

May 2, 2023

Mayor Blake Bell  
City of Brooksville  
201 Howell Avenue  
Brooksville, FL 34601

John Allocco, Chairperson  
Hernando County Commission  
15470 Flight Path Dr.  
Brooksville, FL 34604



Dear Mayor Bell and Chair Allocco:

I am writing to provide clarification regarding a dispute that occurred on Saturday April 29, 2023 at the Brooksville Blueberry Festival arising out of a misunderstanding between 1946 Beer, Wine + Small Plates and the Brooksville Blueberry Festival event co-hosts, John Lee and Brooksville Main Street.

Brooksville Main Street, Inc. (BMS), as a 501(c)(3) charitable organization, obtained a charitable entity temporary alcohol event permit for the Brooksville Blueberry Festival. This permits BMS to sell and serve, and for patrons to consume, alcohol within the boundaries of the Licensed Premises. The Licensed Premises consists of the event street closure footprint. As this is a fundraiser for BMS and other not-for-profits, BMS is the only seller of alcohol within the Brooksville Main Street Licensed Premises; those dispensing alcohol at the Brooksville Blueberry Festival are charitable organizations who only receive tip donations.

The Bistro is wholly located within the Brooksville Main Street Licensed Premises, and it holds its own alcohol permit; its permit does not provide for off-site consumption. All alcohol is consumed on-site within The Bistro (e.g. within the restaurant), typically with meal service. The Bistro works to ensure that no alcohol is removed from their restaurant. BMS has worked closely with The Bistro so that both BMS and The Bistro are adhering to their respective alcohol permit requirements; and Brooksville Main Street has not ever had problems with The Bistro patrons leaving The Bistro Licensed Premises with open containers or alcohol sold by The Bistro. When The Bistro does set up a bar to serve alcohol outside the restaurant for special events, it has always obtained a temporary extension of its licensed premises, so that off-site consumption is not a compliance issue.

The Brooksville Main Street Licensed Premises extends through to the end of the street on Brooksville Avenue, but does not include the sidewalk. Therefore, 1946 Beer, Wine + Small Plates was not within the boundaries of the Brooksville Main Street Licensed Premises. 1946 Beer, Wine + Small Plates has its own alcohol permit which allows it to sell and serve, and their patrons to consume, alcohol within its own licensed premises. It is BMS's understanding that the Licensed Premises for 1946 Beer, Wine + Small Plates includes the building, the patio and the parking lot up to but not including the sidewalks along Brooksville Avenue and Broad Street. Even if 1946 Beer, Wine + Small Plates were within the Brooksville Main Street Licensed

Premises, 1946 patrons would not be allowed to leave the 1946 Beer and Wine Licensed Premises with alcohol sold by 1946 as that would be considered off-site consumption which is not provided for in the type of permit 1946 holds. In addition, it would also be considered outside sales alcohol which would not be permitted within the Brooksville Main Street Licensed Premises. In working with 1946 Beer, Wine + Small Plates, BMS was informed of its plans to set up seating and service in its own parking lot to which BMS had no objections and was fully supportive of. However, it did raise a concern as to the free flow of pedestrian traffic between the 1946 Beer, Wine + Small Plates Licensed Premises and the Brooksville Main Street Licensed Premises. To the extent any of the Brooksville Blueberry Festival attendees or 1946 patrons had alcohol in-hand, e.g. as sold by BMS or as sold by 1946, entry into the other parties' licensed premises would be off-site consumption and would run afoul of alcohol permitting requirements for both parties.

Therefore, in addition to signage along the exterior boundaries of the event stating, "No Outside Alcohol Permitted," for crowd control purposes and to enforce alcohol permit compliance requirements, barricades were erected along Brooksville Ave. This was to prevent 1946 Beer, Wine + Small Plates patrons from leaving the 1946 Beer, Wine + Small Plates Licensed Premises and entering the Brooksville Main Street Licensed Premises with alcohol which would run afoul of the licensed premises restrictions for both BMS and 1946; and it would prevent Brooksville Blueberry Festival attendees with alcohol from entering into 1946 Beer, Wine + Small Plates Licensed Premises. At the start of the day, the barricades ended at the corner of Brooksville Ave and Broad Street. However, due to the frequency of 1946 patrons leaving the 1946 Beer, Wine + Small Plates Licensed Premises with alcohol and entering the Brooksville Main Street Licensed Premises, additional barricades were added along Broad Street to further restrict the possible off-site consumption of alcohol by 1946 patrons. 1946 took issue with the installation and extension of the barricades.

The installation of the barricades were the right thing to do to comply with the consumption restrictions on licensed premises for both BMS and 1946. However, the unintended consequence of the barricades, was to impede 1946's access to its dumpster for trash disposal. And, as a result of miscommunication, uncordial tones, and inarticulate explanations between Festival personnel and the business owner, matters needlessly escalated.

To resolve the issue, a BMS Board member met with the a business owner from 1946 Beer, Wine + Small Plates, and it was agreed that 1946 Beer, Wine + Small Plates would be responsible for ensuring their patrons did not leave the 1946 Beer, Wine + Small Plates Licensed Premises with alcohol, that additional signage would be placed at the perimeter of 1946 Beer, Wine + Small Plates to give notice to its patrons not to leave the premises with alcohol, and BMS would remove one of the barricades to allow for access along Broad Street at the corner of the 1946 Beer, Wine + Small Plates premises. In addition, BMS volunteered to collect 1946 Beer, Wine + Small Plate's trash since it did not have access to its dumpster.

In addition, 1946 Beer, Wine + Small Plates was provided additional information of what actions it could take to participate in future events by obtaining a temporary extension of its licensed premises for special events. 1946 Beer, Wine + Small Plates did not have such temporary

extension of its licensed premises for the Brooksville Blueberry Festival. Had it had one, no barricades would have been necessary.

BMS works diligently to involve as many businesses within its district in its events, and we support businesses' efforts to succeed. However, it is in everyone's best interest, when alcohol is involved, that all parties adhere to the law and any alcohol license compliance requirements be met. That was the sole basis of BMS's actions.

The BMS Board will move forward by adopting written event policies related to alcohol sales, and provide such policies to all businesses within its district, so that any business serving alcohol will be fully apprised of BMS requirements with regard to alcohol sales and consumption at its events.

Late yesterday evening, BMS was made aware that a complaint was filed with the Department of Business and Professional Regulation alleging unlicensed activity on the part of 1946 Beer, Wine + Small Plates. The complainant was Mr. John Lee, and listed as a witness/additional complainant was Natalie Kahler, Executive Director for Brooksville Main Street. It is unfortunate that such circumstances have arisen; and we find ourselves in the midst of this dispute. As an unintended consequence, certain segments of social media and public discourse are casting aspersions on the motives and intent of Brooksville Main Street, its Board of Directors and its Executive Director.

To be clear, at no time did BMS contemplate filing such a complaint. In fact, BMS was diligently working in the hopes of avoiding any compliance issues for either BMS or 1946 Beer, Wine + Small Plates. The complaint was filed without notice to or consent from the BMS Board of Directors or Ms. Kahler, its Executive Director. Given the mission of BMS, we want to support and encourage businesses in the Main Street District, and pursuing such a complaint would be contrary to our mission.

On behalf of the Brooksville Main Street Board of Directors, we want you to know that we will continue to work diligently with those involved in the hopes of influencing the parties to resolve this matter. We are grateful for your ongoing support, and appreciate all that you do to help Brooksville Main Street be successful in enhancing the economic vitality of the historic downtown Brooksville Main Street district.

If you should wish to speak with Brooksville Main Street any further about this matter, please feel free to contact Jennifer Rey, who is the BMS Board Member designated to facilitate BMS's response to this issue. She can be reached at 352-799-8423.

Sincerely,



Christopher Rhodes  
Chair, Board of Directors