

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

DATE: May 26, 2021

PLACE: Virtually on Microsoft Teams

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

OTHERS PRESENT: Robert Merriken, Board Attorney
Crystal Dadds, Assistant Director of Codes
Melanie Smith, Board's Administrative Asst.
Phillip Moore, Alcoholic Beverage Inspector

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

SHOW CAUSE HEARING

Roadhouse 313 – 11568 Greensboro Rd., Greensboro, MD

Chairman Eigenbrode swore in the license holders:

Ernest Bradley, 328 Carter Ave., Denton, MD
Joanne Dial, 13348 Quiet Hollow Ct., Wye Mills, MD 21679
Steven Dial, 13348 Quiet Hollow Ct., Wye Mills, MD 21679

Ms. Dadds read the exhibits into the record:

Exhibit 1 Ernest Bradley Summons
Exhibit 2 Joanne Dial Summons
Exhibit 3 Steven Dial Summons
Exhibit 4 Incident Report

Ms. Dadds read the summonses into the record. The license holders were summonsed to appear before a virtual public hearing before the Board of License Commissioners of Caroline County, MD at 9:30 am on the 26th day of May 2021, using Microsoft Teams, to show cause why their alcoholic beverage license issued by the Board should not be revoked, suspended and/or a fine issued for the following alleged violation of the alcoholic beverage laws as a result of a routine compliance inspection by the Caroline County Alcoholic Beverage Inspector on March 13, 2021:

CHARGE: Alleged violation of Caroline County Board of License Commissioners Rule and Regulations No. 2.15, specifically, no bottles, cans or mixed drinks of alcoholic beverages may be purchased and/or opened inside an establishment and taken outside for consumption unless that outside area is approved by the Board as part of the licensed premises.

Inspector Moore read the Incident Report into the record:

On March 13, 2021 at approximately 9:45 pm, Inspector Moore arrived at Roadhouse 313 for the purpose of completing a routine inspection. Upon arriving at the bar, he met with employee, Heather Gosnell. He noticed several patrons standing around without masks. He explained to Ms. Gosnell that the patrons of the bar needed to put masks on when not seated at the bar.

He further explained to Ms. Gosnell that the patrons of the bar were showing clear signs of being overserved. He explained to her several signs of impairment to look for and how that could become a violation. He observed people stumbling, swaying, glassy eyed, eyes closed for several minutes at a time, head down on the bar, and urinating within the fenced in back yard while yelling to themselves. Inspector Moore also explained that the gate in the fenced back yard area was only to be used for employee use and an emergency exit. Ms. Gosnell stated that she would keep an eye on those things and that she would begin "sobering up" the patrons.

As the Inspector was leaving, a male subject identified as David Sears carried his open Pabst Blue Ribbon beer, which had been purchased at Roadhouse 313 out the door to his car. The Inspector finally got his attention and told him he cannot take his open beer out of the licensed premise. Mr. Sears explained that he was a regular and did this all the time. Inspector Moore made him pour out the beer and advised him not to take open containers off the premise again. He also explained the Governor's directives regarding "to go" alcoholic beverages.

Ms. Gosnell only came out when the other patrons informed her that the Inspector was outside with him. She did not notice him leave the premises with the alcohol. He informed Ms. Gosnell that he would have to bring this violation to the Board. She asked that he explain the incident to the licensee, Mr. Dial over the phone.

Mr. Dial explained that what they do with the "to go" directive is sell the beverages sealed. However, this person opened his purchase and exited the establishment. He admitted that this incident got past them. He and his wife had since decided to only sell packaged beverages, not single drinks, to avoid this from happening again.

Mr. Dial explained that they are now open to full capacity. He attributed the error partially to the event being the first they have had since the restrictions were lifted. He added that this was also a combined St. Patrick's Day party and pool tournament.

Inspector Moore added that the establishment has made a lot of positive changes since taking over the license. However, the overserving and customers use of the emergency gate was a large concern that needed to be addressed.

Mr. Dial replied that he intends to put in an emergency exit push-bar on the door that pops open when pushed and it sounds an alarm to remedy that problem. Inspector Moore advised that he should verify that is acceptable to the Fire Marshal.

- Motion:** Mr. Plutschak made a motion based on the evidence presented and the testimony given, that there was a violation of §2.15, carrying drinks outside.
- Second:** Mr. Loukides seconded the motion.
- In Favor:** All members voted in favor (3-0).

Mr. Plutschak appreciated the honesty of the owner. Inspector Moore added that the business seems to be thriving and it is much more regulated then it was before the license transfer.

- Motion:** Mr. Plutschak made a motion to charge a fine of \$100. With the Administrative fee of \$50 they are required to pay a total of \$150.
- Second:** Mr. Loukides seconded the motion.
- In Favor:** All members voted in favor (3-0).

Mr. Plutschak pointed out that overserving is a \$1000 fine for the first offense. He directed the owners to be sure that they don't come before them on that charge. They have 30 days from today to pay the fine.

TEMPORARY ALCOHOLIC BEVERAGE LICENSE APPLICATIONS

AMERICAN LEGION MANNIE SCOTT POST 193 – 22909 Saathoff Rd., Denton – 10 Multi Event License

Darlene Lovelace represented the American Legion to apply for a 10 multi event license. Ms. Dadds explained that this is the first time they have applied for a multi event license. They typically applied for individual event licenses.

Ms. Lovelace stated that instead of buying a license for each event it would be cheaper to simply purchase a 10-event license. She understands that with this license they must notify the Board a week in advance of the events. Until the building is in proper shape, they will have all of their events outside.

They will have a booth or tent where the alcohol would be sold. They would not be allowed to take drinks out to the road or to their cars. They don't have bathrooms in the building so portable toilets will be available.

Pointing out on the site plan, Ms. Lovelace showed the tent where the alcohol is served southwest of the building. The tables for patrons to sit and drink was shown to be between the tent and Saathoff Road.

There will be no alcohol to go. Everything will be consumed on site. No one is allowed to bring their own alcohol. The parking is located on the far east side of the event area.

Ms. Dadds stated that they have not had a license in several years and therefore do not yet have an approved site plan. Chairman Eigenbrode asked what they have in place to prevent patrons from taking drinks to their car or out to the street. Ms. Lovelace responded that when they have events the Legionnaires and the Auxiliary are out among the crowd and they keep an eye on everything.

Chairman Eigenbrode explained that he was asking if there was a fence or divider of some kind to separate the drinking area from the non-drinking area. Ms. Lovelace said there was not. Mr. Plutschak asked if they could contain the drinking to inside the tent. Ms. Lovelace said that it was only a 10' x 10' tent and usually those attending will bring their own chairs and tents to the event.

Mr. Merriken reminded the Board that according to §3.03 the Board may impose conditions to their approval of a temporary license application. Ms. Dadds asked what a typical event might look like. Ms. Lovelace explained that they typically have a band who sets up their own tent on the site. The motorcycle club will have tents where they sell things like jewelry and patches for example.

Ms. Dadds asked if the Board would be satisfied to have the parking area taped off from the event area. Ms. Lovelace stated that they have done that in the past. Chairman Eigenbrode was satisfied with that.

Inspector Moore offered to check it out before the event to be sure they are following the Rules and Regulations. Ms. Lovelace was directed to contact Ms. Dadds for his phone number. Ms. Dadds explained that once the first event is approved by the Inspector, they will have permission to use the same site plan for all future events.

Inspector Moore added that his assistance is available anytime she has questions about an event or the Rules pertaining to the event or alcohol awareness classes, to feel free to call him.

- Motion:** Mr. Plutschak made a motion to approve the Mannie Scott application for up to 10 events per calendar year on the condition that they tape off a barrier between the parking location and the drinking area.
- Second:** Mr. Loukides seconded the motion.
- In Favor:** All members voted in favor (3-0).

RIVERFEST MUSIC SERIES/EASTERN SHORE FOOD TRUCK WAR – 222 E. Sunset Ave. Greensboro

Tracey Snyder represented the Caroline County Chamber of Commerce to apply for a Special Class C One -Day Temporary License for three similar events. She explained that she is working with the Town of Greensboro to host the event. They hope that it will be an annual event. They are asking approval to have the event on June 18, July 16, and Aug 13 of 2021 at the Choptank River Park on East Sunset Ave. in Greensboro.

There will be a band playing under the gazebo at the entrance of the park. Kelly Distributors will have a beer truck. The drinking area will be within the basketball court with 4' high fencing

around the trailer and drinking area. Wrist bands will be used for those 21 years old and older. There will be several Food trucks lined up across from the trailer and portable toilets available nearby. The band will play beside the Gazebo at the entrance of the park. Two cornhole games will be set up on each end of the venue. The event will begin at 4 pm and end at 10 pm. They are hoping to have the event in October should any of them be rained out.

If parking is full the town has agreed to provide the municipal lot and the church parking lot to be used for overflow. They are hoping to have 250-350 people attend. As they enter, they will be able to manage that better. Wendy Dixon and Ashley Collison will be the alcohol awareness certified people for the event. They will be offering everybody water.

Inspector Moore offered to be available for any questions that may come up as the event is planned. He commended her on a well-planned event. He believed the food truck idea will be a success.

Motion: Mr. Loukides made a motion to approve the event as described.
Second: Mr. Plutschak seconded the motion.
In Favor: All members voted in favor (3-0).

OLD BUSINESS

Remaining 2020-2021 Annual Alcoholic Beverage License Renewals

CAFÉ PARADISO

Approved pending receipt of the following:

- X 2020 MD Business/Trader's License
- X Alcohol Awareness Certification
- X Certificate of Workers' Compensation Insurance

(No alcohol sales) This was a new license approved just prior to the Covid shutdown.

D & B TAVERN

An application has not been received. Ms. Dadds stated that she has been in contact with Marcy, license holder, and Inspector Moore stated that he has been to the establishment as well. They are aware of what is needed. Ms. Smith stated that when she talked to the License holder, Lisa Smith, that because of her health she was counting on Marcy to take care of this. But she also asked if someone would let her know if anything needed attention. Ms. M. Smith offered to inform Ms. L. Smith that she may be in danger of losing the license.

Remaining 2021-2022 Annual Alcoholic Beverage License Renewals

BARGAIN BEVERAGE

Approved pending receipt of the following:

- X License Fee
- X Certificate of Workers' Compensation Insurance

CAFÉ PARADISO

Approved pending receipt of the following:

X Certificate of Workers' Compensation Insurance

(No alcohol sales in 2020 due to COVID)

COHEE'S 404 RESTAURANT

Approved pending receipt of the following:

X Alcohol Awareness Certification

7% alcohol sales

D & B TAVERN

An application has not been received.

DAVES PLACE

Approved pending receipt of the following:

X 2021 MD Business/Trader's License

X Alcohol Awareness Certification

X Certificate of Workers' Compensation Insurance

Total food and alcohol sales were very low with 47% alcohol sales.

Ms. Dadds informed the Board that the owner Ms. Ball passed away just recently after she had submitted the application. Staff is unsure how the establishment will proceed. According to law, there is another license holder, Scott Judy. She asked that Mr. Merriken look at the section of code about the death of a licensee.

DENTON LIQUOR OUTLET

An application has not been received; however, Ms. Dadds has been in contact with them.

MIKE'S CORNER

Approved pending receipt of the following:

X Certificate of Good Standing

RIDGELY EXXON

An application has not been received. Ms. Dadds stated that they struggled with understanding why they had to pay for last year's license. She is expecting to have all that is needed by the June meeting.

ROADHOUSE 313

Approved pending receipt of the following:

X Certificate of Workers' Compensation Insurance

STATE LINE STORE

Approved pending receipt of the following:

X Certificate of Workers' Compensation Insurance

U-5 FOODS

Complete
U-5 FOODS BETHLEHEM
Complete

VFW POST 5246

Approved pending receipt of the following:
X Certificate of Workers' Compensation Insurance

WALKER'S GROCERY STORE
Complete

Chairman Eigenbrode asked staff to be sure to inform those that have not yet submitted that it is necessary to do so by June 30. Ms. Dadds stated that another reminder will go out to them after today's meeting.

Motion: Mr. Loukides made a motion to approve the 2021 renewals heard today on the condition that the outstanding items are submitted to the Planning Office.
Second: Mr. Plutschak seconded the motion.
In Favor: All members voted in favor (3-0).

Motion: Mr. Loukides made a motion to approve the 2020 Café Paradiso application on the condition that the outstanding items are submitted to the Planning Office.
Second: Mr. Plutschak seconded the motion.
In Favor: All members voted in favor (3-0).

NEW BUSINESS

Denton Diner – Request for Extension of Approval

At the April meeting the Board approved a restaurant license for the Denton Diner. A letter was mailed to them stating the application was approved pending the submission of ten items that were outstanding. The approval was valid for 30 days and due to expire on May 28th. Many of the items have been submitted except for the 2 additional signatures on the Petition, their Federal Tax Stamp, and the citizenship for Mr. Bastas.

Mr. Merriken explained that in the State Code they require the licensees have citizenship. The applicant does not have this and will likely not receive the required paperwork before August. He has been communicating with their Attorney Bob Thornton about the possibility of adding him up as the licensee. Then this morning he received the notice that is in their package from Mr. Thornton.

Mr. Thornton asked to add the wife, Ozlem Sen to the LLC as the US citizen on the license. Mr. Merriken advised that an amended application should be submitted and reviewed as is normally done.

There is some question about whether citizenship is required. However, it is still in the State Code. There was a Circuit Court decision in Anne Arundel County where the judge felt that certification was not required. However, it never escalated to the Court of Appeals. So, it remains in State law. He has ordered a copy of the decision but has not received it as yet. He is curious to read the case.

Mr. Merriken suggested the Board could extend the approval through August. Ms. Dadds stated that Mr. Thornton emailed her and Mr. Merriken at 8 pm last night a proposal to add Ms. Ozlem to the license.

Ms. Dadds and Mr. Merriken did not agree with Mr. Thornton's opinion that adding Ms. Ozlem would not require a new advertisement or that the petition that was signed for Mr. Bastas also applied to Ms. Ozlem. The Board agreed that they would need to reapply as a new application to add Ms. Ozlem to the license. Mr. Plutschak suggested staff send a letter to Mr. Thornton explaining the Boards position on this so there are no loose ends.

Mr. Mann recalled that Ms. Ozlem was not on the license in the first place because of a judgement against her as a result of her last partnership business in Ridgely according to Mr. Thornton's testimony at their last meeting.

- Motion:** Mr. Plutschak made a motion to approve the extension for the application approval to the end of August. By then they should have U.S. Citizenship for Mr. Bastas or submit a new application in the name of his wife. A letter should be sent to Mr. Thornton explaining the Boards position.
- Second:** Mr. Loukides seconded the motion.
- In Favor:** All members voted in favor (3-0).

Legislation – HB 12 – Sale or Delivery for Off-Premises Consumption

Ms. Dadds introduced the newly signed Bill HB12. It allows for the sales or delivery of alcoholic beverages for off premise consumption. This was allowed for most of the COVID pandemic to keep license holders from losing their business. The bill is extending the approval for two years with a sunset date of June 30, 2023.

The bill has tasked the Alcohol and Tobacco Commission and the Maryland Department of Health to jointly conduct a public health impact study. Ms. Dadds stated that anyone that saw Governor Hogan announcing the Bills he had signed would have only heard that the bill was passed to continue "to-go" alcohol sales. The restrictions that applied were not included.

The bill states that this only applies to those jurisdictions in which the Local Board has adopted regulations to authorize sale or delivery of alcohol for off premise consumption. In their consideration of whether to adopt regulations, the Board shall weigh the need to promote the economic recovery of different categories of small businesses in the wake of the Covid pandemic and the need to protect public health and welfare. This only applies to a license that authorizes the sale of alcoholic beverages for on-premises consumption at a restaurant, bar, or tavern.

Ms. Dadds did not read that to include clubs. She has had clubs ask her if this law pertains to them. She doesn't think it does include clubs because they hold a different class of license (class C) from those mentioned. Ms. Dadds asked the Board's Attorney to research that question. She knows the original Governor's Executive Order included clubs, so they may have forgotten to include it this time. Adding, that the clubs do have bars and restaurants in them.

The bill states that the alcohol must be provided in the manufacturer's original sealed container or in a container closed with a cap, cork, seal, or lid with no holes for straws or sipping. They can be sold or delivered no later than 11 pm. A license holder under this section may obtain a permit from the local licensing board that authorizes the holder to sell, if authorized under the holder's license, mixed drinks, or cocktails in sealed or closed containers for off-premise consumption or delivery.

Therefore, they must first be registered with the Board. The Board is not allowed to charge for this permission. The Board may limit the quantity of alcoholic beverages that may be sold or delivered to an individual in a single transaction. The beverage must be purchased along with prepared food other than prepackaged snacks.

Ms. Dadds stated that she expects to have a proposed amendment for the Boards review at the June meeting. It will become effective July 1 if it is approved. She asked the Board if they want to have a limit on how many drinks may be sold in a transaction.

Mr. Plutschak suggested that what was being allowed currently should remain. Mr. Mann pointed out that the violation they heard earlier was a consequence of this permission. Mr. Plutschak responded that it occurred because they did not follow the rule. Mr. Mann came back with the statement the owner made about it not being worth the risk for his establishment to sell individual drinks. He added that now that restrictions are loosened his business is thriving.

Mr. Mann also stated that if the Board approves this new law, that they may want to limit them to two drinks per meal purchased. Chairman Eigenbrode was concerned that the law is too vague for the Liquor Inspector to enforce. Mr. Plutschak suggested staff call the surrounding Counties to see what they intend to do. He believes they should be consistent with one another as much as possible.

Mr. Merriken reminded them that they also could choose not to allow this to be adopted at a local level. Mr. Plutschak stated that he would not want to do that if the surrounding counties were allowing it. Staff will research this and will have the results at the June meeting.

CONSENT AGENDA

Minutes – April 28, 2021

Motion: Mr. Loukides made a motion to approve the minutes.
Second: Mr. Plutschak seconded the motion.
In Favor: All members voted in favor (3-0).

Chairman Eigenbrode was approached by one of the package store owners about a recent incident that occurred at their establishment. There were youths hanging out in the store parking lot one evening who eventually came in to buy alcohol. They could not provide ID and was denied the purchase. A short time later an older man was with them in the parking lot who came in to make a purchase. The cashier was suspicious that he was purchasing the beverages for the minors and she refused to sell to him. She explained to him that she had every right to refuse to sell to him, however, the police were called.

The Sheriff's Deputy supported the establishment's decision however when the Town Police arrived, they seemed to think that they should sell to the individual. Chairman Eigenbrode asked if there is any training for the local police departments to know what the rules and regulations are for this territory.

Ms. Dadds suggested that Inspector Moore could hold a class for the police. The Board agreed that this suggestion was a good idea. The Board was impressed by the precaution the employees took in preventing underage drinking and the owner backing them up. They asked Chairman Eigenbrode to thank the owner for this information and to please inform him they will follow up with his suggestion.

INSPECTORS REPORT

Inspector Moore informed the Board that there will be several violation hearings in June and July.

The establishments are getting requests for alcohol infused ice cream. He is researching the legality of this request so he can respond to them.

Another new development is online TIPS classes. Some of the employees have received their cards through such a class, however, it is not valid in Maryland.

Events are starting to be booked and the Inspector will be working with the applicants to ensure the event complies and that he is available for any questions they may have.

He attended the memorial service for Lucy Ball. He had talked to Ms. Balls sister about Dave's Place right before Ms. Ball passed.

Motion: Mr. Loukides made a motion to adjourn the meeting at 11:02 am.
Second: Mr. Plutschak seconded the motion.
In Favor: All members voted in favor (3-0).


Minutes prepared by Melanie Smith

