



## ALCOHOLIC BEVERAGES ADVISORY BOARD

Marc Elrich  
County Executive

Meeting  
Tuesday, September 13, 2022  
Virtual Meeting

### Minutes

*Members and Staff Present (virtually through Microsoft Teams):* John Gaughan, ABAB; Brett Robinson, ABAB; Jason Hubbarth, ABAB; Dr. Nkemjika Ofodile-Carruthers, ABAB; Susan Heltemes, BLC; Evelin Chavez, ABS; and Amy Samman, Chief of Licensing, Regulation and Education.

*Absent:*

Kathie Durbin, ABS Director  
Lt. Adam Currie, Montgomery County Police Department

John Gaughan called the meeting to order at 9:03 am. A motion was made to approve the July meeting minutes by Mr. Robinson, seconded by Ms. Heltemes, and unanimously approved by the members present.

*General Discussion:*

Board members had a general discussion about the State of Maryland Open Meetings Act Compliance Board (Compliance Board) response to the County's response to the recent Open Meetings Act (OMA) complaint. Earlier this year the County Executive received a complaint that had been filed with the Maryland Open Meetings Compliance Board asserting that multiple County Boards, Committees, and Commissions had violated the Maryland Open Meetings Act. On August 19, 2022 the Compliance Board issued an opinion finding that the ABAB violated §3-302.1(a) of the Open Meetings Act which requires public bodies to make meeting agendas available to the public. The Compliance Board found that in the case of ABAB, "technical glitches made certain agendas unavailable to the public". This issue has been corrected and ABAB agendas are available to the public on the ABAB website. All board members agreed to have Ms. Chavez prepare the findings report for signatures and submission. Mr. Gaughan talked a similar experience a board he serves on in Delaware, MD had and said that things like this happen from time to time but he doesn't believe like the person who made the request was specifically targeting ABAB.

Mr. Gaughan asked for an update on retail stores. Ms. Samman explained that the Montrose ABS retail store closed on Saturday, Aug. 27, to complete a refurbishment and rebrand to its upgraded "Oak Barrel & Vine" retail line. The plan is to reopen the upgraded store in late fall. The Oak Barrel & Vine branded stores feature handpicked items with a focus on spirits and local products. The upgraded Montrose store will have 25 percent more shelf space, a dedicated

tasting area, queue lines for faster checkout and wayfinding signs for a more inviting shopping experience.

Mr. Gaughan asked if the department was having any issues with supply chain. Ms. Samman said she believed that supply chain issues seem to be easing up. It doesn't to be much of an issue as it was in the past. She hasn't seen as much reduction in terms of limiting the number of supplies due to shortages. Mr. Robinson commented that manufacturing issues has continued to be an issue for him but eased quite a bit.

*Evelin Chavez, ABAB Update:*

Ms. Chavez informed board members that appointments for the two vacancies are tentatively scheduled for confirmation by the County Council on September 20, 2022. She also confirmed that the issue found in the issue found by the Compliance Board has been rectified.

*John Gaughan, ABAB Member:*

Mr. Gaughan shared that this would be his last meeting with the board. He is hopeful that new members will be appointed by next meeting in November that way the members can get to know one another and vote on a new chair in January 2023. Mr. Gaughan stated that the designation for the new chair will follow the same procedures that has been used in the past for this board. He suggested to have Mr. Robinson serve as interim chair until the board has a full board and votes on a new chair in January.

A motion was made to approve Mr. Robinson as interim chair by Ms. Heltemes, seconded by Ms. Dr. Nkemjika Ofodile-Carruthers, and unanimously approved by the members present.

Mr. Gaughan gave thanks to all the board members. He explained what brought him to this board and his view on the board now as has served for a little over two terms.

*Amy Samman, ABS Update:*

Ms. Samman presented Mr. Gaughan with a recognition award and said a few words on behalf of the board. She thanked him for all his hard work and dedication to the board.

Mr. Robinson asked Ms. Samman to provide an update on any bills for the General Assembly Session. Ms. Samman said the deadline to submit local bills is October 13th, so she'll be able to provide an update after November 6th. The only request ABS has as of now is to allow the chief of police and ABS director to have designees, but this has not been approved by the County Executive. She also stated that the 2022 bill allowing breweries and wineries to sell each other's products may be something the County's House Delegation may introduced again. She hopes to have an answer by the next meeting.

*Susan Heltemes, BLC:*

Ms. Heltemes provided a compliance report update. She said establishments are alluding that COVID has been the reason for their violations. Ms. Heltemes said that in the beginning of the year there were a lot of violations. She informed the board members that all establishments must have someone that is alcohol awareness certified and there have been a lot of violations for licensees not having someone certified on premise when inspectors go for routine inspections. Ms. Heltemes stated that violations for records has also been a problem. Establishments are required to have records of employees and all alcohol purchases, but businesses seem to have a problem keeping record of these documents.

Ms. Heltemes explained that the County now has a different hiring process for volunteers. The hiring process has now been placed through the HR which caused the process to take a little longer than normal. As of now there are two new volunteers that will begin working with inspectors. She said overall inspectors are doing a lot. Ms. Heltemes believes inspectors are past covid and the board is no longer giving licensees a pass on egregious violations. She believes suspensions are a bit more meaningful than monetary fines. Ms. Heltemes also brought up her concern with the one-day licenses. She was at an event where she witnessed people were breaking the rules and made sure to mention it to ABS staff.

Ms. Heltemes informed board members that BLC will soon have new members on the board. The current members will serve until they are replaced. She said there will be changes but doesn't know when. The vacancies were announced and the deadline to apply has closed.

Tasks:

A request was made to change the November 8<sup>th</sup> meeting date to Nov 15<sup>th</sup> because the 8<sup>th</sup> is election day.

Next Meeting:

The next meeting of the ABAB is scheduled for Tuesday, November 15, 2022 at 9:00 a.m.

Adjournment:

There being no other business before the Board, the meeting was adjourned at 10:00 a.m.