

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF GARRY BRENT	*	
MOWERY AND NORMA IRIS RIVERA	*	BEVERAGE HEARING BOARD
ON BEHALF OF RL COLUMBIA, LLC, t/a	*	
RED LOBSTER, FOR A TRANSFER OF	*	FOR
A CLASS BLX BEER, WINE, AND	*	
LIQUOR 7-DAY ON-SALE LICENSE	*	HOWARD COUNTY, MARYLAND
	*	

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 13, 2014, the Hearing Board heard the application of Garry Brent Mowery and Norma Iris Rivera, ("Applicants"), on behalf of RL Columbia, LLC, t/a Red Lobster ("RL Columbia, LLC"), for a transfer of the Class BLX Beer, Wine and Liquor 7-day on-sale license, currently held by Garry Brent Mowery, Colleen Marie Hunter, and Joseph George Kern on behalf of GMR Columbia, Inc., t/a Red Lobster, for a 8,356 square foot restaurant located at 9011 Snowden River Parkway, Columbia, Maryland 21046. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicants were represented by Leanne M. Schrecengost, 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 25, 2014, from the Applicant's attorney to the Board's Administrator enclosing the application; a list of violations while Garry Brent Mowery was

licensee/officer on behalf of GMR Columbia, Inc.; a copy of the Corporate Charter Approval Sheet for RL Columbia, LLC; a copy of the Articles of Incorporation for RL Columbia, LLC; a copy of the Affidavit of Compliance with the Bulk Transfer Act; a copy of the floor plan; a copy of the background investigation questionnaires from the Applicants; a copy of the State of Florida Department of Highway Safety and Motor Vehicles record for Norma Iris Rivera; a letter dated June 25, 2014, from the Florida Department of Law Enforcement, stating Norma Iris Rivera has no criminal record; a copy of the TAM certification for Garry B. Mowery; a letter dated October 21, 2014, from Applicant's attorney updating information on Norma Iris Rivera's background investigation questionnaire; a memorandum dated October 16, 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 Norma Iris Rivera by the Alcoholic Beverage Inspector dated October 28, 2014; a letter dated October 28, 2014, from the Howard County Department of Fire and Rescue Services; a letter dated October 16, 2014, to the Department of Finance; a letter dated October 17, 2014, from the Department of Finance; a letter dated October 16, 2014, to the Comptroller of Maryland; a letter dated October 31, 2014, from the Comptroller of Maryland; an fax transmission to the Applicants' attorney enclosing a letter dated October 16, 2014, with notification of the hearing date and the necessity to advertise; an email dated October 28, 2014, from the Alcoholic Beverage Inspector stating the premises had been posted; and certification of advertisement from the Howard County Times and the Baltimore Sun.

SUMMARY OF TESTIMONY

Norma Iris Rivera, authorized person for RL Columbia, LLC, was sworn and testified that she is the license manager of Red Lobster, and that she has the responsibility to oversee

alcoholic beverage licenses. Ms. Rivera testified that she has weekly contact with all of the managers. Ms. Rivera testified that she is familiar with the Liquor Board's Rules and Regulations, and that she understands her responsibility as a licensee.

Ms. Rivera testified that the operation of the restaurant is not changing, and that they plan to keep the same employees and managers.

Garry Mowery, authorized person, resident agent and 10% shareholder for RL Columbia, LLC, was sworn and testified that he has lived in Howard County for twenty-three years, and has been the resident agent for the Red Lobster license for over fifteen years. Mr. Mowery testified that he will continue to be the resident agent.

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 Garry Brent Mowery and Norma Iris Rivera on behalf of RL Columbia, LLC, t/a Red Lobster, have applied for a transfer of a Class BLX Beer, Wine, and Liquor 7-day on-sale license, currently held by Garry Brent Mowery, Colleen Marie Hunter, and Joseph George Kern on behalf of GMR Columbia, Inc., t/a Red Lobster, for a 8,356 square foot restaurant located at 9011 Snowden River Parkway, Columbia, Maryland 21046.
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 Garry Brent Mowery has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of RL 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 Garry Brent Mowery and Norma Iris Rivera on behalf of RL Columbia, LLC, t/a Red Lobster, have applied for a transfer of a Class BLX Beer, Wine, and Liquor 7-day on-sale license, currently held by Garry Brent Mowery, Colleen Marie Hunter and Joseph George Kern on behalf of GMR Columbia, Inc., t/a Red Lobster, for a 8,356 square foot restaurant located at 9011 Snowden River Parkway, Columbia, Maryland 21046.

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 Garry Brent Mowery 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

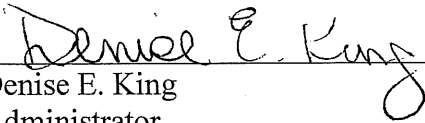
For the foregoing reasons, it is this 24th day of February, 2015, by the Alcoholic Beverage Hearing Board of Howard County, Maryland **ORDERED** that the application of Garry Brent Mowery and Norma Iris Rivera, on behalf of RL

Columbia, LLC, t/a Red Lobster, for a transfer of a Class BLX Beer, Wine, and Liquor 7-day on-sale license, currently held by Garry Brent Mowery, Colleen Marie Hunter, and Joseph George Kern on behalf of GMR Columbia, Inc., t/a Red Lobster, for a 8,356 square foot restaurant located at 9011 Snowden River Parkway, Columbia, Maryland 21046, be and the same is hereby **GRANTED** subject to the following conditions:

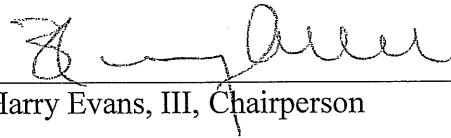
1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicants obtain the license and comply with the following conditions:
 - (a) That the Applicants comply with all State and County rules and regulations; and
 - (b) Failure to comply with these conditions and obtain the license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

ATTEST:

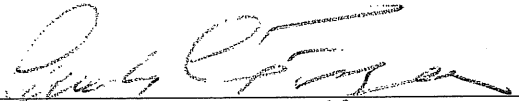
ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator

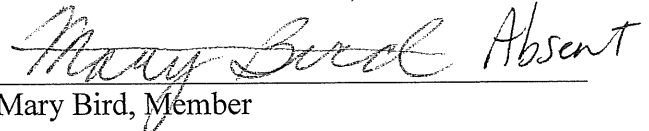


Harry Evans, III, Chairperson



Charles C. Feaga, Vice-Chairperson

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

 Absent

Mary Bird, Member



Heather Gaetano, Member



Lewis Taylor, Esquire
Assistant County Solicitor

 Absent

Charley C. Sung, Member