

**QUEEN ANNE’S COUNTY BOARD OF LICENSE COMMISSIONERS
TUESDAY, AUGUST 2, 2022
9:00 A.M.**

The Board of License Commissioners of Queen Anne’s County met on Tuesday, August 2, 2022. The meeting was called to order by Vice-Chairman Thomas E. Beery. Those present were: Thomas E. Beery, Vice Chairman; John T. McQueeney, Timothy G. Hibbard and Charles W. Ferrar, Members; Cathy Maxwell, Clerk to the Board; Vivian Swinson, Zoning Administrator; and Rob Tracey, Long Range Senior Planner. Chairman Gene M. Ransom, III, Esq., Mandy Calvert, Liquor Inspector, and legal Counsel were not present.

Mr. Beery said that the Board is missing the Chairman, Counsel and Liquor Inspector today but the Agenda is not complex. If any issues arise, the Board can always have a continuance.

SPECIAL/TEMPORARY LICENSES:

A motion was made by Mr. Hibbard, seconded by Mr. McQueeney, to approve the following Special/Temporary Licenses, pending any required approvals from the Dept. of Planning & Zoning. All members voted in favor. By a vote of four in favor and none opposed, the motion passed:

- Queenstown Vol. Fire Co. – Dates of event – September 9 & 10
- ShoreRivers – Date of event – September 18
- Kinera Foundation, Inc. - Date of Event – October 2

APPROVAL OF MINUTES AND REPORTS:

A motion was made by Mr. McQueeney, seconded by Mr. Hibbard, to approve the Minutes and Reports. All members voted in favor. By a vote of four in favor and none opposed, the motion passed.

LONG RANGE SENIOR PLANNER:

The Board discussed with Mr. Rob Tracey the proposed removal of the 75% residency requirement. Mr. Beery said this is §27.1402 in the Alcoholic Beverages Code III (2021 Supplement) which is partnerships for Class “A” licenses. Mr. Beery suggested that maybe the language in §27.1403 could be used. Mr. Beery said that Mr. Jeff Thompson had said that the State is probably going to change theirs in the next legislative session which will change Division One. Mr. Beery said he did not want something in Division Two not to get changed that’s in conflict with Division One, when unintended. Mr. Tracey will follow up on this.

HUNTER’S SEAFOOD, GRASONVILLE, MD

Mr. Joe Guy had requested to be on the Agenda today but was not in attendance.

VIOLATION HEARINGS:

The Board held a hearing regarding a violation under § 6-304 of the Alcoholic Beverages Code for K&D Enterprises, LLC, t/a Frix's Fire Grill, 1533 Postal Rd. Chester, MD 21619. The charge involves the sale of alcohol to a minor which occurred on June 28, 2022 at the licensed premises. Mr. Beery administered the oath to all who were to testify. Mr. Derek Frix, Licensee, appeared before the Board. He is not contesting the charges. Mr. McQueeney read Ms. Calvert's Incident Report into the record. In summary, on 6/28/22 an underage volunteer entered Frix's Fire Grill and purchased an alcoholic beverage. The employee filled his order and did not ask for ID. She did not have a current alcohol awareness card on premises as required. She advised that she would email a copy of her card to Ms. Calvert. She said there was not a manager present and that the owners, Mr. & Mrs. Frix, were out of the country. Ms. Calvert advised her that the licensee would be receiving a letter indicating a date to appear for a hearing before the Board. Ms. Calvert said the employee was cooperative. Ms. Calvert's letter and Incident Report dated 7/8/22 was entered as Board's Exhibit No. 1. To date the employee has not submitted the alcohol awareness card but Mr. Frix said she does have one and he will provide it for the Board. Mr. McQueeney advised Mr. Frix that there must be someone on site at all times with a current TIPS card. A motion was made by Mr. McQueeney, seconded by Mr. Hibbard, that a violation did occur. All members voted in favor. By a vote of four in favor and none opposed, the motion passed. Mr. Frix said he was a TIPS certified instructor for five years at the Annapolis Marriott. He was the bar manager and he never had a single violation. Two weeks after he left they did have a violation. So he said he is very aware of the situation. He said if the Board would decide to send in an underage person to a small restaurant at noon on a Tuesday that does not ever cater to this type of activity, they would be doing its job. He said this is not the best way to gauge how responsible a business is at its weakest point. Mr. Beery advised Mr. Frix that this Board is required by law to do compliance checks, and do inspections twice a year for every establishment. Mr. Frix said he is aware of this. Mr. Beery said compliance checks are always done under controls and the inspector does an excellent job. All inspections and compliance checks are done randomly. Mr. Beery said if an establishment has prior violations, he assumes the inspector may want to return more than once a year. Mr. Frix said the practicality of running a restaurant after Covid and the one time he was out of the country, is he going to staff a manager for compliance checks on a Tuesday afternoon, no. Mr. McQueeney said it is not necessary to have a manager there, the issue is that the ID was not checked. Mr. Frix said on his previous violation three years ago, the inspector sent in the daughter of a regular customer who Mr. Frix saw frequently. That time the bartender made a mistake. He said why send an inspector out on a Tuesday to a small tightly staffed restaurant or a Friday night. Mr. Beery asked Mr. Frix if he trains his staff for alcohol compliance and he said, yes. Mr. Beery asked if he requires his staff to put an age limit on when they decide to check IDs. Mr. Frix said he trains them for the high probability factors they face, such as product knowledge, customer satisfaction. He said TIPS training does give good information on discerning how inebriated someone is. He said he has had his restaurant for 8 years and it is not likely that a 19 yr. old would come in on a Tuesday at noon and this is something they should be warned about and now they know. Mr. McQueeney said since this is the second violation, he made a motion, seconded by Mr. Ferrar, to impose a fine of \$1,000 to be paid

within 30 days of this date. And with no TIPS card on premises, to impose a fine of \$100, this fine to be waived if the TIPS card is sent to the Board within the next seven days. All members voted in favor. By a vote of four in favor and none opposed, the motion passed.

The Board held a hearing regarding a violation under § 6-304 of the Alcoholic Beverages Code for Tamar & Tomas, Inc., t/a Bark BBQ Café, 371 Log Canoe Circle, Stevensville, MD 21666. The charge involves the sale of alcohol to a minor which occurred on June 28, 2022 at the licensed premises. Mr. Beery administered the oath to all who were to testify. Mr. Berj Ghazarian, Licensee, and Mr. Boris Ghazarian appeared before the Board. The Licensee is not contesting the charges. Mr. McQueeney read Ms. Calvert's Incident Report into the record. In summary, on 6/28/22 an underage volunteer entered Bark BBQ Cafe and purchased an alcoholic beverage. The employee filled his order and did not ask for ID or ask any questions regarding his age. The volunteer then left the restaurant and walked to the parking lot with the beverage. Ms. Calvert then entered the restaurant and spoke to the employee who said she did serve the volunteer the beverage. Ms. Calvert requested to speak to the manager out of sight and sound of other customers. The employee said she did not ask for his ID or ask his age. The employee did not have a TIPS card on premises but the manager, Mr. Boris Ghazarian, did have his available. He said they are very careful with checking IDs but Governor Hogan and his security were at the restaurant at this time and they were distracted. All employees were cooperative. Ms. Calvert advised him that the licensee would be receiving a letter indicating a date to appear for a hearing before the Board. Ms. Calvert's letter and Incident Report dated 7/8/22 was entered as Board's Exhibit No. 1. A motion was made by Mr. McQueeney, seconded by Mr. Hibbard, that a violation did occur. All members voted in favor. By a vote of four in favor and none opposed, the motion passed. Mr. Berj Ghazarian, Licensee, said he was on vacation when the incident occurred. That day Governor Hogan and his staff were planning to visit Bark BBQ and had arrived. The staff was a little flustered and nervous about the situation and it was an oversight. He talked to his staff afterwards to discuss corrective actions. He said his employee is present today with her current TIPS card. He has gone through internal retraining to make sure this does not happen again because he takes this very seriously. Mr. Boris Ghazarian said they made a policy that everyone will be carded from now on. Mr. McQueeney said Bark BBQ has an excellent product and there are a couple other businesses nearby that have a lot of young employees. Mr. Berj Ghazarian said they typically say if a person looks younger than 35 yrs. old, they automatically check the ID. But from here on, everyone will be checked. Mr. Beery said when the license was issued for outside seating, it was discussed that control was very important. In this instance, the underage volunteer did walk off the premises with the alcoholic beverage. Mr. Ghazarian said the way the restaurant is currently set up, you order at the counter and take your food to go or it is brought to your table. He trains his staff on monitoring visually if patrons are drinking on the premises in the allowed areas. He has posted signage on all four sides of the patio that says no alcohol beyond this point. They plan to add a sign that says alcoholic beverages must be consumed on the premises. Mr. Hibbard pointed out that every minor's driver's license has "under 21 alcohol restricted" on the back. Mr. Boris Ghazarian said this has been a good wakeup call for their business. A motion was made by Mr. McQueeney, seconded by Mr. Ferrar, to impose a fine of \$500 for the first time violation to be

paid within 30 days of this date. All members voted in favor. By a vote of four in favor and none opposed, the motion passed.

EXPANSION REQUEST:

Mr. Berj Ghazarian and Mr. Boris Ghazarian from Bark BBQ Café appeared before the Board to request to expand their premises for a one day event on September 25, 2022. They plan to have a series of live concerts next year and this would be their first one before the weather gets too cold. This would be live music for about four hours, from 5:00-9:00 p.m. It will be free for patrons and the restaurant will be open for regular business hours. Mr. Berj Ghazarian said he has spoken with his condominium association to block the parking lot so there is no car traffic going back and forth for the safety of everyone. This also allows them to put lawn chairs on the parking lot where the stage will be. Since the event is free, they would like to have the ability to serve beer and wine out of the restaurant so patrons can be on their lawn chairs and watch the concert. They will have additional security as well as having plenty of staff to monitor the situation and make sure no one is walking off with their drinks. Mr. Berj Ghazarian presented to the Board a photograph of the requested expanded premise request and he will also apply for a Public Event Permit from the Dept. of Planning & Zoning. Mr. Beery said if this request is approved today, it will be subject to approval from Planning & Zoning. Mr. Boris Ghazarian said this will be on a Sunday and there will be plenty of parking on the site because other businesses are closed. Also there is parking on the street. They plan to close both ends of the parking lot so no traffic will be driving in. The customers will park elsewhere and walk in. A motion was made by Mr. Hibbard, seconded by Mr. Ferrar, to approve the one day temporary expansion of premises for Sunday, September 25, 2022, subject to approval from Dept. of Planning & Zoning. All members voted in favor. By a vote of four in favor and none opposed, the motion passed.

PROPOSED BEER FESTIVAL AT KENT MANOR INN

Mr. Rohry Flood from Cult Classic Brewing, Stevensville, MD and Mr. Jeff Putman, Licensee from Bull & Goat Brewery, Centreville, MD appeared before the Board. They are proposing to hold a beer festival at Kent Manor Inn, Stevensville, MD on October 30, 2022. Mr. Beery said it appears there are three possible ways to proceed. They could apply for a State license but they would be limited in quantity that they could provide customers. There is also §27.1304 under the Alcoholic Beverages Code for Queen Anne’s County which is a Beer and Wine Festival license. The problem with this is this requires the event to be held on an unlicensed premises. The third option is for a non-profit to apply for a Special/Temporary license and that is what Mr. Flood would prefer to do. He said the Animal Welfare League will be applying for the license to be held at Kent Manor Inn, which currently is a licensed premises and has an alcohol license. Mr. Beery said there was a change two years ago that allows this. Previously you could not have two licenses on the same property. The exception to that is a charitable organization or a club which is a 501 non-profit exemption and they become the controlling unit. Mr. Beery said the Animal Welfare League has applied for the Special Event Permit from Planning & Zoning and if this is approved, this Board can grant them a one day Special/Temporary license. Animal Welfare League then becomes the licensee. Cult Classic and other breweries involved would then contract with the Animal Welfare League to work out the details. Mr. Michael Sorensen,

Food & Beverage Director for Kent Island Resort, appeared before the Board. Mr. Sorensen said they discussed Kent Manor Inn setting up a liquor bar in addition to the breweries. Mr. Beery said the entire Kent Manor Inn is the licensed premises. The licensee for Kent Manor Inn, Mr. Joshua McCallen, was not present today. Mr. Beery said Mr. Sorensen will need to advise Mr. McCallen that Kent Manor Inn is equally responsible for what occurs at this beer festival event. Mr. Beery said Kent Manor Inn may participate in the event under their current Class "B" license. He said all the funds at this event must go to the charity, except for the restaurant. When they apply for the Special/Temporary license, they will need to mark off where on the premises the event will take place. Kent Manor Inn and the Animal Welfare League will be responsible to assure that the event stays in the designated area and does not spill over into the restaurant area. Mr. Flood has applied for the Special Event permit for Planning & Zoning and will complete the Special/Temporary application. Mr. Beery said the Special/Temporary application must be made in the name of the charity and signed by the landlord, which is Kent Manor Inn. He also suggested that the Animal Welfare League be present at the September 6, 2022 monthly meeting. He said if alcohol is on the premises overnight, they must be sure that it is secure. Mr. Flood said he has coordinated with the Sheriff's Office as well. He said they anticipate approx. 600 people to attend. There is ample parking. Mr. Flood said he will be submitting the Special/Temporary application and will be here for the September 6th meeting.

DRUG FREE COALITION

Mr. Warren Wright was in attendance but had no comments.

ROUNDTABLE:

Ms. Vivian Swinson, Zoning Administrator, appeared before the Board. Mr. Beery asked her to explain the Special Event Permit requirement. She said this permit is completed to notify County agencies when large events occur. They have existed for approx. five years and there is no fee charged. How it began, there was a lacrosse tournament on a farm and no one was aware it was occurring and someone was injured. So the Special Event Permit was created. Anyone having a community event with over 75 people attending, with the exception of a church, must complete the Permit. For instance, a carnival would require this permit. It does not include family reunions. Mr. Beery said he thinks this is an excellent idea. Ms. Swinson said they are requested to submit this permit 30 days in advance but she can process it quicker if necessary.

The Board discussed a request from Crossroads Community regarding an art show at Chesapeake College on October 3 thru October 6, 2022. There will be no alcohol sales but they will be collecting any donations given. Mr. Beery said for this event and future reference, if there is alcohol and a fee or contribution of any kind involved, they should complete a Special/Temporary Permit application. If alcohol is involved, the organization still must have bookwork and security must be provided to assure there are no underage sales. Ms. Swinson said Crossroads also needs to complete a Special Event Permit. This will assure that all relevant agencies are notified. Ms. Maxwell will notify Crossroads and send them the two required permit applications.

The Board resumed the discussion with Mr. Rob Tracey regarding the proposed changes to remove the 75% residency requirement. Mr. Beery said it seems when the State cleans up Division One, they don't automatically go through and clean up Division Two without this Board taking any action. Mr. Tracey will coordinate with Mr. Jeff Thompson on this. He feels the question is more or a legal question regarding its relation to the Supreme Court decision. Mr. Beery said he understands that the Board's Chair and Mr. Thompson concur on the opinion of the Attorney General and it was likely that the legislature would address this during the next session for Division One. He said if the Board is prepared to address Division Two, it will be taken care of.

There being no further business, the meeting was adjourned to meet again on Tuesday, September 6, 2022.

Respectfully Submitted,

Cathy Maxwell
Clerk

/s/ Gene M. Ransom, III, Esq.
Chairman