

Meeting Minutes
Board of License Commissioners
Caroline County, Maryland

DATE: Wednesday, February 26, 2020

PLACE: Health & Public Services Building
403 S. 7th Street, 1st Floor, Room 111
Denton, Maryland 21629

BOARD MEMBERS: Greg Eigenbrode, Chairman
Nicholas Loukides, Vice-Chair
Glen Plutschak, Member
Michael Mann, Alternate

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

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

ALCOHOLIC BEVERAGE LICENSE NEW/TRANSFER APPLICATIONS

CAFÉ PARADISO – 108 E. Central Ave., Federalsburg, MD

Chairman Eigenbrode read the Notice of Public Hearing into the record. Angelo Acevedo and Ericka Barbecho are applying for a new, Class H – Beer & Light Wine (restaurant) 7-day on premise sales alcoholic beverage license.

Ms. Dadds read the exhibits into the record:

- Exhibit 1 – Notice of Public Hearing
- Exhibit 2 – Staff Report
- Exhibit 3 – Application
- Exhibit 4 – Site Plan
- Exhibit 5 – Applicant’s Notice
- Exhibit 6 – Location Map of Licensed Establishments

Chairman Eigenbrode swore in:

Ericka Barbecho, 515 Priscilla St., Salisbury, MD 21804, and
Angelo Acevedo, 104A E. Central Ave., Federalsburg, MD 21632.

Mr. Acevedo stated that he has partnered with Ms. Barbecho to open a restaurant that will serve Mexican food. He added that alcohol will not be a priority sale at the restaurant. He simply wants to allow patrons to order wine or beer with their dinner. He had an alcoholic beverage license at the Café Milano Restaurant from 2005-2010 at this same location. He had to give up the Restaurant to raise his son as a single parent. There was one violation in that time where a waitress sold alcohol to an undercover inspector.

Inspector Moore conducted a pre-license inspection on the property and gave them a good report. He talked to Mr. Acevedo about what he expected from the alcohol establishments and advised him that he will go into more details as they progress through the licensing.

Mr. Acevedo stated that all seating and storage will be within the building. Everyone serving alcohol will be TIPS certified. They have three waitresses hired to open and expect to have six employees eventually. Ms. Barbecho will help Mr. Acevedo manage the restaurant.

Debbie Brohawn, a neighbor of Mr. Acevedo, spoke in favor of the application. She has known Mr. Acevedo since 2003. She has three rental properties within 100 feet of his property that rent to eight different tenants. As a neighbor and business owner she would appreciate his business in the town.

Mr. Acevedo asked if he could have a bar set up in the restaurant. Ms. Dadds replied that he could, but he would have to show 51% of his profits come from food sales. Inspector Moore added that they must receive approval from the Board before any new construction begins.

Ms. Dadds informed the Board that Mr. Acevedo does have his business license and Health Department license. He must reimburse the County the advertising cost and pay a prorated amount for the license. Mr. Plutschak noted that the ten voters' signatures were fulfilled. The Corporation documents have been reviewed by Ms. Price and deemed legally sufficient.

DELIBERATION

The members consulted the conditions of approval in the MD Alcoholic Beverages Article §4-210.

(1) The public need and desire for the license;

The Board noted that there were similar establishments there before and the applicants have supplied complete and valid documents.

(2) the number and location of existing license holders;

There are no restaurants in the area that serve alcohol, however, there are three package stores.

(3) the potential effect on existing license holders of the license for which application is made;

Because this is a unique business to the area, there should be no impact to existing license holders.

(4) the potential commonality or uniqueness of the services and products to be offered by the business of the applicant;

A restaurant that serves alcohol is unique to the area they have applied for and is desired as was heard by neighbor Debbie Brohawn.

(5) the impact of the license for which application is made on the health, safety, and welfare of the community, including issues relating to crime, traffic, parking, or convenience;

There have been successful restaurants there before with no reported problems. Furthermore, the site plan shows there is appropriate parking available.

Mr. Eigenbrode went over the causes to deny a license and the Board found no evidence to deny the application. There are 10 valid signatures and there was no criminal history found in the background check. Mr. Plutschak appreciated that Mr. Acevedo was honest in disclosing to the Board the one violation they had.

Mr. Acevedo will be required to submit all of the outstanding documents listed in the staff report, pay the prorated fee for the license and the advertising fee of \$168. All staff must be TIPS trained before they begin serving alcohol.

Motion: Mr. Loukides made a motion to approve the license on the condition that all outstanding documents are submitted as written in the staff report and all employees are TIPS certified prior to selling alcohol.

Second: Mr. Plutschak seconded the motion.

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

TIGERMART – 13301 Greensboro Rd., Greensboro, MD

Chairman Eigenbrode read the Notice of Public Hearing into the record. Michelle Williamson and Joseph Dawkins have applied for a transfer, Class A – Beer & Light Wine (retail store), 7-day off premise sales alcoholic beverage license.

Ms. Dadds read the exhibits into the record:

- Exhibit 1 – Notice of Public Hearing
- Exhibit 2 – Staff Report
- Exhibit 3 – Application
- Exhibit 4 – Site Plan
- Exhibit 5 – Transfer Consent Form
- Exhibit 6 – Applicant’s Notice
- Exhibit 7 – Location Map of Licensed Establishments

Chairman Eigenbrode swore in:

Michele Williamson, 26950 Boyce Mill Rd., Greensboro, MD 21639;
Russell Winters, 111 Covered Bridge Ln, Fruitland, MD 21826; and
Joseph Dawkins, 12534 Deer Point Circle, Berlin, MD 21811.

Mr. Dawkins explained that they are purchasing the Kinnamons' business in Greensboro. However, the same management will be running the store. All alcohol will be stored inside the building. Mr. Dawkins should have his TIPS certification by the end of the month.

Inspector Moore conducted a pre-transfer inspection and found the "under 21" sign missing from the front door; however, it was immediately fixed. Ms. Dadds stated that all background checks returned with no criminal history and all documents are legally sufficient.

Ms. Price asked Mr. Winters if the property owner, CATO Holdings, Inc. was the same entity as the company that owns Goose Creek. She explained that chain stores are prohibited in Caroline County. Mr. Winters stated that the names are similar, however, they are different entities. Inspector Moore informed them that there will be a post transfer inspection. The Board and Inspector vouched that Kinnamons was always well managed.

DELIBERATION

The members consulted the conditions of approval in the MD Alcoholic Beverages Article §4-210.

(1) the public need and desire for the license;

The Board noted that the business is already established and is well supported.

(2) the number and location of existing license holders;

There are mostly package stores located in the area and because this business is established it would appear to be desired in this location.

(3) the potential effect on existing license holders of the license for which application is made;

There will be no new affects as the business is not changing in management or purpose.

(4) the potential commonality or uniqueness of the services and products to be offered by the business of the applicant;

This has proven to be a well visited establishment in the County. Current business is doing well.

(5) the impact of the license for which application is made on the health, safety, and welfare of the community, including issues relating to crime, traffic, parking, or convenience; and

There have been no issues and no issues are anticipated for this establishment.

(6) any other factor that the local licensing board considers necessary.

The Board found no testimony to support denial of the license and there was no testimony in opposition to the application.

- Motion:** Mr. Plutschak made a motion to approve the license for the TigerMart transfer on the condition that all outstanding items as listed on the staff report are submitted, that the existing license is returned and the transfer fee of \$75 is paid.
- Second:** Mr. Loukides seconded the motion.
- In Favor:** The motion was unanimously approved (3-0).

TEMPORARY ALCOHOLIC BEVERAGE LICENSE APPLICATIONS

CASA OF CAROLINE, INC. – Fundraiser at the Wharves of Choptank

Chairman Eigenbrode swore in:

Amy Horne, 117 East Dover St., Easton, MD 21601; and
Patrick Allison, 303 Sydney Ln, Denton 21629.

Ms. Horne on behalf of Casa of Caroline, Inc. applied for a temporary license to serve beer and wine during the “Seeing Through the Eyes of a Child” Fundraiser on April 18, 2020 at the Wharves of the Choptank in Denton. The hours will be from 5 PM to 8 PM. They will have a silent auction and raffle. The event will be catered by the Culinary School and they expect to have 70-100 guests.

The application was amended to show ticket sales. The beer and wine will be included with the ticket. Last year’s event was successful, and they hope to do this event annually. One of the Board members is TIPS certified and will be present at the event. There will be a band playing music.

Inspector Moore asked if they will be raffling off alcohol. Ms. Horn said that sometimes they do receive alcohol donations. What they serve and raffle are both donated. She asked for the Boards approval to have alcohol included in the raffle should it be donated. She will ensure that it is taken directly to the car of the winner.

- Motion:** Mr. Loukides made a motion to approve the license.
- Second:** Mr. Plutschak seconded the motion and adding that raffle items that include alcohol will be permitted.
- In Favor:** The motion was unanimously approved (3-0).

CAROLINE COUNTY HUMANE SOCIETY – Blue(s) Jean Ball

Bonnie Johnson, 1206 Trice Meadows Circle, Denton, MD 21629 introduced herself as the representative of the Caroline County Humane Society. This will be their third event at the Greensboro Community Center. She explained that they started having the events at Suicide Bridge in Dorchester County but really wanted to bring it home to Caroline County. They have been very successful in Caroline County.

The event is scheduled for March 21 from 6-10 pm and will be catered by The Culinary Center. Live music will be played by “Blues Deville”. They are requesting to sell beer, wine and liquor at a cash bar. There are three TIPS certified people to choose from, dependent upon who is available. She would also like to ask for approval to raffle alcohol if it is donated. They will have a live and silent auction as well as a Chinese Auction.

Inspector Moore suggested they take the alcohol directly to the car after they win and to have the invoice available for the alcohol. Mr. Plutschak has been to past events and it has always been run well. Inspector Moore concurred.

- Motion:** Mr. Plutschak made a motion to approve the license with permission to have alcohol in the raffle on the condition that the alcohol is removed from the event immediately.
- Second:** Mr. Loukides seconded the motion.
- In Favor:** The motion was unanimously approved (3-0).

OLD BUSINESS

BUDGET REQUEST

A request was made to the County Commissioners to add a budget line item for the Liquor Board to use towards education, outreach and alcohol awareness. Ms. Dadds believed that the budget workshop is scheduled for next week.

LIBRARY MINI GOLF EVENT

Ms. Dadds informed the Board that the applicant never picked up their license and they also advertised free drinks. This happened last year although they were warned by the Inspector and had corrected it at the time.

Ms. Price suggested notifying them that they were in violation of the license and explain that they would be under stricter scrutiny when asking for a license in the future.

Mr. Eigenbrode said that this is a lesson for the Board, that verbal warnings to temporary license holders aren't affective and they should be notified in writing when an issue occurs.

- Motion:** Mr. Loukides made a motion to direct staff to notify "Friends of the Library" that they were in violation of their license despite being warned last year of the same violation.
- Second:** Mr. Loukides seconded the motion.
- In Favor:** The motion was unanimously approved (3-0).

NEW BUSINESS

LEGISLATIVE UPDATE

The members discussed both the Statewide and County legislative requests currently being reviewed in Annapolis. The Board wished to thank Sara Visintainer, Chief of Staff for consulting them on the Queen Anne's County bills and directed staff to ask Ms. Visintainer if she would appear in opposition to HB 1046 Alcoholic Beverages – Class MD License.

CONSENT AGENDA

JANUARY 22, 2020 MINUTES

Motion: Mr. Loukides made a motion to approve the consent agenda.
Second: Mr. Plutschak seconded the motion.
In Favor: The motion was unanimously approved (3-0).

INSPECTORS REPORT

Inspector Moore informed the Board of reports of illegal gambling taking place in one or two establishments within the County. The Board asked him to follow up on this report.

Inspections were completed on the new and transfer license applications that were heard today. There were violations found during inspections of other establishments. The Board asked that they be put on the next available agenda.

Inspector Moore is researching what he would need to do to become a certified TIPS trainer. This is a goal should the Commissioners approve the Budget request submitted by the Board.

DISCUSSION

There being nothing further to discuss Chairman Eigenbrode adjourned the meeting at 11:15 AM.


Minutes prepared by Melanie Smith