



*To Preserve And Promote Our Historic Lifestyle*

August 28<sup>th</sup>, 2013

**Via Email**

Chairman Stephan W. Fogleman  
Commissioner Elizabeth Smith  
Commissioner Harvey Jones  
June 7, 2013  
Board of Liquor License Commissioners for Baltimore City  
23 1 E. Baltimore Street, 6th Floor  
Baltimore, Maryland 21202

Dear Commissioners:

The Board of Liquor License Commissioners for Baltimore City recently issued public notice that a transfer application has been filed for the license formerly issued for use at 12-14 E. Cross Street. On behalf of the Federal Hill Neighborhood Association, Inc., I urge the Board to refrain from scheduling any hearing(s) or taking any action on this application for several reasons.

First, entertaining any reconsideration or other request related to 12-14 E. Cross Street license is inappropriate because the license and its transfer are the subject of two separate appeals pending before the Circuit Court. The outcome of the appeals will have bearing on whether the license may be transferred. Second, Liquor Board Rule 2.11 prevents an applicant from reapplying for a transfer for a period of six months from the date of denial. Thus, the applicants' transfer application is premature by at least five months.

As you know, on June 27, 2013, the Federal Hill Neighborhood Association, as well as many other community residents and stakeholders, appeared before the Board in protest of the transfer (and expansion) request concerning this license. So concerned were the residents of Federal Hill that the Board hearing lasted for nearly three hours. Among their concerns was the assertion that the liquor license was no longer valid and transferable, as it had expired by operation of law pursuant to Article 2B § 10-504. Although the Board dismissed the claim regarding the invalidity of the license, in a well-reasoned Opinion based on the testimony presented, it ruled against the transfer and expansion. The Federal Hill Neighborhood Association has filed a Petition for Judicial Review of the Board's decision regarding the validity of the license and the Applicants have filed an appeal regarding the Board's decision denying the transfer and expansion. Both appeals are pending before the Circuit Court.

It would be unfair for Federal Hill residents to be required to take time off of work again to appear before the Board to reiterate their opposition. More important, it would be an end-run around the appeals process for the Board to schedule any hearing(s) related to this license while the appeals are pending.



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To ensure that its objections to any transfer applications submitted to the Board are documented, a petition will be filed shortly by residents of Federal Hill requesting that the Board decline to take any action or schedule any hearing until the pending appeals are resolved. If you have questions, please contact me at [costello.eric@gmail.com](mailto:costello.eric@gmail.com) or 607-743-8926.

Sincerely,

Eric Costello  
President, Federal Hill Neighborhood Association

CC: Al Barry, AB Associates, Inc., Principal  
Delegate Luke Clippinger, Maryland, 46th District  
Councilman William H. Cole, IV, Baltimore City, 11th District  
Eric Costello, FHNA, President  
Senator Bill Ferguson, Maryland, 46th District  
Delegate Pete Hammen, Maryland, 46th District  
Delegate Brian McHale, Maryland, 46th District  
Susan Hughes, Community Law Center, Attorney  
Sharon Krevor-Weisbaum, Brown Goldstein Levy, Partner  
Brooke Lierman, Brown Goldstein Levy, Attorney  
Douglas Paige, BLLC, Acting Executive Secretary

BCC: Ginny Gerhart, FHNA, At-Large Director  
Joe Halperin, FHNA, At-Large Director  
Keenan Dworak-Fisher, FHNA, Liquor Advisory Chair  
Dave Hirst, Federal Hill South Neighborhood Association, Vice President  
Mark Jaskulski, Federal Hill South Neighborhood Association, President  
Corwin Jones, Sharp-Leadenhall Planning Committee, President  
Jody Martin, FHNA, Vice President  
Bob Merbler, FHNA, At-Large Director  
Gayle McClure, FHNA, Treasurer  
Amy Mutch, South Baltimore Neighborhood Association, President  
Bob O'Donoghue, FHNA, At-Large Director  
Bill Romani, FHNA, Member  
Marie Sennett, South Baltimore Neighborhood Association, Liquor Advisory Chair  
Kelly Sheehan, FHNA, Secretary  
Ron Solomon, Otterbein Community Association, President