



ALCOHOLIC BEVERAGES ADVISORY BOARD

Marc Elrich
County Executive

Meeting
Tuesday, May 9, 2023
Alcohol Beverage Services

Minutes

Members and Staff Present: Brett Robison, ABAB; William Shanklin, ABAB; Susan Heltemes, BLC; Lt. Adam Currie, Montgomery County Police Department; Kathie Durbin, ABS Director; Uday Berry, ABS; and Amy Samman, ABS Chief of Licensing, Regulation and Education.

Absent:

Dr. Nkemjika Ofodile-Carruthers, ABAB
Spiro Gioldasis, ABAB

Brett Robison called the meeting to order at 9:03 am. A motion was made to approve the March 2023 meeting minutes by Ms. Heltemes, seconded by Mr. Shanklin, and unanimously approved by the members present.

General Discussion:

Board members had a general discussion about the upcoming legalization of recreational marijuana on July 1, 2023. Board members expressed concern that the process to legalize recreation marijuana was rushed by the State of Maryland. Lt. Currie stated that many of the Montgomery County Police Department (MCPD) training modules would need to be re-written to better handle widespread, legal marijuana use. Mr. Robison mentioned the difficulties of regulating several different types of marijuana products, including oils, edibles, and waxes, stating that some of the products caused severe impaired judgement among the users. Ms. Durbin informed the Board that she would share data from the State regarding marijuana consumption after July 1, 2023.

Board members discussed the growing market of premixed alcohol products being sold in the United States. Products such as wine-based premixed cocktails, approved by the Alcohol and Tobacco Tax and Trade Bureau (TTB), were permitted to be sold in establishments with beer and wine licenses despite containing similar alcohol by volume (ABV) to spirit-based products. Virginia had already allowed the sale of premixed drinks under a specific ABV regardless of whether the products were wine-based or spirit-based. Mr. Robison explained that it could be possible for Montgomery County beer and wine stores to sell products with similar ABV to

liquor. Mr. Robison said that it was feasible for a brewery to produce beers with close to 40% ABV.

Another growing market in Montgomery County that encouraged discussion among board members was the sale of non-alcoholic beers, wines, and spirits in grocery stores. Mr. Robison expressed concern that grocery stores were already planning large sections of their stock floors to advertised non-alcoholic beer and wine, which could lead to future changes in regulation that may allow grocery stores to sell local ABV products. Ms. Samman stated that alcohol regulation was a complicated and slow process, where large producers regularly tested legislature to see how flexible alcohol regulations were when new products were introduced into the market. Ms. Samman said that the Maryland State Licensed Beverage Association (MSLBA) had a strong lobby, which would help to ensure that small, local manufacturers would be protected against large alcohol producers.

Kathie Durbin, ABS Update:

Ms. Durbin informed board members that the Gaithersburg location of Oak Barrel and Vine would be opening during the second week of June. Ms. Durbin mentioned that the store would incorporate a new, story-based tasting process, allowing local brands to present their products to consumers through stories which highlight brands' missions and sustainability. The Gaithersburg store has enough space for at least two large tasting rooms dedicated to storytelling sessions.

Ms. Durbin stated that local brands are selling well in Montgomery County, with local products amassing over two million dollars in sales. There is a growing support for local manufacturers, which are being highlighted at Oak Barrel and Vine stores, as well as at farmers markets. Ms. Durbin mentioned that the city of Poolesville is the first in Montgomery County to launch a local liquor brand. Additionally, Poolesville is also planning to open a wine crushing facility.

Ms. Durbin said that highly allocated products available for licensees, offered on the second Saturday of every month, would incorporate a larger variety of alcohol due to the commercial success of the program. Ms. Durbin made the distinction between the products sold every second Saturday and the products sold during the annual lottery, explaining that second Saturday products included bourbons and tequila, whereas products sold during the annual lottery were extremely rare bourbons. Mr. Robison mentioned that the second Saturday program has allowed licensed establishments to sell higher end products to their customers more frequently, whereas products allocated for the annual lottery system are unavailable for most the year.

Susan Heltemes, BLC Update:

Ms. Heltemes informed board members that Java Nation is planning to continue expanding in Montgomery County by opening up a new location in downtown Silver Spring. Ms. Heltemes mentioned that Java Nation had been before the Board of License Commissioners (BLC) many times for multiple licenses. She also stated that Montgomery County alcohol inspectors have been attending more hearings for new licensees, allowing both parties to meet and interact after proceedings have concluded. Ms. Heltemes said that the BLC frequently tells licensees that the inspectors are their best resources for information.

Ms. Heltemes stated that compliance checks had resumed because of three newly hired underage volunteers (UV). She stated that there was a 61% overall compliance rate in Montgomery County, but only 47% in greater Silver Spring. Ms. Heltemes said that 39 out of 72 establishments in Silver Spring failed recent compliance checks.

Ms. Heltemes updated the board members about recent cases held before the BLC. Dessie Ethiopian Restaurant and Market was asked to return at a later date after the licensee had time to better study the Board's Rules and Regulations. Ms. Heltemes said that many establishments continued to violate §5.4(c), where no person was present at a licensed establishment with valid Alcohol Awareness certification. Recent hearings also included violations of §5.11 (Beverages from Faucets, Spigots etc./Labeling) and §5.5 (Records).

Lt. Adam Currie, Montgomery County Police Department Update:

Lt. Currie stated that the MCPD still had several vacancies for police officers that needed to be filled. Lt. Currie said that he was hopeful that all units across the county would be fully staffed by early summer. He introduced the new head of the Alcohol Initiative Unit (AIU), Sgt. Pat Kepp.

Sgt. Kepp informed board members that compliance checks would be the AIU's primary focus for the near future. He stated that two officers regularly coordinated with Mr. Ron Price, ABS Compliance Manager, and the alcohol inspectors several times a week. The AIU assisted ABS with compliance checks every Wednesday, Thursday and Friday for the past six weeks. Sgt. Kepp mentioned that there would be a brief halt to the compliance checks so that AIU officers could attend advanced training.

Ms. Heltemes asked Sgt. Kepp if he was aware of the crime rates and the increasing number of noise complaints in Silver Spring. Sgt. Kepp answered that he had worked in downtown Silver Spring, informing her that the majority of noise complaints were entered anonymously or cancelled, making them difficult to address by MCPD.

Mr. Robison asked if there was any change in the number of alcohol related driving violations. Lt. Currie stated that a recent spike in drunk driving resulted in 70% of fatal automobile accidents involving alcohol abuse. Lt. Currie informed board members that data for alcohol driving violations was geographically skewed based on the location of breath tests. He said that the major areas for alcohol driving citations were Gaithersburg, Silver Spring, and Wheaton.

Next Meeting:

The next ABAB meeting is scheduled for Tuesday, July 11, 2023 at 9:00 a.m.

Adjournment:

There being no other business before the Board, the meeting was adjourned at 10:13 a.m.