was not aware, although he later acknowledged that the same issue came up when he first applied for the license.

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 Thomas J. Yates on behalf of Vino, LLC, t/a Petite Cellars, has applied for resident agent change from Hampson Fields, Jr. to Thomas J. Yates on the Class A-1, Beer, Wine, and Liquor 7-day off-sale license, currently held by Hampson Fields, Jr. and Thomas J. Yates, on behalf of Vino, LLC, t/a Petite Cellars, for a 8,500 square foot package goods store located at 11079 Resort Road, Suite 100, Ellicott City, Maryland 21042.

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 Thomas J. Yates has been a Howard County resident for more than two years, is a registered voter, and a 100% shareholder of Vino, 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 Thomas J. Yates on behalf of Vino, LLC, t/a Petite Cellars, has applied for resident agent change from Hampson Fields, Jr. to Thomas J. Yates on the Class A-1, Beer, Wine, and Liquor 7-day off-sale license, currently held by

Hampson Fields, Jr. and Thomas J. Yates, on behalf of Vino, LLC, t/a Petite Cellars, for a 8,500 square foot package goods store located at 11079 Resort Road, Suite 100, Ellicott City, Maryland 21042.

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 Thomas J. Yates 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 14th day of April, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Thomas J. Yates , on behalf of Vino, LLC, t/a Petite Cellars, for a resident agent change from Hampson Fields, Jr. to Thomas J. Yates on the Class A-1, Beer, Wine, and Liquor 7-day off-sale license, currently held by Hampson Fields, Jr. and Thomas J. Yates, for a 8,500 square foot package goods store located at 11079 Resort Road, Suite 100, Ellicott City, Maryland 21042, be and the same is hereby **GRANTED** subject to the following conditions:

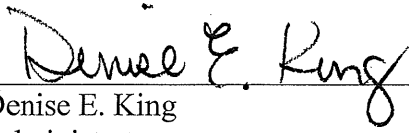
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicant obtains the license and complies with the following conditions:

(a) That the Applicant complies with all State and County Rules
and
Regulations; and

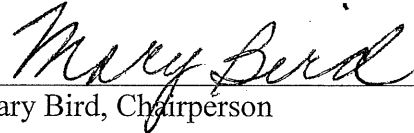
(b) Failure to comply with these conditions and obtain the license by April
20, 2015, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator

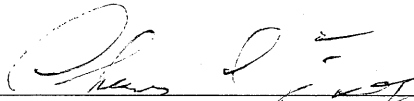


Mary Bird, Chairperson



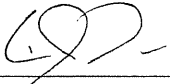
Harry Evans, III, Vice-Chairperson

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



Charles C. Feaga, Member

Heather Gaetano, Member



Lewis Taylor, Esquire
Assistant County Solicitor



Charley C. Sung, Member