

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

DATE: June 22, 2022

PLACE: Hybrid Meeting via Microsoft Teams
Health & Public Services Building, Room 111
403 S. 7th Street, Room 111
Denton, Maryland 21629-1335

BOARD MEMBERS: Greg Eigenbrode, Chair
Nicholas A. Loukides, Vice Chairman
Glenn Plutschak, Member

OTHERS PRESENT: Stewart Barroll, Board Attorney
Crystal Dadds, Assistant Codes Director
Phillip Moore, Alcoholic Beverage Inspector
Katheleen Freeman, Director

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

Approval of Minutes

The Board discussed the March 23, 2022 draft meeting minutes. There were no corrections, additions or changes proposed.

Mr. Loukides made a motion to approve the March 23, 2022 meeting minutes. Mr. Plutschak seconded the motion. The minutes were unanimously approved.

New Business

**Transfer License Application – Class D – BWL (Tavern), 7-day On Premise Sales
Roadhouse 313, LLC t/a Roadhouse 313, 1185 Greensboro Rd., Greensboro, MD**

Mr. Eigenbrode administered the oath for the applicants, Stephanie Bunce, 24713 Long Branch Dr., Denton, MD and Stephen Dial, 13348 Quiet Hollow Ct., Wye Mills, MD.

Mr. Eigenbrode read a portion of the Notice of Public Hearing into the record as follows:

Notice is hereby given that pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland, the Caroline County Board of License Commissioners will hold a hybrid

public hearing beginning at 9:30am on Wednesday, June 22, 2022, relative to the following application:

A request by Stephanie A. Bunce, Steven R. Dial and Joanne K. Dial for the use of Roadhouse 313, LLC T/A Roadhouse 313, located at 11568 Greensboro Rd, Greensboro, MD for a Transfer, Class D – Beer, Wine & Liquor (Tavern), 7-day on premise sales alcoholic beverage license.

The notice was published in the Times Record on June 8th & June 15th, 2022.

Ms. Dadds read the exhibits into the record.

- Exhibit 1. Notice of Public Hearing
- Exhibit 2. Staff Report
- Exhibit 3. Application
- Exhibit 4. Request for Removal Letter
- Exhibit 5. Transfer Consent Forms
- Exhibit 6. Amendment to Operating Agreement
- Exhibit 7. Original Operating Agreement

Ms. Dadds reviewed the staff report, including completed and outstanding items for the application.

Mr. Dial testified that Mr. Ernest Bradley is relocating to Talbot County and can no longer be a resident agent on the license. He further testified that Ms. Stephanie Bunce, who is proposed to be added to the license, is a resident of Caroline County and will be a good fit for the business.

The Board reviewed Mr. Bradley's letter requesting to be removed from the license.

Mr. Plutschak made a motion to approve the request from Roadhouse 313 to transfer the license. The approval is conditioned upon a release from the Comptroller's Office, payment of the advertising fee, and a signed amended operating agreement. Mr. Loukides seconded the motion. The license transfer application was unanimously approved.

**New License Application – Class B – BWL (Restaurant), 7-Day On Premise Sales
Let's Brunch Café – 108 E. Central Avenue, Federalsburg, MD**

Mr. Eigenbrode administered the oath for Ricky Vaughn, 1724 Langford Rd, Gwynn Oak, MD, Lavonne Massey, 209 Greenridge Rd, Federalsburg, MD, Candice Green, 125 Williams Ave, Dundalk, MD, and Kim Green, 8822 Blairwood Rd A4, Nottingham, MD.

Mr. Eigenbrode read a portion of the Notice of Public Hearing into the record as follows:

Notice is hereby given that pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland, the Caroline County Board of License Commissioners will hold a hybrid public hearing beginning at 9:30am on Wednesday, June 22, 2022, relative to the following application:

A request by Lavonne S. Massey, Candice A. Green and Kim S. Green for the use of C & R Management, LLC T/A Let's Brunch Café', located at 108 East Central Avenue, Federalsburg, Maryland for a New, Class B – Beer, Wine & Liquor (Restaurant), 7-day On Premise sales alcoholic beverage license.

The notice was published in the Times Record on June 8th & June 15th, 2022.

Ms. Dadds read the exhibits into the record.

- Exhibit 1. Notice of Public Hearing
- Exhibit 2. Staff Report
- Exhibit 3. Application
- Exhibit 4. SDAT Real Property Data Sheet
- Exhibit 5. Site Plan
- Exhibit 6. LLC Documents (Operating Agreement was not included)
- Exhibit 7. Lease Agreement
- Exhibit 8. Proof of Residency Documents

Ms. Dadds reviewed the staff report. Ms. Dadds stated that Applicant #3 is the subject of a criminal charge(s) as shown on the FBI search. She further noted that Applicant #3 is listed as a resident of Caroline County, however the applicant holds a Delaware driver's license and the residential lease agreement for proof of residency in Maryland expired on February 1st, 2021. She recommended that the Board review the record for this applicant. Ms. Dadds listed the outstanding applicant items per the staff report.

Mr. Eigenbrode asked Mr. Vaughn to present his application. Mr. Vaughn testified that they own and operate many restaurants and want to expand into the Federalsburg market. They have researched the market in Federalsburg and determined that a liquor license would complement their business. He further stated that they were open for business without a liquor license to get a feel for the area but closed approximately three weeks ago. During the closure, the applicant has hired new staff, completed remodeling, and updated equipment in preparation for re-opening in July. Staff has been maintained on the payroll.

Ms. Dadds asked Mr. Vaughn to discuss his other locations. Mr. Vaughn stated that they operate 148 restaurants and 2 daycare centers. Out of the 148 restaurants 5 have liquor licenses, including 1 restaurant in Baltimore. The establishments are spread across eight states, and as far away as South Dakota, Texas and Florida. Mr. Vaughn further discussed several franchise licenses that they hold including Dunkin Donuts, Popeye's, and others.

Mr. Moore asked if the floor plan would change in the establishment. Mr. Vaughn testified that they would like to expand into patio seating down the road, but currently the seating plan will remain the same.

Mr. Moore informed Mr. Vaughn that the rules in Maryland are unique to each County, advising that although they do have a liquor license in Baltimore, they should be aware that some things could be different. Mr. Vaughn stated that he would have additional staff take the TiPS training class. Mr. Moore confirmed that some staff have taken the TiPS training and the test results were not available yet.

Mr. Eigenbrode inquired who would be running the day-to-day business. Mr. Vaughn advised Ms. Massey and Ms. Green would run the day-to-day business. He stated they are both TiPS certified.

Mr. Eigenbrode asked Ms. Massey why she had a Delaware driver's license if she was a Maryland resident. Ms. Massey explained that due to her divorce arrangement, her vehicles are registered in Delaware with her ex-husbands address, and she must maintain a Delaware license. Ms. Massey stated she has lived in Caroline County for almost 5 years, has her own business in Caroline County, and runs a food pantry in Caroline County.

Ms. Dadds asked Ms. Massey if she had an updated lease agreement since the lease agreement provided has a term of 2018-2021. Ms. Massey explained she does not because she is in the process of purchasing the home.

Mr. Barroll asked Mr. Vaughn if he was aware he was not in good standing with the State Department of Assessments & Taxation. Mr. Vaughn indicated he was not aware, and that he would pay the fee and ensure he was in good standing. Mr. Barroll asked if all businesses were registered under the same name. Mr. Vaughn indicated they were not, *Vaughn Corporation and Company* is the umbrella company, but each of the businesses are under different LLC's.

Mr. Barroll asked Ms. Massey for the street address where she has been residing. Ms. Massey stated she resides at 209 Greenridge Road. She further stated that she can provide mail that she has received at said address. Ms. Dadds stated that the application package included electric bills with her name at that address.

Mr. Barroll referred to Paragraph F of the application, where the applicant circled *the applicants have never been convicted of a felony nor has the applicant(s) every been adjudged guilty of violating the laws governing the sale of alcoholic beverages or for the prevention of gambling in the State of Maryland*, and Paragraph J where the applicant circled *the applicants have not been ever adjudged guilty of any offense against the laws of the United States*. Mr. Barroll advised that per the criminal record check Ms. Massey has convictions. Ms. Massey stated she was unaware of criminal records and convictions. Mr. Barroll stated the record check indicates she was arrested in May 2002 by the Milford Police Department. Ms. Massey stated that it was for a \$60 bad check. Mr. Barroll stated the record indicates she was found guilty of a misdemeanor, and that there were 6 other charges by the State of Delaware. Ms. Massey stated that it was a

single check and did not recall the details other than she paid the check. Mr. Plutschak inquired if there were any other charges she was aware of. Ms. Massey advised that she has only had traffic tickets. She stated she was not aware that she had been charged with 6 counts. Mr. Barroll advised that the application should be amended to reflect the guilty plea.

The Board discussed the charges and guilty plea, and stated they had no issues with the 20+ year old charge for a bad check, and that the application would have to be amended. Ms. Massey stated she did not intentionally mark the box incorrectly; she did not recall the charges and guilty plea from 2002. Mr. Vaughn advised that he would comply with any and all requirements.

Ms. Dadds asked Mr. Vaughn if he would like to add any remarks regarding §4-210. Mr. Vaughn discussed his market research for the Federalsburg restaurant. Community residents were surveyed, and he has partnered with the City Council, Chief of Police, and Mayor.

Mr. Moore asked what hours they were open. Mr. Vaughn stated that initially they are proposing 7am-9pm, 7 days per week. Mr. Vaughn further stated they may close at 7pm on Sundays.

The Board closed the public hearing portion of the meeting and went into deliberations in accordance with §4-210. The Board deliberated as follows:

1. Regarding the public need and desire for the license, there are no other restaurants nearby with an alcoholic beverage license.
2. There are no other existing license holders nearby.
3. There is no effect on existing license holders of the license for which the application is made because there are no other existing license holders holding the same license nearby.
4. There is no potential commonality of the services and products offered by the business, but because there are no other restaurants serving alcoholic beverages nearby; the business would be unique in Federalsburg.
5. Given the proposed hours (not late hours) there would be no significant issues related to the health, safety, and welfare of the community, including issues related to crime, traffic, parking, or convenience.
6. The Board found no other factors necessary for consideration.

The Board deliberated the factors for denying a license application as follows:

1. Given there are no other similar establishments the granting of the license is necessary to accommodate the public.
2. The applicant is fit to receive the license after examination and discussion of the criminal records.
3. The applicant did make a material false statement on the application, but this was due to a mistake and the applicant will submit an amended application.
4. The applicant did not act fraudulently in connection with the application.

5. If the license were issued, the operation would not unduly disturb the peace of the residents of the neighborhood, specifically because there are no late-night hours proposed.

Mr. Loukides made a motion to approve the request for a 7-day On Premise license for *Let's Brunch Café* pending the outstanding items in the staff report and the amendment to the application. Mr. Plutschak seconded the motion. The vote to approve was unanimous.

Caroline County Humane Society – Request to hold a raffle containing alcohol

Mr. Eigenbrode administered the oath for the applicant, Bonnie Johnson, 1214 Trice Meadows Circle, Denton, MD 21629. Ms. Johnson represented the Caroline County Humane Society.

Ms. Dadds presented the request for a raffle of alcoholic beverages used as a fundraiser referencing the local rules and regulation No. 2.35, which requires approval by the Board of Liquor License Commissioners. Ms. Johnson described that alcohol was donated for the raffle, and she was not aware she needed approval from the Board of Liquor License Commissioners.

Mr. Moore stated that Ms. Johnson reached out to him with questions about the raffle and what rules the Humane Society would need to follow. The Board discussed the request, and stated they had no issues approving the raffle.

Mr. Plutschak made a motion for the request for fundraisers, including selling raffle tickets with alcohol effective today, for the remainder of the calendar year. The Board attached 2 conditions including two (2) weeks' notice of fundraisers, and that the Humane Society verify the legal age of the winner. Mr. Loukides seconded the motion. The vote was unanimous.

Discussion of Rules & Regulations – 2.17 Employees

The Board discussed Section 2.17 of the regulations and sought clarification regarding the definition of employees and volunteers as it related to the Rules and Regulations. Mr. Barroll stated that an employee is someone who is hired and who receives something for their services, and that a volunteer is someone who is just someone helping out. Mr. Eigenbrode discussed "volunteers" being paid "under the table", and that the Board cannot police this.

Ms. Dadds suggested that the definition of employees be revised and moved to a different section of the rules and regulations. Mr. Plutschak suggested that language be amended to "receives compensation" for the definition of an employee. After much discussion, the Board requested that staff research how other jurisdictions have handled this issue. The Board further requested that the new police Chiefs be advised and consulted.

Request for Extension of Approval – Foster’s Mini Mart & Ridgely Exxon

Requests for an extension of approval were received for Foster’s Mini-Mart & Ridgely Exxon. Ms. Dadds suggested granting extensions until July 20th. Mr. Loukides made a motion to grant the extensions until July 20th. Mr. Plutschak seconded the motion. There was no discussion. The vote was unanimous.

Inspectors Report

Mr. Moore stated that he visited the Choptank cornhole tournament at the Preston Fire Company and there were no issues there. He visited the Mannie Scott American Legion Post event, and the event did not take place. He visited the Denton Gun Bash and the St. Benedicts Blue Grass festival and there were no issues. Mr. Moore stated he has completed several underage checks. He visited several other establishments in Preston and Ridgely for routine inspections. He has held 2 TiPS classes training 8 people. He has been working with licensees on how to determine with the orientation of the driver’s license whether a customer is 21.

Ms. Dadds stated that there will be two new license applications on the agenda next month.

Mr. Loukides made a motion to adjourn the meeting. It was seconded by Mr. Plutschak. The vote was unanimous, and the meeting adjourned at 10:55am.

BOARD OF LICENSE COMMISSIONERS

Greg Eigenbrode, Chairman



Minutes prepared by:
Katheleen Freeman, Director