

IN THE MATTER OF THE	*	BEFORE THE ALCOHOLIC
APPLICATION OF ARKADY	*	
LAPIDUS ON BEHALF OF	*	BEVERAGE HEARING BOARD
ELLICOTT DISTILLING	*	
COMPANY, LLC T/A ELLICOTT	*	FOR
DISTILLING COMPANY, FOR	*	
A RESIDENT AGENT CHANGE	*	HOWARD COUNTY, MARYLAND
FOR A CLASS D BEER, WINE	*	
AND LIQUOR 7-DAY LICENSE	*	Case No.: 22-30
	*	

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 July 12, 2022, the Hearing Board heard the application of Arkady Lapidus (the “Applicant”), on behalf of Ellicott Distilling Company, LLC t/a Ellicott Distilling Company (“Ellicott Distilling Company”), for a resident agent change, replacing John Aguilera, for a Class D, Beer, Wine and Liquor, 7-Day License for a 1,450 sq. ft. tavern with a 204 sq. ft. deck located at 8090/8092 Main Street, Ellicott City, MD 21043.

The hearing was properly advertised, and the property posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland. The Applicant was not represented by counsel and 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

Arkady Lapidus, owner and proposed resident agent, was sworn in and testified before

the Hearing Board.

Mr. Lapidus testified that he opened the distillery 2 years ago and that his business entails selling only bottles of alcohol that they distill on the premises. Mr. Lapidus stated that they don't make beer, but that they make whiskey, vodka and a few liquors. Mr. Lapidus stated that a year ago, they opened a bar and restaurant in the upstairs space and that all the cocktails served are made from the alcohol produced on the premises. Mr. Lapidus stated that he is located on lower Main Street in Ellicott City, and that he has been successfully operating the business. Mr. Lapidus stated that his partners decided to leave the business at the beginning of this year, and he purchased their shares in the company. Mr. Lapidus stated that going forward, he will be the sole owner of the business, which is why he is requesting a change of resident agent, as Mr. Aguilera is no longer a part of the company.

Mr. Lapidus stated that he understands his responsibilities as resident agent and that he has been running the bar and distillery up to this point. Mr. Lapidus stated that the geography of the area makes parking difficult and that he tries not to have deliveries made to the business on the weekends. Mr. Lapidus stated that he understands the parking challenges and would love to have a parking garage available.

Mr. Lapidus testified that he wrote "no" for Question 13 on his application, but that he does agree that no manufacturer, brewer, distributor or wholesaler has any financial interest in the premises or the business, and that he will provide an amended application. Mr. Lapidus stated that he listed Mr. Aguilera, Mr. Dixit and Mr. Patel as shareholders on the application, but that he listed them as having no financial interest. Mr. Lapidus stated that they were shareholders until May 6, 2022 at which point, he purchased their shares of the company, and that they no longer hold a financial interest. Mr. Lapidus stated that their percentages of ownership were

conflicting, that he will remove them from the list, and that he will also amend that part of the application.

Pursuant to Rule 6.13 of the Liquor Board Rules and Regulations, the Applicant waived his 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 Arkady Lapidus (the “Applicant”), on behalf of Ellicott Distilling Company, LLC t/a Ellicott Distilling Company (“Ellicott Distilling Company”), has applied for a resident agent change, replacing John Aguilera, for a Class D, Beer, Wine and Liquor, 7-Day License for a 1,450 sq. ft. tavern with a 204 sq. ft. deck located at 8090/8092 Main Street, Ellicott City, MD 21043.

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 Arkady Lapidus, the resident agent applicant, 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 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 Arkady Lapidus (the “Applicant”), on behalf

of Ellicott Distilling Company, LLC t/a Ellicott Distilling Company (“Ellicott Distilling Company”), has applied for a resident agent change, replacing John Aguilera, for a Class D, Beer, Wine and Liquor, 7-Day License for a 1,450 sq. ft. tavern with a 204 sq. ft. deck located at 8090/8092 Main Street, Ellicott City, MD 21043.

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 Arkady Lapidus, the resident agent applicant, 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 will not unduly disturb the peace and safety of the residents of the neighborhood.

ORDER

For the foregoing reasons, it is this 1st day of September 2022, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED** that the application of Arkady Lapidus (the “Applicant”), on behalf of Ellicott Distilling Company, LLC t/a Ellicott Distilling Company (“Ellicott Distilling Company”), for a resident agent change, replacing John Aguilera, for a Class D, Beer, Wine and Liquor, 7-Day License for a 1,450 sq. ft. tavern with a 204 sq. ft. deck located at 8090/8092 Main Street, Ellicott City, MD 21043, be and the same is hereby **GRANTED**, subject to the following conditions:

- (a) That the Applicant comply with all State and County laws and regulations; and
- (b) That the Applicant satisfy any requirements necessary to obtain the license by January

12, 2023 unless that deadline is extended by the Hearing Board upon good cause shown; and

(c) That the Applicant submit a corrected application: and

(d) Failure to comply with these conditions shall render this Proposed Decision and Order null and void.

ATTEST:



Ashley Aguilar
Board Administrator

**ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND**

Del L. Berg for

Mary Bird, Chairperson

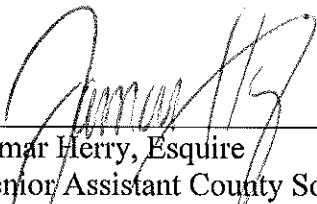
Kel L. Berg for

Harry Evans, Vice-Chairperson

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

Kel L. Berg for

Charley Sung, Member



Jamar Herry, Esquire
Senior Assistant County Solicitor

ABSENT

Steve Chen, Member

ABSENT

Claire Kim, Member