

**Queen Anne's County Liquor Board
Minutes of Meeting**

**May 4, 2021
9:00 a.m.**

The Board of License Commissioners of Queen Anne's County held an "in person" with virtual/zoom option, provided by QA TV, on Tuesday, May 4, 2021. The meeting was called to order by Chairman Joyce E. Jones, Esq. Those present were: Joyce E. Jones, Esq., Chairman; Thomas E. Beery, Vice- Chairman; John T. McQueeney, Timothy G. Hibbard and Gene M. Ransom, III, Esq., Members; Tom Calmon, Liquor Inspector; Cathy Maxwell, Clerk to the Board; Jeffrey E. Thompson, Esq., Attorney for the Board; Vincent Allen, Md. Comptroller's Office.

The April 6, 2021 Minutes and the April, 2021 Monthly Report from Tom Calmon, Liquor Inspector, were approved.

The following Special Temporary License was approved, with the condition that alcohol is allowed at the 4-H Park:

ABATE of Maryland – Dates of Event – June 18 & 19, 2021

The Board discussed a one-day approval for El Jefe Mexican Kitchen Tequila Bar for their annual Cinco de Mayo event to be held on May 5, 2021. They will have a beer truck parked out front. Mr. McQueeney said they hold this event every year and there has never been a problem. They will require approval from Planning & Zoning. A motion was made by Mr. McQueeney, seconded by Mr. Ransom, to approve this request. The Board will not require them to appear before the Board each year for this event, but rather to give the Board notice prior to the event. All members voted in favor.

The Board reviewed for advertising a new Class "D" beer, wine & liquor license for Jacob Heimbach and Jeffrey Putman, for the benefit of Bull and Goat Brewery, LLC, trading as Bull and Goat Brewery, located at 206 Banjo Lane, Centreville, MD 21617. Jacob Heimbach appeared before the Board. They currently have a Class "D" Beer license and are requesting to upgrade to beer, wine & liquor. Mr. Thompson reviewed the application and said all documents were in order. Their intent is to only sell their own liquor that they make and do want to bring in local craft wines from the State of MD. They are allowed to sell under their State distillery license two cocktails per customer. The Board discussed whether current license holders need to get an additional background check. Ms. Jones said the statute requires that background checks be done so the Board ruled that current license holders will be required to obtain one. There will be a public hearing on this application on June 1, 2021.

The Board held a public hearing for a new Class "A" beer, wine & liquor license for Sheikh Asadullah, for the benefit of Badsah, Inc., trading as Queenstown Mart, located at 4638 Ocean Highway, Queenstown, MD 21658. Mr. Asadullah and his attorney, Joseph McQueeney,

appeared before the Board. Member John McQueeney recused himself as he is the father of Joseph McQueeney, Esq. Mr. Thompson administered the oath to all who were to testify. No one appeared in opposition to this application. Mr. Thompson reviewed the application and said all documents were in order. Mr. Asadullah currently has a Class "A" beer and wine license and is requesting an upgrade/reclassification to a Class "A" beer, wine & liquor license. He is a US citizen. He has had his current license since August, 2020. He previously held a license for Piney Creek Mart. He has never had any violations. He has no financial interest in any other business. Mr. Asadullah said his business is a convenience store and sells beer and wine and there is a gas station. He is the only shareholder in the company and the only person authorized to hold an alcohol license. Mr. McQueeney reviewed § 4-210 of the Alcoholic Beverages Code, Approval or denial of license application. Mr. Asadullah believes there is a public need and desire for the requested license. His customers have requested it. There was previously a Class "A" beer, wine & liquor license at this location with a different license holder. That license was revoked by this Board but Mr. Asadullah was not involved in the business at that time. Mr. Asadullah submitted a Petition in Support which he gathered over 100 signatures in about a week. He does not feel this license will have any negative impact on nearby license holders or the community. He has adequate parking. He is certified in alcohol awareness. Mr. Beery asked Mr. Asadullah if he had any business relationship with Xtra Mart and Mr. Asadullah said, no, he used to own that company but sold it two years ago. Mr. Beery said the website says the store is a "chain" so he might want to address that. Ms. Jones said this request is not in the 4th District. Mr. Ransom reviewed § 4-210 of the Alcoholic Beverages Code and said the applicant has met all the factors. A significant number of people signed the Petition in favor of it. No one testified in opposition. A motion was made by Mr. Beery, seconded by Mr. Hibbard, to approve this license. By a vote of 4 in favor, none opposed, one abstention, the motion passed and the license was approved.

The application for a new/reclassification Class "A" beer, wine & liquor license for Yelena Skalinskaya and Kyle Ritter, for the benefit of Clearview 321, LLC, trading as Kent Island Depot, located at 320 Romancoke Rd., Stevensville, MD 21666 was WITHDRAWN.

The Board held a hearing regarding violations for Clearview 321, LLC t/a Kent Island Depot. Ms. Yelena Skalinskaya and her Attorney, Joseph McQueeney, Esq., and Vince Allen, MD Comptroller's Office, Alcohol and Tobacco Commission, Field Enforcement Division, appeared before the Board. Member John McQueeney recused himself as he is the father of Joseph McQueeney, Esq. Concerning the Incident Report submitted by Mr. Allen, Ms. Jones said the reference to charge § AB 6-311 (B)(1) should read (B)(3). A motion was made by Ms. Jones, seconded by Mr. Hibbard, to amend this charge. By a vote of 4 in favor, none opposed, one abstention, the motion passed. Mr. Thompson administered the oath to all who were to testify. Ms. Jones advised Ms. Skalinskaya that she is in violation of Alcoholic Beverages § AB 6-311 (B)(3) which provides that a retail dealer may not keep or allow to be kept any alcoholic beverage on the licensed premises except those that have been purchased by the retail dealer. She is also in violation of § AB 1-408, Failure to keep complete and accurate records of all alcoholic beverages. Ms. Skalinskaya does not deny the charges. Mr. Allen's report also noted

another charge, in violation of § TG 5-302. However, the Board's notice to Ms. Skalinskaya did not include this charge. Mr. Thompson said even if the Board arguably had jurisdiction for this charge, it does not have a penalty provision. Mr. Ransom made a motion, seconded by Mr. Hibbard, that this Board will not address the violation of § TG 5-302 but will leave it to the Comptroller's Office. By a vote of 4 in favor, none opposed, one abstention, the motion passed. Mr. Ransom made a motion, seconded by Mr. Beery, to enter into the record License Commissioners Exhibit No. 1, which was the letter dated 4/19/21 to Ms. Skalinskaya from Mr. Calmon, with the Incident Report from Mr. Vince Allen. By a vote of 4 in favor, none opposed, one abstention, the motion passed. Ms. Skalinskaya had no objection. Mr. Allen said on March 19, 2021 he was contacted by a concerned citizen who indicated that there was an alcoholic beverage called "Keylightful" that was being kept at the Kent Island Depot. Mr. Allen contacted Mr. Calmon and advised him of the information. On March 23, 2021 Mr. Allen responded to G&G Distributors in Centreville, MD who is a Maryland licensed wholesaler for Keystone and the product called "Keylightful". They advised they had no knowledge of Kent Island Depot purchasing this product. Mr. Allen went through invoices and confirmed that this product was not listed as having been purchased from G&G Distributors. Mr. Allen and Mr. Calmon then conducted an inspection on Wednesday, March 24, 2021. They entered the store and contacted Kyle Ritter, Manager, and advised him of the complaint. Mr. Ritter told them the product was in the back on a shelf and it was brought to the store by Sergey Nickolaev. Mr. Allen seized the product, which was 48 12-oz. sealed cans and provided Mr. Ritter with a receipt of confiscation. He was unable to tell if any of the product had been sold. On March 31, 2021 Mr. Allen contacted Mr. Skalinskaya by telephone and advised her of the complaint. She advised him that her husband had put the product at the store. Mr. Nickolaev had advised Mr. Allen that he has stores in Washington, DC and he brought the product to Kent Island Depot and left it there. Mr. Allen said the "Keylightful" is a beer product was stored on a rack with other beer in the back room. He asked Mr. Ritter for records and Mr. Ritter said he had none because it was brought there by Mr. Nickolaev. Ms. Skalinskaya said her store does not sell that product. She said the product was delivered to his store in Washington, DC last summer, it was the wrong product so he had put it in the car to return it to the distributor. He then brought it to Kent Island Depot and forgot about it and it expired. Mr. McQueeney said this was a violation, it should not have happened, it was a mistake, but it was 48 beers, wrongfully delivered, intended to be returned, and the total tax loss was 41 cents. Mr. Thompson said if you violate a regulation that may be adopted under this Article, which this Board does not, a mandatory suspension of the license is possible. Ms. Skalinskaya said it has been a very bad year and she appreciates the Board's understanding. She has had the license for six years with no violations. Mr. Thompson said the penalty for failure to keep records is that the Comptroller's Office may, without a hearing, indefinitely suspend a license for a maximum of 30 days. A motion was made by Mr. Ransom, seconded by Mr. Beery, that these two violations did occur. By a vote of 4 in favor, none opposed, one abstention, the motion passed. Mr. McQueeney said the licensee is here today admitting the violation. It was a serious lack in judgement but there is no evidence that the alcohol was placed for sale or was ever sold and it was expired. There was no intent to harm the public or evidence of tax evasion. There have been no previous violations for this business, and Mr. Allen said he has had no previous violations. Mr. Calmon said he has

had no problems with this business, other than they could not produce invoices. Mr. Ransom said the applicant's testimony seems logical and there was no intent to do anything illegal. And the Board should take into consideration the economic stress that the business has been under with regards to the Royal Farms issue. Ms. Jones said Royal Farms does not have an alcohol license. Regarding the violation to § AB 1-408, record keeping charge, a motion was made by Ms. Jones, seconded by Mr. Hibbard, to fine the licensee \$500 for failure to keep adequate records. By a vote of 4 in favor, none opposed, one abstention, the motion passed. Mr. Ransom reminded Ms. Skalinskaya that Mr. Calmon will be returning to the store and if he cannot obtain those records, she will be charged again. Regarding the violation to § AB 6-311, a motion was made by Ms. Jones, seconded by Mr. Hibbard, to fine the licensee \$500 and hold this \$500 in abeyance for one year from this date. By a vote of 4 in favor, none opposed, one abstention, the motion passed.

Mr. Warren Wright, Drug Free Coalition, appeared before the Board via zoom. Concerning pending bills, he said the Coalition's biggest concern is the to go cups and delivery of alcohol passed the state of emergency which is June 30, 2021. This presents all kinds of compliance issues for alcohol for minors. The opioid and alcohol deaths are about the same. He thanked Mr. Calmon for the compliance check information he sent out to all the license holders.

The Board approved the following 2020 renewal applications: BBQ Bueno, Benedict Andrew American Legion Post 296, Centreville Liquors, Bennett Point Store, Dominion Convenience Store, Hillside Deli, Lena's Bar & Grill, Queenstown Mart, Winchester Liquors.

The Board discussed pending legislation. Mr. Ransom said the Governor has not signed any new QA Co. liquor bills yet.

The Board discussed the current letterhead being used. Mr. Beery said there was some confusion recently because the Co. Commissioners' names are listed on it and not the Bd. of License Commissioners, i.e., if this Board sends out violation letters. Some other Dept./Board letterheads do have the Co. Commissioners listed on it and some do not. Commissioner Steve Wilson was present at this meeting. A motion was made by Ms. Jones, seconded by Mr. McQueeney, that this Board make a suggestion, if the Co. Commissioners are OK with it, that their names be removed and there will be no names on the letterhead. If the Co. Commissioners want their name on there, that will be fine. Mr. Ransom said he thinks this Board should ask the Co. Commissioners. Ms. Jones said this Board first needs a general consensus and then it can go to all the Co. Commissioners. Ms. Jones asked for all in favor of making a request to the Co. Commissioners to remove their names from the Liquor Bd. letterhead. Mr. Thompson said instead he could call Todd Mohn, Co. Administrator, and he can ask the Co. Commissioners. All members agreed.


Mr. Thompson said last month this Board voted for him to send out a notice to all license holders that they had a May 15, 2021 deadline to submit their 2021-22 renewal applications. Mr. Thompson then heard from Todd Mohn, Co. Administrator, that the Co. Commissioners

were considering making an adjustment for the license fees. Mr. Thompson said he was then advised for this Board to proceed as they originally approved it, except to note that the Bd. of License Commissioners pursuant to § 27-1406 may, in cases of hardship, refund a portion of the fee for a license it has issued. Mr. Thompson said since he didn't hear this until last Thursday, he didn't think it was fair to the license holders or staff to say the applications had to be submitted by May 15 to be voted on at the June 1, meeting. Mr. Thompson said he needs guidance from this Board because based on the Governor's Executive Order, the licenses will expire on June 30, 2021. Mr. Thompson said the letter he wrote says if the licensees received their 2020-21 license, then they only owe for the 2021-22 year. But because of Covid they did not receive their 2020-21 license, go ahead and file for your 2021-22 license and you will owe for both years. So therefore, the 2020-21 licenses will not be actually printed and issued, just paid for. Mr. Ransom made a motion, seconded by Mr. McQueeney, that the Liquor Bd. will adhere to the following 2021-22 license schedule. All 2021-22 license renewal applications will be due by June 4, 2021. Any applications received by June 4, 2021 will be deemed to be approved from the period of June 30, 2021 to July 6, 2021. Any deficiencies with regards to the filing will be reviewed and be dealt with at the July 6, 2021 regular monthly meeting. All members voted in favor. Mr. Thompson will finalize the letter which will be sent to all license holders and will be posted on the County website. Mr. Thompson said on the refund issue, the letter will also say that in cases of hardship, the Board may refund a portion of the fee for a license that has been issued. Mr. Thompson said a license holder can request a refund after the fact, not during the renewal process. Ms. Jones said these would be handled on a case-by-case basis and this would be after they have paid and received the 2021-22 license.

Ms. Jones thanked Mr. Calmon for reminding the license holders that compliance checks will continue on a regular basis.

There being no further business the meeting was adjourned, to meet again on Tuesday, June 1, 2021.

Respectfully Submitted,



Clerk

/s/ Joyce E. Jones

Chairman

