

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday July 11, 2022

Those Present: Ms. Joan Aquilino, Chair
Mrs. Debbie Burrell, Board Member
Mr. Chris Glass, Board Member
Ms. Jennifer Keefer, Assistant County Attorney
Mr. Bob Shrum, Alcoholic Beverage Inspector
Mr. Robert Lind, Alcoholic Beverage Inspector
Mrs. Dawn Shugars, Administrator
Mrs. Ashley Kneessi Gay, Administrative Coordinator
Mrs. Heather Flores, Administrative Specialist II
Mrs. Candace Sier, Administrative Specialist II
Mrs. Tabitha Vanleeuwen, Administrative Specialist II

A Public Meeting was held virtually and called to order at 8:30am by the Administrator, Dawn Shugars. Introductions and Board overview was shared by Chair, Debbie Burrell. Ashley Kneessi-Gay swore in all participants for today's hearing.

1. ELECTION OF CHAIRMAN OF THE BOARD

Chair Burrell would like to publicly thank the Board for the opportunity to serve as Chair.

MOTION: Chair Burrell would like to nominate Commissioner Aquilino and thank her for all her time.

SECOND: Commissioner Glass second the motion.

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

VOTE: Mr. Glass – Aye
Mrs. Burrell – Aye
Ms. Aquilino – No Vote

The vote was not unanimous ***Ayes-2, Nay-0, No Vote-1***
(Motion passed)

- Commissioner Burrell would like to turn the Chair over to Chairman Aquilino to take over the July 11, 2022, hearing.
- Both Commissioner Burrell and Commissioner Glass congratulated Chair Aquilino.
- Commissioner Glass would like to publicly thank Commissioner Burrell for her service and thank Chair Aquilino for her service as well.

2. ADJUSTMENT TO THE AGENDA

- Administrator Shugars formally requests that the Board adjust the agenda to shift item number four (4), the Transfer of Frederick Wine House to be item number one (1) at the suggestion of legal counsel, Ms. Jennifer Keefer.

MOTION: Administrator Shugars requests that the Board adjust the agenda to shift item number four (4), the Transfer of Frederick Wine House to be item number one (1).

- Chair Aquilino asked if the Board had any objection, which there was none.
- Ms. Keefer would like to address the Board regarding a letter that was received after the close of business Friday from Linda Carter, the attorney representing Plus Mart. She explained that she had not had a chance to thoroughly review the 8-page letter, however based on her cursory review, valid points were made about the Board's current Rules of Procedure that warrant investigation prior to proceeding with the hearing for the transfer of location. Ms. Keefer explained that the letter included a request to be permitted to cross examine.
- Ms. Keefer indicated that she would need to further investigate the contents of the letter, and the Board's Rules of Procedure. She suggested postponing Frederick Wine House's hearing and scheduling a Board hearing in two weeks to discuss an amendment to the current Rules of Procedure.
- Ms. Keefer concludes that by not addressing the Board's Rules of Procedure prior to the hearing, the Board would be addressing them on an appeal.
- Chair Aquilino agrees with council, however she would like to go on the record and state that at the first meeting for Frederick Wine House, testimony was received after the meeting started, and now at the second meeting, testimony was received after close of business Friday, and not submitted to the Board until right before the hearing. She is unwilling to accept that anymore and questioned if the other Board members were willing to accept that.
- Ms. Keefer understands that frustration but does not believe there are any procedures currently for electronic submissions. Ms. Keefer suggested that the Board could adopt a procedure that electronic submissions not be accepted after some reasonable amount of time, after which it would need to be in person testimony. Ms. Keefer reiterates that if the Rules of Procedure are not addressed at the hearing stage, we may be addressing them at an appeal.
- Chair Aquilino asks legal counsel if the preliminary draft Rules of Procedure can be submitted to the Board by email for acknowledgment, or if they would need to be in a public forum.
- Ms. Keefer recommends that a hearing be scheduled 2 weeks out for a comprehensive review of the Rules of Procedure. She says that a draft can be submitted to the Board before that hearing so the amended Rules may be discussed at that hearing.
- Chair Aquilino surveys the other members of the Board as to their availability on July 25, 2022, to discuss the Rules of Procedure.
- Commissioner Glass is available, Commissioner Burrell will need to adjust her schedule, however, can make herself available.
- Commissioner Burrell asks legal counsel if by not postponing now for one month, the licensee may potentially be postponed as much as 6 months with the appeal process.
- Ms. Keefer responds that there are a lot of variables with the court system, and an appeal may take 6-9 months or possibly more.
- Commissioner Burrell expresses her agreement with Chair Aquilino that the last-minute testimony submissions are unacceptable. She wants to be fair to businesses and does not want to delay Frederick Wine House further. Commissioner Burrell agrees to postpone now but does not want to see this matter delayed any further.
- Chair Aquilino asks the applicant if they would like to speak in regards to the situation.

- Kevin Storm offers that the submissions are nothing more than legal tactical maneuvering, and he will see the Board in a month.
- Gary Zorechak hopes that this will be the last delay as this is costing their business money.
- Chair Aquilino verifies with Administrator Shugars that there will be a meeting in 2 weeks to discuss Rules of Procedure, and Frederick Wine House will come before the Board at the next scheduled hearing, August 8, 2022.
- Kevin Storm asks if it is possible to hear their application at the July 25, 2022, hearing.
- Ms. Keefer explains that amending the Rules of Procedure will take 2 meetings, therefore the earliest the Board will be able to operate under the amended Rules is August 8, 2022.

MOTION: Commissioner Burrell motions to postpone the hearing of Frederick Wine House’s application until the August 8, 2022, hearing

SECOND: Commissioner Glass second the motion.

FURTHER DISCUSSION ON THE MOTION: Commissioner Burrell wanted to state for discussion that she will not entertain any further delays. Commissioner Glass agrees.

VOTE: Commissioner Burrell – Aye
 Commissioner Glass – Aye
 Chair Aquilino – Aye

The vote was unanimous **Ayes 3, Nay-0**
(Motion passed)

a. Application #258527

Frederick Wine House
 Gary Zorechak, Kevin Storm, and Lauren Storm
 For the use of WBL, Inc.
 Class A, Off Sale, Beer, Wine & Liquor license
 Transfer from: 2440 Osprey Way Ste C Frederick MD

- Application postponed until August 8, 2022.

3. NEW

a. Application #260435

DECISION
 Agave 137 Tequila Bar & Grill
 Richard Belles
 For the use of Forty Fort, LLC
 Class B, On Sale, Beer, Wine, and Liquor License

- Pending items are ABLE Training, Fire Marshal, Health Department, Inspector’s Report, Occupancy Permit, Retail Sales Tax License Correction and Zoning.
- Inspectors Report: Inspector Robert Lind went to the establishment on Friday June 24, 2022, to post the notice of hearing. He met with Richard Belles. Renovations were underway and a full inspection could not be completed. Inspector Lind informed Richard that a second inspection would occur after renovations were finished.
- Administrator Shugars stated the Mr. Belles is currently the licensee for Cellar Door and has no history of violations.
- There was no public comment.

MOTION: Commissioner Burrell made a motion for conditional approval for Agave 137 Tequila Bar & Grill until September 30, 2022. Pending all rules, regulations and laws of the State, County, municipalities, and Liquor Board are met.

SECOND: Commissioner. Glass concur and second the motion.

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

VOTE: Commissioner Burrell – Aye
 Commissioner Glass – Aye
 Chair Aquilino –Aye

The vote was unanimous **Ayes 3, Nay-0**
(Motion passed)

b. Application #260438

DECISION

Pour Decisions Restaurant and Bar
 Ashley Yokum and Amy Estep
 For the use of Pour Decisions Restaurant and Bar, LLC
 Class B, On Sale, Beer, Wine, and Liquor License

- Pending items are ABLE Training, Fire Marshal, Heath Department, Inspector’s Report, Occupancy Permit, Retail Sales Tax License and Traders License.
- Inspectors Report: Inspector Robert Shrum went to the establishment on June 24, 2022, to post the notice of hearing. The establishment was still under construction and not ready for inspection. Inspector Shrum will return to the establishment for the final inspection.
- There was no public comment.

MOTION: Commissioner Burrell made a motion for conditional approval for Pour Decisions Restaurant and Bar until Sept 30, 2022. Pending all rules, regulations and laws of the State, County, municipalities and Liquor Board are met.

SECOND: Commissioner Glass concur and second the motion.

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

VOTE: Commissioner Burrell – Aye

Commissioner Glass – Aye
Chair Aquilino –Aye

The vote was unanimous **Ayes 3, Nay-0**
(Motion passed)

4. TRANSFER

a. Application #260437

DECISION

Brewer's Alley
Gregory R Brown
For the use of Brewer's Too, LLC
Transfer from: Phillip W Bowers
For use of Fountain Rock Management Corporation
Class B, On Sale, Beer, Wine, and Liquor License

- Pending items are ABLE Training, Contract of Sale, Background Information, Inspector's Report, Tax Release, and Trader's License.
- Administrator Shugars gave a Background Report for Gregory Brown as he has been a licensee several times throughout the country. He has no violations other than an administrative violation, filing a renewal late, in 2010.
- There was no public comment.

MOTION: Commissioner Burrell made a motion for conditional approval for Brewer's Alley until August 31, 2022. Pending all rules, regulations and laws of the State, County, municipalities and the Liquorboard are met.

SECOND: Commissioner Glass concur and second the motion.

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

VOTE: Commissioner Burrell – Aye
Commissioner Glass – Aye
Chair Aquilino –Aye

The vote was unanimous **Ayes 3, Nay-0**
(Motion passed)

5. GENERAL PUBLIC COMMENT

a. There was no public comment.

6. STAFF MEETING

a. Staff Position Update – Mrs. Ashley Kneessi-Gay is now official in her position as Administrative Coordinator. Mrs. Candace Sier is also officially in her full-time position.

b. Inspection Initiatives – New inspection initiatives began July 1, 2022.

c. Adopt April 11, 2022, Minutes

MOTION: Commissioner Burrell made a motion to accept the June 13, 2022, minutes with corrections.

SECOND: Commissioner Glass second the motion.

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

VOTE: Commissioner Burrell – Aye
Commissioner Glass – Aye
Chair Aquilino –Aye

The vote was unanimous **Ayes 3, Nay-0**
(Motion passed)

d. Bottle Club Endorsement- Administrator Shugars introduced a new endorsement for Bottle Club.

- Chair Aquilino had concerns as to whether the establishment would be purchasing the alcohol only from a distributor.
- Administrator Shugars stated all alcohol must be purchased from the distributor.
- Chair Aquilino wanted to address the endorsement fee as the inspectors will need to track the storage aspect.
- Commissioner Burrell wanted clarification on monitoring the shelf life and expiration of the liquor.
- Commissioner Glass wanted to know what the purpose of the endorsement was.
- Hotel wording will be removed, and the endorsement will be for Class B Restaurants only.
- Chair Aquilino asked for initial fee of \$25.00.

MOTION: Commissioner Burrell made a motion to adopt the Bottle Club Endorsement with corrections and an initial fee of \$25.00.

SECOND: Commissioner Glass second the motion.

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

VOTE: Commissioner Burrell – Aye
Commissioner Glass – Aye
Chair Aquilino –Aye

The vote was unanimous **Ayes 3, Nay-0**
(Motion passed)

e. Amendment to Conditional Approval Language for the 2022 Regulation Book-

MOTION: Commissioner Burrell made a motion to change the proposed added language for Conditional Approvals.

SECOND: Commissioner Glass second the motion.

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

VOTE: Commissioner Burrell – Aye
Commissioner Glass – Aye
Chair Aquilino –Aye

The vote was unanimous **Ayes 3, Nay-0**
(Motion passed)

MOTION: Commissioner Burrell made a motion to add clarification to the Conditional Approval for alcohol awareness training with amended language.

SECOND: Commissioner Glass second the motion.

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

VOTE: Commissioner Burrell – Aye
Commissioner Glass – Aye
Chair Aquilino –Aye

The vote was unanimous **Ayes 3, Nay-0**
(Motion passed)

f. General public comment-NONE

7. ADJOURN

MOTION: Commissioner Glass made a motion to adjourn

SECOND: Commissioner Burrell second the motion.

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

VOTE: Ms. Aquilino – Aye
Mr. Glass – Aye
Mrs. Burrell –Aye

The vote was unanimous **Ayes 3, Nay-0**
(Motion passed)

MEETING ADJOURNED: 10:25am

Respectfully submitted,
Tabitha Vanleeuwen, Administrative Specialist II
FREDERICK COUNTY LIQUOR BOARD

- Next Scheduled Hearing for Rules of Procedure at 8:15 on July 25, 2022.
- Next Scheduled Regular Hearing August 8, 2022.