

**QUEEN ANNE’S COUNTY BOARD OF LICENSE COMMISSIONERS
TUESDAY, SEPTEMBER 6, 2022
9:00 A.M.**

The Board of License Commissioners of Queen Anne’s County met on Tuesday, September 6, 2022. The meeting was called to order by Chairman Gene M. Ransom, III, Esq. Those present were: Gene M. Ransom, III, Esq., Chairman; Thomas E. Beery, Vice Chairman; John T. McQueeney, Timothy G. Hibbard and Charles W. Ferrar, Members; Jeffrey E. Thompson, Esq., Attorney for the Board; Cathy Maxwell, Clerk to the Board; Mandy Calvert, Liquor Inspector.

SPECIAL/TEMPORARY LICENSES:

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

- Chesapeake Bay Environmental Center – Date of event – September 17
- Historic Stevensville Arts & Entertainment Dist. – Date of event – October 1
- Crossroads Community – Date of event – October 7
- Animal Welfare League – Date of event – October 15
- Kent Island Vol. Fire Dept. – Date of event – November 13

A Special/Temporary License application for Sound Stage Presents/Jeff Davis Legion will be rescheduled for the October 7, 2022 meeting.

APPROVAL OF MINUTES AND REPORTS:

A motion was made by Mr. Hibbard, seconded by Mr. Ferrar, to approve the August 2, 2022 Minutes and August, 2022 Liquor Inspector Report. By a vote of five in favor and none opposed, the motion passed.

LONG RANGE SENIOR PLANNER:

Mr. Rob Tracey had no comments.

REVIEW FOR ADVERTISING:

The Board reviewed for advertising the transfer of a Class "A" Beer, Wine & Liquor License from Wheeler Baker and Holly Baker to Cameron Sewell, for the Benefit of C.K. Sewell Spirit, LLC, trading as C.K. Sewell Spirit, permitting the sale of the

aforesaid beverages on the premises located at 1500 Postal Rd., Chester, MD 21619. Mr. Cameron Sewell and Mr. Wheeler Baker appeared before the Board. Mr. Thompson requested Mr. Sewell make some minor corrections to the application. Mr. Thompson said an operating agreement was not required since Mr. Sewell is the single member. Mr. Sewell highlighted in yellow on the submitted plat what will be the licensed premises. It will be entirely indoors with no outside areas. Mr. Baker said he began this business in 1971. Mr. Thompson said the submitted documents are in order. A public hearing will be held on this applicant on Friday, October 7, 2022.

HUNTER’S SEAFOOD, GRASONVILLE, MD

Mr. Joe Guy had requested to be on the Agenda but was not present.

PROPOSED BEER FESTIVAL AT KENT ISLAND RESORT – OCTOBER 30

The Board reviewed the Special/Temporary License for Animal Welfare League for the proposed Beer Festival. Mr. Rohry Flood from Cult Classic Brewing, Ms. Susan Miller from Animal Welfare League, Ms. Mackenzie Konka and Mr. Michael Sorenson from Kent Island Resort appeared before the Board. Mr. Beery said the Special/Temporary License will be issued to the Animal Welfare League for this event. They will be responsible for the event and will receive the monies. Also because the event is on a licensed property, Kent Island Resort, they also have a responsibility as a licensee. Mr. Beery said two licenses are allowed on the same property if one is for a charitable event. He told Mr. Flood that under §27-503 of the Alcoholic Beverages Code, he can make an agreement with the licensee (AWL) for all four of the breweries participating to provide the beer. Mr. Ransom said this is the first Beer Festival permit approved by this Board. A motion was made by Mr. Beery, seconded by Mr. Ferrar, to approve the Special/Temporary License for the Beer Festival. By a vote of five in favor and none opposed, the motion passed.

VIOLATION HEARINGS:

The Board held a hearing regarding a violation under § 6-304 of the Alcoholic Beverages Code for Bennett Point General Store, t/a Bennett Point General Store, 1241 Bennett Point Rd., Queenstown, MD. The charge involves the sale of alcohol to a minor which occurred on July 14, 2022 at the licensed premises. Mr. Thompson administered the oath to all who were to testify. Mr. Sushil Datta, Licensee, appeared before the Board. Mr. Datta is not contesting the charges.

Ms. Calvert gave the Board a summary of her Incident Report. The underage volunteer entered the store and purchased an alcoholic beverage. The employee did not ask the volunteer for his ID and he also did not have a current Alcohol Awareness Card. Mr. Ransom entered into the Record as Board's Exhibit No. 1 the Notice of Intention to Defend, the notification letter and Incident Report from Ms. Calvert. Mr. Datta said it has been a challenge to find employees to work in his store. The employee was new and started working four weeks ago. Mr. Datta presented to the Board the Alcohol Awareness Certificate for the employee. He said he has been in business for 28 years and this is his first violation. He is very careful to check IDs. The employee thought the volunteer was over 21 years of age. Mr. Datta said most of the people who come to his store are his regular customers and he knows who is over 21. He tells his employees to be sure to check IDs if a stranger comes in. He said 80% of the time either he or his wife is present at the store. Mr. Ransom said Mr. Datta has an impressive record. A motion was made by Mr. Beery, seconded by Mr. McQueeney, that a violation did occur. By a vote of five in favor and none opposed, the motion passed. A motion was made by Mr. McQueeney, seconded by Mr. Hibbard, to impose a fine of \$500 since this is the first violation. There is also a \$100 fine for no Alcohol Awareness Certificate on premises but since Mr. Datta brought the Certificate today, that fine will be waived. Mr. Datta asked if he could instead get a warning. He does not deny that a mistake occurred. Mr. McQueeney said the Board is waiving the \$100 charge. He said the Board is strict on violations of serving minors. Mr. Ransom suggested that part of the fine could be put in abeyance for a year which would mean they would be on probation. Mr. McQueeney amended his motion to put \$250 of the \$500 fine in abeyance for one year from this date. This means as long as they do not have another sale to minor violation for one year, they only have to pay the \$250 fine within the next 30 days. If there is another violation within one year of this date, they will have to pay that \$250 plus whatever other fines occur with the new violation. The \$100 fine for no alcohol awareness certificate is waived. By a vote of five 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 Pacific of F&K, Inc., t/a Ichiban Japanese Restaurant, t Point General Store, 387 Thompson Creek Rd., Suite 4, Stevensville, MD. The charge involves the sale of alcohol to a minor which occurred on July 14, 2022 at the licensed premises. Mr. Thompson administered the oath to all who were to

testify. Ms. Hui Fen Lin, Licensee, and her son, Jerry Zheng, appeared before the Board. Ms. Lin is not contesting the charges. Ms. Calvert gave the Board a summary of her Incident Report. The underage volunteer entered the restaurant, sat at a table and ordered an alcoholic beverage. Ms. Lin brought the beverage to the volunteer and did not ask for his ID or his age. Ms. Lin did have a current Alcohol Awareness Card. Mr. Ransom entered into the Record as Board's Exhibit No. 1 the Notice of Intention to Defend, the notification letter and Incident Report from Ms. Calvert. Ms. Lin said she always tells her employees to check the ID first. She said the volunteer looked older and she was careless. Her son said the volunteer looked over 21. A motion was made by Mr. Beery, seconded by Mr. Ferrar, that a violation did occur. By a vote of five in favor and none opposed, the motion passed. Mr. Ransom said this establishment has had two previous violations for underage sales in June, 2011 and October, 2013. A motion was made by Mr. McQueeney, seconded by Mr. Ferrar, to impose a fine of \$500 payable within 30 days of this date. There were two previous violations but they were nine and eleven years ago. By a vote of five in favor and none opposed, the motion passed. Mr. Ransom advised Ms. Lin to be very careful about checking IDs as this is her third offense.

The Board held a hearing regarding a violation under § 6-304 of the Alcoholic Beverages Code for Harris Crab House, Inc., t/a Harris Crab House, 433 Kent Narrows Way N, Grasonville, MD. The charge involves the sale of alcohol to a minor which occurred on July 14, 2022 at the licensed premises. Mr. Thompson administered the oath to all who were to testify. Ms. JoAnne Baker, Licensee, and Mr. Wm. Oertel appeared before the Board. Ms. Baker is not contesting the charges. Ms. Calvert gave the Board a summary of her Incident Report. The underage volunteer entered the restaurant, sat at the bar and ordered an alcoholic beverage. The bartender filled his order and did not ask for his ID. Ms. Calvert entered the restaurant and spoke to the manager who had a current alcoholic awareness certificate. Mr. Ransom entered into the Record as Board's Exhibit No. 1 the Notice of Intention to Defend, the notification letter and Incident Report from Ms. Calvert. Mr. Oertel said they are very careful about things and have had no issues for 30 years. Two years ago they switched from having one person on duty at all times with an alcohol awareness certificate and now everyone on duty is certified. The employee who sold the alcohol is a new employee and was in the process of getting her certificate. Mr. Oertel said now anyone employed to be a bartender or server must be certified. He said the

employee is the sole breadwinner for her family and she made a mistake. Mr. Ransom said he knows this restaurant is very good about checking IDs at the table. Mr. Oertel said this business began in 1980. A motion was made by Mr. Beery, seconded by Mr. McQueeney, that a violation did occur. By a vote of five in favor and none opposed, the motion passed. A motion was made by Mr. McQueeney, seconded by Mr. Ferrar, to impose a fine of \$500, with \$250 in abeyance for one year from this date. This means as long as they do not have another sale to minor violation for one year, they only have to pay the \$250 fine within the next 30 days. If there is another violation within one year of this date, they will have to pay that \$250 plus whatever other fines occur with the new violation. By a vote of five 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 MHI Hotel Services, LLC, t/a Hilton Garden Inn Kent Island 3206 Main St., Grasonville, MD. The charge involves the sale of alcohol to a minor which occurred on July 14, 2022 at the licensed premises. Mr. Thompson administered the oath to all who were to testify. Mr. Christopher Sims and Mr. Steven Smith, Licensees, and Ms. Danielle Gross appeared before the Board. Mr. Sims and Mr. Smith are not contesting the charges. Ms. Calvert gave the Board a summary of her Incident Report. The underage volunteer entered the restaurant, went to the cooler and picked up beer. He went to the service desk and paid for it. The employee did not ask for his ID. Ms. Calvert entered the restaurant and spoke to Danielle Gross who said she sold the beverage. Ms. Calvert spoke with the Manager who had a current alcoholic awareness certificate. Mr. Ransom entered into the Record as Board's Exhibit No. 1 the Notice of Intention to Defend, the notification letter and Incident Report from Ms. Calvert. Mr. Smith said Ms. Gross has worked for them for five years, she works the front desk. A motion was made by Mr. Beery, seconded by Mr. McQueeney, that a violation did occur. By a vote of five in favor and none opposed, the motion passed. Mr. Smith said Ms. Gross sent an email immediately after this happened to apologize. It was a busy day, she was working the desk by herself. Ms. Gross said she typically does not work by herself but her co-worker was on break. She said as soon as she served the volunteer, she had a feeling she should have carded him and she knew she had made a mistake. She said she knows she is supposed to card every time but he did not look under 21. She has since retaken the alcoholic awareness class, even though her current card has not expired, just to refresh her memory. The current license holders have had this license for six months when it

was transferred to them. A motion was made by Mr. McQueeney, seconded by Mr. Beery, to impose a fine of \$500 to be paid within the next 30 days. By a vote of five in favor and none opposed, the motion passed.

REVIEW:

The Board reviewed two Incident Reports from the Md. Comptroller's Office and the Alcohol and Tobacco Commission regarding Hutch Vapes, LLC, t/a Vape Bird, 356 Romancoke Rd., Suite 1, Stevensville, MD. Mr. Ransom asked Ms. Calvert if she has had anymore contact with these agencies regarding what action they suggest this Board takes in this matter. Ms. Calvert said that Agent Michael Calvert from the Comptroller's Office said he is fine with a stern warning on record in case it happens again. But he leaves it up to the Board regarding imposing a fine. Mr. Ransom said the Board could charge them, have a show cause hearing or take no action with a letter of warning. Mr. Beery said feels the Report wants this Board to charge them for the violation of selling alcohol not purchased from a wholesaler. Mr. Ransom suggested the Board review the two Incident Reports. One Report is the initial report and the next one deals with the Crows entity in Anne Arundel Co. Mr. Beery said the report states the licensee at Vape Bird was selling unlicensed product that they purchased from a retailer in Pasadena, MD and had it delivered to their store in Stevensville. It was not a wholesale transaction. Mr. Ransom said this would be violating § 6-311 of the Alcoholic Beverages Code. Ms. Calvert said when she first went to the store there were approx. 20 Crows in the fridge in the front and approx. 30 in the back. When they went back to confiscate them, there were only 7 left. Mr. Ransom said it is dangerous to sell unregulated alcohol. Mr. Beery said a Growler is refillable and a Crowler is not. Mr. Thompson said these two items refer to just beer and we are not talking about just beer in this instance. Mr. Beery said other counties have a separate license for Crows. Mr. Ransom said he believes this falls under § 1-401, Buying, selling, or possessing alcoholic beverages. The licensee allegedly had an unlicensed product that they purchased from an unlicensed provider and then sold it. Mr. Ransom said he believes the alleged violations should fall under § 1-401, § 1-410 and § 6-311. Mr. Thompson said the Agents from the Comptroller's Office should be in attendance for the October 7, 2022 monthly meeting. Mr. Thompson will draft the charges and the hearing will be Friday, October 7, 2022.

DRUG FREE COALITION:

Mr. Warren Wright appeared before the Board. He said he had a English major review the content of the “Promoting Responsible Alcohol Sales” booklet. As soon as this Board approves the content, the Local Management Board will lay it out professionally for no charge. The Health Dept. will pay for the printing of the booklet. There was a small grant by the Health Dept. to go to all the places that sells tobacco in the County. They want citizens to go there and give them information about the laws, etc. Mr. Wright would like an exact count of the number of places that sells CBD and marijuana related items. He has been placing articles in the newspaper and social media about the dangers of these items. There will be a QA Goes Purple event on September 10. Mr. Wright said he will be attending the national conference on legalization of marijuana on Tuesday, September 13. Mr. Beery said there are some brochures available provided by the Elks Lodge on overserving and underage drinking. Mr. Wright said the Elks Lodge will have these available at the event. They are also available at the Emergency Center and the high school and middle school.

ROUNDTABLE:

The Board discussed the proposed Legislation to eliminate the County residency requirement as a condition to the granting of a license. A public hearing for this will be on the Friday, October 7 Agenda. Mr. Thompson will have the legislation drafted for that meeting. He said the only thing in Title 27 is § 27-1402 which talks about having to be a county resident if you have a partnership application. He said he plans to use the same number, repeal what currently exists, and adopt a new § 27-1402, titled, “County residency not required, an applicant for an alcoholic beverage license is not required to be a residence of the county”. He said § 4-103, § 4-104 and § 4-105 all require an applicant to be a county resident if you are under the general law. He will need two amendments, a new § 27-1402, repeal and readopt, and amend § 27-1401. Mr. Thompson will also coordinate with Mr. Todd Mohn, County Administrator.

Concerning compliance checks, Mr. Beery has discussed with different license holders who asked if there is anything the Board could do regarding employees who make underage sales. He suggested that Ms. Calvert could talk to the employee who sells the alcohol and explain the seriousness of it. Mr. Thompson suggested that if an employee sells alcohol, this Board could require them to be recertified with alcohol awareness training, no matter how long ago they had the

training. Mr. Ferrar suggested that the Board could adopt legislation to make it a civil, not criminal, violation and a \$50 fine for the server.

Due to the conference room being used by the Election Office, the October meeting has been changed to Friday, October 7, 2022.

There being no further business, the meeting was adjourned to meet again on Friday, October 7, 2022.

Respectfully Submitted,

Cathy Maxwell
Clerk

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