

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

DATE: June 28, 2023

PLACE: Hybrid Meeting via Microsoft Teams
Health & Public Services Building
403 South 7th Street, Room 111
Denton, MD 21629

BOARD MEMBERS: Greg Eigenbrode, Chair
Glen Plutschak, Member
Michael Mann, Sr., Member

OTHERS PRESENT: Crystal Dadds, Assistant Director of Codes
Stewart Barroll, Board Attorney
Phillip Moore, Alcoholic Beverage Inspector
Catherine McCulley, Board Administrative Assistant

Chairman Eigenbrode called to order the meeting of the Caroline County Board of License Commissioners at 9:30 AM. He told the Board there was a request to amend the agenda.

Motion: Mr. Mann made a motion to include Greensboro Fire Company on the agenda.
Second: Mr. Plutschak seconded.
Vote: All members voted in favor (3-0).

New Business

St. Benedict Catholic Church – St. Benedict Bluegrass Fest – July 22, 2023

Mr. Eigenbrode swore in Thomas Lough (516 Old Denton Road, Federalsburg, MD).

Mr. Lough explained St. Benedict's will be hosting a fund raiser for the church. It will be like last year's event, and they will be selling alcohol.

Ms. Dadds said last year's event included only beer and wine, and would this year's event be selling liquor as well? Mr. Lough said it would if that was okay. He inquired if there were any restrictions on that. Ms. Dadds said no, but she wanted to confirm that was the only change.

Mr. Moore stated that he attended last year's event and there were no problems.

Mr. Eigenbrode asked if they had TiPS-trained servers. Mr. Lough concurred they did. Mr. Moore commented that if he needed to train others, the classes are offered twice a month here.

Ms. Dadds suggested Mr. Lough tell the Board more about the event.

He explained it would be held July 22nd and would be held at the St. Benedict's Hall in Ridgely, right behind the church. About 175 people attended last year's event and this year they hope to have more attend. It will be held inside. There will be tables set up outside, but it will be cordoned off so people cannot just walk in. People must buy tickets to attend. There will also be an auction to raise money.

Ms. Dadds referenced the site plan from last year and asked if this year would have the same set-up. Mr. Lough responded it was exactly the same. Chairman Eigenbrode asked if the only addition was the sale of liquor this year. Mr. Lough confirmed this.

Mr. Mann commented he was familiar with the set-up, and the only way in was through 4th Street, and that will be blocked off. Mr. Eigenbrode asked if the alcohol will be inside. Mr. Lough said yes, and nobody can carry it out.

Motion: Mr. Plutschak made a motion to approve the temporary license for St. Benedict Catholic Church's Bluegrass Fest on July 22, 2023.

Second: Mr. Mann seconded the motion.

Vote: All members voted in favor (3-0).

Greensboro Volunteer Fire Company

Rodeo - July 22 & 23, 2023

Chairman Eigenbrode asked if Board members had been given any information regarding this request. Ms. Dadds said they did not, but she has a site plan from a previous application which was projected for them to see. She asked Rich Covert if this was the set-up they would be using.

He replied that for this event, things might have to be moved closer to the drive-in movie screen, but other than that it should be about the same.

Mr. Mann asked if they would still have full containment. Mr. Covert said yes, full containment, and everyone would be wrist banded.

Mr. Moore reported that the last event, the tractor pull, went fine.

Mr. Covert said the only difference would be in the set-up because of the space needs for the rodeo. Mr. Moore asked if anything would be past the front of the building. Rich said no.

Ms. Dadds asked Mr. Covert to tell the Board about the event. He replied the rodeo would have bull riding, barrel riding, team roping, steer wrestling, and bareback and bronc riding. On July 22nd it will begin at 7 pm and on July 23rd it will begin at 2 pm. It will be held rain or shine.

Shriner's Benefit - Tractor Pull

Mr. Covert also told the Board there will be a tractor pull on August 5th or 12th which is a benefit for the Shriners that will begin at 6 pm. There was some uncertainty of the actual date of the event.

Mr. Eigenbrode asked if these events fell under Greensboro's Multi-event license. Ms. Dadds said it did, and these events were being held outdoors and that is why they needed to bring the request to the Board to expand their licensed premise area outdoors.

Mr. Plutschak asked if these events are counted toward their total. Ms. Dadds confirmed it did. Mr. Plutschak asked how many events were permitted for the year. Ms. Dadds said 20, possibly 30. Either way, they are nowhere near reaching the maximum for the year.

Mr. Moore commented that there haven't been any issues with Greensboro recently. Once, probably two years ago, there was a question about where they were getting their alcohol from and if it was returned, but that was handled.

Motion: Mr. Mann made a motion to approve the temporary expansion of the licensed premise area for Greensboro Fire Company's Rodeo on July 22 beginning at 7 pm and July 23rd starting at 2 pm. and for the tractor pull on either the 5th or 12th beginning at 6 pm.

Second: Mr. Plutschak seconded the motion.

Vote: All members voted in favor (3-0).

Ms. Dadds confirmed that this would count as 3 events. She asked Mr. Covert to send her all the information so she could send the approval verification.

Discussion Items

Potential Legislative Change Requests

Salon License

Ms. Dadds told the Board Holly Justice had requested an alcoholic beverage license for her salon in Ridgely. Currently, the county has no license categories which fit for a salon. Ms. Justice is here to speak to the Board about what she wants to do and to see if the Board would consider a legislative change for next year to create a class of license for a salon or barber shop. Research shows that currently Anne Arundel, Frederick, Garrett, Montgomery, Queen Anne's, and St. Mary's all have some type of beauty salon or barber shop license. Each has specific regulations for that. Harford had a request in this year, but it did not make it out of committee. Only one on the Shore, Queen Anne's County, has it.

Mr. Plutschak asked if the law says you cannot use a hair salon to sell any kind of liquor, a state law or county law that specifically says you cannot sell alcohol in such a place?

Attorney Barroll said he was not aware of any.

Ms. Dadds explained the county's types of licenses and said none of these fit what Ms. Justice had in mind to do.

Ms. Justice proceeded to introduce herself and explained that she owned a beauty spa in Ridgely where she provides luxury beauty services to women and men. As a part of that service she would like to offer wine or champagne to her clients.

Chairman Eigenbrode asked if she wanted to sell it or give it away as a complementary service. Ms. Justice said she wanted to make it complementary. Mr. Eigenbrode asked if a complementary drink would require a license. Ms. Dadds said it would require a license because a patron could not just walk in from the street and get a free beverage. They would be buying a service, and the drink would be part of that service therefore constituting a sale.

Ms. Justice explained to the Board that she offers bridal shower and bachelorette party packages and would like to include a bottle of champagne as part of the package. She stated that she is from New Jersey and new to the area and wanted to make sure that she is legally covered to do this after speaking with her insurance agent. She provided the Board with a sample application from Oklahoma (she could not find one for Maryland) that is used for nail salons, barber shops, etc. where a customer can only consume two alcoholic beverages during their service. She felt this is something that fits perfectly with what she would like to do.

Mr. Moore commended Ms. Justice for coming in and talking with the Board about this instead of trying to do it without checking the law. He also said her idea of allowing just 2 drinks for each customer getting a service was on track with what he has seen. He cautioned her that to do this, it would take a considerable amount of time to get through the legislative process.

Ms. Justice said she understood that, and as a small business owner, she is always trying to find ways to bring in more income. She has the advantage of being near Cow Barn Events which is wedding venue, and this would fit perfectly with a bridal service package.

Mr. Eigenbrode asked Ms. Dadds for examples of this type of license. Ms. Dadds replied that each jurisdiction has specifics for this type of license. In Queen Anne's County, this type of license was added in 2019:

- For beauty salons and barber shops, beer and wine can be served.
- The establishment has to be licensed through the state as a beauty salon or barber shop.
- They are licensed to sell beer or wine by the glass as long as the customer is having a cosmetology service done.
- They can have 5 ounces of wine or 12 ounces of beer per visit.
- They cannot transfer the license to another location.
- It must be in normal business hours but can be no later than 9 pm.
- They are subject to the alcohol awareness training requirements.

Mr. Eigenbrode asked where they would purchase the alcohol. Ms. Dadds answered that they would have to follow the same regulations as every other permanent licensed establishment and would be required to purchase from a distributor. If the Board were to decide to go forward with the legislative

change, it would be up to the Board to decide the specifics for this type of license. Ms. Dadds offered to gather more information from the jurisdictions having this type of license for the Board to see.

Ms. Justice added that she had looked over Garrett County's license regulations that went into effect July of 2022.

Ms. Dadds did not feel any of the county's existing license categories could work for salons. Garrett County's rules were very similar to Queen Anne's. Garrett charges \$200. per year for the license and an initial fee of \$200. when first getting the license.

Mr. Moore alerted Ms. Justice that before any legislative change is made, she should not offer wine to customers because once something like that is done, it gets referred to the sheriff's office because it is breaking the law.

Mr. Mann felt that this would be a service that a lot of women would partake in and would enjoy having a glass of wine while getting their salon service.

Ms. Robyn Ritter commented from the audience that she recently was looking to purchase a gift card for a friend where she could get a manicure/pedicure and could have a glass of wine with the service. She ended up going having to go to Dover, DE and would have preferred to have gone with a local business.

Mr. Barroll asked Ms. Justice if she agreed with the limits that Queen Anne's County had adopted. She said since they would be driving home after whatever services they were having done, two drinks was probably right.

The Board thought this type of license made sense, and they knew they had to create a license category that made sense for this purpose. They agree to study the issue further.

Festival, Sampling & Tasting Licenses: liquor tasting

Ms. Dadds reminded the Board of Robyn Ritter's (Red Light Liquors) previous inquiry about having liquor tastings. There is currently no provision for this in Caroline County, and it would require a legislative change. She projected a chart illustrating jurisdictions in Maryland with liquor tastings and what their rules for this were.

Mr. Plutschak noted that Garrett County was able to decide their own regulations for tastings. Ms. Dadds responded that they had to introduce legislation in order to have that provision.

Mr. Eigenbrode noted that Talbot County was listed as "No" with regards to tastings, but they had distilleries which offered tastings, so how does that work? Ms. Dadds answered that the state licensed distilleries, and under the state provisions, distilleries can offer tastings.

If the Board decides they want to add liquor to the current beer and wine tastings, they will need to decide what the liquor tasting limit would be for each offering as well as the total limit. Currently, beer is 3 ounces per offering and a total of 8 ounces. Wine is one ounce per offering with a total of 4 ounces for the day.

Mr. Eigenbrode had visited distilleries in Tennessee which gave 10 samples. Mr. Mann said the distillery in St. Michael's offered 5 samples for a tasting. Ms. Dadds commented that someone has inquired about opening a distillery in Caroline County.

The legislative change could be accomplished by adding "liquor" to the existing law relating to beer and wine tasting, setting the size per tasting and setting an amount for the total tasting.

Mr. Mann suggested each serving be ½ ounce and the maximum be 2 ½ ounces per day.

Mr. Plutschak suggested the Board define the action items to be completed before the next meeting.

Ms. Dadds said before the next meeting, staff will compile a draft for what the Board wants to do regarding 1) salons serving beer or wine and 2) liquor tasting. If the Board approves that, it will go before the Commissioners for their support and finally it will be presented to the delegation for their support in the fall.

Mr. Moore commented that as more businesses move to the area, there will be more requests for licenses, like movie theaters.

Mr. Plutschak asked to get a copy of the legislation Garrett County submitted in order to make their own decisions on liquor tastings.

Ms. Dadds proposed that if the Board plans to allow liquor tastings, now would be a good time to reevaluate the beer and wine tastings to make them more consistent with what breweries and distilleries offer. Mr. Mann suggested the beer tastings total limit of 8 ounces be changed to 9 ounces to make it consistent with the 3 ounce sample rule.

Mr. Moore stated that these limits are enforced through compliance checks when he visits establishments offering tastings.

Ms. Dadds repeated that staff will draft something for the Board regarding liquor tastings.

Potential Legislative Change: Alcohol Delivery

Ms. Dadds informed the Board she received notice from the Maryland Alcohol, Tobacco, and Cannabis Commission (formerly the Maryland Alcohol and Tobacco Commission) regarding the legislation which will terminate on June 30th. Due to Covid-19, former Governor Hogan had passed an executive order to allow restaurants to serve alcoholic beverages to go and to allow alcohol delivery. That executive order expired when the state emergency ended in 2021. However, additional legislation allowed those businesses to continue serving alcohol to go and to deliver alcohol for 2 years, until June of 2023 provided that the local board would allow that. At that time, only 2 businesses in the county were making use of the executive order and did not want to continue it, so the Board chose not to allow this. As of July 1, 2023, there will be no drinks to go or alcohol delivery. Therefore there is no longer a way for the county to allow alcohol delivery.

Robyn Ritter gave the Board information about the counties now allowing alcohol delivery by retail stores. Mr. Eigenbrode asked about the company which offered delivery and could be ordered online. Ms. Ritter said the company was Drizly and it operates in over 80 cities in Maryland. The information she submitted showed that Prince Georges and Washington Counties have retail delivery. Washington County requires the delivery to be done by an employee of the store. They would like to partner with food establishments to deliver both food and alcohol at the same time.

Mr. Moore spoke with Drizly, and currently they do not have to get the alcohol from a specific place, in fact they can even cross state lines. This would be a problem. Ms. Ritter stated that she is not interested in using an organization like Drizly; they would prefer to use their own employees.

Mr. Eigenbrode asked Ms. Ritter if she was seeing a demand for alcohol delivery. She said yes, and she thought this service would make money.

Ms. Dadds inquired if Ms. Ritter knew whether or not the counties delivering alcohol were doing it under the legislation adopted in 2021. Ms. Ritter was not sure but the regulations she provided were not for restaurants, just retail stores. Mr. Moore added that usually, someone delivering alcohol would have to get a permit from the Comptroller for transporting alcohol. Without that permit, someone delivering alcohol could have their car seized or even jail time.

Attorney Barroll commented that he wondered about the liability insurance for such activities. Mr. Eigenbrode asked Ms. Ritter if she was ok with the liability issues with alcohol delivery. Mr. Barroll described a scenario where alcohol was delivered to a place where domestic violence occurred, and the injured party chose to sue anyone related to the occurrence and decided to sue you. Ms. Ritter responded that there must be insurance companies covering that because so many places have delivery. Mr. Moore explained that in Maryland, if an accident occurs, it is investigated “all the way up” so the store providing the alcohol can be held responsible. He understands alcohol delivery may be coming, but many difficulties have to be resolved before that happens.

Mr. Plutschak pointed out that as a license holder you already have a tremendous liability without taking on the additional liability of alcohol delivery.

Ms. Dadds could not find any reference in state law that would allow Washington County to deliver alcohol, so it sounds like alcohol delivery comes from local regulations.

Mr. Mann asked if more information about this issue could be gathered for the Board.

Mr. Eigenbrode said the Board would need more information before making a decision on alcohol delivery.

Update: HB258 – Residency Requirement

Ms. Dadds reported Caroline and Queen Anne’s Counties submitted this bill to change the residency requirement from county to state and to remove the requirement for a petition of support for alcohol licenses. On April 27th, the Maryland Attorney General Anthony Brown issued an opinion saying any residency requirement was unconstitutional. The submitted bill was ultimately approved by the Governor on May 3rd. As of July 1, the petition will no longer be required for alcohol licenses, nor will

being a county resident. One Maryland resident is required, but that resident must live in Maryland at the time of application and must retain that residency for as long as they hold the license. Ms. Dadds has heard that a bill will be submitted next year which takes out all residency requirements.

Inspector Report

Mr. Moore provided the Board with an update of the licensed locations where he performed inspections over the past month and advised them that he trained six employees in TIPS.

Mr. Plutschak and Mr. Moore both attended the last LDACC meeting.

Mr. Plutschak told the Board he knows Heather Combs, editor of Caroline Review, and she would be willing to write a story that portrays the Liquor Board in a positive way. Ms. Dadds remarked that a report of all underage compliance checks would be a good start. We need all to be completed before deciding. Mr. Moore thought his TIPS classes are teaching clerks how to spot fraudulent IDs, and he believes final results will be positive.

Motion: Mr. Plutschak made the motion to accept the April 26, 2023 minutes.

Second: Mr. Mann seconded.

Vote: The members voted unanimously to accept the minutes.

Adjournment

Motion: Mr. Plutschak made the motion to close the meeting.

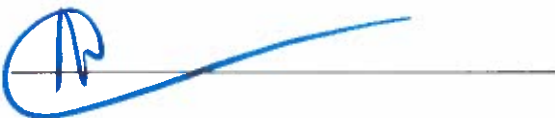
Second: Mr. Mann seconded.

Vote: The members voted unanimously to adjourn the meeting.

Chairman Eigenbrode adjourned the Board of Licensed Commissioners meeting for Wednesday, June 28, 2023 at 10:55 am.

BOARD OF LICENSE COMMISSIONERS

Greg Eigenbrode, Chairman



Minutes prepared by:
Catherine McCulley, Boards Administrative Assistant