

**FREDERICK COUNTY LIQUOR BOARD**  
***Public Meeting Minutes***  
***Monday, March 18<sup>th</sup>, 2019***

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Those Present: Mrs. Debbie Burrell, Chair  
Ms. Joan Aquilino, Board Member  
Mrs. Linda Thall, Senior Assistant County Attorney  
Mr. Bob Shrum, Alcoholic Beverage Inspector  
Mr. Robert Lind, Alcoholic Beverage Inspector  
Ms. Penny Bussard, Liquor Board Coordinator  
Mrs. Dawn Shugars, Administrative Specialist V

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A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 9:00 AM by the Chair, Debbie Burrell.

1. Violations

a. Cinco De Mayo-Middletown

Cinco De Mayo Middletown  
Jose Ulloa, Marcie Auldrige  
for the use of Cinco De Mayo  
200 Middletown Parkway  
Middletown, MD 21769  
Class B, On Sale, Beer, Wine & Liquor

Mrs. Thall swore in the witnesses. Mrs. Thall read the charge that February 2nd, 2019 at approximately 6:58 pm, either directly or through an employee, you sold or provided an alcoholic beverage to a person under the age of twenty one years. The person identified as Aidan Johnson, was allowed to possess an alcoholic beverage in violation of §6-304 Maryland Annotated Code and §6.17 (a) and (g) of the Frederick County Alcoholic Beverages Regulations. The licensees plead guilty to the charge of serving a minor. The Maryland State Police report was made part of the record.

Mrs. Thall read the police report. The server did not request to see the identification. Mrs. Burrell asked if the police report was complete. She is missing the photo of the server. The narrative says it is attached but it appears it is not. The officer took a picture of the identification of the server. It did not make it into the report. The cadet and the officer were present during the time of the compliance check. She clarified that this was part of a regular compliance check. The officer replied, "Yes, ma'am."

Mrs. Burrell asked what steps have been taken since the incident occurred. Mr. Ulloa stated that the server who sold was filling in from another location. He doesn't know why he made this mistake because they have a pretty good system in place. This the first time he has ever had to appear before a Board for an

incident in the seven years he has been in business. He takes this very seriously and he apologized. He keeps all of his employees alcohol awareness trained. He will send all of his managers to the ID Training coming May. Mr. Ulloa said that he had not been notified about the violation until he came into the office to file paperwork for his new business. He immediately addressed the server and pulled his staff together for a meeting to address the importance of checking identification.

Ms. Aquilino wanted to know if the accused server had signed the policies that Mr. Ulloa presented to the Board. Mr. Antonio said all of his employees sign the policies. He feels his business has a good system in place.

Mrs. Burrell mentioned that there is a bill progressing through the legislation that may require that all servers are alcohol awareness trained. This Board takes selling to minors very seriously. She wanted to reiterate that his staff may need a refresher on carding. Mr. Ulloa understands and wants the Board to know he does provide his employees training through Martin Johnson. He is very strict with this education part of his business. He feels they do everything they can to prevent these type of infractions.

Ms. Bussard read that there was no violation history. Mrs. Thall read the Boards option for penalty. She added that there is the option for deferred judgement. The licensee said he does not wish to request deferred judgement.

**MOTION:** Ms. Aquilino made a motion to asses a \$500.00 fine.

**SECOND:** Mrs. Burrell seconded the motion.

**FURTHER DISCUSSION ON THE MOTION:** There was no further discussion.

**VOTE:** Mrs. Burrell -Aye  
Ms. Aquilino - Aye

The vote was unanimous **Ayes 2, Nay-0**  
**(Motion passed)**

b. Fountaindale Exxon

Fountaindale Exxon  
Robert Dembo, Paul Gerner, Michael Smith  
for the use of Agora, LLC  
4304 Old National Pike  
Middletown, MD 21769  
Class A, Off Sale, Beer only

Mrs. Thall swore in the witnesses. Mrs. Thall read the charge that February 2nd, 2019 at approximately 7:15 pm, either directly or through an employee, you sold or provided an alcoholic beverage to a person under the age of twenty one years.

The person identified as Aidan Johnson, was allowed to possess an alcoholic beverage in violation of §6-304 Maryland Annotated Code and §6.17 (a) and (g) of the Frederick County Alcoholic Beverages Regulations. The licensees plead guilty to the charge of serving a minor. The Maryland State Police report was made part of the record.

Mrs. Thall read the police report. The server did check the identification but continued with the sale. Mrs. Burrell asked if this was part of the regular compliance checks. The officer answered, "Yes, ma'am." The officer and the cadet were present during the sale of the alcohol.

The server identified as Victoria Burgamy testified that she was distracted and feels her employer should not be held accountable. She made a mistake. Mrs. Burrell stated that she appreciated her speaking up but the State law requires that this Board hold the licensee accountable for its employees.

Mrs. Burrell asked what steps have been taken since the incident has occurred. Mr. Smith stated that they had individual meetings with the employees to make sure they understood the severity of the incident. Their POS systems scans identifications and tells the clerk if someone is underage. This did not occur in this transaction. This is their first offense in 17 years of being a license holder.

Ms. Bussard read the violation history. In June 2016, there was a late to file. Mrs. Thall read the Boards option for penalty. She added that there is the option for deferred judgement. Ms. Bussard clarified the deferred judgement time frames. The licensee requested deferred judgement. Mrs. Thall asked the Board to make the factual findings for deferred judgement. The Board was unanimous in their findings.

**MOTION:** Ms. Aquilino made a motion to grant the deferred judgement. She asked Ms. Bussard to provide a copy of the policy to the licensees.

**SECOND:** Mrs. Burrell seconded the motion.

**FURTHER DISCUSSION ON THE MOTION:** There was no further discussion.

**VOTE:** Mrs. Burrell -Aye  
Ms. Aquilino - Aye

The vote was unanimous **Ayes 2, Nay-0**  
**(Motion passed)**

c. Hilltop Convenience

Hilltop Convenience  
Sam Y. Lee  
for the use of Sung Enterprises, Inc.  
10519 Old National Pike

Mrs. Thall swore in the witnesses. Mrs. Thall read the charge that February 2nd, 2019 at approximately 4:30 pm, either directly or through an employee, you sold or provided an alcoholic beverage to a person under the age of twenty one years. The person identified as Aidan Johnson, was allowed to possess an alcoholic beverage in violation of §6-304 Maryland Annotated Code and §6.17 (a) and (g) of the Frederick County Alcoholic Beverages Regulations. The licensees plead guilty to charge of serving a minor. The Maryland State Police report was made part of the record.

Mrs. Thall read the police report. The clerk did check the identification but continued with the sale. Mrs. Burrell asked if this was part of the regular compliance checks. The officer answered, "Yes, ma'am." The officer and the cadet were present during the sale of the alcohol.

Mr. Lee said he made a mistake by using the date of birth for a cigarette sale and it was really busy. Mrs. Burrell asked if he was the only employee. Mr. Lee said there are other employees but he was the one who sold to the minor. He is TIPS certified.

Ms. Aquilino asked if Mr. Lee was the only license holder. He answered, "Yes."

Mrs. Thall asked if he was asking for a deferred judgement. The interpreter explained what the deferred judgement was. Mr. Lee didn't understand. Mrs. Burrell asked again to reiterate that he understood and did not want deferred judgement. He answered that he understood. Mrs. Thall read the Boards options for penalty.

Ms. Bussard read that there was no violation history.

**MOTION:** Ms. Aquilino made a motion to asses a fine of \$500.00. She asked that he set the example for his employees.

**SECOND:** Mrs. Burrell seconded the motion.

**FURTHER DISCUSSION ON THE MOTION:** There was no further discussion.

**VOTE:** Mrs. Burrell -Aye  
Ms. Aquilino - Aye

The vote was unanimous **Ayes 2, Nay-0**  
**(Motion passed)**

2. Transfers
  - a. Firestones

Firestones  
Frances Kathleen Wasley  
for the Use of Firestone Delights, Inc.  
Transferred from: Chris Teryla  
for the Use of Firestones  
105 N. Market Street, Frederick, MD 21701  
Class B, On Sale, Beer, Wine and Liquor

Mrs. Thall swore in the applicants. The pending items are the Inspector's report. Inspector Lind went out to the location on Saturday March 17<sup>th</sup>, 2019 and they meet all the requirements of the Liquor Board.

Mrs. Burrell reviewed that there is training available through our staff and templates available to utilize for licensees and their employees.

There was no public comment.

**MOTION:** Ms. Aquilino made a motion to approve the transfer application.

**SECOND:** Mrs. Burrell seconded the motion.

**FURTHER DISCUSSION ON THE MOTION:** There was no further discussion.

**VOTE:** Mrs. Burrell -Aye  
Ms. Aquilino - Aye

The vote was unanimous **Ayes 2, Nay-0**  
**(Motion passed)**

b. New Monrovia Mart

New Monrovia Mart  
Sandra Webb  
for the Use of New Monrovia Mart, LLC  
Transfer From: New Monrovia Mart  
Christopher Durante  
11791 Fingerboard Road, Monrovia, MD 21770  
Class A, Off Sale, Beer & Light Wine

Mrs. Thall swore in the applicants. The pending items are Fire Marshal, Fingerprinting, and the Inspector's report. Mr. Patel is waiting on the Fire Marshal to come back out to re-inspect. The fingerprinting will be done today. Inspector Shrum went out to the location on March 12<sup>th</sup>, 2019 and they meet all the requirements of the Liquor Board.

There was no public comment.

**MOTION:** Ms. Aquilino made a motion to grant conditional approval until May 2nd, 2019.

**SECOND:** Mrs. Burrell seconded the motion.

**FURTHER DISCUSSION ON THE MOTION:** There was no further discussion.

**VOTE:** Mrs. Burrell -Aye  
Ms. Aquilino - Aye

The vote was unanimous **Ayes 2, Nay-0**  
**(Motion passed)**

c. Spacie Gracie

Spacie Gracie  
Carlos Moreno  
for use of Dermont Moreno, LLC.  
Transfer from: Guidos  
Melissa Demory  
543 N. Market Street, Frederick, MD 21701  
Class B, On Sale, Beer, Wine, and Liquor

Ms. Aquilino stated she used to own Guido's and does not know the licensees and she can make a fair and impartial decision regarding this application.

Mrs. Thall swore in the applicants. The pending items are ABLE Training, Bulk Transfer, Bulk Transfer affidavit, Fire Marshal, Zoning, Health Department, Retail sales tax, Taxes, Trader's License, and Inspector's report. Ms. Dermont is working with the Health department on open issues this week. She is working with the City for Fire Marshal. The wrong address is on the sales and use license, they are waiting for the new one in the mail. Ms. Bussard added that all the other inspections will be triggered once zoning signs off. Ms. Dermont also is waiting on the entertainment to be reviewed by the City. There seems to have been an error and Guido's never made the master list. She is working on that issue. Inspector Lind went out to the location on March 13<sup>th</sup>, 2019 and they meet all the requirements of the Liquor Board.

Mrs. Burrell added that there are several items beyond their control. Ms. Bussard suggested the conditional approval be pushed out at least 6 months. The entertainment is an issue and this may not go through without it. Ms. Dermont will have a hearing in May 23<sup>rd</sup> in front of the Zoning Appeals Board.

There was no public comment.

**MOTION:** Ms. Aquilino made a motion to grant conditional approval until December 31<sup>st</sup>, 2019.

**SECOND:** Mrs. Burrell seconded the motion.

**FURTHER DISCUSSION ON THE MOTION:** There was no further discussion.

**VOTE:** Mrs. Burrell -Aye  
Ms. Aquilino - Aye

The vote was unanimous **Ayes 2, Nay-0**  
**(Motion passed)**

d. Washingtonian Express

Washingtonian Express  
Abu Sayed  
for the Use of Washingtonian Express  
Transfer From: Washingtonian Express  
Abu Sayed  
1395 W. Patrick Street, Frederick, MD 21702  
Class A, Off Sale, Beer & Light Wine, Sunday Permit, Tasting

Mrs. Thall swore in the applicants. The pending items are Fingerprinting, Fire Marshal and the Inspector's report. Inspector Lind went out to the location on March 11th, 2019 and they meet all the requirements of the Liquor Board. All of the pending items are being worked on. The fingerprints will be done today.

There was no public comment.

**MOTION:** Ms. Aquilino made a motion to grant conditional approval until May 2nd, 2019.

**SECOND:** Mrs. Burrell seconded the motion.

**FURTHER DISCUSSION ON THE MOTION:** There was no further discussion.

**VOTE:** Mrs. Burrell -Aye  
Ms. Aquilino - Aye

The vote was unanimous **Ayes 2, Nay-0**  
**(Motion passed)**

3. Public Comment – There was no public comment
4. Minutes Update – The minutes are updated and approved.

Meeting adjourned at 9:53 am

Respectfully submitted,  
Dawn Shugars, Administrative Specialist V  
FREDERICK COUNTY LIQUOR BOARD