

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF BRANDON MARTEL	*	
LYONS AND TIMOTHY ANDREW	*	BEVERAGE HEARING BOARD
KEANE ON BEHALF OF 11845 WINE	*	
SHOPPE, LLC, T/A FULTON WINE AND	*	FOR
SPIRITS, FOR A TRANSFER OF A	*	
CLASS A-1 BEER, WINE, AND LIQUOR	*	HOWARD COUNTY, MARYLAND
7-DAY OFF-SALE LICENSE	*	
	*	Case No. 17-40

DECISION AND ORDER

The Board of License Commissioners for Howard County, Maryland (the “Liquor Board”), pursuant to Rule 1.02(A) of the Liquor Board Rules and Regulations, has delegated the authority to hear and decide cases to the Alcoholic Beverage Hearing Board for Howard County, Maryland (the “Hearing Board”).

On October 10, 2017, the Hearing Board heard the application of Brandon Martel Lyons and Timothy Andrew Keane (the “Applicants”), on behalf of 11845 Wine Shoppe, LLC, t/a Fulton Wine and Spirits (“Fulton Wine and Spirits”), for a transfer of a Class A-1, Beer, Wine, and Liquor, 7-day off-sale license held by Sharon K. Frooshani, Timothy Keane and Reza Frooshani, on behalf of Fulton Wine, Inc. t/a Fulton Wine, , for a 2,000 square foot package goods store located at 11845 Scaggsville Road, Fulton, MD 20759.

The hearing was properly advertised and the property posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicants were represented by Thomas Meachum, Esquire. There were no protestants who appeared in opposition to the application.

All the documents on file were incorporated into the record by reference.

SUMMARY OF TESTIMONY

Timothy Andrew Keane, was sworn and testified that he is a 90% owner and has worked at the store for 15 years without any violations. He stated that he has been on the existing license for 12 years. He testified that he is TAM certified and has extensive experience working all the day-to-day activities at Fulton Wine and Spirits. He plans to work approximately 75 hours per week if the license is granted. Mr. Keane testified that the hours of operation will be Monday through Thursday from 10 a.m. to 9 p.m.; Friday and Saturday from 10 a.m. to 10 p.m.; and Sunday from noon to 7 p.m. He testified that there will be 2 employees on most shifts with 3 employees on Fridays and that all employees will be TAM certified and will be given written policies pertaining to alcohol rules and procedures. Mr. Keane testified that he has read the rules and regulations governing the sale of alcoholic beverages and agrees to abide by them. He testified that he plans to participate in local causes by giving charitable donations to benefit the community.

Brandon Lyons, the proposed Resident Agent, was sworn and testified that he is a 10% interest holder and authorized person and had worked at Fulton Wine and Spirits for 8 years, until 2015, without any violations. He testified that he plans to check into the store 1-2 times per week to check on operations. Mr. Lyons testified he is familiar with store policies, has lived in Howard County for more than 2 years, and has read the rules and regulations governing the sale of alcoholic beverages and agrees to abide by them. He testified that he is alcohol awareness certified.

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicants

waived their right to request the Liquor Board to hear the case.

Based on the evidence presented at the hearing, the Alcoholic Beverage Hearing Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Hearing Board finds that Brandon Martel Lyons and Timothy Andrew Keane, on behalf of 11845 Wine Shoppe, LLC, t/a Fulton Wine and Spirits, have applied for a transfer of a Class A-1, Beer, Wine, and Liquor, 7-day off-sale license held by Sharon K. Frooshani, Timothy Keane and Reza Frooshani, on behalf of Fulton Wine, Inc. t/a Fulton Wine, for a 2,000 square foot package goods store located at 11845 Scaggsville Road, Fulton, MD 20759.

2. The Hearing Board finds that the Applicants are fit and proper persons to hold an alcoholic beverage license.

3. The Hearing Board finds that Brandon Martel Lyons has been a Howard County resident for more than two years, is a registered voter, and a 10% shareholder of 11845 Wine Shoppe, LLC, t/a Fulton Wine and Spirits.

4. The Hearing Board finds that the granting of the application is necessary for the accommodation of the public.

5. The Hearing Board finds that the granting of the application will not unduly disturb the peace and safety of the residents of the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Brandon Martel Lyons and Timothy Andrew Keane on behalf of 11845 Wine Shoppe, LLC, t/a Fulton Wine and Spirits, applied for a

transfer of a Class A-1, Beer, Wine, and Liquor, 7-day off-sale license held by Sharon K. Frooshani, Timothy Keane and Reza Frooshani, on behalf of Fulton Wine, Inc. t/a Fulton Wine, for a 2,000 square foot package goods store located at 11845 Scaggsville Road, Fulton, MD 20759.

2. The Hearing Board concludes that the Applicants are fit and proper persons to hold an alcoholic beverage license.

3. The Hearing Board concludes that Brandon Martel Lyons meets the requirements of Rules 1.10(S), 1.10(T), and 2.06 of the Liquor Board Rules and Regulations concerning resident agent qualifications.

4. The Hearing Board concludes that the granting of the application is necessary for the accommodation of the public.

5. The Hearing Board concludes that the granting of the application would not unduly disturb the peace and safety of the neighborhood.

ORDER

For the foregoing reasons, it is this ^{HL}26 day of October, 2017, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Brandon Martel Lyons and Timothy Andrew Keane, on behalf of 11845 Wine Shoppe, LLC, t/a Fulton Wine and Spirits, for a transfer of a Class A-1, Beer, Wine, and Liquor, 7-day off-sale license held by Sharon K. Frooshani, Timothy Keane and Reza Frooshani, on behalf of Fulton Wine, Inc. t/a Fulton Wine, , for a 2,000 square foot package goods store located at 11845 Scaggsville Road, Fulton, MD 20759 be and the same is hereby **GRANTED**, subject to the following conditions:

(a) That the Applicants comply with all State and County Rules and

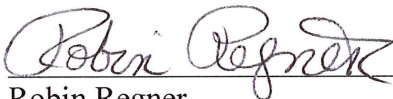
Regulations; and

- (b) That the Applicants satisfy any requirements necessary to obtain the license by January 24, 2018, unless that deadline is extended by the Board upon good cause shown; and
- (c) Failure to comply with these conditions shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING

BOARD OF HOWARD COUNTY,
MARYLAND



Robin Regner
Acting Administrator



Heather Gaetano, Chairperson

ABSENT

Mary Bird, Vice-Chairperson


REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
GARY W. KUC
COUNTY SOLICITOR



Charles C. Feaga, Member

ABSENT

Gene Ryan, Member


Lewis Taylor, Esquire
Senior Assistant County Solicitor
Charley C. Sung, Member