FREDERICK COUNTY LIQUOR BOARD

Manny Mart Protest Minutes
Monday, February 10th, 2019

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 Ms. Ashley Kneessi, Administrative Specialist V Mrs. Dawn Shugars, Administrative Specialist V

A Protest Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 10:00 AM by the Chair, Debbie Burrell.

1. Protest

   a. Manny Mart

Manny Mart
for the Use of Mikey's Place, LLC
119 S. Market Street, Unit A, Frederick, MD 21701
Class A, Off Sale, Beer & Wine

Mrs. Burrell went over the legalities of the hearing. She asked for patience and understanding as this is the first protest for this Board. The Board needs to determine the requirements for making a protest against the renewal of the license that is contained in §4.406 of the Alcoholic Beverages Article. They are as follows; at least ten persons protesting the renewal are; resident, commercial tenants or real estate owner. The infractions must be within the immediate vicinity of the licensed premise. This Board needs to determine what immediate vicinity is. In addition, the protest must be filed thirty days prior to the renewal.

For the record, we have determined that more than ten persons have been verified to meet the criteria of a protest. Those individuals must live within a one-mile radius. The number received was forty-one that meet that definition. To further clarify, twenty-five are within one half mile of the licensed premise. Mrs. Burrell asked Ms. Aquilino if she agreed with the determination of the immediate vicinity definition of one mile. Ms. Aquilino said that she agrees with a mile or less meets her definition of immediate vicinity.

Mrs. Thall swore in the room who was presenting testimony. She also swore in inspectors, and any other witnesses on staff. Mrs. Burrell reviewed the expectations of how the protest will be conducted. There will be a three minute time limit for testimony. The order will be first the persons opposing the license,

and local City officials, then the Board will hear from persons in support of renewal of the license. The licensee along with counsel will then have the opportunity to cross examine the individuals. All individuals speaking must state their name and their position on the renewal. Mrs. Burrell asked that everyone be respectful of each other and let whomever is speaking finish before interjecting. The podium is the platform to speak; no audience outburst is acceptable. She asked counsel if they could hold their questions until after the individual has spoken. She also, asked that counsel save his closing statements for the end of the protest hearing. All of these expectations ensures that the Board is giving due process with transparency and fairness. These allegations are serious and the Board is here for all sides to be heard.

Persons opposing the renewal of Manny Mart license:

Brad Hoffman – Mr. Hoffman lives directly across the street from Manny Mart. He moved there in 2013. He used to live around the corner on South Street. There has been a significant increase in alcohol related incidents. We have disorderly conduct, during warmer months they loiter, they trespass, and they use the fronts of our homes as their toilet. The alcohol was obtained from Manny Mart. They typically purchase the single 25 ounce beers. He has had to clean vomit from the front of his home. Customers have threatened Mr. Hoffman when he calls the police for this type of behavior. All of this occurs in the plain view of Manny Mart windows. According to regulation §5.10, licensees must operate their businesses in such a manner not to disturb the peace and safety of the neighborhood where located. The way Manny Mart operates, it disturbs the peace of the neighborhood. This creates a safety hazard by selling to intoxicated persons and allow them to consume on public sidewalks. Since he is receiving threats for calling the police, he feels this is a safety issue for the neighborhood. He feels his family is at risk of harm from these potential threats. If there is a customer that is banned from the store, they just have someone else go in and purchase their beer for them. This all occurs in plain view of the store. This should be noted that similar stores in the vicinity do not have these same issues as Manny Mart. This is evidence that with proper management or limitations on the products sold, the issue could be resolved. The single cans seem to be the issue. They equal approximately four Bud Lights. These cans are discarded all over his yard and Carroll Creek. He has submitted numerous photographs and testimony in his packet emailed to the Board prior to the protest hearing.

Ms. Aquilino asked Mr. Hoffman how the individuals know you have reported them to the police. He stated that he has reported them numerous times and they just know. He added that the threats have gotten worse, specifically that a person was going to kick his ass after he reported them for selling drugs and drinking in front of his home. Mrs. Burrell asked what the outcome of calling the police was. Mr. Hoffman said it is very difficult for law enforcement to enforce because they see them coming and they hide it or throw it away. He provided a report that he pulled from police activity in the area and it shows most infractions occur within

one to two blocks of Manny Mart. Mrs. Burrell asked what other businesses are in that vicinity that he referenced. Mr. Hoffman said there are mostly homes but some businesses. Ms. Aquilino asked if Community Action was the only government agency located in the immediate vicinity. Mr. Hoffman said within the one mile radius there are a few agencies, City Hall, Winchester Hall, Court House, he could go on but there are numerous businesses, restaurants, and residential homes within the area. Mrs. Burrell asked had he seen enforcement from the police. He has seen numerous citations given. That is what is allowable by law. Ms. Aquilino asked if Mr. Hoffman has had any direct contact with the management of Manny Mart. He said that he has been in contact with property management to inform them of what the issues were and what he had planned on doing with the protest. He also went into the establishment and left his contact information. He stated that he had not heard from them. Mrs. Burrell asked Mr. Hoffman if there has been any change in enforcement since he has moved to his new residence. He said that there is only more enforcement because the neighbors and he call the police more often. Police presence has been more prevalent because of their calls and complaints. She wanted clarification that has he seen an increase in this type of behavior since 2014. Mr. Hoffman said yes, there has been an increase in alcohol related incidents. The quality of life in neighborhood is declining because of the quantity of these issues. Mrs. Burrell asked if he had witnessed anyone inside the establishment actively addressing any issues that he is describing. Mr. Hoffman replied that he cannot see through their windows but it happens when they leave the establishment. The incidents occur in plain view of the neighborhood. You can clearly see customers are intoxicated. They know that once the alcohol leaves their store that it is being consumed openly on the streets.

Mr. David Weaver who represents the licensee Michael Allen asked Mr. Hoffman to clarify that more than half of the incidents occur across the street from Manny Mart. He agreed to that statement. Mr. Weaver pointed out that the complaint states that these are Manny Mart customers. He asked if Mr. Hoffman knows these people. He stated most of them. Mr. Weaver asked again do they wear jerseys stating I only shop at Manny Mart. Mr. Hoffman said he watches them leave the store with products. He has cameras on the front of his house so he can see the activity in the area. He has submitted photographs but no videos with his protest. Mr. Weaver wanted to clarify that he is not there watching 24 hours a day. He said no he could not watch the cameras around the clock. Mr. Weaver then pointed out that another establishment not even a ½ a block away sells these same products. He asked him had he personally reached out to Manny Mart before filing the protest. Mr. Hoffman said that police and the community action director reached out on his behalf. It was not until he was ready to file the protest that he left his information and a copy of the packet with the management of Manny Mart. Mr. Weaver asked him again if he had attempted to come up with a solution before filing the protest. Mr. Hoffman feels like yes, he went in there 2 weeks prior to the protest being filed. Mr. Weaver asked what he thinks proper management is. Mr. Hoffman stated not selling to someone who is intoxicated or someone who constantly violates the law. Mr. Weaver asked him if he had been in the store and witnessed someone inside intoxicated. He has seen them walk in intoxicated from

his house. Mr. Weaver said most of your pictures are more on the opposite side of the street from Manny Mart. He asked do you think the management should go outside the store and stop the individuals from consuming out on the street. Mr. Hoffman feels that they should not sell to anyone who is banned from the store or anyone intoxicated. He does not feel it is his responsibility to enforce any rules inside their store. Mr. Weaver added just as if it is not Manny Mart's responsibility to police the outside of their store. He asked have the police responded every time you have called and resolved the issues. Mr. Hoffman said that the police could not keep up with the amount of calls and activity that come from this area. Even if the police respond, it does not resolve the problem. They cite them for public consumption of alcohol. This still does not deter the individuals from continuing to break the law. Mr. Weaver asked if he knows those cans have come from Manny Mart. He says yes when he sees them walk out of Manny Mart with them. Mr. Weaver wanted him to clarify that he is under oath and that he cannot say for sure that all the drinking in public occurs from sales that come from Many Mart. Mr. Hoffman says fair enough but he has witnessed enough to state that there are many occasions where he knows for sure they purchased the alcohol from Manny Mart.

Mrs. Burrell asked about police patrol in the area. Mr. Hoffman said since he has been actively involved in the issue he has seen more police presence. He would like to see more foot patrol but he knows that is a resource issue. Ms. Aquilino asked has this just started recently. Mr. Hoffman said in the past few years since he has become involved in the issue their neighborhood faces, he has seen more police presence.

Mr. Weaver asked Mr. Hoffman do you see these individuals just in the 100 block of Market Street or do you see them up and down Market Street. Mr. Hoffman stated that he sees them everywhere but mostly congregating in the 100 block of Market Street.

Mrs. Burrell asked Mr. Hoffman had he contacted the Board prior to this protest to file a complaint. He said he had not because the law enforcement officers said they had reached out to the Liquor Board. He did not reach out directly until he filed the protest.

Mrs. Burrell asked the inspector to weigh in. Inspector Lind had previously met with the Frederick City police regarding some allegations against Manny Mart back in 2018. He met with management and the property owner back in April 2018 and agreed to allow access to the cameras for the Frederick City police. Inspector Lind also stepped up his inspections on the location and found them in compliance most of the time. There was one occasion where there was a table and a chair in the establishment that was used for Keno. Inspector Lind issued a warning and Manny Mart complied immediately.

Dan Shipen – Mr. Shipen owns Piano Works on the corner of South Market Street. He has an unobstructed view of Manny Mart daily. He wants to echo and reaffirm what Mr. Hoffman had stated in his testimony. He has witnessed inebriated

individuals go into Manny Mart and then leave with alcohol. Mr. Shipen added that this is a bad scene.

Ms. Aquilino asked Mr. Shipen if he had notified the police of these incidents. He said that they have notified the police over the 12 years of being in this location on numerous occasions. Mrs. Burrell asked if the police have addressed the concerns. Mr. Shipen said this is a resource hog for them and they cannot be expected to be there. Other parts of the City require attention. He added that even if they were there all day long the problem would still exist because the management does not seem to want to change. Mrs. Burrell asked if he had notified the Liquor Board of these issues. Mr. Shipen said he did not know this was an option until recently.

Mr. Weaver asked Mr. Shipen about him calling the police over the last 12 years and before Manny Mart even existed, the issue was still there. He further asked him if an officer were placed in the 100 block of Market Street full time would this deter the existing issue. Mr. Shipen reiterated that this is a tremendous resource hog because of one business not wanting to manage their problem. Mr. Weaver added that this problem exist all over Market Street. He added the problem exist along Carroll Creek and all over the downtown area.

Teresa Shipen – She is the wife of Dan Shipen and co-owner of Piano Works. She want to describe what she sees every day. There seems to be a tailgate party every day on the street. She feels Manny Mart is not held accountable for the activity that occurs in front of their store daily. She had never complained to Manny Mart directly. She appreciates the Board hearing the residents today.

Nicole Wellington – She lives on All Saints Street around the corner from Manny Mart. She experiences the ripples effect of the issue. She stated when the police run the individuals off from Market Street they set up in a parking lot adjacent to her residence. Ms. Wellington added that the individuals tell her that they purchase their alcohol from Manny Mart and not from H&R Mart. She said they are outside her house all day long. The individuals have threatened to burn her house down. Ms. Wellington understands that this is a business that supports income for Mr. Allen and his employees. This neighborhood has been impacted negatively daily by this business. The business is a commerce he chose to be a part of. She would like him to understand that he does not live here and see the impact this has on the daily lives of the residents who do reside here.

Mrs. Burrell asked Ms. Wellington how long she had resided on All Saints Street. She has lived there for almost two years, her first eight months it seem to be okay. She works from home and has a view of the street from her office. She wants it to be noted that the times that the individuals start to congregate and consume alcohol is around 8:00am and H&R Mart is not open at that time.

Ms. Aquilino asked if Ms. Wellington had filed police reports. Ms. Wellington said sometimes 5 times a day. She has also called for ambulances to pick up people who

had passed out. She said our police do not have finite resources to address this all because of one business.

Mr. Weaver asked if H&R Mart sells the 25-ounce beer, everyone keeps describing. She said that is a fair statement. We are talking about responsibility here not about who sells what size beer. He asked her to clarify a statement in a letter to the Board that Manny Mart had a record. He pointed out that the inspector has not found any infractions that would substantiate this accusation. Ms. Wellington said we experience this problem every day. The record she speaks of are those of her own accounts, and her neighbors. They have pictures, they have video and they have to deal with this on a daily basis. Mr. Weaver said there is a record of homelessness, there is a record public intoxication so the record you refer to may not be directly from Manny Mart. Ms. Wellington said this is about distribution of beer from that location to people who are intoxicated consistently all day long. Mr. Weaver asked her if she has view of Manny Mart from her home. She replied no but I hear them yelling they are headed to Manny Mart to buy more beer.

Jacqueline Bowens – She lives at 9 East All Saint Street. She has been a resident since 1956. She cannot see Manny Mart from her home. She does not understand where this action is going. She does not think this mess should be going on. Mrs. Bowens says they need to go. She asked about an ordinance of open container. She then asked is this not the City? Mrs. Burrell clarified that this is a Liquor Board hearing for the protest of the renewal. She cannot speak for the City or the police. We are collaborating agencies. Mrs. Bowens does not understand why this cannot be all one hearing. She asked if the Inspectors have been downtown at 8:00am to see this mess. She asked what have they found when they have been down to this location. Mrs. Burrell said we would have the inspectors testify at the end, once the testimonies have been heard.

Ingrid Smith – She is the owner of 126 South Market Street. She had been renovating the property for the last few months. There are five apartments in the building. She is trying to rent them. She witnessed a man passed out on the sidewalk last week. She watched him be roused up by EMT's and then go into Manny Mart and purchase beer. Mrs. Smith stated that it is a constant party on that block. They are a public nuisance. There are many public intoxication issues.

Mrs. Burrell asked if she had ever called the police. She says that she usually does not need to because others have already called. The neighborhood should not have to put up with this. Mr. Weaver asked Mrs. Smith to clarify that she had not in fact ever called the police to report any issues. She said the problem is the establishment that is providing the alcohol for these issues to keep going. She said calling the police is not the issue. She wanted to note that she does not see the same sort of congregating at the other store on the corner. Ms. Aquilino asked if Mrs. Smith had spoken to anyone at Manny Mart. Mrs. Smith said no she had not.

Persons in support of the renewal of Manny Mart license:

Brandon Chipro – He does not live in the immediate vicinity. He has business interest in downtown. He feels that people patronize Manny Mart because they like the store. Mr. Chipro added that this is a nice store. If this establishment is shut down, the issue will just move somewhere else. This is not the way to solve this problem. He has known Mike for a number of years. Mr. Chipro said he has dealt with the same issues in a store he owns in Hagerstown. He feels Mike is doing the best he can with attempting to control what happens around his store. Mike and he share this common struggle. Mr. Chipro addressed the audience and said they should be ashamed of themselves. He has lived in Frederick for over five years. He was adamant that taking away this liquor license is not going to solve the problem. This problem is systemic; it is the area that he is located in. This is not in his control. The Board interjected and asked Mr. Chipro to speak to them not the audience. He says this is wrong and evil. Mike is a good man and hardworking.

Sharon Stone – She does not live by Manny Mart but frequents there with her grandkids. She says she has seen Manny Mart run people off from the front of the store many times. Mrs. Stone added that people are responsible for their own actions. They are on the street drinking, not in Manny Mart. Manny Mart does not have any say of where they go drink it. This is his livelihood. She has never felt unsafe when visiting Manny Mart. She does not understand why this would be his fault on what happens outside his establishment.

Mrs. Burrell asked had she witnessed any type of issues inside the store. Mrs. Stone replied there is never anyone lingering inside the store. Mike runs them off quickly.

Kenny Vulk – He lives at 12 West All Saint Street. He recently relocated from Montana. He used to own a store just like Manny Mart. What we heard a lot of today about what happens outside of Manny Mart. He is here totally objectively. He does not know the licensee at all. He has been inside the store and he feels it is a well-run show. He says they are firm when they need to be. He has witnessed it. He has never felt unsafe in Manny Mart. Mr. Vulk has witnessed the denial of service to intoxicated individuals. He does not feel this is fair to this establishment. He agrees if you do shut him down, the problem will move down the street. He had the same experience with sale of the single cans of beer in the neighborhood where he had a store. He invited the neighbors in, he had them see how he ran his store, and the problem was squashed. While listening today he noticed that none of the residents has made the effort to talk directly with Manny Mart. Instead of attacking this business, try working on a collaborative approach. Mr. Vulk feels it can be done.

Mrs. Burrell asked Mr. Vulk to clarify his observation inside the store with the denial of service. Mr. Vulk reiterated that he has witnessed a firm denial of service inside the establishment. He himself have never called the police because the issue is on the streets, it is the location of being near the Community Action Center.

These groups gather in many areas downtown. These groups shift around. He has lived downtown since July 2019.

Officials from the City of Frederick opposing Manny Mart renewal:

Alderman Kelly Russell – She is testifying on behalf of many of her constituents who have concerns regarding this business and its activities. Ms. Russell said this is a serious concern. Clearly, this Board has not done a review like this in twenty years; we understand we need to bear with due process. What she has been witnessing and hearing; is with questioning from the Liquor Board, it appears that the burden is being put on residents and police regarding the licensing of a store. People are not required to enforce liquor laws inside of a store. What we have heard today is a lot of testimony of watching intoxicated people entering the store, purchasing alcohol and then coming outside to consume it. That does not necessarily negate the responsibility of the liquor storeowner. The line of questioning is not questions that should be directed to our residents, these are questions that should be asked to the police. They do have a representative here to offer statistics. She says this with all due respect but she does not feel there is unbiased questioning going on here. She pointed out that Commissioner Burrell testified that this is a business owner and that the Board needs to be mindful of that. She feels that testimony on that perspective was not appropriate. She is sorry for being so blunt. She says your job as the Board is to listen. In addition, Ms. Russell noted that Commissioner Burrell cut off one resident in the middle of her testimony. She urges the Board to regroup and think in terms of what your responsibilities are to the community. She does not feel that they should push the issue back to the residence. These are legitimate complaints. This is not their fault. She wants to reiterate that her constituents have witnessed intoxicated persons going in and purchasing alcohol from Manny Mart. Ms. Russell added that they are selling single cigarettes but that is not a liquor board issue. She stated that there are issues that are in the purview of the liquor board. She says the questioning is biased and she asked the Board to look at their responsibilities and the due process.

Mrs. Burrell clarified that this is an unbiased process. We are here to listen to all the testimony. Ms. Aquilino further clarified that when she asked the questions about contacting the police, she was asking because this Board is held by constraints of what takes place inside the store. Ms. Russell asked if the Commissioners had made their own observations or visited the Manny Mart. Both commissioners have not visited the stores. Ms. Bussard added that the Board could not have contact with the licensees because they are to remain unbiased. Mrs. Burrell added that the inspectors go out and give their feedback for the Board.

Mr. Weaver pointed out that Ms. Russell pointed out responsibilities of this Board but what about the responsibilities of the City. He asked her what steps has the City taken to help with the homelessness downtown? Ms. Russell asked how that was relevant to the alcohol license. Mr. Weaver believes that most of the issues come from the homelessness downtown. Ms. Russell said that is a conclusion you

may draw. She says she is not answering that question because that is not relevant to what we are discussing here today. Mr. Weaver interjected and said since when do you get to decide what is relevant here today. She pointed out that the liquor commissioners seem to only be interested in what occurs inside the stores. Mr. Weaver asked if she thought the police should be responsible for public intoxication. She said she does. Lieutenant Corbitt was at the hearing and could speak to those questions. She also pointed out that the purpose of this hearing today was not about homelessness.

Mrs. Burrell wanted to point out that we were told we could not invite agencies to appear because of the Board being unbiased. They had strongly suggested that if any agency had any input that they should appear today. She wanted to note that Lieutenant Corbitt was there just in an observation role and not able to speak on behalf of the police department. Ms. Russell said that the downtown area has a dedicated downtown foot patrol. Mr. Weaver asked if there was a specific area that patrol covers. Ms. Russell said she does not know the specific patrol assignments.

Mr. Weaver wanted to know if the City had met with the Manny Mart to discuss their concerns. Ms. Russell stated no they had not.

Alderwomen Donna Kzumachik – She is before this Board for the second time in eighteen years she has been in office. The first time she was before the Board was the issue with Exhale many years ago. She now stands before the Board to express the concerns regarding Manny Mart. She understands that the Board seems to be only concerned with what happens inside the store. She is here to support and back her constituents that have voiced concerns to her about Manny Mart. She has been in office a long time and has done this specifically one other time. There has not been any other licensees that have compelled her to attend a hearing to protest a renewal of a license.

Mrs. Burrell asked if there has been an escalation since Manny Mart has opened his store there. Alderwomen Kzumachik said the area has always had problems. The last eighteen months there have been emails sent to her that she then forwards to the police department. There appears to be an escalation in this area. The complaints she has received have directly stated Manny Mart in them. Mrs. Burrell wanted to clarify that prior to the protest letters had she reached out to the liquor board to file a complaint. Alderwomen Kzumichik said that was probably her mistake. Mrs. Burrell said there are challenges in every city. She wants them to understand that this Board does take this issue seriously. She expressed that she appreciates them coming and testifying today.

Lieutenant Corbitt – He was here strictly on observation assignment only. He is a commander of the special operations division. He has not prepared any data. He was specifically instructed not to take any position on the matter before the Board today. He can only say they do have a larger call volume in that patrol area. They do have a dedicated group of officers for the downtown area. Ms. Aquilino asked what the parameters are for the foot patrol in the downtown area. Lieutenant

Corbitt stated that it starts at the 100 block of South Market and ends at the 700 block of North Market. Most of the foot patrol does occur on the creek area. They have been doing foot patrols since approximately 2012. This unit was created because the volume of complaints in that area. There are policies set for whether an officer writes a report.

Counsel David Weaver testimony from Manny Mart:

Shannon Ramsburg: She has been the manager of Manny Mart since 2014. She started there as ordering supplies and helping with paperwork but March 2018, Mike became sick unexpectedly and she stepped in to help him. She works the day shift 7am to 4pm. She will stop by on occasion throughout the weekend just to check and be sure everything is running smoothly.

Mr. Weaver asked if she was aware of the problems that the residents are here to complain about today. Mrs. Ramsburg expressed that they experience the same problems. Mr. Weaver asked if any of the residents have ever come in to express their concerns to her. She replied no they have not. Mr. Hoffman did drop off his packet of information once the protest had been filed. She had a two minute conversation with him.

Mrs. Ramsburg has tried to alleviate these problems by contacting the police, setting up meetings, and made an attempt to set up a meeting with the Mayor but that was cancelled. She says she calls the police frequently. She did have a meeting with the police department, the property owners and Inspector Lind in March of 2018 to come up with an approach that may help with some of the issues. She said when she had called the police, sometimes they would come, and sometimes they would not. Mr. Weaver asked what they did when they did come. She said they would issue citations or sometimes just talk to them. They never moved them along; the crowd would continue to loiter. There was another meeting in January 2019 with the police department, property owners, and Inspector Lind. This meeting was the police bringing to the attention of the property owner that are so many nuisance calls, that they would start to fine them because of the volume of calls coming in. Mr. Weaver asked about no trespass orders. Mrs. Ramsburg explained that when she writes up a no trespass form, she files it with the police, with the liquor board, and in her files. Once that is filed; that person is no longer allowed at the establishment. She said the person is barred from their store forever. Mr. Weaver pointed the attention to his exhibit #1, which is a stack of no trespass orders. Mrs. Ramsburg explained that they took these steps because they want to work with the neighborhood. She feels they are all in this community together and they are trying to help with the solution to the problem. Mr. Weaver asked her what else they have done to deter the issues outside and around the area. In the past two months, she has been to court twice and still nothing is done to the individuals. The cases get probation and usually the individual is already in the system, so they could care less if they get probation.

They watch the cameras remotely from their phones. If they see something going on. She calls the store to address it, or she drives there to resolve any issues. If she sees public intoxication or anything in close proximity to the outside of the store, she does address it. Mr. Weaver asked about the cameras and their positioning. She monitors that area all the time. Mr. Weaver asked does she deter the tailgating they speak of to go on in front of the store. Mrs. Ramsburg stated that she does not allow anything inside the store or the immediate area, if she sees it. Mr. Weaver asked her to address what she was advised by law enforcement to do when she witnesses loitering across the street or in the immediate vicinity of the store. Mrs. Ramsburg said the told her not to approach them herself but to call police.

Mr. Weaver asked Mrs. Ramsburg if she had been in communication with the Community Action Center in regards to individuals who may be part of their program to seek sobriety. She said that emails had been exchanged between Mike Spurrier from Community Action and Nick at Sunshine Management. The individuals that they identified already have a no trespass from their store. Most of the individuals that are causing the issues live in tent city or are homeless. Mr. Weaver asked her how she knew that information. She said they tell her. She has been there over 2 years and has gotten to know many people from the homeless community.

Mr. Weaver asked Mrs. Ramsburg about the accusations that they sell to intoxicated patrons. She said they do not sell to intoxicated patrons. She says she does look for signs of intoxication. Mr. Weaver asked her had she or anyone else at Manny Mart ever sold to someone who is intoxicated. Mrs. Ramsburg said they have passed numerous compliance checks with tobacco and alcohol.

Mr. Weaver pointed to exhibit #2 that has the photographs in the complaint that was filed for the protest of the renewal of the license. He asked Mrs. Ramsburg if she recognized any of the individuals in the pictures. She said she did and the person in the picture is Michael Gray and he is not allowed in their store. Mr. Weaver clarified that the beer he is holding in the photo, he himself could not have purchased from the store. Mrs. Ramsburg stated that is correct.

Mr. Weaver presented a few more photos from the packet and those individuals are banned from the store. Mr. Weaver wanted to summarize that every photo that was submitted in the packet are all banned patrons from the store. They did not purchase the alcohol themselves from the store. In additions, not all the photos are in the immediate vicinity of Manny Mart. They either are across the street or down from the store.

Mrs. Burrell asked if the video is backed up and records kept in order validating what she is saying about individuals not being allowed in the store. Mrs. Ramsburg replied that those records are kept and there is someone watching the cameras at all times. Mr. Weaver asked Mrs. Ramsburg where they would be purchasing this alcohol. She replied it could be a number of places, they could send someone in to purchase, and they would not know.

Mr. Weaver wanted to discuss the 25 ounce beer that can be purchased at any liquor store. He asked Mrs. Ramsburg if they had considered not selling that size beer could. She says this is not the main income generator for their store. Mr. Weaver asked had anyone approached them about not selling this size beer can. She stated that they have not.

Mr. Weaver called attention to a specific picture of a person that appears under the influence of something. He asked Mrs. Ramsburg to describe what she sees in the photo. She said this person is what they call stuck; this is when they smoke spice. A drug that creates the vision that the person is stuck in a position. She says she has photos that show this type of behavior going on all over the area around the store.

Mr. Weaver asked her to review a meeting she had with Alderman Roger Wilson. Mrs. Ramsburg and Alderman Wilson discussed what Manny Mart was doing to deter the issues that keep coming up in the surrounding areas near their store. She said they call the police and issue no trespass orders. He told her to continue doing what she is doing.

Mr. Weaver asked Mrs. Ramsburg how she responded to the petition that was going around against the renewal of the Manny Mart alcohol license. She started her own petition. Within a twenty four hour period, she collected over ninety signatures supporting the store. He asked about the customers that signed petition, what type of business are they doing in the store. Mrs. Ramsburg said mostly coffee, snacks, lunch, cigarettes, lottery tickets, these patrons come in sometimes twice a day coming to and from work.

Mr. Weaver mentioned that there was a complaint with selling single cigarettes and Alderman Wilson brought this to their attention. Mrs. Ramsburg replied that they have passed more than one compliance check on their tobacco.

Mr. Weaver asked Mrs. Ramsburg what the percentage of alcohol is sold as a part of their total gross sales. She stated only twenty three percent. Therefore, that leaves seventy seven percent to other sales of products. He asked her if they lost their alcohol license, could they remain open. She thought they could but she was not sure for how long.

Mr. Weaver went over a letter that was submitted by John Terrell. He asked Mrs. Ramsburg to explain who was. She said that Mr. Terrell comes into the store once to twice a day. He mentions in his letter that Mrs. Ramsburg helps people in the community. Mr. Weaver asked Mrs. Ramsburg to explain what he meant. She has a young woman who stocks for her and has been there about a two years. She came there, was seeking sobriety, and needed someone to give her a chance to work, and Many Mart gave her that opportunity. She has another young woman who is there and has been sober for about nine months. She supports them as much as she can. He also mentions in his letter that there is a gathering of senior citizens in the

morning that are there grabbing coffee, getting lottery tickets, sharing the news stories, etc.

Mrs. Burrell asked about the meeting with Alderman Wilson, if there was a suggestion of attending the NAC meeting that they hold for downtown. Mrs. Ramsburg said no, the only thing he mentioned was meeting with the Mayor. Mrs. Burrell asked was a meeting ever called to bring all the stakeholders together and discuss a solution. She replied no there was never that suggestion. In addition, the meeting with the Mayor was cancelled and they do not know why. Ms. Aquilino asked about the staff and what type of training they had. Mrs. Ramsburg said all the staff is Alcohol Awareness trained. Mrs. Burrell asked about if they had been trained on how to identify intoxicated patrons. Mrs. Ramsburg said the staff refuses all sales to anyone who is intoxicated. She has never called the police on them, she just ask them to leave the store. Ms. Aquilino asked if the staff has noticed individuals coming in, buying beer, and then going outside to hand it off. Mrs. Ramsburg said if that does happen, she stops selling that person. She has warned many patrons if she sees this happening, there will be no more sales to any of them. Mrs. Burrell asked the Inspectors if they had witnessed any sales to intoxicated patrons. Inspector Lind has never seen anyone in the store intoxicated. He further added that there are groups of people in front of many businesses in the downtown area but this no violation of any alcohol regulations.

Nick Zeller – He represents the building owners. He shared that Mrs. Ramsburg has handled most of the issues and meetings. He was involved with Alderman Wilson and he agreed with them that this is a loitering problem. The City needs to start dealing with it. Mr. Weaver asked him if his tenants were afraid or concerned about Manny Mart being at the bottom of their building. Mr. Zeller said the store serves the community, it serves a purpose, and his tenants are not afraid to have the store there. He feels this would be detrimental to the neighborhood if their store has to close. He voiced his opinion that the court system have failed them. Nothing ever happens to the persons who have no consequences for loitering. He wishes the protestors would march down to the courthouse and have the judges hold people accountable.

Mrs. Burrell asked Mr. Zeller had he worked with any of the stakeholders before this protest. He said that he has worked on this issue for a long time with the police, Manny Mart and City officials. She wanted to know how long Sunshine Management has managed this property. Mr. Zeller said since the 1980's. He shared that this an affordable housing building. It does attract a different clientele.

Mr. Weaver wanted Inspector Shrum to weigh in on the situation because he was the inspector for 3 years prior to Inspector Lind. Inspector Shrum said he has never had any issues with Manny Mart in his three years working downtown. He does not see by closing one store will solve any problems downtown. He can recall walking Market Street late at night and when the bars and restaurants close, he has witnessed the same type of behavior in the downtown area. He wanted to point

out that he has been by the Manny Mart earlier in the morning and had not seen any issues of people congregating at their location.

Mr. Weaver asked Inspector Lind about §4.210 where it describes the details of denying a license. He asked Inspector Lind if Mr. Allen has shown to be unfit to hold a license. Inspector Lind said not that he has witnessed. Both Inspectors stated that they have not had any false statements, or dishonesty from any of the staff or the licensee. Both Inspectors were asked if they thought that Manny Mart acted unduly or had a negative impact on the neighborhood and should not have a license. Both Inspectors stated that they are no different from anyone else who sells alcohol.

Mr. Weaver made a closing statement. He pointed out that there is no doubt with all the people that have testified here today that there is a problem in this downtown area. The problem is not a Manny Mart issue. There is a problem of public intoxication and the opioids or even the drug they called spice. These are larger problems within the city that Manny Mart should not be held accountable for the actions of others. The homeless congregate in this area therefore creating this environment. This is the issue at hand. The protest to not allow the renewal of Manny Mart's license is not going to solve the issue. This will negatively affect Mr. Allen and the employees of Manny Mart. This is the livelihood of many people and this should not be taken lightly. Mr. Weaver appreciates the Board taking this protest seriously and hearing this case today. The responsibility lies within the City police, City Alderman, & Social Services. They are to provide resources to this homeless community to help them adapt to their situations. To hold Manny Mart responsible solely for issues out of their control is not comprehensible.

The allegations of improper management has not been proven here today. The Inspectors have testified that there have been no violations at Manny Mart to attest to what was said here today by the community. There have been other compliance checks for tobacco and they have passed those with no infractions. Mrs. Ramsburg runs a tight ship at the store. The testimony you heard today acknowledges that. Her creditability speaks for itself. She takes her responsibility very seriously. Nothing has been proven here today that they have violated any regulations. Manny Mart has made an effort to meet with City officials to come to an amicable solution for the problem at hand. He acknowledges that they could do more by attending the NAC meetings. On the other hand the community who sit here in protest today could have reached out the Manny Mart and see if there is something they could work on together to address the issue, that didn't happen. Mr. Weaver said the 25-ounce beer that seems to be the point of contention could be discussed. Mr. Allen is not opposed to hearing what the community has to offer. Is this Board ready to ban the size and types of alcohol an establishment can sell? Other establishments carry this beer size. The fact of the matter is the individuals that are causing the issues, are already banned from Manny Mart. Mr. Weaver does not know what else Manny Mart could have done to curtail this behavior. They have consulted with City officials and gotten nowhere.

The criteria required by State law §4-210 to not renew a license has not been met. They have not violated any of the requirements stated in this law. The totality overall has been attested to by the Inspectors here today. There has not been anything presented here today that would warrant this Board not to renew the alcohol license. Again, we acknowledge there is an issue, but it is not Manny Mart's issue.

Ms. Aquilino asked Ms. Bussard if there were any violations on this establishment. The only items were administrative violations. They occurred in November 2016 and June 2017. They were no contest letters that were resolved. Since the transfer of ownership, these are the only two violations under this ownership.

Mrs. Burrell reviewed the exhibits that were presented for the protest. She confirmed that the exhibits were to show fact finding for the area of the immediate vicinity and where protestors resided within that one mile radius. Mr. Weaver has no objections to the exhibits. Mrs. Burrell made all the written testimony via email all part of today's record. The petitions in support from Manny Mart will be added to the record. All of the oral testimony are part of the official record today.

The amount of information that was heard in this protest hearing today is a lot to absorb and sort through. Mrs. Burrell requested a closed session to discuss the case with legal counsel. She wants to be sure the Board understands all of the options and legalities of this protest. There will be a vote to go into closed session, there will be a recess and then the Board will come back with their findings.

MOTION: Mrs. Burrell made a motion to go into closed session.

SECOND: Ms. Aquilino seconded the motion.

FURTHER DISCUSSION ON THE MOTION: Mrs. Thall wanted to be clear for the record the reason for the closed session is under §3-305 (a) & (b). She says the Board will not deliberate during this closed session. This will be to clarify that the discussions will be to discuss legal issues raised at the protest hearing.

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

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

Meeting recessed until 12:30pm

Board Findings in the protest of Manny Mart Renewal:

Mrs. Burrell reconvened the protest hearing. She went over the legalities of the findings and what each Board member is expected to review during their vote. She referenced §4-210 in State law and its applicable references to support their decision.

Ms. Aquilino spoke to the fact that she feels all the testimony is credible both for and against heard here today. What she has taken from the testimony heard today, is there is a problem in the neighborhood. She asked herself is there anything credible that tells her that is it within one single business. That answer is no. She does not feel that Manny Mart is fully responsible for the issues. Ms. Aquilino does feel there is a communication problem. Long before this came before this Board, there should have been communications amongst the community and Manny Mart. This issue should have been discussed and maybe a solution could have been found before it got to this point. When she was on the planning commission, there were requirements that the developers went out to the neighborhood within a mile radius and talk to the people who lived in the area. We cannot mandate this by law but we can suggest it. All the rules that are in the Alcoholic Beverage Article governs this Board. This is a struggle and she would love to waive a magic wand and fix the neighborhood. She remembers when a license was protested before when she owned her own establishment. If she would vote to shut down Manny Mart, someone can come in and do the exact same business. That would change the faces and but would not address the real problem. She has no legal recourse to deny the renewal of Manny Mart's license.

Mrs. Burrell said she had read all the paperwork that was submitted. She has been a lifelong Frederick County resident and worked eighteen years with a political office that listened to complaints about local problems all day long. Mrs. Burrell is disappointed that there has not been an effort to bring all the parties together to seek a resolution. She would have liked to see the public, police, City officials, and Manny Mart work this out before it came to this point. Now there is no choice but to make a decision based off the testimony heard today at this protest hearing. She has witnessed infractions in the downtown area. This has been a long-standing problem with drunkenness and loitering along the creek as well. We make every attempt to collaborate with other agencies and cannot be everywhere all the time. We have to acknowledge that there is a problem in the downtown area. This takes a community to deal with these issues, not one business, not one member of the community. We need to be work together to address the problem.

As a Board we have to evaluate was there enough justification to have this hearing. With the emails received from many residents and our partners at the City, we found there was justification to hear this protest. Mrs. Burrell added that it is very difficult when you believe you as a business owner are doing everything possible to be responsible. This location is not the only establishment that experiences these issues in the downtown area. Mrs. Burrell means no offense but as women, there

are safety issues for Mrs. Ramsburg. No one should take the law into his or her own hands; she apologizes if that offends anyone. This is why law enforcement was asked to be present at this protest hearing. We need to respect them and hold those accountable who are breaking the law. This does not mean just the licensee should be accountable.

Mrs. Burrell went over §4-210 of the State law and what the basis would be not to renew a license. She does not believe that they have the grounds to deny this renewal. Given counsel's testimony, she believes there are no intoxicated patrons being served inside their establishment, the licensee has not made material false statements, they have not been found in violation by our Inspector's, they have passed compliance checks performed by outside agencies. The issue comes down to health, safety, and welfare of the community. Has Manny Mart been the sole reason that the problem in the community exist? Mrs. Burrell does not believe that to be the case made here today. There are multiple issues that need addressed. To not renew this license is not the solution. Personally, she would like there to be more community involvement from both sides to address the issues. She cannot reiterate that enough.

The video's, the pictures, the testimony heard at this protest does not meet bar set by the State to not allow the renewal of this license. This Board can only make a determination based on facts. She does not see that this licensee is fully responsible for actions of individuals in the community. The bar has not been met here today to hold one party accountable. She would like to see more working together on this issue.

Ms. Aquilino is asking that the licensee continue to stay vigilant with what they are currently doing to continue to curtail this issue. She asked them to reach out to the City and the community to attend the NAC meetings. Ms. Aquilino would like them to keep their employees trained and take advantage of what we offer to our licensees at no cost. Ms. Aquilino agrees with Mrs. Burrell that the responsibility cannot be on one establishment. She cannot make a motion to deny this license.

Mrs. Thall reviewed the motion should be to deny or not deny the renewal of the license per the factors found in State law, §4-210.

Mrs. Burrell added that she could not tell the licensee not to sell single serve cans. She emphasized that she can only suggest that the licensee work with the City and the community. She wants the audience to know that this Board is here to listen and wants them to know they can contact the office anytime. She wants everyone to do his or her part.

MOTION: Ms. Aquilino made a motion to approve the renewal of Manny Mart's license according to §4-210 in the Alcoholic Beverage Article.

SECOND: Mrs. Burrell seconded the motion.

FURTHER DISCUSSION ON THE MOTION: Mrs. Burrell added for the record that both sides work together. In addition, Ms. Aquilino stated that we are here to support you, utilize us a resource.

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

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

Meeting adjourned until 12:51pm

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