

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

DATE: Wednesday, April 26, 2017

PLACE: Health & Public Services Building
403 S. 7th Street, 1st Floor, Room 110
Denton, Maryland 21629

BOARD MEMBERS: Carol Webster, Chair
Greg Eigenbrode, Commissioner
Nick Loukides, Commissioner

OTHERS PRESENT: Crystal Dadds, Asst. Director of Codes
Heather Price, Attorney
Melanie Smith, Administrative Assistant to the Boards

Chair Webster called the regular meeting of the Caroline County Board of License Commissioners to order at 9:30 AM.

NEW BUSINESS

SHOW CAUSE HEARING

WHISKEY BARREL SALOON – 16450 Henderson Rd, Henderson, MD

Ms. Dadds read the summons and exhibits into the record.

Charge No. 1 – Alleged violation of the Caroline County Board of License Commissioners Rule & Regulation No. 2.09, specifically, a conviction on August 31, 2016 of driving/attempting to drive a vehicle while impaired by alcohol on March 31, 2016.

Exhibit 1	Summons for Karen Pilipauskis
Exhibit 2	Case Information for State of Maryland vs. Karen Pilipauskis

Chair Webster swore in:

Karen Pilipauskis, 25560 Hill Road, Greensboro, MD

Ms. Pilipauskis explained that she was pulled over in March 2016 for attempting to drive while impaired by alcohol. She took a plea bargain and plead guilty at her hearing on August 31, 2016. She is on probation until April 2018 and must meet with her probation officer every two (2) weeks. Ms. Pilipauskis submitted the following exhibits:

Exhibit A	Parole and Probation Report
Exhibit B	Health Department Drug Alcohol Class Enrollment
Exhibit C	Health Department Assessment

Her next meeting is scheduled for May 16, 2017. Ms. Pilipauskis asked the Board to please take into consideration that this business is her only income and that she has made positive moves in response to her situation. She pointed out that she was charged before she took over the business. Ms. Pilipauskis told the Board that she spoke to Ms. Dadds about this when she applied to renew her license and was told that a pending charge would not prohibit her from filing an application. Ms. Dadds explained that a felony record would prohibit her from filing a license application.

Ms. Price read Caroline County Rule & Regulation §2.09 - Convictions Relating to Alcohol or Drugs:

Any licensee who is convicted of violating any drug law, driving while intoxicated, driving under the influence of drugs or alcoholic beverages will subject the licensee to a possible fine and/or suspension or revocation pursuant to a hearing in accordance with Article 2B, §10-403.

Mr. Loukides stated that when he was working for Parole & Probation he could not violate someone for an offense they committed before they were put on probation.

Motion: Mr. Loukides motioned for the Board to take no action since the violation occurred before Ms. Pilipauskis was a license holder, but warned should another offense be committed it will be treated with severe consequences.

Second: Mr. Eigenbrode seconded the motion.

In Favor: The motion was unanimously approved (3-0).

The Board must consider their findings to approve/disapprove Ms. Pilipauskis' annual license renewal application. Ms. Dadds pointed out that approval was pending the outcome of this hearing; her 2017 Trader's License; the annual license fee and late fees; and an outstanding \$100 fine.

Ms. Price asked them to consider MD Annotated Code Alcoholic Beverage Article, §4-210:

- 1 - The business that is conducted at the establishment reveals the public desire;
- 2 - Chair Webster stated that there are no other existing license holders near the Whiskey Barrel;
- 3 - Because there are no other license holders near the Whiskey Barrel, issuing the license would not affect any other license holders;
- 4 - For the same reason this establishment could be considered unique to the area;
- 5 - The Board agreed that approving the license will have no negative impact on the health, safety, and welfare of the community, including issues relating to crime, traffic, parking, or convenience.

§15-1503 - Ms. Dadds stated that there are no outstanding tax issues. Chair Webster noted the fees were withheld pending the outcome of today's hearing.

Motion: Ms. Webster motioned for the Board to approve the renewal for the 2017 Whiskey Barrel license with the conditions that all fines and fees are paid and a copy of the 2017 Trader's License is provided to staff.

Second: Mr. Loukides seconded the motion.

In Favor: The motion was unanimously approved (3-0).

NEW LICENSE APPLICATION

RIDGELY EXXON, LLC – 13 W. 6th Street, Ridgely, MD

Ms. Dadds read the Notice of Public Hearing published in the Times Record on April 12 and April 19, 2017 and the exhibits into the record.

Exhibit 1 Notice of Public Hearing
Exhibit 2 Application for a Class "A" Beer, Wine & Liquor License

Included with the application were the following documents:

1. Statement of Owner of Premises
2. Citizen Petition (with only one (1) qualifying signature)
3. Copy of Driver's License for Chu Sun Yi
4. Copy of Driver's License for In Hwa Park
5. MD Dept. of Assessment & Taxation Letter of Acceptance
6. Employer ID Number Assigned by IRS
7. Bill of Sale for Business Assets
8. Commercial Lease Agreement
9. LLC Operating Agreement for Ridgely Exxon, LLC
10. Criminal Records Check for Chu Sun Yi
11. Proof of Voter Registration for Chu Sun Yi
12. Real Property Data Sheet Map 700 Grid 23 Parcel 336

Chair Webster swore in:

Sergey Nikolaev, 5736 Bradley Blvd., Bethesda, MD 20814
In Hwa Park, 7100 Maiden Point Place, Elkridge, MD 21075
Chu Sun Yi, 9742 New Bridge Road, Denton

Robert Thornton, Jr. is the legal representative for the owner of the property Sergey Nikolaev and the business owner Chu Sun Yi. This property is where the previous Connolly's Market was located. Mr. Thornton stated the location should not be a problem since the House of Spirits has closed and Fosters is located on the other side of Ridgely. He informed the Board that Mr. Nikolaev has spent \$400,000 in improvements to the property. He has put in new underground fuel tanks and piping and has added diesel fuel. He finances the venture and owns another property in Centreville. Queen Anne's County has a fleet card to allow the County to buy diesel at the location. He has been approached by the Post Office in Ridgely about getting a fleet card. Besides being a package store they will be selling snacks and prepared food.

The operation had to be closed for the upgrades. Mr. Nikolaev was not aware of the 10-day closure rule and the County revoked the liquor license after having been closed for several months. Ms. Park will be the on-site manager along with her husband, Mr. Moon.

Mr. Nikolaev explained that he owns six (6) locations, some he leases out, others he runs himself. He is familiar with the convenience store and gas business as well as the beer and wine business; his wife and brother also owns liquor stores in Maryland. He is aware the previous owners were not forthcoming and he assured the Board that he will be different. G

& G Distributing, Queen Anne's County and the Town of Centreville have fleet cards with the store in Centreville.

He wanted to show his commitment, after he purchased the store, by totally remodeling it and changing its name. The fuel dispensers are due to arrive next week. He explained that the rainy weather has delayed the concrete work. He has also purchased a new LED fuel price sign, fuel canopy, and new cash registers. He intends to lease the property until such time that he may sell. He has the experience and money to back the business and will also supervise.

Ms. Park informed the Board that the business hours will be from 6 a.m. to 9 p.m. seven days a week. They have added a lottery table to attract more business.

Chair Webster asked the Board to consider MD Annotated Code Alcoholic Beverage Article, §4-210 and made the following conclusions:

1. The Board agreed that the public desire to have a convenience store located there was evidenced by their support of Connolly's establishment for so many years.
2. There are three (3) establishments that sell alcohol in Ridgely. Two (2) convenience stores are located on the opposite side of town from the Ridgely Exxon and the other is a restaurant also one on the other side of the town.
3. A liquor license had already been established on this property and proved to be a convenience to the neighborhood.
4. The location satisfied condition two (2); additionally, they will offer diesel, gas and lottery tickets as well as offer fleet cards for local businesses.
5. The Board found no problem with the application regarding health, safety, and welfare, nor crime, traffic, or parking. The new owner has made improvements to the property that increased safety and convenience.

Mr. Eigenbrode was concerned that even though there is a new property owner, the business owner and manager are the same people that managed the previous business when there were so many issues. Mr. Nikolaev replied that the two (2) women were simply license holders for Connolly's; they had nothing to do with the operations of the business.

Ms. Dadds referred to the April 2016 Liquor Board minutes of the Inquiry Hearing for Connolly's Market. The minutes showed Ms. In Hwa Park introduced herself as the Manager of Connolly's then and also during previous violation hearings. She added that as manager and license holder they should have been familiar with the Rules & Regulations and should not have lost the license due to the 10-day closure rule. Mr. Eigenbrode stated Ms. Yi had 3 violations in 1 year for sales to a minor and she was also one of the violators.

Chair Webster asked the Board to consider the moral character and financial responsibility of the applicant. Mr. Loukides stated a change of blood is a good thing in this case. Ms. Price noted incorrect dates on the lease agreement. The date it was signed reads 2015 (prior to ownership) and the lease reads that it takes effect on November 1, 2014. She also pointed out that the address listed is in Stevensville, Maryland and the landlord and tenant signatures appeared to be the same.

Mr. Nikolaev explained that he copied the form that was used in his Centreville store and did not correct the dates. He will have the dates and signatures corrected and bring it into the office. Ms. Price asked how Mr. Nikolaev will supervise the store when he lives in Bethesda.

He replied that he trusted the management of Ms. Park and she has not had any violations. Ms. Price responded that he was incorrect in that she has been before the Board for violations and she wants to know what assurances he can give that there will not be any problems in the future. Mr. Nikolaev believes his financial assistance and experience will be the difference. Ms. Price would be more comfortable if he would be more involved. He responded that he could be there four (4) days a week and will quiz staff regularly to ensure they know the law.

Mr. Thornton suggested it could be considered discriminatory not to allow a permanent resident that is a citizen of another country to hold a liquor license. Ms. Dadds reminded him that license holders are also required to be registered voters.

Motion: Mr. Loukides motioned to approve the new license for the Ridgely Exxon with the conditions that the documents submitted are corrected for legal sufficiency and the 10 signatures on the petition are qualifying property owners and registered voters.

Second: Mr. Eigenbrode seconded the motion.

In Favor: The motion was unanimously approved (3-0).

TEMPORARY LICENSE APPLICATION

SCHRADERS OUTDOORS – Temporary one-day license

Ms. Dadds stated that Laura Greenwell on behalf of the Leukemia & Lymphoma Society (LLS), has applied for a special class C one-day temporary license to sell beer at the “Shooting for a Cure” – sporting clay benefit at Schrader’s Outdoors. Beer sales will be included in the purchase of a ticket. The event is to take place on May 6, 2017 from 2 p.m. to 12 midnight. A site plan was included to show the parking area to be behind the Manor. The drinking premise is shown as the West and South side of the Club House.

Ms. Greenwell stated that no alcohol will be served until after the shooting event except for the evening event which is a registered event. Their servers will verify the registrants have not been drinking. Those that are drinking will wear a wristband and will not be shooting.

Several TIPS certified people are available to help. No alcohol is allowed in the driveway. Security will be placed at the ditch before the parking lot to ensure no one takes alcohol outside of the premise area. Mr. Eigenbrode is familiar with events like this and trusts it is safely conducted. Ms. Greenwell stated her team raised \$83,000 last year. This year Ms. Greenwell is being considered for the LLS Woman of the Year.

Motion: Mr. Loukides made a motion to approve the application for the Shooting for a Cure – sporting clay event on May 6, 2017 at Schrader’s Outdoors.

Second: Mr. Eigenbrode seconded the motion.

In Favor: The motion was unanimously approved (3-0).

RIDGELY VOLUNTEER FIRE DEPARTMENT – Temporary one-day license

Ms. Dadds stated that the Ridgely Volunteer Fire Department has applied for a special class C one-day temporary license to sell beer at their annual banquet in their new firehouse located

at 101 Sunset Blvd. in Ridgley. The event will have a DJ – Todd Lord and a cash bar to sell beer.

Barbie Utz, RVFD, explained that the distributor would not bring a beer wagon to the event unless the RVFD had a liquor license, although the Fire Department will not be selling the beer. They will be hiring bartenders this year rather than use their members as they have done in the past. The new building will not be handed over to them until May 1. They hope to receive Health Department approval for the kitchen by this Friday.

Motion: Mr. Eigenbrode made a motion to approve the application for the Ridgely Volunteer Fire Department's annual banquet on May 20, 2017 from 5:30 p.m. to 1 a.m.

Second: Mr. Loukides seconded the motion.

In Favor: The motion was unanimously approved (3-0).

CAROLINE COUNTY COUNCIL OF ARTS, INC. – Temporary one-day license

Ms. Dadds stated that the Caroline County Council of Arts, Inc. has applied for a special class C one-day temporary license to have a cash bar to sell beer, wine and liquor at their "That '70's Event". The event includes a band and will take place at the gym in the Fretterd Center, 107 South Fourth Street in Denton. It is scheduled for June 3, 2017 from 6 p.m. to 10 p.m. A site plan was included.

Marina Dowdall explained that this is their 40th anniversary. It is a 21 and older event. Cocktails prepared by the Culinary School will be on tables spread around the dance floor. They are TIPS certified and will serve a cash bar after their drink that is included with the ticket.

Motion: Mr. Loukides made a motion to approve the application for the Caroline Council of Arts "That 70's Event" on June 3, 2017 from 6 p.m to 10 p.m.

Second: Mr. Eigenbrode seconded the motion.

In Favor: The motion was unanimously approved (3-0).

DOWNTOWN DENTON MAIN STREET GARDEN GALA – Temporary one-day license

Ms. Dowdall also is asking for a license for the Downtown Denton Main Street to have their third Garden Gala on June 10, 2017. The site plan is the same as last year. They are requesting approval for a rain date of June 17, 2017. The garden is fenced in to contain the event. There will be music and light refreshments. They may change the name from Garden Gala to Garden Party in the future. They will be serving beer and Sangria which will have Triple Sec or Brandy.

Motion: Mr. Loukides made a motion to approve the Garden Gala for June 10, 2017 with a rain date of June 17, 2017.

Second: Mr. Eigenbrode seconded the motion.

In Favor: The motion was unanimously approved (3-0).

WETCHER WHISTLE – Beer & Wine Tasting/Sampling License

Ms. Dadds explained that Wetcher Whistle is applying for a Beer & Wine Tasting/Sampling License to conduct up to 26 events for the year. The Board must be notified of a scheduled event at least five (5) days prior to the proposed event.

Harry Patel explained that he has added new items in his store and customers are curious how they taste. He asked for guidance from Ms. Dadds about having a tasting because he is not familiar with such an event. He understands the Distributor will conduct a four-hour tasting of their product at a small table within the store. Ms. Dadds advised him to make sure the distributor knows the Caroline County Liquor Board Rule & Regulations. She added that he must request approval in writing at least 5 days in advance of such an event.

- Motion:** Mr. Eigenbrode made a motion to approve the beer & wine tasting/sampling license for Wetcher Whistle.
- Second:** Mr. Loukides seconded the motion.
- In Favor:** The motion was unanimously approved (3-0).

DISCUSSION

DELEGATING AUTHORITY

Ms. Webster explained that the Board will discuss delegating authority for approval of temporary one-day license applications to Ms. Dadds. Under the law the Board is the only one with the power to issue, revoke and suspend liquor licenses. Ms. Price would feel more comfortable to check case law before the Board considers delegating their authority to staff.

The Board asked if they would be allowed to approve the temporary licenses via email or phone. Ms. Price is concerned that such an approval will circumvent the Open Meetings Act.

Ms. Price added that she found an Attorney General's opinion regarding the Boards decision to delegate their authority. Nowhere does it state the Board can delegate their authority to any person. Therefore, they may need to retract Amendment 2016-02 regarding citations. She will continue to study this and will distribute her opinion as soon as possible.

LICENSES PREAPPROVED

Ms. Dadds informed the Board that per the Boards previous approval of this annual event, she has given a license to the St. Benedict Church for their Springfest on May 20th.

Similarly, Ms. Dadds gave a one day license to the Ridgely Lions Club for their annual Strawberry Festival that is scheduled for Sunday, May 28, 2017.

Ms. Dadds also received a call from Ms. Mackel of the Historical Society regarding their annual lawn party. It is scheduled for June 3, 2017 from 5:30 p.m. to 7:30 p.m. at the home of Governor Harry Hughes on Pealiquor Road. Tickets will be sold in advance and advertised to their members and spouses.

AGENDA AMENDMENT

Motion: Mr. Loukides made a motion to amend the agenda to include the Historical Society's application.

Second: Mr. Eigenbrode seconded the motion.

In Favor: The motion was unanimously approved (3-0).

Motion: Mr. Loukides made a motion to approve the Historical Society's application for their annual Lawn Party at Governor Hughes home on June 3, 2017 from 5:30 p.m. to 7:30 p.m.

Second: Mr. Eigenbrode seconded the motion.

In Favor: The motion was unanimously approved (3-0).

MALA CONFERENCE

Ms. Dadds had hoped the agenda was available for distribution today. It is not, but she will forward it to those attending as soon as it is available.

LICENSEE VIOLATION

The Denton Shell has posted a new name outside of their establishment. They filed for their renewal as Denton Shell but have changed their sign to Carroll Mart. The Board is interested in bringing them in for a hearing. Ms. Dadds will add this to May's agenda.

OLD BUSINESS

MEETING MINUTES

Chair Webster presented the minutes from the March 22, 2017 Board of License Commissioners meeting.

Motion: Mr. Eigenbrode motioned to approve the minutes as written.

Second: Mr. Loukides seconded the motion.

In Favor: The motion was unanimously approved (3-0).

Chair Webster presented the minutes from the April 7, 2017 Board of License Commissioners meeting. Ms. Dadds commented that she expects everyone will turn in their required paperwork in time for renewal pick up.

Motion: Mr. Loukides motioned to approve the minutes as written.

Second: Mr. Eigenbrode seconded the motion.

In Favor: The motion was unanimously approved (3-0).

Chair Webster adjourned the meeting at 11:11 a.m.

BOARD OF LICENSE COMMISSIONERS
Carol H. Webster, Chair

Melanie Smith

Minutes prepared by:
Melanie Smith

