

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF SCOTT MICHAEL	*	
SHANKS ON BEHALF OF SS SPIRITS,	*	BEVERAGE HEARING BOARD
LLC, t/a VILLAGE GREEN SPIRIT SHOP,	*	
FOR A TRANSFER OF A CLASS A-1	*	FOR
BEER, WINE, AND LIQUOR 7-DAY	*	
OFF-SALE LICENSE	*	HOWARD COUNTY, MARYLAND
	*	
	*	Case No. 16-23
	*	

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 May 24, 2016, the Hearing Board heard the application of Scott Michael Shanks (“Applicant”), on behalf of SS Spirits, LLC, t/a Village Green Spirit Shop (“SS Spirits, LLC”), for a transfer from Village Green Spirit Shop, Inc., t/a Village Green Spirit Shop in the names of Francis Frick, Jr. and Robin Frick, for a 4,450 square foot package goods store located at 9338 Baltimore National Pike, Ellicott City, Maryland 21042. The hearing was properly advertised pursuant to Article 2B of the Annotated Code of Maryland. The Applicant was represented by Robert J. Kim, Esquire. There were no protestants who appeared in opposition to the application.

All the documents on file were incorporated into the record by reference. These include the following: a letter dated April 12, 2016, from the attorney for the Applicant, enclosing a revised first page of the application; a letter dated March 15, 2016, from the attorney for the Applicant, enclosing the transfer application; a copy of the floor plan; a

copy of the Articles of Organization for SS Spirits, LLC; the background investigation for the Applicant; a memorandum dated May 6, 2016, from the Comptroller of Maryland, enclosing the Bulk Transfer Permit for Village Green Spirit Shop, Inc.; a memorandum dated April 12, 2016, from the Liquor Board to the Alcoholic Beverage Inspector, the Department of Inspections, Licenses, and Permits, the Bureau of Environmental Health, the Department of Planning and Zoning, and the Office of the Fire Marshal; a memorandum dated April 22, 2016, from the Department of Planning and Zoning; a letter dated April 21, 2016, from the Office of the Fire Marshal; a memorandum dated April 28, 2016, from the Bureau of Environmental Health; a letter dated April 12, 2016, to the Department of Finance; a letter from the Department of Finance; a letter dated April 12, 2016, to the Comptroller of Maryland; a letter dated May 17, 2016, from the Comptroller of Maryland; a facsimile dated April 12, 2016, from the Liquor Board Administrator to the attorney for the Applicant with notification of the hearing date, and the necessity to advertise; and an email dated May 9, 2016, from the Alcoholic Beverage Inspector stating the premises had been posted.

SUMMARY OF TESTIMONY

Scott Michael Shanks, owner and 100% shareholder of SS Spirits, LLC, t/a Village Green Spirits, was sworn and testified that he has lived in Howard County for approximately 42 years, is a registered voter, and is alcohol awareness certified. Mr. Shanks testified that he has never held a liquor license, but worked at Allview Liquors for 20 years. Mr. Shanks testified that during those 20 years, they never had any violations.

Mr. Shanks testified that he plans to spend approximately 40 to 60 hours per week in the store, and that he understands his responsibility as a licensee. Mr. Shanks testified that

his policy will be to ask for identification from anyone who appears to be under the age of 35, and that he plans to only accept a horizontal format of a driver's license.

Mr. Shanks testified that he plans to continue to operate the store the way it has been in the past. Mr. Shank testified that he may offer more promotions, and will provide a friendly atmosphere.

Mr. Shanks testified that regarding his charge of Driving Under the Influence in 2012, he has learned from his mistake. Mr. Shanks testified that as a result, he has participated in alcohol classes, and attended Mothers Against Drunk Driving meetings. Mr. Shanks testified that what he learned from the experience is that you cannot assume that you are okay to drive, even if you have only had one drink.

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicant waived the right to request the Liquor Board to hear the case.

FINDINGS OF FACT

1. The Hearing Board finds that Scott Michael Shanks on behalf of SS Spirits, LLC, t/a Village Green Spirit Shop, has applied for a transfer from Village Green Spirit Shop, Inc., t/a Village Green Spirit Shop, in the names of Francis Frick, Jr. and Robin Frick, for a 4,450 square foot package goods store located at 9338 Baltimore National Pike, Ellicott City, Maryland 21042.
2. The Hearing Board finds that the Applicant is a fit and proper person to hold an alcoholic beverage license.
3. The Hearing Board finds that Scott Michael Shanks has been a Howard County resident for more than two years, is a registered voter, and a 100% shareholder of SS Spirits, LLC, t/a Village Green Spirit Shop.

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 this application will not unduly disturb the peace and safety of the residents in the neighborhood.

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Scott Michael Shanks on behalf of SS Spirits, LLC, t/a Village Green Spirit Shop, has applied for a transfer from Village Green Spirit Shop, Inc., t/a Village Green Spirit Shop, in the names of Francis Frick, Jr. and Robin Frick, for a 4,450 square foot package goods store located at 9338 Baltimore National Pike, Ellicott City, Maryland 21042.

2. The Hearing Board concludes that the Applicant is a fit and proper person to hold an alcoholic beverage license.

3. The Hearing Board concludes that Scott Michael Shanks meets the requirements of Rules 1.09(T), 1.09(U), 2.06, and 2.10 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 will not unduly disturb the peace and safety of the residents in the neighborhood.

ORDER

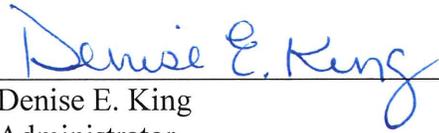
For the foregoing reasons, it is this 14th day of June, 2016, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Scott Michael Shanks on behalf of SS Spirits, LLC, t/a Village Green Spirit Shop, for a transfer from Village Green Spirit Shop, Inc., t/a Village Green Spirit Shop, in the names of Francis

Frick, Jr. and Robin Frick, for a 4,450 square foot package goods store located at 9338 Baltimore National Pike, Ellicott City, Maryland 21042, be and the same is hereby **GRANTED**, subject to the following conditions:

1. That this **PROPOSED DECISION AND ORDER** shall become final when the Applicant obtains the license and complies with the following conditions:
 - (a) That the Applicant complies with all State and County Rules and Regulations; and
 - (b) Failure to comply with these conditions and obtain the license by July 31, 2016, shall render this Proposed Decision and Order null and void.

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator

Mary Bird, Chairperson



Heather Gaetano, Vice-Chairperson

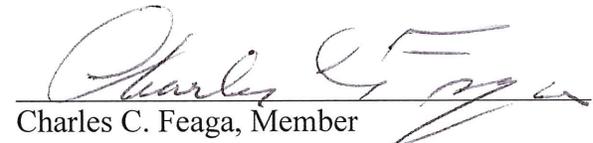
REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
GARY W. KUC
COUNTY SOLICITOR



Harry Evans, III, Member



Lewis Taylor, Esquire
Assistant County Solicitor



Charles C. Feaga, Member

Charley C. Sung, Member