

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

DATE: July 28, 2021

PLACE: Hybrid Meeting on Microsoft Teams
Health & Public Services Building
403 S. 7th Street, 1st Floor, Room 110
Denton, Maryland 21629-1335

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

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

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

SHOW CAUSE HEARINGS

Covey's/Momy, Inc – 20921 Dover Bridge Road, Preston, Maryland

Chairman Eigenbrode swore in:

Sul Soon Kim, 20921 Dover Bridge Road, Preston, MD 21655
Nam Su Han, 3206 Shadow Park Drive, Laurel, MD 20724

Ms. Dadds read a portion of the summonses into the record for Sul Soon Kim and Nam Su Han.

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 28th day of July, 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.

This Summons was issued by the Board of License Commissioners pursuant to Alcoholic Beverages Article, §6-204 of the Annotated Code of Maryland and was served to Sul Soon Kim on July 12, 2021 by the Caroline County Sheriff's Office. The same Summons was mailed certified to Nam Su Han on July 12, 2021.

Ms. Dadds read the exhibits into the record:

- Exhibit 1 – Summons for Sul Soon Kim
- Exhibit 2 – Summons for Nam Su Han
- Exhibit 3 – Incident Report
- Exhibit 4 – Confidential Informant Affidavit
- Exhibit 5 – Violation History

Inspector Moore read the Incident Report into the record. At approximately 7:45 PM on April 17, 2021 Inspector Moore conducted a Compliance Check at the establishment known as Covey's AKA Momy, Inc. This establishment is located at 20921 Dover Bridge Road, Preston, Maryland, which is within the limits of Caroline County, Maryland. Mr. Nam Su Han sold a bottle of Dekuyper Cherry Flavored Brandy to a person under the age of 21 without requesting identification. Nam Su Han is a license holder that is certified in alcohol awareness training.

Mr. Han was asked to explain the incident to the Board. After receiving no response, it appeared that he did not understand the Board's question to him. The Board then asked Ms. Kim to speak on behalf of the establishment. The Board asked if she was at the establishment that day. She answered that she was in the back living quarters at the time and came out to the counter when Inspector Moore notified Mr. Han that he had sold to a minor.

When the Board asked if she had any explanation for what occurred she said she did not. However, when she had asked Mr. Han, he told her that he thought the Informant was a regular customer of age. Ms. Kim thought he checked all ID's when the person appeared to be young. The Board suggested they check everyone's ID.

The Board asked what they look at when someone hands them an ID. Ms. Kim said they look at the name, address, and face on the license. The Board asked her to look closely at the underage license presented on the screen (Exhibit 3, Page 4) so she can notice the details of an underage person's license. Inspector Moore pointed out the portrait layout and where the dates were conveniently located to check birthdates for sales of alcohol as well as tobacco.

The Board asked Ms. Kim what they have done since the incident to prevent this from occurring again. She responded that they have done nothing.

Inspector Moore informed the Board that Covey's was a small business compared to other businesses in the County. When he approached them about the violation, they did not deny it occurred.

The Board was unable to gather any other information from the license holder when they asked. Therefore, this portion of the meeting was closed for deliberation.

DELIBERATION

The Board noted that the licensee did not deny a violation occurred and all the evidence supported the charge.

Motion: Mr. Plutschak motioned that according to the evidence and testimony provided they find Covey's/Momy, Inc. in violation of §6-304 of the Alcoholic Beverages Article of the Annotated Code of Maryland and Caroline County Board of License Commissioners Rule and Regulations No. 2.26.

Second: Mr. Loukides seconded the motion.

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

The Board discussed an appropriate charge for this offense. The establishment only had one charge in their history which occurred 12 years ago for selling alcohol to a minor. Because their record had been clean for so long the Board agreed that a suspension or revocation was not warranted. They agreed that because the license holders did not deny what happened and because there was not a pattern of violations, they would charge a minimal fine.

Motion: Mr. Loukides motioned to fine Covey's/Momy, Inc. a \$750 fine for this violation. They will be required to pay this in addition to the administrative fee of \$50.

Second: Mr. Plutschak seconded the motion.

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

Ms. Dadds informed Ms. Kim that they would receive a decision letter of the Board's findings at which time they will have 30 days to appeal the decision or pay the fine. Ms. Kim asked if she could pay the fine immediately. Ms. Dadds answered that she may go to the Board office and someone there will help her.

Mr. Plutschak informed Ms. Kim that selling alcohol is a serious charge. He implored her to take this very seriously and to please take care that this doesn't happen again. They may lose their license altogether should a second incident occur.

Mr. Merriken suggested that if this particular license holder comes before the Board again the Board should seek to have a translator present. Inspector Moore explained that Mr. Han has always understood English when he spoke to him and that it was also typical for Ms. Kim to speak

for Mr. Han when she was present. Mr. Plutschak asked the Inspector to pay a visit to the establishment to ensure they are clear on what was discussed today.

REVIEW AND APPROVAL

June 23, 2021 Minutes

Having read the June minutes, the Board voted.

- Motion:** Mr. Loukides made a motion to approve the June 23, 2021 meeting minutes as written.
- Second:** Mr. Plutschak seconded the motion.
- In Favor:** All members voted in favor (3-0).

INSPECTORS REPORT

Inspector Moore reported his inspections for the month and discussed what was on his schedule for the coming month. The Federalsburg Police Department reached out to him again for assistance. He also met the new Greensboro Chief of Police.

Inspector Moore informed the Board that he has been contacted more lately than he ever has from both the license holders and local police departments. He appreciated the open communication that has developed.

Next month the Board can expect to hear two more underage sales show cause hearings. He stated that the Local Drug and Alcohol Abuse Council (LDAAC) is meeting again virtually. He attended in July and provided them with an update on current events.

The Board asked how Inspector Moore's efforts to discuss TiPS training with the local police departments has gone. After some discussion they agreed that a Question-and-Answer session with police should be offered. Mr. Plutschak also suggested the Board may want to have a meeting with the local police again as they did a few years ago. Many positions have changed in the Departments since then and the meeting proved to be beneficial. Ms. Dadds stated that she could set that up for a future meeting.

Inspector Moore stated that he is waiting on the Comptroller's Office to mail him a permit to conduct classes. They stated that his application was lost, and he needed to send them a new one. Then in October, when it expires, he will have to send a renewal application in for the next year.

Inspector Moore did the first inspection on Café Paradiso since they were approved for a license in February 2020. Ms. Dadds explained that the establishment didn't have a chance to order their alcohol before everything shut down due to Covid. They have only served food since then. Inspector Moore found a few things that they needed to improve on before his next visit. He

asked the Board if they would consider this as an “opening” inspection under the circumstances. Ms. Dadds added that since the inspection, the manager has called to get a Rules & Regulations booklet. The Board agreed to look at this as an initial inspection.

ADMINISTRATORS REPORT

Ms. Dadds informed the Board that all of the 2020 and 2021 renewal applications have now been turned in. There are a few documents she is waiting on; however, they have until August 15, 2021 to submit those.

Wetcher Whistle paid their fine yesterday and their license was removed to start serving their suspension. Inspector Moore was at the establishment at 8:00 AM yesterday morning to explain to them what needed to be done and to ensure the alcohol was clearly roped off. The local police will be assisting him in ensuring the suspension is respected.

Stateline Store also paid their fine. Ms. Dadds referred to the letter staff mailed to restaurant and tavern license holders about the Board’s decision not to continue “To Go” sales of alcohol effective July 1, 2021. Since that time, she has not received any questions or complaints from any of the establishments. Mr. Mann added that Denton Police Chief Bacorn had contacted him about where the Board stood on this before they have their monthly “Thirsty Thursday” event.

Ms. Dadds stated there will also be a transfer on the August agenda.

The Board welcomed the new County Attorney, Stewart Barroll. Mr. Barroll will be in attendance for the August meeting in Mr. Merriken’s absence.

ADJOURNMENT

Motion: Mr. Loukides made a motion to adjourn at 10:08 AM.
Second: Mr. Plutschak seconded the motion.
In Favor: All members voted in favor (3-0).

Prepared by Melanie Smith



Greg Eigenbrode, Chairman