

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

DATE: Wednesday, January 24, 2018

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

BOARD MEMBERS: Greg Eigenbrode, Chairman
Nick Loukides, Member
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.

Mary Ann Swann, a license holder for Dave's Place, asked to be excused from the proceedings. Ms. Dadds reminded the Board that they approved Ms. Swann's removal from Dave's Place liquor license but the paperwork to do so has not been submitted. The Board informed Ms. Swann that she has two weeks for the paperwork to be completed.

Motion: Mr. Loukides made a motion to allow Ms. Swann to be excused from today's proceedings.

Second: Mr. Plutschak seconded the motion.

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

Greensboro Volunteer Fire Company has requested to change their license holder on the previously approved multi-event license. The Board approved this to be added to the agenda.

NEW/TRANSFER APPLICATIONS

JM HOSPITALITY GROUP, LLC T/A 404 TAPHOUSE – 42 Denton Plaza, Denton, MD

A request by John J. Mullins, Sr., Deborah L. Mullins and Michelle A. Jackson for the use of JM Hospitality Group, LLC t/a 404 Taphouse, located at 42 Denton Plaza, Denton, Maryland for a Transfer of the existing Class B – Beer, Wine & Liquor (Restaurant), 7-Day on Premise Sales Alcoholic Beverage License. The current licensees are Elizabeth J. Moored-Hobson and Michael D. Brown of 404 Taphouse, LLC.

Ms. Dadds read the Notice of Public Hearing into the record and stated that the notice was published in the Times Record on January 10, 2018 and January 17, 2018. Ms. Dadds read the exhibits into the record:

Exhibit 1	Notice of Public Hearing
Exhibit 2	Application for Transfer (4 pages)
Exhibit 3	Proof of Residence for John Mullins, Sr.
Exhibit 4	Voter Registration for John Mullins, Sr.
Exhibit 5	MD Comptroller Letter dated 1.18.18
Exhibit 6	Articles of Organization (7 pages)
Exhibit 7	Taphouse Site Plan

Ms. Dadds explained that it is normal for a transfer to be approved contingent on receipt of other documents, including:

- Sales & Use Tax License
- Business License
- Bulk Transfer Permit
- Original Lease Agreement with Current Property Owner
- Consent Form to Transfer

Chairman Eigenbrode swore in:

John Mullins, Jr. 1507 Cattail Commons Way, Denton, MD
John Mullins, Sr, 25770 Burrsville Road, Denton, MD
Deborah Mullins, 25770 Burrsville Road, Denton, MD
Michelle A. Jackson, 12 North Central Avenue, Ridgely, MD

Mr. Mullins, Jr. stated that they have submitted applications for the required licenses and are waiting for a letter from the previous property owner. He met with the Liquor Inspector about the Rules and Regulations and were given a copy to keep at the establishment. Ms. Jackson, is TIPS certified. They expect to employ 15-20 people and will expect them all to be TIPS certified.

Ms. Dadds explained that the establishment was currently closed and according to state law they can be closed for up to ten days without additional approvals. The Board can approve up to an additional 20 days to avoid any undue hardships. Mr. Mullins requested the Boards approval of a 20-day extension from his initial closing on January 17, 2018 to allow time to complete the transfer. He explained that the previous owner would not allow them to operate under their license.

Mr. Mullins, Jr. and Ms. Jackson will be managing the business. Mrs. Mullins will be the hostess and pastry chef. Mr. Mullins Sr. stated that he lives close by and will be available whenever one of the other license holders are not.

The alcohol will no longer be housed within the outside cooler but has been brought into a walk in cooler within the building.

- Motion:** Mr. Plutschak made a motion to approve the transfer pending County Attorney Review for legal sufficiency and contingent upon all required paperwork being submitted. A 20-day extension is approved from the closure date of January 17, 2018
- Second:** Mr. Loukides seconded the motion.
- In Favor:** The motion was unanimously approved (3-0).

JAYDUTT, LLC T/A WALKER'S GROCERY STORE – 18230 Henderson Rd., Marydel, MD

A request by Deep Jitendra Desai for the use of Jaydutt, LLC t/a Walker's Grocery Store, located at 18230 Henderson Road, Marydel, Maryland for a Transfer of the existing Class A – Beer, Wine & Liquor (Retail), 7-Day off Premise Sales Alcoholic Beverage License. The current licensees are Jitendra M. Desai and Andrew Klein of Jaydeep, Inc. t/a Walker's Groceries & Liquors.

Ms. Dadds read the Notice of Public Hearing into the record and stated that the notice was published in the Times Record on January 10, 2018 and January 17, 2018. Ms. Dadds read the exhibits into the record:

- Exhibit 1 Notice of Public Hearing
- Exhibit 2 Application for Transfer (7 pages)
- Exhibit 3 Alcohol Awareness Certificate for Deep J. Desai
- Exhibit 4 Consent Form to Transfer
- Exhibit 5 Site Plan
- Exhibit 6 MD Dept. of Assessment and Taxation Information

Anne Ogletree introduced herself as the Attorney representing Mr. Desai.

Chairman Eigenbrode swore in:

Deep Jitendra Desai, 27302 Jenny Hye Lane, Marydel, MD

Ms. Ogletree explained that as of April 1, 2018 the current owner's son, Deep Desai, will be taking over his father's business. He is 22 years old, was born in India, but has been in this country since 1995. He moved to Jenny Hye Lane in 1999. He is finishing his last semester of college before graduating.

Mr. Desai intends for all the alcohol to be stored entirely within the building. He is TIPS certified. He has worked many summers helping his father at the business. He expects to have 3-4 employees.

Ms. Dadds asked how he plans to prevent the type of violations that have occurred there in the past from reoccurring. There have been numerous underage sale violations. Mr. Desai answered that he has read through the Rules and Regulations and will be there every day along with his parents.

Because Mr. Desai did not have a specific prevention plan in mind and was unable to answer questions about the employees and inventory the Board did not feel confident that Mr. Desai was prepared this day to be approved for a license. They suggested he come back again in February, after he has had time to familiarize himself with the responsibilities and routine of the business. Ms. Price assured the Board that they would not be required to advertise a second time.

The following paperwork will need to be submitted:

- Signatures from 10 registered voters and property owners in the First Election District;
- His naturalization certificate;
- How to prevent the underage sales;
- What is stored in the trailer that comes with the property and his plans for it;
- Who his employees are and if they are TIPS certified;
- Business License;
- Sales and Use Tax License; and
- Bulk Transfer Permit.

Motion: Mr. Loukides made a motion to continue the transfer hearing at the February 28, 2018 meeting.

Second: Mr. Plutschak seconded the motion.

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

DENTON ARBY'S, INC. T/A DENTON GOOSE CREEK -10519 Greensboro Rd, Greensboro, MD

A request by Kristina B. Torre and Francis M. Blazejak for the use of Denton Arby's Inc. t/a Denton Goose Creek, located at 10519 Greensboro Road, Denton, Maryland for a change of officers for the existing Class A – Beer and Light Wine License. The current licensees are Michael G. Abercrombie and Francis M. Blazejak of Denton Arby's Inc. t/a Denton Goose Creek.

Ms. Dadds read the exhibits into the record:

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|-----------|----------------------------------------|
| Exhibit 1 | Attorney Letter dated 12.20.17 |
| Exhibit 2 | Application for Transfer (6 pages) |
| Exhibit 3 | Kristina Torre Share Holder Document |
| Exhibit 4 | Francis Blazejak Share Holder Document |

Ms. Dadds explained that staff and the Board Attorney reviewed this request during workshop and felt that it may not need to go through the full transfer process since this is just a substitution of officers. There is no sale of the business and the only change is Mr. Abercrombie is retiring from the company. She responded to Mr. McAllister (applicants' attorney) and asked him to review § 15-1702 and § 4-306 of the Alcoholic Beverages Article of the Annotated Code to see if he concurred. He agreed and asked that given the complete package had already been submitted, could they simply use all of the information provided under notary seal as a "petition for substitution"? The documents submitted are more complete than otherwise required under Code.

Ms. Dadds read the Annotated Code of Maryland § 4-306 pertaining to a substitution of names of officers due to an officer's retirement. The only other item needed was a background check for Ms. Torre. Ms. Price was not confident the paperwork submitted was sufficient in meeting the requirement of an affidavit as required under this section.

Motion: Mr. Plutschak made a motion to approve the Denton Goose Creek officer substitution pending a satisfactory background check on Ms. Torre and an affidavit is submitted.

Second: Mr. Loukides seconded the motion.

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

SHOW CAUSE HEARINGS

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

Ms. Dadds read the summons for Lucille Ball, Mary Ann Swann and Scott Judy to appear before the Board to discuss five (5) alleged violations discovered during a follow up inspection on November 22, 2017.

Charge No. 1 – Alleged violation of the Caroline County Board of License Commissioners Rule and Regulation No. 2.32, specifically, patrons not out of the establishment and consuming alcohol on the licensed premises between the prohibited hours of 2:00 a.m. and 6:00 a.m. in the presence of the licensee; and

Charge No. 2 – Alleged violation of the Alcoholic Beverages Article of the Annotated Code of Maryland §15-2001, specifically, patrons consuming alcohol on the licensed premises between the prohibited hours of 2:00 a.m. and 6:00 a.m. in the presence of the licensee; and

Charge No. 3 – 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 to be taken outside for consumption in an area not approved by the Board as part of the licensed premises; and

Charge No. 4 – 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. 5 – Alleged violation of the Caroline County Board of License Commissioners Rule and Regulation No. 2.12, specifically, disturbance of the peace by playing loud music that could be heard over a half mile away.

Ms. Dadds read the exhibits into the record:

- Exhibit 1: November 22, 2017 Dave's Place incident report (16 pages)
- Exhibit 2: January 24, 2018 Summons for Lucille Ball (3 pages)
- Exhibit 3: January 24, 2018 Summons for Scott Judy (2 pages)
- Exhibit 4: January 24, 2018 Summons for Mary Ann Swann (4 pages)
- Exhibit 5: Ridgely Police Report dated 11.22.17 (2 pages)

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

Chairman Eigenbrode swore in:

Lucille E. Ball, 9144 Honeysuckle Drive, Easton, MD 21601
Scott K. Judy, 12730 Greensboro Road, Greensboro, MD 21639

Chairman Eigenbrode asked for a response from the license holders on the charges.

Ms. Ball first responded by asking Inspector Moore what Facebook page he found the advertisement on because she specifically told her staff that nothing goes up about Dave's Place without her permission. Inspector Moore showed her a copy of the ad (Exhibit 1, page 6 of 16) that was on her own personal Facebook page, Ron Legates' (an employee) Facebook page and Dave's Place Facebook page.

Ms. Ball stated that she asked the neighbors on each side of the establishment if they heard the music that night and they told her they didn't. Inspector Moore referred to the Ridgely Police Report #17-006812 that verified the music could be heard as far away as Hutchinson Building & Supply located at 7 E. Sixth Street in Ridgely. The report did not state that a citizen called in to complain about the noise rather it stated that Inspector Moore requested verification that the music could be heard from Dave's Place to that location, in which Cpl. Ewing stated it could be.

Ms. Ball asked if she could be informed of the charges when they occur and before receiving a certified letter summoning her to the hearing. She admitted that she needs to pay closer attention to the time adding that the girl sitting at the bar was a local girl that she takes home after work. Inspector Moore stated the tables still had drinks on them. Ms. Dadds read Rule & Regulation No. 2.32 where it states all alcohol must be cleaned up from the tables, patrons out of the building and the owner should not knowingly allow drinking in the establishment after 2 a.m.

Mr. Plutschak pointed out that the Inspector was in earlier that day to inform her that he would be in the area. He is concerned that even though she was given notice that the Inspector would be in the area that evening, the Inspector could return to the establishment to find various charges and one recurring one. He added that they consistently use poor judgement, which prompted the Boards' letter to her in September regarding the DUI checkpoint notice on their front door. The "blackout" party was advertised after Ms. Ball received the Boards' warning regarding the DUI checkpoint.

Ms. Dadds asked Mr. Judy if he had any comments he would like to make. He replied that it wasn't normally out of control like that and that they are usually closed by 11 p.m. Ms. Ball corrected him that they do stay open later on weekends. Mr. Judy also stated that while he is not there all the time he does stop in at various times throughout the week. He agreed that the report sounded bad when the Inspector read it, but assured the Board it is not usually like that.

Ms. Ball added that she has two bouncers that usually patrol the outside; one of them has worked for her for 13 years. She admitted that she is embarrassed about what occurred. She assured the Board that they do not intentionally break the law or do things wrong.

Ms. Dadds noted that although she was not being charged with over serving, it appeared from the report, that some of her clientele were intoxicated and acting inappropriately.

DELIBERATION

Chairman Eigenbrode called for a discussion on the first charge.

Charge No. 1 –allowing alcoholic beverages purchased and/or opened inside an establishment to be taken outside for consumption in an area not approved by the Board as part of the licensed premises.

The Board agreed that according to the testimony given a violation did occur.

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

Second: Mr. Loukides seconded the motion.

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

Motion: Mr. Loukides made a motion that Dave's Place be fined \$100 for their second violation of the Caroline County Board of License Commissioners Rule and Regulation No. 2.15.

Second: Mr. Plutschak seconded the motion.

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

Chairman Eigenbrode called for a discussion on the second charge.

Charge No. 2 –failure to police the immediate area outside of the establishment allowing loitering and drinking outside of the licensed premise area.

Chairman Eigenbrode asked for clarification of the difference in the violations of Rule & Regulation No. 2.15 and No. 2.29. Ms. Price explained that they are both violations independent of one another. The licensees are responsible for policing the exterior area of their establishment (which is addressed by Rule & Regulation No. 2.29 in order to prevent patrons from drinking outside their premises (Rule & Regulation No. 2.15) as well as other violations that may occur outside of their approved premises.

Motion: Mr. Loukides moved to find Dave’s Place guilty of violating 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).

Motion: Mr. Loukides moved to fine Dave’s Place \$100 for a second 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 called for a discussion on the third charge.

Charge No. 3- patrons within the establishment and tables uncleared of alcohol between the prohibited hours of 2:00 a.m. and 6:00 a.m. and patron’s consuming alcohol on the licensed premises in the presence of the licensee.

Mr. Loukides noted that according to Ms. Ball’s own testimony that the violation occurred.

Motion: Mr. Loukides moved to find Dave’s Place guilty of violating the Caroline County Board of License Commissioners Rule and Regulation No. 2.32.
Second: Mr. Plutschak seconded the motion.
In Favor: The motion was unanimously approved (3-0).

Motion: Mr. Plutschak moved to issue Dave’s Place a written reprimand for violating the Caroline County Board of License Commissioners Rule and Regulation No. 2.32.
Second: Mr. Plutschak seconded the motion.
In Favor: The motion was unanimously approved (3-0).

Chairman Eigenbrode called for a discussion on the fourth charge.

Charge No. 4 – all licensees shall operate their establishment 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. All unnecessary noises, including playing music, radio, television, singing, loud talking at unreasonable times are prohibited. Congregation of patrons in a noisy, unruly, or disturbing manner after leaving the interior portion of the licensed premises shall be prohibited.

Mr. Judy stated he did not see this charge on the summons. (**see note below*) Ms. Dadds read the full regulation aloud.

Mr. Plutschak noted that the police report was a narrative and not an arrest document and the owners never received a copy of the report from the Ridgely Police. Mr. Plutschak confirmed that the Ridgely Police were not taking any action. Inspector Moore explained that the report was to confirm his own report about the noise. It was not a complaint driven report.

Mr. Eigenbrode explained to Ms. Ball that this should be a warning to her that events were getting noisy and she should think about toning them down to avoid future complaints.

Motion: Mr. Loukides moved to find Dave's Place guilty of violating the Caroline County Board of License Commissioners Rule and Regulation No. 2.12.

Second: Mr. Plutschak seconded the motion.

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

Motion: Mr. Loukides moved to issue Dave's Place a written reprimand for violating the Caroline County Board of License Commissioners Rule and Regulation No. 2.12.

Second: Mr. Plutschak seconded the motion.

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

Chairman Eigenbrode called for a discussion on the fifth charge.

Charge No. 5 –patrons consuming alcohol on the licensed premises between the prohibited hours of 2:00 a.m. and 6:00 a.m. in the presence of the licensee.

Chairman Eigenbrode asked for clarification of the fifth charge. Ms. Dadds explained that the State Law focus' only on the consumption of alcohol during prohibited hours, while the County Regulation additionally prohibits patrons from being in the establishment during those hours and from alcohol remaining on the tables after 2 a.m. Ms. Price added that State Law defines the fine for this charge not to exceed \$50.

Mr. Plutschak noted that they were given a written reprimand for the County violation similar to this one.

Motion: Mr. Loukides moved to find Dave's Place guilty of violating the Alcoholic Beverages Article of the Annotated Code of Maryland §15-2001.

Second: Mr. Plutschak seconded the motion.

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

Motion: Mr. Plutschak moved to give Dave's Place a written reprimand for violating the Alcoholic Beverages Article of the Annotated Code of Maryland §15-2001.

Second: Mr. Loukides seconded the motion.

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

The Board explained to Ms. Ball that they were very lenient with her and that she should view this as a warning. She violated State law and if an officer of the State found her in violation she may have been arrested. Ms. Ball asked for which offense. They responded that consumption of alcohol after hours was a State law. She argued that she was not serving after hours. Chairman Eigenbrode repeated that it was for consumption of alcohol after hours. The Board suggested she make last call earlier if necessary to accommodate her time.

Ms. Dadds informed Ms. Ball that earlier in the meeting the License Board spoke with Ms. Swann and directed the license holders of Dave's Place to have their transfer paperwork completed by February 7, 2018.

**Note – for clarification. The charges were not numbered on the Summons' the same way that they were numbered on the inspection report. On the Summons – Charge No. 1 was the violation of Caroline County Rule and Regulation No. 2.32; Charge No. 2 was the violation for Annotated Code of Maryland §15-2001; Charge No. 3 was the violation for Caroline County Rule and Regulation No. 2.15; Charge No. 4 was the violation of Caroline County Rule and Regulation No. 2.29 and Charge No. 5 was the violation of Caroline County Rule and Regulation No. 2.12.*

The Board used the numbering that was in the original report for their findings.

PUBLIC COMMENT

Denton Chief of Police, Rodney Cox, wanted to know what might preclude someone from being approved for a liquor license. Ms. Dadds explained that a felony on a person's record would preclude someone from receiving one. Record checks are done before a license is issued and can be required at renewal if the Board is aware of a reason to do so. She suggested if the Department has any knowledge that would assist in the Boards oversight, to feel free to contact them. The Board wants to know what the police deal with regarding their licensees. Chief Cox stated that there have been issues with the Taphouse.

Bryan Tyler, Owner of The Market Street Pub in Denton, came to ask the Board about the procedures that are required to hold events at his establishment. The Inspector visited him about a gathering they had for a long-time patron that passed away. He had explained his intentions to have events when he requested an expansion. But until he was contacted by the Inspector, he wasn't aware that he needed written permission from the Board in advance.

He went on to say that the expansion was a large investment and the bank required him to list many ways in which he could recoup the money they loaned him for this venture.

The Board discussed his request and found that Mr. Tyler has always been forthcoming and did also inform the Board of his intentions prior to moving forward. The expansion was an effort to make a destination for visitors to travel to and build the economy of the Town and the County. There has never been an issue with the establishment. They agreed to approve his events on the condition that staff is notified prior to the event and if a problem arises in the future this approval can always be rescinded.

Motion: Mr. Loukides made a motion to approve events at the Market Street Pub on the condition that staff is notified prior to the event.

Second: Mr. Plutschak seconded the motion.

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

Michael Shipley, 101 Maple Ave., Ridgely, MD was granted the floor.

He wanted to ask the Board about TIPS certified requirements for temporary one-day events. He was informed that it is required to have a TIPS certified person at an event while alcohol is being served. He was also given a Rules & Regulations Booklet.

TEMPORARY LICENSE APPLICATIONS

CHESAPEAKE CULINARY CENTER – “Chocolat” Fundraiser – February 9, 2018

Ms. Dadds read the Chesapeake Culinary Center’s application to serve beer, wine and liquor at their “Chocolat” Fundraiser on February 9th from 7:00 p.m. to 10:00 p.m. There will be an admission charge to attend the event. Don Mulrine, Town Administrator, was present to answer any questions the Board may have about this annual event.

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)

CAROLINE COUNTY COUNCIL OF ARTS – “My Fatal Valentine” Dinner Theatre–Feb. 10, 2018

Ms. Dadds read the Caroline County Council of Arts application to serve beer, wine and liquor at their “My Fatal Valentine” Dinner Theatre on February 10th from 6:00 p.m. to 9:00 p.m. There will be an admission charge to attend the event. Don Mulrine, Denton Town Administrator, was present to answer any questions.

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)

ADKINS ARBORETUM – 2018 Annual Multiple 20-Event License

Ms. Dadds read the Adkins Arboretum application for a special Class C - 20 multi-event alcoholic beverage license for 2018. Robyn Affron will be the TIPS certified person at the events.

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).

GREENSBORO VFC – 2018 Annual Multiple 20-Event License

Ms. Dadds explained that the Greensboro VFC had already received approval from the Board for an annual Multiple Event License for 2018. Rich Covert, who is named as the license holder has stepped down from his position and they have requested that William Bradley be the license holder in his place.

Motion: Mr. Loukides made a motion to approve the change of license holder to William Bradley.

Second: Mr. Plutschak seconded the motion.

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

BOARD COMMENT

Ms. Dadds informed the Board that the Chief of Staff, Sara Visintainer, contacted her several days ago about the legislative request to create a new class of license for a Bed and Breakfast and wanted the Board's feedback on the draft legislation. Turnbridge Point has been looking to obtain an alcoholic beverage license for their B&B and none of the available classes of licenses for Caroline County fit their needs. There is the class "A" license, which is the retail "package store" sales; then there is a class "B" license for restaurants, which require that food sales make up 51% of total sales, that there is a dining facility, and that they publish a menu which would not work for a Bed & Breakfast; then there is the class "C" license which is for clubs which in Caroline County is limited to yacht clubs, country clubs and veteran clubs; a class "GC" which is for a golf course and a class "D" which is for a tavern where no one under the age of 21 is allowed on the premises.

They have looked at other jurisdictions and found that in Harford County a license is available under a class "B-BB" license for a bed and breakfast. A copy of the requirements for Harford County was not available at the meeting.

After distributing the proposed bill she read its contents. A B&B must have at least one room for rent but no more than 10, excluding resident management quarters. They must also have been approved by the local authority to operate as a bed & breakfast.

Chairman Eigenbrode asked about times they can serve. Ms. Dadds responded that it would be like other Class "B" licenses where they can sell seven (7) days a week except from 2 a.m. to 6 a.m. It further states that they can only sell to a guest whose name and address is on the registry and who is an occupant of a sleeping room. They may not sell alcohol to a person who is not a guest on the registry or is registered as a guest only for the purpose of obtaining alcohol. They may also keep for sale and sell beer, wine and liquor for on premises consumption during catered events that are catered by the license holder. They may also contract to provide alcohol at events held off the premises provided the bed and breakfast also contracts to provide the food at the catered event and that the cost of alcohol does not exceed 50% of the total invoice for the event. This differs from Harford County in that their catering privilege is for on-premise catering events only.

Ms. Dadds explained that this was the first part of the request. In addition, it would allow patrons of catered events to bring personal alcoholic beverages onto the premise for consumption; and a guest of the establishment whose name and address appears on the registry and is an occupant of a sleeping room may bring personal alcoholic beverages onto the premises for consumption on the premises during the hours and days typical of a class "B" license. At no time may they operate solely for providing alcohol. The license must be turned in when the bed & breakfast operations cease. The provision does not apply to a permanent resident on the premises and they must maintain records of all onsite and offsite catered events where alcoholic beverages are served and make the records available upon request. Harford County does not have provisions that allow for patrons to bring their own alcohol.

Chairman Eigenbrode asked where they are required to purchase the alcohol. Ms. Dadds answered that they would have to buy from a distributor.

Chairman Eigenbrode stated that the bill goes against every requirement every other license holder must abide by in Caroline County. He asked how can they both serve alcohol and allow people to bring alcohol in. He also noted that allowing such a license would show preferential treatment to Turnbridge Point specifically, as no other licensed establishment can both serve alcohol and allow people to bring in their own. He foresees all the license holders coming to the Board to request similar licenses.

For instance, the Board asked, if the Pub, who also has a catering license is not allowed to have patrons bring in their own alcohol it is unfair to him, adding that Mr. Tyler has put a lot of money into his operation, gone through all the requirements, but in the end, will suffer because his competitor will have the advantage of allowing patrons to bring their own alcohol to events. Mr. Loukides added that the same thing could be said for Harry's Restaurant (all being on different corners of the same block in the town of Denton).

Chairman Eigenbrode recalled the request for a bottle club in an establishment that did not sell alcohol several years ago. He found that to be a more reasonable request than this. He asked how they can police such a license. They would have to have stickers on their forehead to identify whether they are a guest of the establishment or a guest of the catered event. Then the Inspector would need to verify the paperwork to ensure that is correct.

Chairman Eigenbrode stated that if he were a licensed business owner he would be extremely upset about this legislation. He reminded them that once the license is issued, it will be a long-standing license unlike a multi-event license that must be applied for each year. It was also mentioned that the County already has a catering license available as an add on to another license who wanted to cater off-site. This would allow the Bed & Breakfast an advantage by not being required to have another license and all other license holders would.

Mr. Plutschak asked about the history of this request. He asked if this is language for the Board to consider for a request to be introduced for legislation. Ms. Dadds answered that this is the language that has been sent to the Department of Legislative Services to be drafted in proper bill format. The Board was surprised that it had already been sent before that had reviewed it. Mr. Plutschak asked Ms. Dadds how she obtained this document. She replied that the Chief of Staff, Sara Visintainer, provided it to her several days ago to give to the Board at their meeting for comment. They asked who drafted it. Ms. Price said that she did not draft it and wasn't aware of it either until now.

The Board noted that last month Ms. Price informed the Board that the County Commissioners had already discussed their legislative priorities for this year and the request was not included. It was believed that discussion would be postponed until next year's legislative requests. As it is written, the Board does not see how allowing patrons to bring their own alcohol on to a licensed premise can work. They are willing to consider a request that is fair for a Bed and Breakfast and to allow catering but this version would not work.

Ms. Dadds said that there is a cap in Caroline County of \$2500 per charge. Referring to the State law, Ms. Price said this information should be included in their research. Ms. Dadds added that there are no limits on suspensions.

Ms. Price explained to the Board that legally the Board is presumed to be correct provided they do not make an error in law. This is unless they are found to be arbitrary and capricious. Someone could use that as their defense, unless the Board has a rational explanation as to why they charged two licensees differently. Having a matrix should assist with that.

Inspector Moore has learned in his meetings with local police that they will start arresting people for drinking in public and serving after hours. Mr. Plutschak asked why they wouldn't arrest someone for drinking in public. Ms. Dadds explained also, that while the police can arrest them the proprietors still have a license that is approved by the Board. She suggested we find better ways to deter them from repeat offenses.

Mr. Plutschak is concerned about the shift from the penalties of today from the stronger ones that they are discussing. He agrees with the \$500 fine and getting rid of the letter of reprimand. It was suggested that, before putting the matrix into practice, they could write the owners and licensees a letter to inform them of the increased severity and why the change was made. Then they will be forewarned.

Mr. Plutschak suggested staff list the major violations and the minor violations. He can see a letter of reprimand for a first offense minor violation. He also feels it sends a stronger message when they must come to a meeting and wait to be heard as opposed to handing them a citation.

Mr. Eigenbrode stated that the Board has always had to deal with hearing that they are trying to put people out of business. Everyone agreed those comments comes from the repeat offenders. Mr. Loukides mentioned that Sheldon's does this and Ms. Dadds stated that they were in the day before with that exact complaint.

Mr. Plutschak understands judges both like and dislike such matrixes. While it allows for consistency it also puts constraints on their decisions. Ms. Price stated they should include mitigating and aggravating factors. Mr. Plutschak explained that there should be a reckoning period as well for how long an offense can be held against them. Ms. Smith stated that this would also make the minutes more substantive by verbalizing their reasoning during deliberation. Mr. Plutschak suggested they give them exhibits to look at with the information they have discussed.

Mr. Plutschak would prefer the fines be increased rather than the licensing fee be raised.

Ms. Dadds asked if the Board would like to also discuss the special event section of the Rules and Regulations. She would like the Board to keep in mind that many establishments are located within town limits and events with loud music may be ok at a place outside of town not near any residences however, an event in town in close proximity to a residential neighborhood could be a problem. Inspector Moore stated some jurisdictions put a mark on their license with special permissions like a band or events.

Ms. Dadds informed the Board that she received a complaint on December 19, 2017 stating that Sheldon's is not operating in accordance with their hours. They are open on Sundays because the barmaid that used to work at Shooters is now working at Sheldon's on Sunday. They also stated that they are closed on Saturday nights and they are gambling on Wednesdays. Inspector Moore investigated the complaint and found it to be true. A letter was drafted by Inspector Moore to make Sheldon's aware of the violation and ask that it be corrected. Sheldon's did reply with an email to Ms. Dadds apologizing for the offense and assuring her it will be corrected.

On December 31, 2017 Ms. Dadds received a message from Jaye Sheldon asking if there was anything she needed to do to be open for New Year's Eve. Ms. Dadds sent her the State law that stated New Year's Eve is no different from any other day, that she can remain open her normal hours. It so happened that this was also the day Inspector Moore investigated the complaint that was received.

Mr. Sheldon came in the next day stating that Ms. Dadds set the Sheldons up for failure, that the County was after them. He said that when Ms. Dadds was asked about the hours they were told there weren't any issues and then the Inspector comes in and tells them they are in violation for being open outside their normal hours.

Ms. Dadds explained to him that in their renewal they stated they would be closed on Sundays and Tuesdays and according to the Rules & Regulations they are required to ask the Board in writing if they want to change their hours. She was not thinking about this when they sent her a message at home on a Sunday. She simply looked up the law for New Year's hours and sent it to them. Mr. Sheldon stated that the license they have on the wall states that they can be open from 6:00 a.m. to 2:00 a.m. seven (7) days a week. The Sheldon's were also concerned that such a rule would not allow them to close when their business was too slow to be open.

Mr. Loukides asked if they were allowed to be open like that and close when necessary. Ms. Dadds answered that they were but the conflict is within the Rules & Regulations where it states they are required to inform the Board in writing of any changes of information to their renewal application. She asked for the Boards direction.

She added that Inspector Moore did not charge them with a violation but gave them a written warning of the offense. The Sheldons responded to the letter by asking Ms. Dadds to approach the Board with this question.

The Board agreed that they may be open whatever hours it states on their license and close when they feel it is necessary, as long as it is not longer than ten (10) days, which is a violation that could result in a fine, suspension and or revocation of their license.

INSPECTOR'S REPORT

Inspector Moore informed the Board that he has completed all the inspections this quarter; some several times in an effort to bring establishments into compliance. There is one violation that may be heard next month. He explained that the owner is agitated and stated that she only sells

\$10 worth of beer a month and if the Board wanted to come confiscate her beer then they should do so. Inspector Moore is aware that, since the inspection, the owner has made an effort to have her employees TIPS trained.

Ms. Dadds explained that the Inspector gave the owner a couple weeks to resolve the violations from the first inspection. When he returned for the follow up inspection the violations were not resolved and the owner was irate with the Inspector. After failure to comply on the second inspection, the license holder will be charged with a violation.

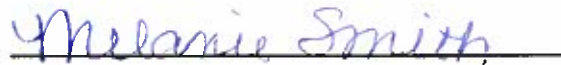
A Board member asked who the woman was. Ms. Dadds explained that the Board must remain impartial by not hearing any specific information before the hearing. It's the Board's job to weigh the merits of each party's argument, evidence, and witnesses, in light of what the law states after hearing it for the first time at the hearing. Ms. Dadds explained that this came up in the hearing for Dave's Place. Ms. Ball asked why she was not told at the first hearing that she was going to be back before the Board for another violation the following month. Ms. Dadds explained to her that she did not want the Board to be influenced in their decision on the first offense with the knowledge that she would be in front of them again for a second offense. Ms. Price agreed stating that information may have influenced their opinion in her case.

Inspector Moore has been informed by the local police of problem areas. He is working with the Comptroller's Office on their inspections. He is attending the LDAAC meeting tomorrow morning.

There being nothing further to discuss, Chairman Eigenbrode adjourned the meeting at 12:51 p.m.

BOARD OF LICENSE COMMISSIONERS

Greg Eigenbrode, Chairman



Minutes prepared by: Melanie Smith