

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

DATE: Wednesday, March 27, 2019

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

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

OTHERS PRESENT: Crystal Dadds, Asst. Director of Codes
Heather Price, County 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 9:30 a.m.

TEMPORARY LICENSES

LAVENDER FESTIVAL – FEDERALSBURG LIONS CLUB – June 15, 2019

Ms. Debra Brohawn presented the Federalsburg Lion's Club application for a fundraising event at 5090 Long Swamp Road in Federalsburg. The lavender festival is scheduled for June 15, 2019 from 10 am to 4 pm. They will be serving a lavender sangria and patrons will be allowed to carry their drink throughout the grounds while enjoying other activities such as a lavender tour, food truck, vendors, crafts, etc.

Motion: Mr. Loukides motioned to approve the application as presented.
Second: Mr. Plutschak seconded the motion.
In Favor: The motion was unanimously approved (3-0).

FOREST MUSIC - ADKINS ARBORETUM – June 6, 2019

Ms. Dadds explained that this is an annual event at the Arboretum. They will be serving light refreshments with beer and wine being sold at a cash bar. They have never had any problems at the event and they have TIPS coverage. Traditionally, it has been included in a multi-event license; but they have decided that applying for each event is more cost effective.

Motion: Mr. Loukides motioned to approve the application as presented.
Second: Mr. Plutschak seconded the motion.

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

MAKING A DIFFERENCE: THROUGH THE EYES OF A CHILD – CASA OF CAROLINE – April 13, 2019

This event received approval from the Board for November 3, 2018 but had to be postponed due to weather. The event has been rescheduled for April 13th and will take place at the Wharves of Choptank Visitor & Heritage Center in Denton from 5-8 pm. There will be a band or DJ and an admission charge to attend. The previously approved license holder, Chandler Johnson, is no longer with CASA so this request also includes a change of license holder to Jeremy Buchman.

Motion: Mr. Plutschak motioned to approve the application as presented.

Second: Mr. Loukides seconded the motion.

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

SPRINGFEST 2019 – ST. BENEDICTINE CHURCH – June 1, 2019

This is an annual event for the St. Benedictine Church. There has never been a problem with the event in past years. The event will include a cash bar for beer and wine, dinner and auctions.

Motion: Mr. Plutschak motioned to approve the application as presented.

Second: Mr. Loukides seconded the motion.

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

BLUE JEAN BALL - HUMANE SOCIETY – March 30, 2019

Bonnie Johnson presented the Human Society application for their largest fundraiser event each year. It will take place at the Greensboro Community Center from 6-10 pm. It is no different than the one they held in 2018. The event will include a cash bar, dinner, entertainment and auctions.

Inspector Moore reminded Ms. Johnson about their plans last year to have an alcohol raffle wheel that would not be permitted. That was resolved, and they decided to do a Chinese auction instead. He understood it was a mistake and asked that they be very careful they understand all the rules this year.

Motion: Mr. Plutschak motioned to approve the application as presented.

Second: Mr. Loukides seconded the motion.

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

SHOW CAUSE/INQUIRY HEARINGS

SHELDON'S 313 – 11568 GREENSBORO RD, GREENSBORO, MD, 21639

Chairman Eigenbrode swore in the following people:

John Mullins, Jr., 1507 Cattail Commons Way, Denton, MD
Rodney Sheldon, 27348 Sandtown Road, Goldsboro, MD

Jaye Sheldon, 27348 Sandtown Road, Goldsboro, MD

Ms. Dadds read the exhibits into the record. Inspector Moore read the incident report into the record.

Mr. Mullins, Manager of Sheldon's 313 failed to pay the fine and administrative fee that was due to be paid by January 18, 2019 until the day of the January 23, 2019 Liquor Board Hearing. Consequently, the Board requested that Inspector Moore investigate Sheldon's 313 and their activities during the time that their license was suspended and the days they were not in possession of an alcoholic beverage license. Inspector Moore gathered evidence that alcohol was sold on both January 21 and 22 without possession of a license. Mr. Mullins stated that Chairman Eigenbrode allowed him to open without it. Inspector Moore stated that he could be open, however, without an alcoholic beverage license he could not sell alcohol.

On January 30, 2019 the Planning and Codes Department received two complaints that during the time that Sheldon's 313 Roadhouse is open, their customers block the traffic from operating safely at the entrance to Sandy Point Road from Greensboro Road. Two of the callers informed him that the establishment was now being called Sheldon's Roadhouse. The complaints and information about a name change prompted the Inspector to investigate the establishment again.

He immediately noticed the sign displaying the name of the business was replaced by one displaying the name Sheldon's 313 Roadhouse. The following violations were found, in summary:

1. **Alcoholic Beverages Article of the Annotated Code of Maryland, §15-1902(a)(2) and the Caroline County Board of License Commissioners Rule and Regulation No. 2.01(c)**, specifically, failure to keep a log book on the licensed premises that contains documentation of each temporary absence, the length of time of the absence and the reason for the absence of the person certified in alcohol awareness on January 23, 2019.
2. **Caroline County Board of License Commissioners Rule and Regulation No. 2.01(a)**, specifically, failure to have an up to date valid Alcohol Awareness certificate at the establishment and failure to present said certificate to the proper authority upon request on January 23, 2019.
3. **Caroline County Board of License Commissioners Rule and Regulation No. 2.17(b)**, specifically, employee records were not available upon request by the Alcoholic Beverage Inspector on January 23, 2019.
4. **Caroline County Board of License Commissioners Rule and Regulation No. 2.54**, specifically, changing the name of the establishment without prior approval from the Board of License Commissioners on January 28, 2019.
5. **Caroline County Board of License Commissioners Rule & Regulation No. 2.18.1** specifically, failure to pay a fine in full within thirty (30) days of the hearing date.

6. **Alcoholic Beverages Article of the Annotated Code of Maryland Section 1-401(a)**, specifically, selling alcoholic beverages while prohibited to do so due to a temporary suspension of the alcoholic beverage license under Caroline County Board of License Commissioners Rule and Regulation No. 2.18.1 for failure to pay a fine in full within (30) days of the hearing date.

Mr. Mullins responded to the first three charges. He stated that all of Sheldon's employees are TIPS certified and he does not know why he did not give the Inspector the employee records as they are stored in a program on the register.

Mr. Mullins defended changing the name of the establishment by stating "Road House" was a nickname rather than a trade name. His problem with it, he pointed out, was that the business was going to be transferred over as of May 1. He said he had no idea that this was a violation. Ms. Price offered insight as to what constitutes a trade name according to Maryland law: *A trade name is any name that is not your official legal name. If you are conducting business under any name that is not the person's own name it is a trade name.* She read this from the Annotated Code of Maryland, Corporation and Associations, Article §1-406 Trade names.

His defense for paying the fine late was that he knew he had 30 days to pay it and it may have slipped his mind because of the holiday. He complained that the fine constituted a large chunk of what they made that month.

He next responded to the charge of selling alcohol without a license. He stated that he spoke to Greg Eigenbrode on Sunday, January 20th and from his conversation with him he understood he was not acting illegally. He was not aware his license was suspended at that point for non-payment of the fine.

Chairman Eigenbrode interrupted him to say that he was eating at the Taphouse Grill that day when Mr. Mullins came to where he was seated and stated that he was making a public service announcement that Sheldon's would be open Monday because the office was closed for the holiday. Chairman Eigenbrode corrected him, that he responded that he can't stop Mr. Mullins, and he would have to do what he had to do.

Mr. Mullins argued that he asked Mr. Eigenbrode a specific question, "Could he open up on Monday and Mr. Eigenbrode answered that he could." Chairman Eigenbrode talked over him and explained that he did not have the authority to tell him such a thing. Mr. Mullins replied that it was his mistake to think that he did.

Chairman Eigenbrode stated that he recalled asking Mr. Mullins if he paid his fine and Mr. Mullins replied that he had. He also remembered telling him that he better be in there Tuesday to pick up his license and he failed to do so. Mr. Mullins responded that they both had two different recollections of how the conversation went.

Mr. Mullins stated that he did not know he was doing anything wrong based on the conversation he had with Chairman Eigenbrode that day. He added that he may have misunderstood.

Mr. Eigenbrode pointed out that Mr. Mullins knew he had the fine to pay and he also knows that he cannot sell alcohol without a license. Mr. Mullins replied that he was not aware he was suspended on January 23rd. During the conversation, he recalled, Chairman Eigenbrode confirmed that Mr. Mullins had served his five-day suspension.

Mr. Mullins confirmed with Inspector Moore that he was not selling alcohol the day of the January 23rd inspection. Mr. Moore confirmed that he wasn't but had sold the two day before that without a license in hand. Mr. Mullins said that was because he didn't know he was still suspended.

Inspector Moore explained that Mr. Mullins should understand that the same way you cannot drive a vehicle without a license, you also cannot sell alcohol without a license. Mr. Mullins pleaded that nothing that he did was of malicious intent.

Inspector Moore asked him to explain his comment that, "The Board had it in for him". Mr. Mullins claimed it was from a direct quote by the Inspector to one of his employees that "Dave's Place has complied, and Sheldon's will have to also." Mr. Mullins stated he has complied with everything the County has asked him to do. Inspector Moore added that he complied after receiving numerous warnings. Mr. Mullins asked for an example. Inspector Moore reminded him of the six warnings he received before finally putting the required signage up on his 404 Taphouse business in Denton.

Mr. Mullins defended himself by stating he understands licensing and is in no way trying to skirt the system. Then he said he was learning this as he goes and trying to appease everyone.

Mr. & Mrs. Sheldon stated that Mr. Mullins was under the impression that he was being punished for past incidences with Sheldon's. Inspector Moore assured her that was not true, there was either a violation or there was not. She wanted the Inspector to clear up his notion that he was receiving flack from the Board for anything they had done in the past.

Mr. Sheldon asked Chairman Eigenbrode if Mr. Mullins may have legitimately misunderstood the conversation between them. Chairman Eigenbrode stated that he does not have the authority to tell a license holder he can or cannot be open. Mr. Mullins asked if he remembered telling him that he had served his suspension. Mr. Eigenbrode did recall making that comment, adding that he still does not have the authority to say he could open up. He reminded Mr. Mullins that he hadn't paid the fine and it was late the day they spoke.

Mr. Mullins stated that it is being construed that he said the hell with the Board. Mr. Eigenbrode disagreed. Chairman Eigenbrode asked what Mr. Mullins reason was for not paying the fine on time. Mr. Mullins stated he did not know it had been thirty days. Mr. Eigenbrode asked why he didn't show up on Tuesday to pay the fine and pick up the license. Mr. Mullins replied that he called in on Tuesday and spoke to Penny (Longfellow). He said he did not know what the process was, he has never had his license suspended. Although, the procedure was explained to them in detail at the hearing when the fine was imposed, and the license was suspended.

Ms. Sheldon stated that a deadline to pay a fine was never set in the past and she did not know there was a 30-day deadline. Ms. Dadds pointed out that it was announced at the hearing that the fine was due in 30 days and a letter was also mailed to the license holders.

Mr. Plutschak was concerned that the letter that was addressed to the Sheldon's at the establishment's address, incorrectly stated that the fine must be paid no later than January 28, 2019, when the Board clearly announced at the hearing that the fine was due to be paid by January 18, 2019. Ms. Sheldon stated that she never received the letter. Both Sheldon's stated that they don't check the mail at the business address. Ms. Dadds stated that the letter was never returned by the post office. The Sheldons suggested the best address to use is their home address.

Mr. Mullins wanted to argue that the error in the letter relieves them of the charge of selling without a license because they didn't need to pay the fine until January 28th. Ms. Price noted that he never used that defense until now and according to testimony, neither the Sheldons nor Mr. Mullins ever saw the letter. Inspector Moore added that they sold alcohol without being in possession of a license and the two charges are separate.

Mr. Mullins continued to be confused that he could not sell alcohol after his suspension was served. Inspector Moore stated that without having his license in hand he cannot sell alcohol, like a person cannot drive a vehicle without a license in hand. Even if a driver is eligible to drive, if he does not possess a license, he will be charged for driving without a license.

The Sheldons asked again when the fine was due to be paid. Ms. Dadds read the Board's direction from the minutes of December 19, 2018, page 12, the paragraph after the vote in the Sheldon's hearing:

The Board discussed the dates the license will be suspended. Mr. Mullins suggested it be a Wednesday to a Sunday because Monday and Tuesday's are their busiest days. Mr. Mann asked if they were open seven days a week because the suspension should occur on days they are normally open. Ms. Sheldon stated that their license states they can be open seven days a week. The Board agreed to have the Liquor Inspector pick up the license on January 16, 2018 and Mr. Mullins could pick up the license from the office on Monday, January 21, 2019. They informed Mr. Mullins and the licensees that the fine and administration charge is due to be paid no later than Friday, January 18, 2019. He (Mr. Mullins) informed them that he would stop in today to pay the charges.

Mr. Plutschak noted that if Mr. Mullins had paid the fine that day as he said, all of this confusion would be moot. Mr. Mullins argued that he wished he carried that kind of money around in his pocket, but he doesn't.

The Board voted on the charge of failure to keep a log book on the licensed premises.

Motion: Mr. Plutschak motioned to find them in violation of the Alcoholic Beverages Article of the MD Annotated Code §15-1902(a)(2) and Caroline County Board of License Commissioners Rule and Regulation 2.01(c).

Second: Mr. Loukides seconded the motion.

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

Ms. Sheldon argued that they did not need a logbook because the register maintained information on who was working and if any incidences occurred. The Board explained that in addition to having a log book on site being a legal condition of holding an alcoholic beverage license; it was necessary during two incidents when Ms. Sheldon had to leave the establishment in the past to an employee that was not certified. One time to attend a birthday party and one time to find her dog.

Motion: Mr. Plutschak motioned to fine Sheldon's 313 \$100 for not having a log book on the licensed premises.

Second: Mr. Loukides seconded the motion.

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

The Board voted on the charge of failure to have an up-to-date Alcohol Awareness Certificate at the establishment on January 23, 2019.

Motion: Mr. Plutschak motioned to find them in violation of the Caroline County Board of License Commissioners Rule and Regulation 2.01(a).

Second: Mr. Loukides seconded the motion.

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

Mr. Sheldon argued that this was unfair because all the Inspector had to do was look up online whether or not someone was certified. Inspector Moore responded that he is the only liquor inspector for Caroline County and only works 16 hours a week. In that 16 hours he is responsible for quarterly inspections of 38 establishments countywide, and inspecting each special event where alcohol is served, creating reports for each inspection, reporting and testifying at hearings like todays, communicating with licensees, complainants and law enforcement. It is appropriately the license holder's responsibility to have this information available for the Inspector.

Mr. Plutschak was frustrated that this was their third offense for the same charge. The last violation occurred in December. Mr. Eigenbrode defended them by stating it was only a technicality and the person was certified despite the card not being available.

Motion: Mr. Loukides motioned to fine Sheldon's a lesser amount of \$500 for not having an Alcohol Awareness Certificate on the premise during an inspection. He considered that although this is the third offense, the server was TIPS certified but did not have her card available.

Second: Mr. Plutschak seconded the motion.

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

The Board voted on the charge of not having the employee records available upon request.

Motion: Mr. Plutschak motioned to find them in violation of the Caroline County Board of License Commissioners Rule and Regulation 2.17(b).
Second: Mr. Loukides seconded the motion.
In Favor: The motion was unanimously approved (3-0).

Ms. Sheldon explained that the employee records are stored in the computer's POS system. Mr. Mullins stated that neither he nor the bartender at the time knew how to download this information from the system. Chairman Eigenbrode asked if anyone could access the information from the computer. Mr. Mullins stated that anyone that had his manager's access key could. Inspector Moore had asked Mr. Mullins, that evening, for the records. Mr. Mullin's defense was that he did not know that he could access employee information in that way. Inspector Moore recalled the reason Mr. Mullins gave him was that Ms. Dixon was his only employee and he did not consider his partner's wife, who was also bartending, to be an employee. Inspector Moore has explained to Mr. Mullins what constituted casual labor and the requirement of maintaining their information in the records. Mr. Mullins replied that she has not bartended there since that evening.

Mr. Plutschak was confused that Mr. Mullins was able to produce the employee records in December but then unable to produce them in January. Inspector Moore recalled the information being recorded in a pink book by the Sheldons in December. Ms. Sheldon said the pink book was more like an incident file.

Motion: Mr. Loukides motioned to fine them \$500 for the violation of the Caroline County Board of License Commissioners Rule and Regulation No. 2.17(b).
Second: Mr. Plutschak seconded the motion.
In Favor: The motion was unanimously approved (3-0).

The Board voted on the charge of changing the establishment's trade name without prior approval from the Board.

Motion: Mr. Loukides motioned to find them in violation of the Caroline County Board of License Commissioners Rule and Regulation 2.54.
Second: Mr. Plutschak seconded the motion.
In Favor: The motion was unanimously approved (3-0).

The Board did not consider this a major violation.

Motion: Mr. Loukides motioned to give them a letter of reprimand for this charge.
Second: Mr. Plutschak seconded the motion.
In Favor: The motion was unanimously approved (3-0).

The Board voted on the charge of failure to pay a fine within thirty days of the December 18, 2018 hearing date.

Motion: Mr. Plutschak motioned to find them in violation of the Caroline County Board of License Commissioners Rule and Regulation 2.18.1.
Second: Mr. Loukides seconded the motion.
In Favor: The motion was unanimously approved (3-0).

This charge is one never faced by the Board before. They agreed it is a major violation. They took into consideration that the fine has since been paid.

Motion: Mr. Loukides motioned to charge them a \$500 fine for violating the Caroline County Board of License Commissioners Rule and Regulation 2.18.1.
Second: Mr. Plutschak seconded the motion.
In Favor: The motion was unanimously approved (3-0).

The Board voted on the charge against them for selling alcohol without a license.

Motion: Mr. Plutschak motioned to find them in violation of the Alcoholic Beverages Article of the MD Annotated Code §1-401(a) by selling alcoholic beverages while prohibited to do so.
Second: Mr. Loukides seconded the motion.
In Favor: The motion was unanimously approved (3-0).

The Board agreed that this is a very serious charge. Mr. Plutschak considered revoking the license.

Motion: Mr. Loukides motioned to issue a seven-day suspension and a \$500 fine for this charge.
Second: Mr. Plutschak seconded the motion.
In Favor: The motion was unanimously approved (3-0).

Mr. Sheldon asked if they were allowed to open the bar during the suspension as long as they did not sell alcohol. The answer was yes.

Mr. Mullins was given the advantage of choosing the suspension dates of April 17 to April 23, 2019. Mr. Mullins will be responsible for turning the license in and picking it up at the same hour from the Department of Planning & Codes.

The total amount due in fines is \$2100 plus a \$50 administrative fee. The total to be paid is \$2150 and is due no later than close of business April 26, 2019. This was clearly stated for everyone to hear and the Board ensured Mr. Mullins and Mr. & Mrs. Sheldon understood.

WALKER'S GROCERY STORE INQUIRY HEARING – 18230 Henderson Rd, Marydel, MD, 21649

Chairman Eigenbrode swore in:

Deep Desai, 27302 Jenny Hye Lane, Marydel, Maryland 21649

Ms. Dadds read the exhibits into the record. Inspector Moore read the Inspection Report.

Mr. Desai was called before the Board out of concern that he has not been present or available during the visits and inspections at Walker's Grocery Store since becoming a license holder on May 1, 2018.

When Mr. Desai applied to the Board to be a licensee he stated that he was in his last semester of college. Yet, he asked to postpone the original inquiry hearing in February 2019 to attend an important college class. The Board asked for his explanation.

Mr. Desai explained that his advisors suggested he take more classes in case he was to pursue his master's degree. He is attending college in Tennessee and comes home during the breaks in the Summer, Spring and Fall. He thought it would be okay to rely on his father to attend to the business during that time.

Chairman Eigenbrode reminded him that this was the Board's initial concern when he applied to be a licensee. They asked for his assurance that he would not be busy with school and unable to oversee the business. Mr. Desai apologized, stating that at the time he was fully committed but his circumstances has since changed.

Ms. Dadds explained that Mr. Desai's father (Jitendra Desai) did file an application to be added to the license prior to the hearing. The request will be scheduled for the May 22nd hearing after renewal season is over.

CONSENT AGENDA

Approval was given unanimously for the following documents:

January 2019 Liquor Board Minutes
January 2019 Closed Liquor Board Minutes
Rule and Regulation Amendment - Perjury

The agenda was unanimously approved, and the documents were signed.

INSPECTORS REPORT

Inspector Moore discussed the inspections he conducted this quarter. He praised the Market Street Pub for reacting promptly, when two patrons walked into the establishment with drinks from another location. He watched as the bouncers turned the men immediately around and out of the establishment.

The Board directed him on how they would like Inspector Moore to proceed on violations found during his inspections.

Ms. Dadds gave the Board a status report on the License Renewals that have been submitted.

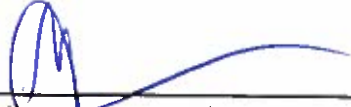
Ms. Dadds also asked the Board to consider how they want to respond to third offenses of a minor charge and when they wish to purge past offenses. She discussed using the staff report structure as notification to license holders of the Boards action on violations decided at a hearing.

The next meeting of the Board of License Commissioners will be held on Wednesday, April 17, 2019 instead of the regularly scheduled meeting of April 27, 2019.

There being nothing further to discuss Chairman Eigenbrode adjourned the meeting at 12:00 pm.

BOARD OF LICENSE COMMISSIONERS

Greg Eigenbrode, Chairman



Minutes prepared by: Melanie Smith

