

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

**DATE:** June 23, 2021

**PLACE:** Virtually on Microsoft Teams

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

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

Chairmen Eigenbrode called the meeting of the Caroline County Board of License Commissioners to order at 9:32 AM.

**SHOW CAUSE HEARINGS**

**State Line Gas, Inc – 325 Crownstone Road, Maryland, Maryland**

Ms. Dadds read the Summons’ into the record for Renee Hayman and Jeffrey Harris.

You are hereby summonsed to appear before a Virtual Public Hearing before the Board of License Commissioners of Caroline County, Maryland at 9:30 AM on the 23<sup>rd</sup> day of June, 2021, using Microsoft Teams, to show cause why your alcoholic beverage license(s) issued by this Board to you under the provisions of the Alcoholic Beverages Article of the Annotated Code of Maryland, as amended, should not be revoked, suspended and/or a fine issued for the following alleged violations(s) of the alcoholic beverage laws as the result of a routine compliance inspection by the Caroline County Alcoholic Beverage Inspector on April 17, 2021:

**CHARGE NO. 1** - Alleged violation of §6-304 of the Alcoholic Beverages Article of the Annotated Code of Maryland and Caroline County Board of License Commissioners Rule and Regulation No. 2.26, specifically, an employee sold an alcoholic beverage to an individual under the age of 21 years on April 17, 2021.

Ms. Hayman’s summons was delivered on June 8, 2021 by a Civil Process Server and Mr. Harris’ summons was delivered by certified mail on June 7, 2021.

Ms. Dadds read the exhibits into the record:

- Exhibit 1 – Summons for Renee Hayman
- Exhibit 2 – Summons for Jeffrey Harris
- Exhibit 3 – Incident Report
- Exhibit 4 – Confidential Informants Affidavits
- Exhibit 5 – Violation History
- Exhibit 6 – Hayman email to C. Dadds

Inspector Moore read the Incident Report into the record. At approximately 10:20 PM on April 17, 2021 Inspector Moore sent two Confidential Informants into State Line Store. They purchased a bottle of Captain Morgan Long Island Iced Tea liqueur from John Brown despite that he had checked the Informant's ID. Mr. Brown is an employee of State Line Store and is certified in alcohol awareness training.

Chairman Eigenbrode swore in:

Renee Hayman, 12170 Garland Road, Greensboro, MD  
Jeffrey Harris, 921 North Atlanta Circle, Seaford, Delaware 19973

Attorney Dennis Farina represented them at the hearing. Mr. Farina asked Inspector Moore which Informant made the actual purchase. Inspector Moore answered that it was the taller of the two. Mr. Farina stated that his client did check the ID as he should have but made an error in selling to him anyway. There were no excuses made. Mr. Farina asked Inspector Moore how long he has worked for the County. He replied that he was hired in 2017. Mr. Farina noted that the Inspectors report reveals that State Line Gas had no violations during his time as an Inspector. He also noted that the report stated that Mr. Brown was visibly shaken when he was told of the violation.

Mr. Harris stated that they took this very seriously. They have always had a mystery shopper visit once a month to check that their employees were checking ID's. They have been doing that for over 10 years. They have increased their visits in the last two weeks to be able to report their findings at this hearing. Each of their eight employees were checked. They pay for the inspections to help the stores remain in compliance.

Mr. Harris went on to say that Mr. Brown called him right away and was very upset at what happened. He has been an employee for at least 10 years and had never failed a mystery shopper visit. In fact, he was so surprised that out of all the employees he was the one to have sold to an underage person. On June 18<sup>th</sup> all of his employees took the exam to be recertified in alcohol awareness and the instructor was asked to emphasis on checking ID's. He assured the Board that this is their livelihood and they understand that having an Alcohol Beverage License was a privilege and not a right.

Inspector Moore offered his assistance to Mr. Harris. He assured them that the inspections were not to trap someone making a mistake but to prevent underage drinking. They are interested in the same thing and he may be able to help them with his CI's. He also informed them he is now certified to teach TiPS should they need to conduct a class in the future.

Ms. Dadds stated that upon the testimony regarding the mystery shopper visits and the TiPS recertification, Ms. Hayman did email her yesterday evening with a record of the visits and recertification. The summons' read that all exhibits must be submitted at least seven business days in advance of the hearing to be incorporated into a list of exhibits for the Board's review and that any submitted less than seven days in advance of the hearing would not be considered. The Board does have the discretion to waive that requirement and allow it to be entered into the record. The Board agreed to accept the report into the record. Ms. Smith stated it would be listed as Exhibit 6.

Mr. Farina proceeded with his closing statement. He stated that there was no question that on April 17, 2021, State Line's employee for ten years, Mr. Brown, just simply blew it. Mr. Harris & Mrs. Hayman do not make light of that as was borne out in Inspector Moore's testimony that Mr. Brown was genuinely upset at what he had done.

Concern was immediately shown by the license holders when they increased the mystery shopper visits and recertified the employees in alcohol awareness. They made it clear that they don't take their license for granted and are aware it is a privilege to have a license.

The positive aspect of this is that the license holders immediately took steps to reeducate their staff and ensure that they are checking ID's as is required. They had confidence in their employee, Mr. Brown, who has proven to be a highly regarded worker for ten years. This shouldn't have happened, but it was not intentional nor dismissed.

He asked the Board to keep all of this in mind as they decide an appropriate and just sanction in this case. And to consider the money they put towards correcting the behavior.

## DELIBERATION

Mr. Loukides was very pleased at the steps the licensees took to correct the problem.

- Motion:** Mr. Plutschak stated that based on the testimony given and the documents that were submitted he motioned to find State Line in violation of Caroline County Board of License Commissioners Rule and Regulation No. 2.26 and the Annotated Code of Maryland, Alcoholic Beverages Article, §6-304.
- Second:** Mr. Loukides seconded the motion.
- In Favor:** All members voted in favor (3-0).

Mr. Plutschak stated that they did have a history of selling to underage people. However, they have had a good record for many years. He would not consider suspension in this case; however, he feels they should suffer a fine. He believes they should be charged a \$1,000 fine and of course

they would also be responsible for the \$50 administration fee. Chairman Eigenbrode felt that a \$500 fine was appropriate. Mr. Loukides suggested they make it a \$750 fine.

**Motion:** Mr. Loukides moved that the establishment be charged a fine of \$750 and they are responsible for a \$50 administration fee.

**Second:** Mr. Plutschak seconded the motion.

**In Favor:** All members voted in favor (3-0).

Ms. Dadds informed Mr. Farina that he and his clients would receive a letter regarding the charge and the fine at which time they will have 30 days to appeal or pay the fine.

### **Wetcher Whistle – 305 Bloomingdale Avenue, Federalsburg, Maryland**

Ms. Dadds read the Summons' into the record for Bharat and Nishabahen Patel.

You are hereby summonsed to appear before a Virtual Public Hearing before the Board of License Commissioners of Caroline County, Maryland at 9:30 AM on the 23<sup>rd</sup> day of June, 2021, using Microsoft Teams, to show cause why your alcoholic beverage license(s) issued by this Board to you under the provisions of the Alcoholic Beverages Article of the Annotated Code of Maryland, as amended, should not be revoked, suspended and/or a fine issued for the following alleged violation(s) of the alcoholic beverage laws as the result of a routine compliance inspection by the Caroline County Alcoholic Beverage Inspector on April 17, 2021:

**CHARGE NO. 1** - Alleged violation of §6-304 of the Alcoholic Beverages Article of the Annotated Code of Maryland and Caroline County Board of License Commissioners Rule and Regulation No. 2.26, specifically, an employee sold an alcoholic beverage to an individual under the age of 21 years on April 17, 2021.

Bharat Patel's summons was delivered by a Civil Process Server on June 8, 2021. Nishabahen Patel's summons was delivered by certified mail on June 5, 2021.

Ms. Dadds read the exhibits into the record:

- Exhibit 1 – Bharat Patel Summons
- Exhibit 2 – Nishabahen Patel Summons
- Exhibit 3 – Incident Report
- Exhibit 4 – Confidential Informant Affidavit
- Exhibit 5 – Violation History

Chairman Eigenbrode swore in:

Bharat Patel, 102 West Central Avenue, Federalsburg, MD  
Nishabahen Patel, 12507 Blue Ponds Terrace, Beltsville, MD 20705

Hitesh Patel, 12507 Blue Ponds Terrace, Beltsville, MD 20705

Mr. Thornton, the Attorney representing the license holders for this hearing, explained that Bharat Patel is called Bob and Hitesh Patel is called Harry. This is how Mr. Thornton typically addresses them.

Inspector Moore read the Incident Report into the record. At approximately 8 PM on April 17, 2021 Inspector Moore sent two Confidential Informants into Wetcher Whistle. They purchased a bottle of Jim Beam Vanilla Bourbon Whiskey from Hitesh Patel without being asked to see their ID's. Mr. H. Patel is a license holder that is certified in alcohol awareness training.

Inspector Moore noted that H. Patel initially seemed confused and could not believe the person he sold to was under 21. Then he quickly apologized and was cooperative with him.

Mr. H. Patel said that he was very busy that evening, there were 4 customers in the store, and he was helping 3 of them. He recalled it was a dark night and he was ready to close the store. The boy was very tall, over 6 feet. He stated that he had carded two people the day before and one of them ran away because he was underage. He finished by saying he made a mistake that day.

Mr. B. Patel stated that he normally works at the Super Soda store. He was not at the store at the time but was informed by his employee at Super Soda that they did card the boys and denied them from buying that same evening. Hitesh Patel is Bharat's brother. Mr. B. Patel said that he has worked there for tens years and has never made a mistake. His brother is very upset that this violation has occurred. Mr. B. Patel stated that they talked with the employees that worked the next day to be careful about checking all ID's.

Ms. N. Patel confirmed that Mr. H. Patel felt bad about what occurred. He called her right after it happened. Ms. N. Patel and Mr. H. Patel are husband and wife.

*\*At this point in the hearing, Ms. Dadds announced that Mr. Plutschak had to leave the meeting and Mr. Mann would take over his seat in his absence. Mr. Thornton stated that he knows that Mr. Plutschak and Mr. Mann are fully informed in this matter.*

Mr. Mann asked Mr. H. Patel what the store hours were for Wetcher Whistle. He confirmed that they opened at 8 am and closed at 10 pm. Mr. Mann pointed out that he had testified that he was closing the store at the time. However, the incident occurred at 8 pm. Mr. H. Patel said no, it was after 9 pm and he showed the screen to Inspector Moore. He stated he was setting up the registers for the next day because it was a quiet night that night.

When Mr. Thornton asked Mr. H. Patel if they adhered to the set times or might they close early on a quiet night as he described. Mr. H. Patel replied no, they adhere to the set times. He said that he was counting the change and the lottery tickets at the time and it was in front of the screen that he showed Inspector Moore.

Mr. Mann stated that he wanted to establish for the record that the inspection was noted in all the documents as taking place at 8:15 pm. Mr. H. Patel's testimony contradicted that.

Chairman Eigenbrode asked Mr. H. Patel if they had anything in place to protect them from underage sales. Mr. H. Patel stated that he was the Manager of both operations, Wetcher Whistle and Super Soda, they check their employees once a month and when there is a sale, he speaks to all of them about the consequences.

Mr. H. Patel went on to say that he lives here in Caroline County, however, his family lives on the western shore. He runs his life here though. He does not want to lose that. He confirmed for Chairman Eigenbrode that he did not check for the CI's Identification that night.

Mr. Thornton did not argue that the incident happened but added that he did have some mitigating factors. He confided that they have had trouble with their suppliers because of the effect Covid has had on trade and shipping regulations. Mr. H. Patel not only called his wife immediately after the event; he also called Mr. Thornton. He asked the Board to take into consideration that Mr. H. Patel has never sold to a minor before, as far as Mr. Thornton is aware.

Mr. Loukides confirmed that this is the second underage sales violation at Wetcher Whistle in two years. The Board takes such violations very seriously. Mr. Mann stated there was no testimony to dispute the findings.

**Motion:** Mr. Loukides motioned to find Wetcher Whistle in violation of Caroline County Board of License Commissioners Rule and Regulation No. 2.26 and the Annotated Code of Maryland, Alcoholic Beverages Article, §6-304.

**Second:** Mr. Mann seconded the motion.

**In Favor:** All members voted in favor (3-0).

The Board discussed what penalty they would give for this violation. Mr. Loukides thought there should be a suspension this time. Mr. Mann agreed and felt that a fine of \$1000 and a suspension of 7 days was appropriate.

**Motion:** Mr. Loukides moved that the establishment be charged a fine of \$1000 and they are also responsible for a \$50 administration fee. They will also serve a 7-day suspension.

**Second:** Mr. Mann seconded the motion.

**In Favor:** All members voted in favor (3-0).

Ms. Dadds told Mr. Thornton that his clients will receive a written notice in the mail, and they will have 30 days from that date to pay the fine. At the end of those 30 days, they will begin to serve their suspension unless an appeal is filed. The dates of the suspension will be included in the letter. They will bring in their license to the Planning & Codes Office and it can be retrieved after the suspension has been served.

Alcohol must be covered, and a notice posted at the front door and at the counter that there will be no alcohol sales for those 7 days.

## **ALCOHOLIC BEVERAGE LICENSE NEW/TRANSFER APPLICATIONS**

### **Shore County Store – 6244 Harmony Road, Preston, MD**

Ms. Dadds read the Exhibits into the record:

Exhibit 1	Notice of Public Hearing
Exhibit 2	Staff Report
Exhibit 3	Application
Exhibit 4	Consent to Transfer
Exhibit 5	Affidavit to Operate
Exhibit 6	Site Plan
Exhibit 7	LLC Documents
Exhibit 8	Comptrollers Hold Request
Exhibit 9	Applicant's Notice

Chairman Eigenbrode swore in:

Michael Stevens, 3740 Frazier Neck Rd., Preston, MD

Arlene Stevens, 3740 Frazier Neck Rd., Preston, MD

Michael Stevens and Arlene Stevens have requested the use of A & M Venture, LLC T/A Shore Country Store, located at 6244 Harmony Road, Preston, MD for a Transfer, Class A-Beer & Light Wine (Retail), 7-Day Off Premise Sales Alcoholic Beverage License. The store is currently licensed as a Class A-Beer (Retail), 7-Day Off Premise Sales.

Mr. Stevens stated the store was in existence for over 25 years by the previous owner. It is a small convenience store with a deli and food items. It basically serves the surrounding neighborhood of Harmony and those that may pass through the area. The residents have asked that he keep the Alcohol license to sell beer and he would like to also sell light wine.

They don't make much on alcohol sales. However, patrons' value being able to buy the beer locally, rather than having to travel into town. Ms. Stevens has lived in the area her whole life.

Mr. Loukides asked about their TiPs certification. Ms. Stevens replied that they were both certified and a copy of their card was submitted to Ms. Dadds and is available at the store.

Mr. Mann asked if they would have other employees. Mr. Stevens replied that once their friends and family also have their certification they will be assisting at the store. Chairman Eigenbrode made sure they understood that someone must be there at all times that is TiPs Certified.

Inspector Moore explained that once they are approved his first visit will be educational. He will be there to hear their questions and offer advice as they open for business.

Ms. Dadds addressed the outstanding items that were listed in the staff report, which was marked as Exhibit 2. The requirements are not typically provided until after a transfer is approved. They will have 30 days from today to supply them. She explained to the applicants that should they be close to the deadline and still do not have all the documents to be sure to notify Ms. Dadds and she will help them request an extension. Mr. Stevens ensured them that they believe they will be able to complete this task without additional help.

## **DELIBERATION**

In accordance with §4-210 of the Alcoholic Beverages Article of the Annotated Code of Maryland, before deciding whether to approve an application, the Board shall consider:

1. The public need and desire for the license. *The Board noted that it is an established business with an existing alcoholic beverage license and there was no one present in opposition to the request.*
2. The number and location of existing license holders: *The owners testified that the neighbors have asked them to continue to sell alcohol. There are no license holders in the immediate area.*
3. The potential effect on existing license holders of the license for which application is made: *Approving the transfer will not have any effect on existing license holders because nothing will change.*
4. The potential commonality or uniqueness of the services and products to be offered by the business. *The store is a convenience to the neighborhood and may draw business from those that are passing through the area.*
5. Impact on the health, safety, and welfare of the community, including issues relating to crime, traffic, parking, or convenience: *The business is already established and there have been no problems in the past.*

The local licensing board shall deny a license application if the local licensing board determines that:

1. The granting of the license is not necessary to accommodate the public: *The public has supported this business and according to the applicant's testimony have requested that they continue offering alcohol.*
2. The applicant is not a fit person to receive the license: *The Board had no reservation that the applicants are capable to receive the license.*
3. The applicant has made a materially false statement in the application: *There has been no false statements detected.*
4. The applicant has acted fraudulently in connection with the application: *There has been no act of fraud detected.*
5. If the license is issued, the operation authorized by the license would unduly disturb the peace of the residents of the neighborhood of the location described in the application;



or for other reasons that the Board considers sufficient: *There has never been an issue in the past and no issues are foreseen in the future.*

- Motion:** Mr. Loukides motioned to approve the transfer application (to include light wine) on the condition that the requirements listed in Exhibit 2 are met and that they return the existing license.
- Second:** Mr. Mann seconded the motion.
- In Favor:** All members voted in favor (3-0).

### **Denton Diner– 42 Denton Plaza, Denton, MD**

Chairman Eigenbrode read the Notice of Public Hearing into the record:

A request by Ozlem Sen for the use of Bastasc, LLC T/A Denton Diner, located at 42 Denton Plaza, Denton, MD 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 the weeks of June 9<sup>th</sup> and June 16<sup>th</sup> of 2021. All exhibits were to be submitted at least 7 days in advance of the hearing. No additional exhibits or written testimony has been submitted.

Ms. Dadds read the exhibits into the record:

- Exhibit 1 – Notice of Public Hearing
- Exhibit 2 – Staff Report
- Exhibit 3 – License Application
- Exhibit 4 – LLC Documents
- Exhibit 5 - Applicant’s Notice

Chairman Eigenbrode swore in:

Ozlem Sen, 710 Randolph Street, Denton, MD.

Attorney Robert Thornton, Jr. was present to represent the applicant.

Mr. Thornton recalled for the Board that Ms. Sens husband, Hasan Bastas, was approved for a license two months ago, however, he has not received his citizenship as quickly as he had hoped. Therefore, Ms. Sen is requesting that the Board approve her for the license. She is now the sole member and owner of Bastac LLC. Mr. Thornton explained that it is better that Ms. Sen is the owner. She qualifies for special funding and support as a minority, female owner of a small business. Mr. Thornton added that she is also the one that is present at the establishment most of any day.

Ms. Sen testified that she used to help her father in his ABC (Alcoholic Beverage Control) store in Delaware and is very familiar with the requirements of the job. She stated that she does have, and has gone through, the Caroline County Board of License Commissioners Rules and

Regulations booklet. Ms. Sen has 20 years of business ownership experience. She at one time owned a bar.

However, this business is a restaurant where alcohol can be ordered with a meal. It will not be a bar. Additionally, clients will not be able to buy alcohol to go. Mr. Thornton stated to her that they must be careful not to let anyone out the door with an alcoholic beverage. Ms. Sen agreed that it was for onsite consumption only. Their hours will be 7 am to 10 pm, closing no later than 11 pm. All of her employees are TIPS certified, except for two, who are on the waiting list to attend.

Ms. Dadds verified that while the Board had heard testimony previously requesting an Alcohol License, some of the documents now reflect Ms. Sen's information. She advised the Board to go through the criteria to obtain a license as before. Inspector Moore asked about the signage that was left at the location by the previous owner. Ms. Sen stated that she did keep the "Pub and Grub" sign only, as it was appropriate for their business. All other signs have been removed.

## **DELIBERATION**

In accordance with §4-210 of the Alcoholic Beverages Article of the Annotated Code of Maryland, the Board considered the following:

1. The public need and desire for the license – *They heard testimony that the public has requested that alcohol be available for meals.*
2. The number and location of existing license holders – *This store has always sold alcohol in the past. The volume of sales will be lower than was usual because this establishment is more of a restaurant than a bar.*
3. The potential effect on existing license holders of the license for which application is made – *The Board referred to the previous question and answer.*
4. The potential commonality or uniqueness of the services and products to be offered by the business of the applicant – *The diner is unique to the strip mall. Historically taverns/bars have been located there. There was testimony that citizens requested that they serve alcohol also.*
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 – *The Board agreed there has been no history of crime in that area. There has been no parking issue. However, the businesses planned for the future at this location may cause parking issues.*
6. Any other factor that the Board considers necessary. Chairman Eigenbrode explained that the walk-in freezer behind the diner has been an issue with previous owners. One must have a permit from the Comptroller's Office to use it for alcohol. He asked Ms. Sen if she will be seeking such a permit. Ms. Sen stated that the low volume of alcohol she expects to sell can easily be stored under the bar. She will not be using the walk-in cooler for the storage of alcohol. Ms. Dadds informed her if she finds she does need to use the cooler for storage, she must first receive a permit from the Comptroller's Office and receive the Board's permission to increase her premise area.

The Board shall deny a license application if the Board determines that:

1. The granting of the license is not necessary to accommodate the public. The Board agreed the approval will sufficiently accommodate the public.
2. The applicant is not a fit person to receive the license – *Ms. Sen has received the required signatures of citizens that vouch for her being fit to receive a license. Her record check was clean. Mr. Thornton stated that she was a better fit to run the business than even her husband.*
3. The applicant has made a materially false statement in the application - *The Board agreed that no false statements were detected.*
4. The applicant has acted fraudulently in connection with the application – *The Board agreed that no fraudulent act was detected.*
5. If the license is issued, the operation authorized by the license would unduly disturb the peace of the residents of the neighborhood of the location described in the application; or for other reasons that the Board considers sufficient – *The location of the business is in a commercial district far from residential homes.*

**Motion:** Mr. Mann made a motion to approve the application for a Class B - Beer, Wine and Liquor, 7 day on premise sales Alcoholic Beverage License on the condition that the outstanding requirements listed in Exhibit 2 are met.

**Second:** Mr. Mann seconded the motion.

**In Favor:** All members voted in favor (3-0).

## **TEMPORARY ALCOHOLIC BEVERAGE LICENSE APPLICATION**

### **Caroline County Historical Society – July 24, 2021 – “Evening at the Mill”**

Chairman Eigenbrode introduced the Caroline County Historical Society’s application for a temporary alcoholic beverage license for an “Evening at the Mill” on July 24, 2021. This is located at 3390 Linchester Road in Preston, Maryland.

Ms. Dadds stated that Mr. Andrews, a member of the Historical Society, was present to answer any questions the Board might have. She explained that the Caroline County Historical Society, who has been approved for similar licenses in the past, is asking for a one-day event permit for July 24, 2021 from 3 to 9 pm at the Linchester Mill in Preston. They have requested to have beer, wine, and liquor to be sold at a cash bar. They will also have live music. Michael McCrea will be the license holder for the event.

The Board agreed that they have not had issues with the Historical Society during their events. A layout of the property was displayed on the screen. Mr. Andrews explained that they will have a tent set up in the back of the property, behind the stage. The area will be roped off to prevent anyone from straying away. A food truck will also be there. They have their Tips certification.

That day they will have vendors set up at the front of the property. The vendors will be there from 11:00 AM – 3:00 PM. From 3:00 PM – 9:00 PM they will have the band when the parade begins. The drinking area will be roped off to prevent anyone straying away from the partitions.

**Motion:** Mr. Loukides made a motion to approve the temporary license for the Caroline County Historical Society at Linchester Mill.

**Second:** Mr. Mann seconded the motion.

**In Favor:** All members voted in favor (3-0).

### **Approved Fire Company Events for June**

There were no events in 2020 due to the Covid pandemic. Ms. Dadds is noticing events picking back up. The Fire companies are applying for their multi-events licenses. Because they were unable to use all their event licenses for 2020 that they paid for, the County Commissioners approved for them to utilize whatever remaining licenses they had from 2020 before the emergency shut down in March without having to obtain a new license for 2021.

#### GREENSBORO VOLUNTEER FIRE COMPANY:

Event No. 10 Wedding, June 5, 2021, 4 PM to Midnight, Chris Hammer is the server.

Event No. 11 Wedding, June 12, 2021, 3 PM to 1 AM, Chris Hammer is the server.

Event No. 12 Family Birthday Party, June 19, 2021, 4 PM to 1:30 AM, Chris Hammer is the server.

The requests were received on June 3, 2021. Ms. Dadds believed they purchased 20 or 30 licenses.

#### GOLDSBORO VOLUNTEER FIRE COMPANY:

Event No. 7 Retirement Party, June 10, 2021, 6-10 PM, Amanda Squires is the server.

Event No. 8 Greensboro Elementary Event, June 11, 2021, 4:30-10 PM, Amanda Squires is the server.

The requests were received on June 10, 2021.

Inspector Moore attended the Greensboro, Family Birthday Party event. He found some minor issues that he is going to work with them on. He may issue a warning in order to get them on the right path. He reported that they had a \$3000 full size Power Ranger robot that came down from New Jersey. It danced all night and shot smoke and lasers out of its hands. He said it may have been one of the biggest parties he had ever seen. He confirmed that it was handled well.

The Fire Departments are trying to increase their activities and working together to help each other out. Ms. Dadds informed the Board that the emails included in their packages are the way they handle tracking events from when they first receive their license. The contact will either text, call, or email Ms. Dadds their request and she will respond that they have approval. She also

asks them to keep a copy of the email approval response with the posted license. This was their solution for when the Inspector would attend an event and ask which number event they were using, and the contact could not tell him. Numbering the events helps the Inspector to track the events that they have each year and know that they have properly notified the Board Office.

## **OLD BUSINESS**

### **Remaining 2020 Annual Alcoholic Beverage License Renewals**

**D & B TAVERN** – D&B Tavern still needs to pay their license fee and provide their Worker’s Compensation Insurance Certificate.

Ms. Dadds has heard that the Governor had extended the deadline to August 15, 2021. However, she will need to verify that for the Board.

### **Remaining 2021-2022 Annual Alcoholic Beverage License Renewals**

**D & B TAVERN** – D&B Tavern still needs to pay their license fee and provide their Worker’s Compensation Insurance Certificate.

**DENTON LIQUOR OUTLET** – Denton Liquor needs their 2021 Business License, and alcohol awareness certification.

**RIDGELY EXXON** – They still need their Workers’ Compensation Insurance Certificate. Ms. Dadds explained that they have been carrying the Insurance in the past but noted on this years application that they indicated they are not required to carry it. Ms. Dadds asked Mr. Merriken if he could look into this. It was her understanding that an LLC is exempt only for the LLC members. In this case the only LLC member is the license holder, who is not an employee of the establishment. Ridgely Exxon may be employing their family; however, they are not exempt.

**Motion:** Mr. Loukides made a motion to approve the 2020 license for D&B Tavern and the 2021 licenses for D & B Tavern, Denton Liquor, and Ridgely Exxon on the condition that they submit any outstanding documents.

**Second:** Mr. Mann seconded the motion.

**In Favor:** All members voted in favor (3-0).

### **Discussion: Violation History Record**

Ms. Dadds reminded the Board that before they stopped meeting in 2020 due to the Covid pandemic, the Board had been working on guidelines to make their ruling more consistent in violation hearings. Ms. Smith created a list of items that were unresolved from those discussions.

One consideration was for a “penalty period”. The Board discussed that a reduction might be considered during License renewals when an establishments record is clean for 5 years upon the request of the license holder.

Several terms were considered for this relief, each having a slightly different legal meaning. Mr. Mann noted that Mr. Plutschak had reminded them in the February 2018 minutes that the police departments were critical of expunging violations when licenses were transferred from one family member to another.

After some discussion the Board agreed that they will have staff continue keeping records of violations as far back as possible. They will provide this historic information when an entity comes before them for a violation.

Chairman Eigenbrode expressed a desire to have a list of considerations for the Board to review when charging a fine. Such as the volume of business the entity does, or what percentage of sales are alcohol or other. Ms. Dadds suggested that staff could start a list of factors for consideration for the Board to look over when deciding a fine. Such a list will help them be consistent across the board as they define their reasoning for a fine or suspension.

## **NEW BUSINESS**

### **Discussion: Potential Application Amendment – Wiretap Statute Consent**

Mr. Merriken explained that he had researched what is legally permitted regarding overhearing or recording a conversation or transaction on a cell phone. In Maryland one would have to express permission for another to record a person’s conversation. Otherwise, it may be a civil liability. This is a type of wiretapping.

With this in mind, he suggested that the Board may want to require that all renewals and new applicants sign such a permission statement to be kept on file in the office. Then there will be no concern about a civil liability.

Mr. Merriken introduced an amendment for the Board to sign should they approve of this suggestion.

### **Discussion: Potential Rule & Regulation Amendment – Alcohol Delivery**

Ms. Dadds reminded the Board of the recent State legislation that would allow the continuation of to-go alcohol sales for certain licenses for off-premises consumption or delivery. This legislation has a sunset date of 2023. It is written to allow the local governing body to choose whether or not to adopt these regulations.

The Board would want to consider whether or not it is necessary to promote the economic recover of small businesses in the wake of the Covid-19 pandemic. And they will need to consider how that may affect public safety.

Inspector Moore has reached out to other counties in Maryland and found that the Western Shore Counties are primarily adopting the order and the Eastern Shore counties are not. The opportunity to do this, ends on June 30<sup>th</sup>. Mr. Merriken prepared an amendment for the Board to sign should they choose to adopt the order. The establishments interested in being able to deliver alcohol will still have to apply to the Board.

Mr. Mann stated that he has noticed establishments in central Caroline County packed with people since the Covid regulations have eased up. People are anxious to go out now after being confined for so long. He asked how they would police such an order.

Chairman Eigenbrode shared his concern. He noticed that at the Jetty in Queen Anne County, the To Go cups simply have lids that the patron takes off to drink in their vehicle in the parking lot. They congregate in the parking lot with their drinks and often they walk out of the establishment with as many as four drinks at a time.

He also knows the pressure this would put on those that are Tips certified. Those that are certified are supposed to keep an eye on where the drinks go when they are purchased. It is part of their responsibility. This is difficult in normal circumstances. What ability will they have if the law allows them to walk out the door with their cocktail.

Chairman Eigenbrode believes that they are past the need of such an allowance for economic recovery. Mr. Mann agreed, pointing out that the establishments before them today stated that business was great. He also knows the owners of Roadhouse stated they do not want the added liability of selling to go orders since this ability caused a violation for them recently.

Additionally, Caroline County only has a part time Inspector. He couldn't possibly police this himself. Mr. Eigenbrode stated that this goes against the laws they are responsible to uphold. With the Board in agreement that they do not approve of adopting the order, Mr. Merriken suggested staff send out a letter to those establishments that have been allowed to deliver alcohol; that the Board does not support the legislation and the ability to sell to go orders or deliver alcohol ends on June 30, 2021.

## **REVIEW AND APPROVAL**

### **May 25, 2021 Minutes**

Having read the May minutes, the Board voted.

**Motion:** Mr. Loukides made a motion to approve the May 25, 2021 meeting minutes as written.

**Second:** Chairman Eigenbrode seconded the motion.  
**In Favor:** All members voted in favor (2-0).

## **INSPECTORS REPORT**

Inspector Moore reported his inspections for the month. He informed the Board that the Federalsburg Police Department contacted him about an increase in fights and underage sales in the area. They are working together to address this.

Inspector Moore has been working with the local police departments about new trends that they are seeing. For instance, a 21-year-old buying alcohol for a 15-year-old. The youth putting drinks up on the counter and/or taking them from the counter at the point of purchase. Inspector Moore stated that the youth is in actuality taking possession of the alcohol. He witnessed seven cases of that and five of them in one place.

Mr. Merriken expressed his surprise that this isn't covered in the TIPs training. Ms. Dadds is aware that there are two types of Tips training. One for on premises sales and another for off premises sales. Because they have been combined by some instructors, some of the information that would normally be included is shortened. Having separate classes may be something to consider when Inspector Moore starts training.

Ms. Dadds stated that they received a call from the Federalsburg Police Department about a mother's complaint that one of the establishments was selling alcohol to her underage son without requiring to see his ID. The mother and the local police were pleased to know that the Inspector was already aware and acting on it.

Mr. Mann shared with the others about the class the Board of Zoning Appeals attended to sharpen their skills as Board members. He found it very helpful and suggested the Liquor Board may wish to take such a class themselves.

## **ADJOURNMENT**

**Motion:** Mr. Mann made a motion to adjourn at 12:55 PM.  
**Second:** Mr. Loukides seconded the motion.  
**In Favor:** All members voted in favor (3-0).

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Minutes prepared by Melanie Smith



**Second:** Chairman Eigenbrode seconded the motion.  
**In Favor:** All members voted in favor (2-0).

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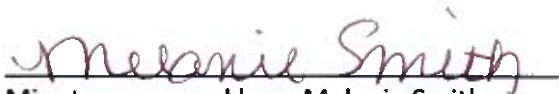
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Minutes prepared by Melanie Smith