

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

**May 11, 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 11, 2021. The meeting was called to order by Thomas E. Beery, Vice Chairman. Those present were: 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; and John Shelton, Planning Dept., operating Zoom. Chairman Joyce E. Jones was not present.

Mr. Calmon said he had no new reports to be presented.

The Board held a hearing regarding a violation under § 6-304 of the Alcoholic Beverages Code for Rams Head Shore House, LLC, trading as Rams Head Shore House. The charge involves the sale of alcohol to a minor which occurred on April 22, 2021 at the licensed premises. Mr. Michael Lechner, licensee, and his Attorney, Joseph McQueeney, Esq., 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. Mr. Calmon read the incident report into the record. An underage volunteer working with Mr. Calmon entered Rams Head Shore House and purchased an alcoholic beverage. He was not asked for identification by the employee. Mr. Lechner said he did receive Mr. Calmon's letter dated April 28, 2021 advising him of the charge, the Incident Report and the date of this hearing. He does not intend to contest the charges. A motion was made by Mr. Ransom, seconded by Mr. Hibbard, that a violation did occur. By a vote of 3 in favor, none opposed, one abstention, the motion passed. Mr. McQueeney said the waitress did serve the minor without checking his identification. It has always been the policy of Rams Head to check ID's. If an employee fails to observe the rules, Mr. Lechner understands that he is responsible as the license holder. The employee is no longer employed by Rams Head. Mr. Lechner will assure that all employees receive alcohol awareness training. His employees will have a "one-strike" policy when it comes to serving alcohol to minors. Mr. Lechner said he sincerely apologizes for this mistake, he is not making any excuses, the incident happened and he does no plan to be before the Board again in the future. He has an ID checking guide behind the bar. Rams Head is active in the community, they recently made a donation to the Library. His manager, Scott Haney, is an excellent employee and is always looking for ways to help the community. Mr. Lechner must pay the \$300 fine that was held in abeyance at the January 11, 2021 hearing. A motion was made by Mr. Ransom, seconded by Mr. Hibbard, to impose a fine of \$1,000 for today's charge, with \$500 held in abeyance if there is not another violation within one year of this date. By a vote of 3 in favor, none opposed, one abstention, the motion passed. The fines totaling \$800 will be due within 30 days of today's date.

The Board held a hearing regarding a violation under § 6-304 of the Alcoholic Beverages Code for FDE Corporation, trading as Café Sado. The charge involves the sale of alcohol to a minor which occurred on April 22, 2021 at the licensed premises. Mr. Chiu Hong Wong, licensee, and Ms. Iman Haque, employee who made the sale, appeared before the Board. Mr. Thompson administered the oath to all who were to testify. Mr. Wong said he did receive Mr. Calmon's letter dated April 28, 2021 advising him of the charge, the Incident Report and the date of this hearing. He does not intend to contest the charges. Mr. Calmon read the Incident report into the record. An underage volunteer working with Mr. Calmon entered Café Sado and purchased an alcoholic beverage. He was not asked for identification by the employee. Café Sado has had previous underage sale violations in September, 2019 and September, 2020. Ms. Haque is alcohol awareness certified. Mr. Wong said due to Covid he has closed his bar and has less employees. Mr. McQueeney said with these numerous violations, Mr. Wong is on the verge of having his license revoked. Mr. McQueeney said he has received phone calls telling him that Café Sado sells alcohol to minors. A motion was made by Mr. Ransom, seconded by Mr. Hibbard, that a violation did occur. All members voted in favor. A motion was made by Mr. Ransom, seconded by Mr. Hibbard, that with regards to the prior penalty imposed at the October 15, 2020 hearing, that was held in abeyance for one year, that the Board enforce fully that penalty, which is required by law, of \$750 and a 3-day suspension for the days of May 17, 18 and 19, 2021. All members voted in favor. Regarding today's offense, a motion was made by Mr. McQueeney, seconded by Mr. Ransom, to impose a fine of \$1,000 and five days suspension, to run consecutive after the three-day suspension. Mr. Ransom suggested holding three days in abeyance. Mr. McQueeney said most of the time he would agree with that but Café Sado has had 3 violations within the last 18 months. Mr. Wong said he has had medical issues and has not been able to work since February, 2021. He always reminds his employees the gravity of this situation. He currently has five employees and four are alcohol awareness certified. He said Ms. Haque is a very good worker. Ms. Haque said she always checks ID's but she thought the underaged minor looked 21. She said the policy is to check ID's if the person looks under 30-35 or younger. Mr. Ransom said he feels the Board should take into consideration Mr. Wong's health condition and the fact that the restaurants have been hit hard by Covid. He suggested the Board not include the weekend in the suspension. Mr. McQueeney said the Board has been lenient in the past. Mr. Hibbard said he would like to make an amended motion to impose a fine of \$1,500 with a suspension from Sunday to Sunday. This motion did not receive a second. In summary, for today's violation, the motion was made and seconded to impose a fine of \$1,000 with a three-day suspension. Adding the previous five-day suspension, this will begin on Monday, May 17, 2021 through Tuesday, May 24, 2021. Mr. Calmon will pick up the license on Monday, May 17, 2021. Mr. Wong may retrieve his license at this office on Wednesday, May 25, 2021. By a vote of 3 in favor and Mr. Ransom opposed, the motion passed. The total fines of \$1,750 will be due within 30 days of today's date. the Board strongly urged Mr. Wong and Ms. Haque to take this very seriously as possible revocation could happen if another violation occurs. Mr. Thompson told Mr. Wong that this Board appreciates the fact that the gravity of his personal situation is much more important than this license. But he needs to assign someone responsible to run this business when he cannot.

The Board held a hearing for the transfer of a Class "A" beer, wine & liquor license from Troy D. Lee to Vipul Davra and Troy Lee, for the benefit of Davra Enterprises, Inc., trading as L&L Liquors, located at 226 Shopping Center Rd., Stevensville, MD 21666. Mr. Troy Lee and Mr. Vipul Davra appeared via Zoom. Their Attorney, Joseph McQueeney, Esq., appeared in person 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 the granting of this transfer. Mr. McQueeney said this is not a sale, it is a transfer of the operation of the business from KLD, LLC to Davra Enterprises, Inc. Mr. Thompson said documents still needed before the license can be issued are the 2021 Traders license, Comptroller's Office sign off on taxes, background check and Bulk Transfer permit. Mr. McQueeney said the applicants now have the Md. Sales ID Certificate so he anticipates that the Comptroller will sign off on the taxes any day. Applicant's Exhibit "A" were all the submitted documents. Mr. McQueeney reviewed § 4-210 of the Alcoholic Beverages Code, approval or denial of license application. Mr. Davra has lived in Severna Park, MD for approx. 8 years. He is a citizen of the US. He has no financial interest in any other business for which a license has been applied or granted. Mr. Davra said he is currently working at L&L Liquors and would like to obtain a delivery permit also. Mr. Davra and Mr. Lee are the only authorized persons for the purpose of applying for the license. Mr. Davra believes there is a public need and desire for this license. He does not feel the transfer of this license will have an adverse effect on nearby license holders. L&L Liquors has been in business for many years. Mr. Davra is alcohol awareness certified. All his employees are certified and he will assure that there is always someone on site that is certified. Mr. Calmon has not had his routine interview with Mr. Davra to date. Mr. Davra made a verbal request for a delivery permit. A motion was made by Mr. Ransom, seconded by Hibbard, to approve the transfer of this license, with the following conditions. That the applicants submit the 2021 Trader's License; the applicants provide proof that the Comptroller's Office has signed off on taxes; the applicants submit background checks; the applicants provide a Bulk Transfer Permit; and Mr. Davra meet with Mr. Calmon. Mr. Ransom said the applicants have met all the conditions of § 4-210 of the Alcoholic Beverages Code. By a vote of 3 in favor, none opposed, one abstention, the motion passed. A motion was made by Mr. Ransom, seconded by Mr. Hibbard, to approve the applicant's request for a delivery permit, contingent on them fulfilling all the requirements as outlined in the Board's Rules & Regulations and the Alcohol Beverages Code. By a vote of 3 in favor, none opposed, one abstention, the motion passed.

The Board held a hearing for the transfer of a Class "B" beer & wine license from Cheri Wittman and Robert Wittman to John Ferrari, Jr., for the benefit of JMF Crab Shack, LLC, trading as Stevensville Crab Shack, located at 116 Pier One Rd., Stevensville, MD 21666. Mr. John Ferrari, Jr. and his Attorney, Joseph McQueeney, Esq., 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 the granting of this transfer. Mr. Calmon said he has met with Mr. Ferrari as part of the license process. Mr. Ferrari has completed the Alcohol Awareness Class on 5/8/21 as confirmed by email from Mr. Terry Ober, TIPS Instructor. Mr. Thompson said it is his understanding that

there is not adequate seating for 12 persons at this restaurant which is a requirement for a Class "B" license. Mr. Thompson said there are two possible alternatives. First, a "B-D" license, you have to have facilities for preparing and serving food but no requirement for seating for 12 individuals. The cost for a B-D license is \$1,800 annually. The other option is a Class "D" beer & wine license which is \$500 annually. Mr. Thompson said this was advertised for a Class "B" beer & wine license. He said they could amend on the record, he can ask if there is any objection. Mr. Ransom said it is not that different, it's the same outcome. He said if they had applied for a "D" license, it would be no different than applying for the "B" license. Mr. Ransom said this restaurant has seating for 12, it's just outside. Mr. Thompson said the Code does not say "room for dining", it says, "dining room". Mr. Ransom said we are not substantially changing the facts and he believes the notice is sufficient and it is within the power of this Board to amend it. If someone was concerned, they would be here today. Mr. McQueeney made a request to amend the request from a transfer of a Class "B" beer and wine license to a new Class "D" beer and wine license. A motion was made by Mr. Ransom, seconded by Mr. Hibbard, to accept Mr. McQueeney's request. By a vote of 3 in favor, none opposed, one abstention, the motion passed. Mr. Ferrari said he is currently building a house and is renting a house in Stevensville, MD. He has no financial interest in any other business for which a license has been applied or granted to. Stevensville Crab Shack is a carry-out crab business with picnic tables outside where they can have a glass or beer or wine with their food. He is the only member of the LLC and only authorized person to hold this license. Mr. McQueeney reviewed § 4-210 of the Alcoholic Beverages Code, approval or denial of license application. Mr. Ferrari said he believes there is a public need and desire for this license. The business has existed for 20+ years. He does not feel this license will have any negative impact on nearby license holders. He has completed alcohol awareness training. He will assure that there is always someone on premises who is certified. Mr. Thompson said the Board will need an updated plat showing the licensed premises including the parking lot. A motion was made by Mr. Ransom, seconded by Mr. Hibbard, to approve a new Class "D" beer and wine license, contingent upon receipt of an alcohol awareness certificate, a Bulk Transfer permit and an updated plat of the licensed premises. Mr. Ransom said the Board carefully considered the application today and believes the applicant has met all the requirements of § 4-210 of the Alcoholic Beverages Code. He said this is a very unique establishment on Kent Island. By a vote of 3 in favor, none opposed, one abstention, the motion passed.

The Board held a hearing for a new Class B-D" beer, wine & liquor license for Nicole A. Palumbo, for the benefit of Pool Bar, LLC, trading as Lazy Mermaid, located at 428 Kent Narrows Way North, Grasonville, MD 21638. Ms. Palumbo appeared before the Board via Zoom. Her Attorney, Joseph McQueeney, Esq., appeared before the Board in person. Member John McQueeney recused himself as he is the father of Joseph McQueeney, Esq. Mr. Ransom said for the record, his son is a lifeguard at this marina, he does not feel it is a conflict and it does not affect his ability to be impartial. There were no objections. Mr. Thompson administered the oath to all who were to testify. No one appeared in opposition to the granting of this transfer. Mr. McQueeney said Ms. Palumbo has been living in the State of MD for approx. four years. although her driver's license does not reflect this. He requested that all the submitted

documents be entered collectively into the record as Applicant's Exhibit "A". Mr. McQueeney reviewed § 4-210 of the Alcoholic Beverages Code, approval or denial of license application. Ms. Palumbo has no financial interest in any other business for which a license has been applied for or granted. She said the property is a pool where people can have food and alcohol served, a typical pool bar. She has had 12 years experience in management. She owns 15% of the business. She is the only person authorized to apply and hold this license. She said she believes there is a public need and desire for this license. She does not feel this license will have any negative impact on nearby license holders or the community. She feels her business is unique as it has a pool. The pool and bar are for private members and their guests. She completed alcohol awareness training with Terry Ober, TIPS Instructor, on April 26, 2021. She will assure that there is always someone on premises who is certified. Mr. Ransom said under the 'B-D' license it requires that at least 25% of the average daily gross receipts are from the sale of food. Ms. Palumbo said there is no problem meeting that requirement. Mr. Ransom said the Board has found that the applicant has met all the requirements of § 4-210 of the Alcoholic Beverages Code. A motion was made by Mr. Ransom, seconded by Mr. Hibbard, to approve a new Class "B-D" beer, wine and liquor license, contingent upon receipt of an alcohol awareness certificate and a successful interview with Mr. Calmon. Mr. McQueeney said a Bulk Transfer permit does not apply in this case. By a vote of 3 in favor, none opposed, one abstention, the motion passed. Mr. Thompson said the 2021-22 license should be issued to the applicant at this time.

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