

CITY OF ANNAPOLIS
ANNAPOLIS ALCOHOL BEVERAGE CONTROL BOARD

IN RE: Grillfish, LLC t/a O'Brien's Oyster Bar and Restaurant-Protest of Liquor License Renewal

Date of Hearing: April 21, 2021

ORDER OF THE BOARD

This matter comes before the City of Annapolis Alcohol Beverage Control Board (Board) involving a citizen protest pursuant to Alcoholic Beverage Control Board Rule 2.5 *Written Oppositions and Protest*. The Citizen protest initiated by Mr. Steven Ploof and twelve other residents of the City of Annapolis (Protestants) requests the Board deny the liquor license renewal for Applicant **Grillfish, LLC t/a O'Brien's Oyster Bar and Restaurant** (Applicant).

Board members present included: James C. Praley III, Chairman, Lawrence Harris, Jr. Vice Chairman, Elizabeth Conger, Member and Dick Peterson, Member.

The Protest alleged that O'Brien's Oyster Bar and Restaurant was failing to properly clean its trash and flammable materials in the alley behind the establishment, and that employees were regularly smoking and engaging in illegal drug use. The Protestants submitted pictures of individuals smoking behind the restaurant and submitted signed protest statements including their names and addresses.

On April 21, 2021, the Board heard the matter and received live testimony from Mr. Ploof and from the Applicant and Owner of O'Brien's Mr. Konstantinos G. Alexakis. Mr. Ploof testified in support of the statements submitted and the pictures provided, and indicated that he had had little to no contact with the Owner or management of the Restaurant since Mr. Alexakis took ownership sometime in 2018. Mr. Alexakis in his testimony denied that the trash was flammable and indicated that the boxes contain oyster shells for recycling. Mr. Alexakis also indicated that he discourages smoking at or near his establishment by employees and was unaware of illegal drug use by staff, but admitted that employees are given breaks and if they smoke behind the restaurant he is unaware of it; and he also testified that to discourage smoking he provides no place for them to smoke nor does he provide ashtrays for cigarette butts.

Staff provided information on the taxpayer and resident status of those submitting letters of protest and could not determine that the protest included the required number of ten real property tax payer residents of the City of Annapolis.

The Board took no other testimony.

The Board deliberated and considered all the evidence, but because the required number of Protestants who are also real property tax payers in the City could not be determined this

protest must fail, pursuant to Alcoholic Beverage Control Board Rule 2.5 *Written Oppositions and Protest*. Additionally, even were the required number of protests met, the Board nonetheless finds that the evidence presented was insufficient to support a denial of Applicant's right to a Liquor License Renewal.

Therefore, this Board having well considered the written protest and the testimony of the Protestants and any and all evidence submitted in response thereto by Applicant and the entire record in this matter, it is this 21st day of April 2021 hereby

ORDERED that the Protest be and is hereby **DISMISSED**, and it is further

ORDERED that the Deputy City Clerk proceed with processing Applicant's liquor license renewal application, in accordance with the City Code and the Rules of this Board.

Sincerely,



James C Praley III, Chairman

April 23, 2021

Copies to:

Daniel Mellin, Esquire
Konstantinos G. Alexakis
Steven Ploof
Gretchen Benz
J. Reid Ploof
Luke Griffin
Brabara Dugan
Franl Frassica
Deborah Frassica,
Laura Strachan
Holly Kendrick
Eric Bantz
Laura Souder
Peggy Souder
Lyn Songy