

February 6, 2018

The ABC Commissioner's agenda for February 13 indicates that six cases are scheduled to be heard, beginning at 1:30 p.m: four Violation cases and then two Protested Application cases. The Ropewalk Bethany LLC application is the fifth case on the agenda, beginning at 5:00 p.m., followed by the sixth and final case, starting at 6:00 p.m.

On Jan 31, the Commissioner's office indicated that about 34 objections to the Ropewalk Bethany LLC liquor license application were filed, in response to the Commissioner's October 26, 2017, Legal Notice of the application. It was unclear whether that means 34 named individuals, or 34 submissions, some possibly with more than one name.

If the agenda schedule stays the same and more than ten concerned individuals attend and want to testify, the Ropewalk Bethany LLC hearing will be a testimony-filled hour. Based on typical hearing procedures, one would anticipate some fair allocation of time for the parties (participants) to be heard: time for the applicant's presentation/testimony and time for some (probably not all) of those who filed objections and possibly others who may want to testify. While it unknown how the limited time will be managed, other than the Commissioner's January 15, 2018 letter to "Concerned Citizens" who filed objections that "repetitious testimony will be discouraged." Perhaps with some time limit for each individual. In any event, the written objections that were submitted are part of the record to be considered by the Commissioner in reaching a decision on the application.

The understanding is that the Commissioner will determine whether the number and/or content of the objections constitute sufficient grounds under Title 4, Chapter 5, Section 543 of the Delaware Code to deny the application. Section 543 states "The Commissioner's decision must be in writing and shall be final and conclusive unless, within 30 days from the date of the postmark on the Commissioner's decision, a party to the hearing files a written appeal in the office of the Commissioner."; in that case the decision is subject to appeal procedures under other code provisions.

The BBLA Board has not taken any position on the merits of the liquor license application or the restaurant.