

**Meeting Minutes
Board of License Commissioners
Caroline County, Maryland**

DATE: Wednesday, March 28, 2018

PLACE: Health & Public Services Building
403 S. 7th Street, 1st Floor, Room 110
Denton, Maryland 21629

BOARD MEMBERS: Greg Eigenbrode, Chairman
Nick Loukides, Vice-Chairman
Glen Plutschak, Member

OTHERS PRESENT: Crystal Dadds, Assistant Director of Codes
Heather Price, Board Attorney
Philip Moore, Alcoholic Beverage Inspector
Melanie Smith, Administrative Assistant to the Boards

Chairman Eigenbrode called the meeting of the Caroline County Board of License Commissioners to order at 9:30 a.m.

ACTION ITEMS

MEETING MINUTES

Chairman Eigenbrode presented the minutes from the February 28, 2018 Board of License Commissioners meeting.

Motion: Mr. Plutschak made a motion to approve the minutes as written.
Second: Mr. Eigenbrode seconded the motion.
In Favor: The motion was unanimously approved (2-0).

Chairman Eigenbrode presented the closed session minutes from the February 28, 2018 Board of License Commissioners meeting.

Motion: Mr. Plutschak made a motion to approve the minutes as written.
Second: Mr. Eigenbrode seconded the motion.
In Favor: The motion was unanimously approved (2-0).

TEMPORARY ALCOHOLIC BEVERAGE LICENSE APPLICATION

RIDGELY LIONS CLUB – Strawberry Festival – May 27, 2018

The Ridgely Lions Club has applied for a special class C one-day temporary license to have a cash bar to sell beer at the annual Strawberry Festival. A band/DJ will be included in the entertainment to take place at Martin Sutton Memorial Park in Ridgely. The event is scheduled for May 27, 2018 from 10:00 a.m. to 5:00 p.m. The event has been approved every year and there have been no violations in the past.

Motion: Mr. Loukides made a motion to approve the application.

Second: Mr. Plutschak seconded the motion.

In Favor: The motion was unanimously approved (3-0).

Chairman Eigenbrode announced that the agenda will be amended to hear a request by Brandy Ward, representing the Whiskey Barrel, to hold an April event.

WHISKEY BARREL – Turkey Shoot – April 15, 2018

Chairman Eigenbrode swore in:

Brandy Ward, 210 Old Line Road, Goldsboro, MD

Ms. Ward stated that Karen Pilipauskis is requesting approval to serve canned beer at a turkey shoot event on Sunday April 15th in the field behind the Whiskey Barrel. Ms. Ward submitted a letter of request and a site plan.

Exhibit 1 – Ms. Pilipauskis Letter of Request, dated March 27, 2018

Exhibit 2 – Site Plan

Mr. Plutschak asked what was required in previous decisions, regarding approval of events at the Whiskey Barrel. Ms. Dadds distributed copies of the Board of License Commissioners January 25, 2017 Whiskey Barrel decision. This decision referenced both the 2008 BZA Variance and Special Use Exception #200700013 and the 2010 BZA Amendment to Modify Condition No. 3 of SUE #200700013. The initial approval limited outdoor functions to Friday and Saturday nights ending on or before 11:00 p.m.

In the Board of License Commissioners decision from January 25, 2017, paragraph 2 of the section entitled, 2010 Board of Zoning Appeals Amended Special Use Exception #201000001, it read:

In addition to those conditions initially imposed by the BZA, the applicant was required to obtain approval from the Board of License Commissioners for any outdoor function/event 30-days prior to each function/event, but was permitted to host fund-raising events, provided that the proceeds of which shall not inure to the benefit of the applicant, and occur no more than once per month

during the months of April through September. The amended SUE required this prior approval to be based upon a submitted plan that include the type of event, hours and layout design of the event area, and accompanied by an approval from the Environmental Health Department.

In the Conclusion of BZA Application No. 201000001 there is a requirement that outdoor events shall not begin prior to 11:00 a.m. and shall end, no later than 10:00 p.m.

Ms. Price explained that the additional restrictions in 2010 were limiting activities to fund-raising events and that they cannot begin prior to 11:00 a.m. and will end no later than 10:00 p.m. Ms. Dadds added the events can take place once a month during the months of April through September.

Chair Eigenbrode noted that the request was consistent with the requirements regarding date and time but it is not a fundraising event and alcohol may not be served. Mr. Plutschak added that the request came in last minute rather than 30 days in advance of the event.

Motion: Mr. Plutschak made a motion to approve the Turkey Shoot to be held on April 15, 2018 provided it is a fundraiser and advertised as such. No money will benefit the Whiskey Barrel and proof of money earned and donated is provided to the Board. All alcohol must be contained within the establishments approved premise and meets all the requirements of past BZA and Liquor Board conditions.

Second: Mr. Loukides seconded the motion.

In Favor: The motion was unanimously approved (3-0).

Ms. Dadds will draft an approval letter with the conditions attached to the applicant. Mr. Plutschak asked if the outstanding fine has yet been paid by Ms. Pilipauskis. Ms. Dadds stated that Ms. Pilipauskis called the evening before to ask if she could bring the money in Thursday with her renewal license fee. Ms. Dadds approved her request.

OTHER BUSINESS

SUBSTITUTION OF OFFICER – BODIE’S DAIRY MARKET

Ms. Dadds explained that Bodie’s had submitted their affidavit for the replacement of the deceased licensee Janice Haines and they will see this included in their paperwork for a license renewal on April 6, 2018.

RESULTS OF PETITION SURVEY – WALKER’S GROCERIES & LIQUORS

Ms. Dadds contacted nine of the names on the petition submitted by Deep Desai for a transfer of the Walker’s Groceries & Liquors store. She could speak to five of the nine. She noted that the age of the petitioners coincided with Jitendra Desai’s age.

Her first question to them was, who asked them to sign the petition. They told her the petition was on the counter and Jitendra Desai asked them to sign it. She then asked if they knew Deep Desai and they did. They have seen him in the store and believes he would be a suitable license holder.

Her second question to them was did they review the application prior to signing the petition. Two petitioners stated there was no application available to review; one stated he was told by Jitendra Desai that it was for his license renewal, and one replied that he did not thoroughly read the application.

Ms. Price could understand the Boards frustration that the petition was not handled as it should have been but asked what the recourse would be at this point. She suggested in the future they should make it clear to the applicant that the petitioners would be contacted to verify the accuracy of their statements.

Ms. Dadds stated that the Desai's were in fact aware of this and this was the second opportunity given them to provide a legitimate petition. The first petition they submitted stated that Jitendra Desai was the person obtaining the signatures. She handed it back and told him that he cannot obtain the signatures for the petition, that it must be his son Deep Desai as he is the one applying for the transfer.

The Board recalled Ms. Ogletree's answer when she was asked why the petitioners claimed they knew Deep Desai for over 30 years, when he was only 22 years old. She replied that they were looking at the original copy of the petition that was signed at Jitendra Desai's request. When the Board assured her that they were looking at what they claimed to be the corrected copy, Ms. Ogletree responded that they had it on the counter for signatures and because Jitendra Desai was present the citizens must have assumed it was for him not his son Deep.

The Board asked staff to draft a letter to Mr. Desai acknowledging staff verification of the petition.

FINES AND SUSPENSIONS DISCUSSION, Continued from February

Mr. Plutschak asked for an update on the unpaid fines that were discussed at the February meeting. Ms. Dadds stated that they should all be resolved by the April 6, 2018 license renewal meeting.

Mr. Plutschak asked if the County Commissioners would allow the fine money to be used for compliance as they did in the past. Ms. Dadds explained the Commissioner's approval was for the one instance rather than all future fines. This will be part of the presentation to the Commissioners when the discussions are complete.

Ms. Dadds reminded the Board that staff's efforts will be focused on license renewals and possible inquiry hearings in the month of April. Ms. Smith listed the tasks that were discussed at the February meeting so progress can pick up where it was left off again in May.

A discussion of Amendment No. 2016-01 regarding the time allowed to pay fines and fees and the penalty for not paying them before the deadline occurred and will be continued at the May meeting. One suggestion they agreed to research is handing the establishment a standard form the day of the hearing to use if they wish to file an appeal before the decision is written out. Inspector Moore will contact other Counties that use such forms to ask for a template. Ms. Price will contact other Liquor Board attorneys about how they handle fines.

The Board agreed that in the future all decisions will state that the fines are due within 30 days of the initial hearing. If it is not received by close of business the Inspector is directed to visit the establishment to remove the license.

Mr. Plutschak asked again about the administrative fee for those establishments found guilty in a show cause hearing. He would like to impose an \$85 fee. The other members preferred a lesser fee of \$50. Mr. Plutschak would also like to suggest to the Commissioners that they allow staff to use any administrative fees collected towards enforcement. Ms. Dadds suggested it could be added to §2.22 of the Rule & Regulation.

EVENT APPROVAL RULE & REGULATION DISCUSSION, continued from February

The Board would like an amendment made to the definition of Rule and Regulation §2.49 Special Use of License Premises to specify all events conducted outside of the building and where the use of function of the interior of the building is changed in such a way as to interfere with normal business activities.

INSPECTOR'S REPORT

Inspector Moore reported that during an inspection of one of the establishments he found no one present that was TIPS certified. The owner was not present and the absence was not noted in a log book. The did not have the required signage nor did they have their records of sales of their employees available.

He was advised to come back at 3:00 p.m. the next day to speak to the owner and she was not present when he arrived. No corrections had been made to the reported violations.

On his third visit the owner was irate, she did not have any TIPS certification, a logbook and she insisted she was not going to get the records he requested nor the signs unless the Liquor Board was going to pay for the signs. She said she did not sell enough beer to be worth keeping the license and they could come get her license if they wanted.

The Board asked that they bring her in for a show cause hearing in April.

Inspector Moore also had photographs of a woman lying on the bar of an establishment with a man between her legs and another girl with two older gentlemen's faces in her chest. It was posted by the owner of the bar with the caption "Shit is going down here." This is a violation of State Code §4:605.

The Board requested a show cause hearing in April for the offense.

Inspector Moore had a second complaint for the same establishment that the owner struck a patron and pulled them out of the bathroom by their hair. Inspector Moore read the police report and it appeared that she may have been attempting to break up a fight that started outside, came into the bar and then culminated in the bathroom. The officers did not do a breathalyzer test on her at the time. Ms. Dadds received calls from two different people a week apart. They informed Ms. Dadds that the licensee was always drunk behind the bar. She has a regular patron that starts fights at the bar yet they are never barred from the establishment. Ms. Price advised that this establishment is rising to the definition of a nuisance and the license can be revoked for that.

Because of the report, Inspector Moore conducted an inspection and found her last three months of paperwork organized and available, all the alcohol was accounted for.

Inspector Moore listed his activities over the last month.

The license renewal meeting is April 6, 2018 at 9:30 in the Planning & Codes conference room. There being nothing further to discuss Chairman Eigenbrode adjourned the meeting at 11:35 a.m.

BOARD OF LICENSE COMMISSIONERS

Greg Eigenbrode, Chairman



Minutes prepared by: Melanie Smith