

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

DATE: Wednesday, June 27, 2018

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

BOARD MEMBERS: Greg Eigenbrode, Chairman
Glen Plutschak, Member
Michael Mann, Alternate

OTHERS PRESENT: Crystal Dadds, Assistant Director of Codes
Bob Merriken, Attorney
Phillip 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 9:31 a.m.

SHOW/CAUSE AND INQUIRY HEARINGS

404 TAPHOUSE, CONTINUED – 42 Denton Plaza, Denton, MD

Ms. Dadds read the exhibits into the record:

- Exhibit 1: April 14, 2018 Taphouse Incident Report (5 pages)
- Exhibit 2: Summons for Michelle Jackson, John Sr. and Deborah Mullins (9 pages)

Ms. Dadds stated that the Board ordered a continuation hearing for today and all the licensees were present.

Chairman Eigenbrode swore in:

John Mullins, Jr., 1507 Cattail Commons Way, Denton, MD

Ms. Dadds reminded the Board they postponed the 404 Taphouse show/cause hearing until June 27, 2018 to allow the licensees time to obtain a permit for the outdoor cooler on the condition that the cooler always remained locked. They were also required to submit an updated site plan with the Town of Denton's written approval for an expanded premise area.

Chairman Eigenbrode recalled that Ms. Jackson was to provide a valid change of address also. Ms. Jackson had her license showing her current address and would make a copy for the records before she left.

Mr. Mullins stated that he submitted the application and made several phone calls Monday and Tuesday to the Comptroller's Office. They told him they had no idea where his application was. He stated that he had a copy of a check dated May 29, 2018 showing \$50 was made out to the Comptroller's Office. He stated he was at the mercy of the State.

Mr. Merriken suggested the Board keep a copy of the check as an exhibit. Ms. Smith marked the copy as Exhibit 4.

Ms. Dadds contacted the Maryland State Comptroller's Office last week and this morning. They confirmed that they never received an application from 404 Taphouse. She checked under the corporation name, establishment name and Federal ID number. Mr. Mullins stated that concerns him and asked for another continuance.

Mr. Plutschak stated that it has been almost a month since the first hearing. It's basically his word against their word and they said they haven't received it. Mr. Merriken asked if Mr. Mullins also kept a copy of the application. He did not. Mr. Plutschak asked if he was still storing alcohol in the unpermitted cooler. Mr. Mullins stated that he was and it remains locked.

Mr. Plutschak asked the status of the site plan. Mr. Mullins stated that he turned it into the town for outdoor seating in the front but he wanted to wait to get the permit to request the cooler be included in the premise area.

Ms. Dadds spoke to Dave Renshaw from the Town of Denton and was told that they had concerns about granting approval for an expansion of the premise and would need to complete a review. His request did not include the cooler. Ms. Dadds stated that he could request approval from the Town of Denton in advance, on the condition that he receive the necessary approvals from the County and State.

Mr. Mullins asked if he were to get the approval from the Town of Denton for the cooler would he no longer need the permit from the State. Ms. Dadds reminded him that the permit is a state requirement. He suggested the Town had not contacted the landlord yet for his approval of the expanded seating.

Mr. Mann stated that this violation has dragged out entirely too long. They provided a copy of a check but the Comptroller's Office confirmed that it was never received. Mr. Mann asked Mr. Mullins why the Board should not suspend his license. Mr. Mullins stated that he owned the error of not sending the check certified. He added that they have complied with everything else and that they were not trying to skate the system, adding that, he is only as good as his word and he knows he sent the check. He said he doesn't know what else he can do. Mr. Mullins added that the beer has been in the cooler since he took over and there have not been any problems. He requested leniency.

Mr. Plutschak asked if Mr. Mullins could bring in the application and check today for Ms. Dadds to see and mail herself and reimburse the County the cost of the certified mail. He agreed that he could. Mr. Plutschak was confident this would end the evasiveness. Mr. Plutschak stated that the licensees should have followed up on their application weeks ago rather than waiting until days before the hearing. Mr. Mullins agreed.

Ms. Dadds stated that Mr. Mullins has requested another continuance and asked the Board to consider his request. Chairman Eigenbrode verified that Ms. Dadds had a contact at the Comptroller's Office that would verify when the application is received and when it is processed.

Motion: Mr. Mann made a motion to grant Mr. Mullins a continuance of this Show/Cause hearing to the July 25, 2018 meeting on the condition that he provide a check and application in a certified envelope to Ms. Dadds today for her to verify its contents and mail to the Comptroller's Office herself. Mr. Mann explained that this has already gone on too long.

Amend: Mr. Plutschak amended the motion to require that an application be submitted by Friday, June 29, 2018 to expand the premise area to include the cooler.

Second: Mr. Mann agreed to second the motion with the understanding that if it is not resolved by the next meeting the license will be suspended. (Mr. Mullins stated that he understood). Mr. Mann reminded him that from the first day of his transfer his site plan did not include the cooler in his premise.

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

LUMA, LLC t/a DAVE'S PLACE – 207 E. 6th Street, Ridgely, MD

Chairman Eigenbrode swore in the following people:

- Zach Holt, 201 E. Sixth Street, Ridgely, MD
- Lucille E. Ball, 9144 Honeysuckle Drive, Easton, MD
- Scott K. Judy, 12730 Greensboro Road, Greensboro, MD
- Nicole Stokes, 13329 River Road, Greensboro, MD
- James Rubino, 119 Lister Lane, Ridgely, MD
- Ron LeGates, 280 Troon Street, Dover, DE
- Kathy Stokes, 13329 River Road, Greensboro, MD

Ms. Dadds read the summons for Lucille Ball and Scott Judy to appear before the Board to discuss three (3) violations discovered during a quarterly inspection on April 14, 2018.

Charge No. 1 – Alleged violation of the Caroline County Board of License Commissioners Rule and Regulation No. 2.15, specifically, allowing alcoholic beverages purchased and/or opened inside an establishment and taken outside for consumption in an area not approved by the Board as part of the licensed premises; and

Charge No. 2 – Alleged violation of the Caroline County Board of License Commissioners Rule and Regulation No. 2.29, specifically, failure to police the immediate area outside of the establishment allowing loitering and drinking outside of the licensed premise area; and

Charge No. 3 – Alleged violation of the Caroline County Board of License Commissioners Rule and Regulation No. 2.12, specifically, failure to operate their establishments in such a manner as to avoid disturbance of the peace, safety and tranquility of the neighborhood in which the place of business is located. Congregation of patrons in a noisy, unruly, or disturbing manner after leaving the interior portion of the licensed premises shall be prohibited.

The following documents were entered as exhibits:

- Exhibit 1: April 14, 2018 Dave's Place Inspection Report (10 pages)
- Exhibit 2: June 12, 2018 Summons for Lucille Ball (3 pages)
- Exhibit 3: June 12, 2018 Summons for Scott Judy (3 pages)

Inspector Moore read the incident report (Exhibit 1) into the record.

Ms. Ball began her testimony by responding to the violations that Inspector Moore allowed her to correct to prevent being charged with them. She stated that she did not understand why her employees should have to provide employee and sales records in her absence. (As is required in §2.36 & 2.17(b) of the Caroline County Board of License Commissioners Rules and Regulations). Inspector Moore told her he wasn't going to charge her for the sign violation. The man in photograph #3 that was relieving himself outside of her establishment did apologize to her for it and said he would pay for the fine if she got one and commented that he had been doing it for 10 years. She stated that this is her livelihood however, she can't be there 24/7 and feels she has good staff that are doing the best they can. In response to the disturbance of the peace charge, Ms. Ball stated that they did not serve the boy that passed out. Todd Lord, a local paramedic was there and he tried to tell Sgt. Geesey that a girl was trying to give him an IV bag and she was from Georgia and not certified. He told Geesey that he needed to take the needle out of her hand because the bag was dry and if she puts the needle in she will kill him because of the air in the bag. She said that Mr. Lord was unable to be here today due to a mandatory meeting he had to attend.

Ms. Ball said her staff told her that Inspector Moore was sitting in the car with Sgt. Geesey across the street in the Subway parking lot. She doesn't think it looks good for the Inspector to sit in the car with the town cop and she felt it was harassment. Ms. Stokes told her that she felt intimidated by the Inspector when he requested to see the records because he had the rules and regulations booklet in his hand.

Ron Legates testified that Dave's only had one bouncer working the night of the violations. To correct the problems in the incident report they will have two bouncers working in the evening, one bouncer stationed inside and one outside. He explained how difficult it was for one bouncer to oversee 50 patrons going in and out of an establishment. He added that the medical emergency (Mr. Paul Allen was discovered passed out in the parking lot as he exited the bar) took

precedence that evening and when the bouncer was freed by the arrival of the ambulance he gathered everyone inside as the Inspector requested.

He confirmed with the bartenders and security that night that Mr. Allen had not been served by anyone at Dave's Place that evening. He also talked to the person he was with, Brittany Longfellow, and she stated that he never received a drink from Dave's and that he had been drinking on the boat all day as well as at the Jetty in Grasonville where they picked him up at. The employees that were present that evening agreed in their testimony that Mr. Allen was a regular customer and was not acting any differently than usual that night.

Mr. Legates stated that he has been employed by Dave's for 14 years and he has told the people not to urinate outside until he is blue in the face and they continue to do it. We have remedied the problem by about 90% compared to what it used to be. Mr. Legates asked the Inspector for a solution to policing the area with two bouncers.

Although this was not a problem for the Inspector to resolve, Inspector Moore suggested they remove the porch from the premise area. The Inspector and Mr. Legates witnessed people walk off the porch with their drinks and found empty containers discarded throughout the parking lot. Mr. Legates totally agreed with this statement. Inspector Moore suggested that if the porch were not part of the premise they would not need to police the outside area nearly as much. Inspector Moore praised the bouncer that was on duty that evening, Mr. Rubino, for how well he handled such a high-pressure situation.

Inspector Moore explained that 80% of criminal incarcerations involve alcohol or drugs. The serious violations he repeatedly finds occurring at Dave's Place reveals a pattern that the establishment requires increased monitoring. He pointed out that the Police Department is a separate entity and has a different jurisdiction than Inspector Moore. However, urinating in public and drinking in public are criminal acts that occur all too frequently at Dave's Place and compels the police to be there.

Mr. Legates agreed and asked how they can rectify this. The police being there has hurt their business and they are trying to figure out how to bring their business back. Inspector Moore answered that he had met with Mr. Holt and Mr. Rubino after the 2017 violations to help resolve this. At the time Inspector Moore introduced himself as the new inspector and explained to them that he intended to conduct quarterly inspections of the County establishments. If a violation were found they could expect to see him more or if it is a holiday or special event he may appear. He reminded them that there were five separate violations that night alone of drinks carried off the premises and regular occurrences of urinating in public.

Mr. Rubino stated that they had an officer visit about 3 weeks ago and told them that he had received a complaint Saturday morning from the businesses across the street that there were beer cans in the parking lot. He explained to the officer that on that evening a man stepped off the porch and he made him turn around and throw out the beer. At that point he left, walked across the road to his car, and brought his own beer back over with him. He asked how they can police what people do in their own vehicles off the property.

Inspector Moore explained that he had treated them with leniency all along. When it was a paper violation or a sign violation he did not charge them, but allowed them time to correct it and they did. He suggested that whatever they can do to not call attention to themselves should be attempted. Ridgely P.D. has stated that Subway has called numerous times to complain about the discarded cups and beer cans they find in their parking lot in the morning. The complaint demands a response from the Police. If they want to prevent the complaint he suggested they take 15 minutes of their time after closing to be sure their litter is picked up from neighboring properties. But he can only suggest, it is a licensee's responsibility to ensure the area is policed sufficiently to avoid criminal behavior.

In response to the 2 guys that Sgt. Geesey stopped on the road the night of the 14th, Mr. Rubino stated that there were actually three guys. He had cut them off as they were being handsy and asked them to leave. They were there only a half hour and were served one drink a piece. When asked to leave, all three of them got in the car drove from right out in front to the side and then parked and walked. At this point is when Sgt. Geesey stopped them. Mr. Rubino stated that he was the only bouncer that evening and that he did work on getting the customers back in the bar as quickly as possible when the incident happened with Mr. Allen. He said that the two events happened very quickly, and it was only a matter of 10 minutes from the time Sgt. Geesey finished with the guys that took off walking until the incident with Mr. Allen.

The discussion had gone off course and Ms. Dadds interrupted to advise every one of the order of the proceedings. She explained that the charges were read; then the licensees gave testimony on their behalf regarding the facts related to the charges, then the Board will discuss them and ask questions of the witnesses and Inspector. At that point the Board will go into deliberation at which time the audience is no longer allowed to speak unless the Board asks a direct question for clarification. She added that the Inspector has offered to meet with Ms. Ball's staff to discuss solutions and procedures. If Ms. Ball was interested in his offer she would need to schedule that after the meeting. Ms. Dadds asked if anyone else had anything to say in response to the charges.

In response to the charge for failure to police the immediate area, Mr. Holt asked for a definition for "policing the area" and without waiting for an answer he stated that crimes happen all the time and go unnoticed. Things happen and they escape us and we can't control everything even with 2 bouncers there. He said it is an overreach to say they failed to police the area because the bouncers are present and vigilant but things happen. Mr. Holt stated that he did not have an argument for the violation of "disturbing the peace" because that could not be denied.

Mr. Judy asked for more detail regarding the last charge. Inspector Moore explained that there was public urination, drinks carried outside, people crossing the street with open containers and failure to control the crowd during a medical emergency. Mr. Judy argued that the bouncers correctly prioritized the medical emergency.

Inspector Moore explained it was the entire concern to public safety. He explained that it is the establishments due diligence to recognize when a patron is overly intoxicated. He reminded them that he did not charge them for overserving because he did not witness anyone getting served. He acknowledged that the bartenders have always carded before they serve anyone. But they have been trained to recognize when a person is overly intoxicated and should respond with the person's safety in mind. But that night this person passed out as he was leaving and it was

Inspector Moore and Sgt. Geesey that called for emergency assistance not staff. Because of the chaos, another patron, showing signs of being overly intoxicated, almost stuck a needle in the arm of the man passed out.

Ms. Ball stated that she would have did the same thing if it was her friend laying on the ground and she was drinking; she would go out with her beer in hand and wouldn't even think about it. Inspector Moore responded that she is only responsible for this medical emergency because it stemmed from a patron leaving the interior of the establishment and passing out in the parking lot due to overintoxication. Mr. Rubino asked what they are supposed to do when a patron arrives already intoxicated. He added that no one served Mr. Allen alcohol that night and Mr. Allen was off the porch premise when he passed out. He asked why they were liable.

Inspector Moore reminded them that there were four other incidents of drinks taken off premise prior to this event. He stated that they were present to provide their own evidence and testimony to the Board in support of their actions and they needed to speak to the Board.

The witnesses became argumentative and speaking in unison when Mr. Merriken interrupted again to bring control to the meeting. He explained that the focus was not if they were charged with a violation but to defend themselves to the Board as to why they should not be fined or their license suspended or revoked.

When the focus returned, Mr. Merriken asked when they planned to start using two bouncers instead of one. Mr. Legates responded that they wanted to start doing that back in November prior to this incident but he is often unavailable due to his health and they were about to lose the second of their four bouncers soon. But he believed having one bouncer stationed inside and one stationed outside would prevent 90% of the violations they were experiencing.

Mr. Merriken asked Mr. Rubino what the bouncer situation was prior to this solution. Mr. Rubino stated there are three employed to take care of security but one acts also as a bartender. The problem that evening was that Mr. Holt was serving, Mr. Legates was out sick and he was the only one doing security that evening.

Mr. Merriken noted that they had two bouncers scheduled for the night of the violation. This negates Mr. Legates response that two bouncers would resolve the problems. Ms. Ball stated that she was getting a sign prohibiting public urination and Mr. Legates stated that when there are two bouncers available they will be able to have one assigned to the outside of the premise. Ms. Ball added that there were four bathrooms inside the bar. Mr. Plutschak asked if she had any outside. She said she didn't but maybe she should consider getting a port-o-john.

Mr. Merriken explained again why he interrupted the testimony and asked if anyone had anything more to say to the Board in response to the three charges.

Ms. Ball stated in response to the disturbance, Todd Lord, the paramedic, was outside with Sgt. Geesey and they were yelling at each other because of the girl with the IV. Mr. Lord was asking Sgt. Geesey to tell her to take the needle out and Geesey didn't do anything right away. Finally the ambulance came and the girl told Sgt. Geesey that Todd was a paramedic. At that point Sgt. Geesey was fine with it after all of the yelling about it. Ms. Ball stated that she tried to get a

statement from Todd but he is in Virginia. In response to the harassment, Ms. Ball then proceeded to talk about a previous inspection on a different day and said she felt that Inspector Moore was harassing them because she first met him in November and has seen him once a month since then.

Mr. Merriken reignited the testimony in again and Chairman Eigenbrode asked Chief Manos if he cared to speak. The Chief stated that the Police Department is concerned with quality of life type crimes. He said that his officers are not there hawking the bar and for someone to accuse the Ridgely Police Department of picking drunks off as they leave is not true at all. He described Sgt. Geesey as a 28-year veteran of the force (beginning his career in Frederick County) and expressed his complete confidence that the Sgt. knows what he can and cannot do.

Chief Manos stated that a lot of the problem at Dave's Place is that they are short staffed and he has talked with Ms. Ball about having three bouncers available on a busy night. One should be stationed inside, one stationed at the door and one stationed in the parking lot. He also stated that allowing alcohol on the front porch is a bad idea; there is no barrier to keep anyone from just stepping out into the parking lot. Speaking to the Dave's Place staff that was present, Chief Manos said that they are seasoned staff that should know that they need to refuse entry to the bar to anyone already intoxicated. He stated allowing them entrance creates trouble and evidence shows that it has.

He explained for the record that his officers are concerned with the peace and safety of the public. They are not sitting outside of the establishment waiting to pick up drunk drivers as Ms. Ball has suggested. He supported this statement by stating that they have not arrested anyone for a DWI in quite a while. But the Police Department has received numerous complaints from the Subway Store across the street about the discarded bottles and cups they must clean up from their parking lot the next morning. He explained to Ms. Ball that what is going to happen is the owners of the Plaza are going to block off access to the parking lot at night. Then his officers will be burdened with towing cars away. Dave's Place will lose all that available parking which will further affect their business. He suggested Ms. Ball consider the repercussions of the decisions she has made. Adding that she may find it easier to have an employee clean up the parking lot after closing to avoid this and prevent a damaged relationship with her neighbors.

Inspector Moore stated that Dave's Place is one of the busiest establishments in the County. Chairman Eigenbrode agreed with Chief Manos that Ms. Ball should increase her number of bouncers to balance the number of customers that she serves. He explained that it is clear her problem area is the parking lot and that she is dead-set on keeping the porch as part of her premise. Ms. Ball interjected to state that they have been using the porch for 18 years. Chairman Eigenbrode stated that she has asked everyone for suggestions on how to resolve the problem and everyone agreed that she should remove the porch from the premise and increase her number of bouncers.

Mr. Judy agreed with the suggestions and noted that monitoring the three porch entrances was too difficult. Inspector Moore and Chairman Eigenbrode advised them to keep in mind that if they are to make any changes to the premise they must first ask for permission from the Board.

Ms. Ball stated that she would have someone pick up the trash from the parking lot each night. Chairman Eigenbrode stated that this was a discussion they already had with Ms. Ball at another hearing. She complained that she should not have to do this when it wasn't their trash. Chairman Eigenbrode responded that she is not required to police her neighbor's property but maybe she should consider it the price of having all that extra parking available to her customers. Inspector Moore added that the complaints are what is attracting his attention to her property and if the complaints stop he will not have to respond.

Ms. Ball answered that there is hearsay that Inspector Moore is trying to shut down her business. And she suggested he is doing it in a harassing manner. She continued that she doesn't understand why he is always out there. Mr. Plutschak interrupted her to say it is clear why he is always out there. He heard enough of her claims that everyone is harassing her. He pointed out that these are third offenses of the same violation in just a few months. He added that if anyone was being harassed it was the Board, the neighbors and law enforcement by Ms. Ball.

Mr. Merriken asked Ms. Ball if she wanted to submit anything into evidence. She handed over a letter from Mr. Allen confirming that he was not served at Dave's Place that evening and he does not hold anyone there accountable for the incident that evening. Ms. Smith marked it as Exhibit 4. Ms. Dadds stated that they were not being charged with overserving.

Chairman Eigenbrode asked for the Boards discussion on the charges.

Mr. Mann admitted that it's not easy to be a bouncer. They must sometimes make tough decisions that will upset their friends... but it is their job. Adding that similarly it is Ms. Balls and Mr. Judy's responsibility to ensure the establishment is running smoothly and efficiently. He advised Ms. Ball that if this keeps happening, the Board will be discussing removing the porch from the premise. He advised them, before they consider changes to any of the entrances, they need to contact the Fire Marshal to be sure their improvements comply with code.

Mr. Mann warned them that if complaints continue to come in, even for the litter in the Subway parking lot, the complaint will generate a visit from Inspector Moore or the Police Department. Chief Manos stated that if they continue to receive complaints from the Subway and they restrict access to the parking lot it only hurts the bar. He understands that at the end of a shift your tired and just want to go home...but you must go pick up the trash that was left across the road so the Police do not receive a complaint and the parking lot is blocked off. He hears Ms. Ball say she feels like they are all picking on her, but it is only that everyone is tired of the repeated problems. He encouraged her that it was time for her to gather everyone together and brainstorm how to resolve the issues once and for all. He read the violations to Ms. Ball noting that she was charged for two serious violations in December and then five more in January and now she is before them again on a third offense of the same charges. They are to the point that the Board will have no choice but to say enough is enough and suspend her license. He assured her that no one is trying to shut her down. The County is supported by local businesses.

He pointed out to the employees that nothing good happens after midnight. You can't control intoxicated people; they want to go to the bathroom everywhere but it is your job... take care of it and make sure that they are not. If Even if Mr. Allen did not appear to be intoxicated, when he

arrived he certainly must have smelled of alcohol from drinking all day. They could have said to him, "Hey man, you are a friend of mine, don't put me in this position."

Chairman Eigenbrode noticed that they denied serving Mr. Allen, however, Mr. Allen stated to Inspector Moore as noted in his report that he was served three beers. He warned them that they are also responsible for where the alcohol winds up after it is served. That is how underaged people get alcohol; one person buys three beers at the bar and takes them back to their friends.

Mr. Holt stated in regards to Mr. Allen's character and actions of the evening of the 14th, he was the same exact person he'd been a million times before. There was no indication that he would have reacted the way that he did leading up to the ambulance call. He was very composed and was doing fine. If there was any indication that this would have happened, he would have certainly been cut off and they never would have served him. There was no indication from his actions and character that the situation would have ended up like it did.

Nicole Stokes stated that she had no idea that Mr. Allen was drunk because he was so composed, talking normally.

Kathy Stokes stated that when Mr. Allen came in he was as happy as can be, talking straight like he had never had a drink. They danced together that evening. She had no idea that he was intoxicated.

Mr. Plutschak asked if there was a special event that night or if it was a normal night of business. Ms. Ball stated that it was a normal night of business with some overflow from a birthday party that had ended at the yacht club.

DELIBERATION

Chairman Eigenbrode asked for a response to the first charge.

Motion: Mr. Plutschak made a motion that according to the Inspector's report, the evidence and testimony presented, that Dave's Place was in clear violation of the Caroline County Board of License Commissioners Rule and Regulation No. 2.15.

Second: Mr. Mann seconded the motion.

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

Chairman Eigenbrode asked for a response to the second charge. Mr. Mann believes staff did all that they could do to assist Mr. Allen after he passed out, however, it looks bad when they continue to come back for the same charges repeatedly. They need to take steps to prevent future charges. He had no choice but to find them guilty for this because there is no denying they were in violation.

Motion: Mr. Mann made a motion that Dave's Place was guilty as charged on violation of the Caroline County Board of License Commissioners Rule and Regulation No. 2.29.

Second: Mr. Plutschak seconded the motion.

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

Chairman Eigenbrode asked for a response to the third charge.

Motion: Mr. Plutschak made a motion that according to the Inspector's report, the evidence and testimony presented, Dave's Place was in clear violation of the Caroline County Board of License Commissioners Rule and Regulation No. 2.12.

Second: Mr. Mann seconded the motion.

In Favor: The motion was approved (2-1). Chairman Eigenbrode voted Nay.

Chairman Eigenbrode asked for a penalty for the first charge.

Motion: Mr. Mann stated that due to the multiple offenses of this charge in a short period of time he made a motion to fine them \$500.

Second: Mr. Plutschak stated that they have given them fines and written reprimands in the past and they continue to be charged for the same violations. He was also concerned that it took two months before the case came before the Board. He asked Inspector Moore if he has seen any improvement in his inspections. Inspector Moore stated that there has been improvement as of two weeks ago. He seconded the motion.

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

Chairman Eigenbrode asked for a penalty for the second charge.

Motion: Mr. Plutschak made a motion to fine Dave's \$500 for this offense. He was struck by Chief Manos concern for public safety and the four good suggestions he provided to resolve the problem. He repeated them for the record: 1 – Increase staff to allow for three bouncers on busy nights; 2 – Remove the porch from the license premises; 3 – Clean up the parking lots after the bar is closed; 4 – Turn away patrons that arrive already intoxicated. He reiterated that policing the parking lot is the key to resolving this. He added that if they weren't hearing this two-months out that he would have recommended a suspension. He noted they are once again getting off light.

Second: Mr. Mann seconded the motion.

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

Chairman Eigenbrode asked for a penalty to the third charge.

Motion: Mr. Mann moved to give a written reprimand for the second violation of the Caroline County Board of License Commissioners Rule and Regulation No. 2.12 because he saw no proof that Mr. Allen had been served and the commotion centered around that event.

Motion: Mr. Plutschak stated there were violations occurring prior to Mr. Allen passing out. He asked the Inspector if that was correct. Inspector Moore said that there were several people walking out with alcoholic beverages, the car pulling out and laying on the horn, people urinating in public and the guy who walked into the bar from across the street with a beer in his hand prior to Mr. Allen passing out. He confirmed this was also a second offense for disorderly conduct and they received a written reprimand 5 month ago and here they are again and we shouldn't give them another written reprimand. Mr. Plutschak would like to give them a \$1000 fine but motioned to charge them \$500 for this violation.

Second: Chairman Eigenbrode seconded Mr. Mann's motion to give a written reprimand for the violation of §2.12 but promised there would not be a third.

In Favor: The motion was approved (2-1). Mr. Plutschak voted Nay.

Mr. Plutschak asked what consideration has been given to removing the front porch as part of the licensed premises. Ms. Dadds provided the Board with the history of how the licensed premise was established. Originally the interior portion of the building was the only area that was permitted for the licensed premises. Several years ago, when the smoking ban came into effect, a lot of establishments came to the Board to ask permission for an outdoor area to be considered as part of the licensed premises. Customers wanted the ability to take their beer outside when they went to smoke and didn't want to just leave it at the table or bar. The Board did grant this request to Dave's Place to include the front porch as part of the licensed premises.

TEMPORARY ALCOHOLIC BEVERAGE LICENSE APPLICATION

HILLSBORO/QUEEN ANNE VOLUNTEER FIRE DEPARTMENT- Bonner Bull Roast/Fundraiser – July 21, 2018

Ms. Dadds explained that the Hillsboro/Queen Anne Fire Department applied for a special Class C One-Day Temporary License to serve beer and liquor at a Bull Roast/Fundraiser for EMT Brandon Bonner. Mr. Bonner's children and fiancé were involved in a crash on Harmony Road in May that killed his fiancé. His son was critically injured and requires long term care. The funds raised will help with the costs associated with the funeral, medical expenses and long-term care.

The event will take place at the Greensboro Fire Department on July 21, 2018 from 5 pm to midnight. There will be a cash bar for liquor and the tickets and admission include beer to those 21 and over. They have a capacity of 250 people inside and have requested approval for a temporary outdoor area should more tickets be sold.

The outdoor area will be on the side of the building with the only access coming from the main building. Everyone will be carded upon entry and they will be stamping hands. The area will be fenced off and a person will be there monitoring the area.

Mr. Mann stated that he didn't have a problem with the request but did have a problem with the presumption that they would be approved. He noticed that they advertised the event two weeks earlier as including alcohol when they hadn't yet received approval from the Board. Mr. Plutschak added that neither did they submit a site plan for approval. The members did not find this acceptable and directed Ms. Dadds to inform them of this. Mr. Mann noted it is impossible to require the Inspector to monitor an event without those guidelines.

Motion: Mr. Plutschak made a motion to approve the application on the condition that a site plan is provided for the potential temporary outdoor premise.

Second: Mr. Mann seconded the motion.

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

OTHER BUSINESS

MATRIX PROJECT ASSIGNMENT

The Board and staff, in view of being consistent, have been discussing a guideline for fines and penalties relating to Liquor Board violations. Ms. Dadds asked the members to determine how to define typical offenses as major or minor violations.

With this complete Ms. Dadds asked the members to next define a standard charge for first and second offenses of major and minor violations collectively.

Ms. Price was to provide violations that have a mandatory fine or penalty already incorporated within the State code. She was also to look for violations that are not specified in the County Rule and Regulations.

The third step would be to define mitigating factors that should be discussed while deliberating a case. Such questions have already been considered and were used for today's hearings.

Mr. Mann will attend the July work shop and Chairman Eigenbrode will attend in August.

CONSENT ITEMS

The following items were approved by unanimous consent:

- Mary's Country Store Written Opinion and Decision
- May 23, 2018 minutes

Motion: Mr. Plutschak made a motion to approve the consent items.

Second: Mr. Mann seconded the motion.

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

INSPECTOR'S REPORT

Inspector Moore did an inspection of Nich's and the owner was not clear yet where she was planning to store the alcohol.

He informed the Board that a minor was discovered drinking at one of the establishments when she posted a video of her visit online. She was there celebrating her graduation. He was informed by Dorchester County that they investigated the girl and found she was using a fake I.D. She was patronizing Sheldon's 313 in Greensboro. He did inform Sheldon's of this although there was no violation on their part.

He visited Katie Mae's establishment and found that they were closed for several days to repair and renovate the building. He informed her that she should inform the Board in writing within seven days because approval was not received prior to the closing or premise changes.

Ms. Dadds stated that a site plan was submitted with a list of the renovations that were made and an apology for not requesting approval prior to the work. She added that they were unaware of this requirement and will be more diligent in the future.

Inspector Moore informed them that he did his research on the marijuana beer that is being sold in the County. He found that it is legal because it does not have THC but provides the same side effects as marijuana.

He completed a four-hour course on Identity Document Fraud Training that was offered in Cecil County.

PUBLIC COMMENT

There being nothing further to discuss Chairman Eigenbrode adjourned the meeting at 12:13 p.m.

BOARD OF LICENSE COMMISSIONERS

Greg Eigenbrode, Chairman



Minutes prepared by: Melanie Smith