

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

**September 7, 2021
9:00 a.m.**

The Board of License Commissioners of Queen Anne's County met on Tuesday, September 7, 2021. 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; Tom Calmon, Liquor Inspector; Cathy Maxwell, Clerk to the Board; Jeffrey E. Thompson, Esq., Attorney for the Board; and Vivian Swinson, Zoning Administrator.

The August 3, 2021 Minutes and the August, 2021 Monthly Report from Tom Calmon, Liquor Inspector, were approved.

The Board presented a Proclamation from the County Commissioners to Ms. Makenzie Miller for her years of service as a volunteer assisting Mr. Calmon with compliance checks. Ms. Miller volunteered 3 years of her time and was greatly appreciated. Whenever Mr. Calmon called her she was always available to assist him. As the Proclamation states, Makenzie is without a doubt "endearingly considered the Board's G.O.A.T". Greatest Of All Times.

Ms. Sandy VanMeter from Kent Island Yacht Club appeared before the Board regarding one of their providers who caters events on the premises and provides alcohol. Mr. Thompson said this is not allowed. He suggested that the Yacht Club could make arrangements with this provider so that the Yacht Club was the sole provider of alcohol. Another suggestion was to eliminate a portion of their licensed premises for this provider to use but Mr. Thompson said he did not think that was the best solution. Mr. VanMeter will present these options to the Yacht Club.

VIOLATION HEARINGS:

The Board held a hearing regarding a violation under § 6-304 of the Alcoholic Beverages Code for Kentmorr Associates, Inc., t/a Kentmorr Restaurant. The charge involves the sale of alcohol to a minor which occurred on July 8, 2021 at the licensed premises. Mr. Thompson administered the oath to all who were to testify. Mrs. Tammy Harper and Mr. David Harper, Licensees, along with their Attorney, Christopher F. Drummond, Esq. appeared before the Board. They confirmed that they received a letter and Incident Report dated 7/14/21 from Mr. Calmon advising them of the charges and the hearing date. They are not contesting the charges. Mr. Calmon's letter and Incident Report were entered into the record as Board Exhibit No. 1. An underage volunteer working with Mr. Calmon entered Kentmorr Restaurant and purchased an alcoholic beverage. The bartender, Mr. Nino Luigi-Bux, did not ask for identification and the purchase was completed. Mr. Luigi-Bux did have a current Alcohol Awareness Training Card. This is the first offense for this establishment concerning sale to a

minor. Mr. Calmon said his interaction with Mr. Luigi-Bux, who sold the alcohol, was fine. He immediately apologized for making the mistake and accepted responsibility. He told Mr. Calmon that the volunteer was the first person he did not card that day. Mrs. Harper said she is responsible as the licensee and she does everything she can to avoid this kind of incident. A motion was made by Mr. Beery, seconded by Mr. McQueeney, that a violation did occur. All members voted in favor of the motion. A motion was made by Mr. McQueeney, seconded by Mr. Beery, that since this is the first offense, to impose a fine of \$500, with \$250 in abeyance for one year from this date, which 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. All members voted in favor of the motion.

The Board held a hearing regarding a violation under § 6-304 of the Alcoholic Beverages Code for Shree Hari O, LLC, t/a Rhodes Store. The charge involves the sale of alcohol to a minor which occurred on August 7, 2021 at the licensed premises. Mr. Thompson administered the oath to all who were to testify. Ms. Dhara Patel, Licensee, and Mr. Patel Devabhai, along with their Attorney, Christopher F. Drummond, Esq. appeared before the Board. Ms. Patel confirmed that she received a letter and Incident Report dated 8/11/21 from Mr. Calmon advising them of the charges and the hearing date. She is not contesting the charges. Mr. Calmon's letter and Incident Report were entered into the record as Board Exhibit No. 1. An underage volunteer working with Mr. Calmon entered Rhodes Store and purchased an alcoholic beverage. The store clerk, Mr. Devabhai, did not ask for identification and the purchase was completed. Mr. Devabhai did not have an alcohol awareness card but Mr. Brijesh Patel, Manager, did. Ms. Patel recently purchased Rhodes Store and this is the first offense concerning sale to a minor. A motion was made by Mr. Beery, seconded by Mr. Hibbard, that a violation did occur. All members voted in favor of the motion. 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. Mr. Beery, Mr. McQueeney, Mr. Hibbard and Mr. Ferrar voted in favor of the motion. Mr. Ransom voted "no" and noted that he felt the punishment should match the other first-time offense heard prior to this hearing today. The motion passed with a 4-1 vote.

The Board held a hearing regarding a violation under § 6-304 of the Alcoholic Beverages Code for Marine Resorts, Inc., t/a Sunset Grill. The charge involves the sale of alcohol to a minor which occurred on August 7, 2021 at the licensed premises. Mr. Thompson administered the oath to all who were to testify. Mr. Charles Dreibelbis, Licensee, appeared before the Board. He confirmed that he received a letter and Incident Report dated 8/11/21 from Mr. Calmon advising him of the charges and the hearing date. He is not contesting the charges. Mr. Calmon's letter and Incident Report were entered into the record as Board Exhibit No. 1. An underage volunteer working with Mr. Calmon entered Sunset Grill and purchased an alcoholic beverage. The bartender, Ms. Arinae Cain, did not ask for identification and the purchase was completed. There have been 3 previous charges for this licensee for sale of alcohol to a minor. Mr. Ransom said he has heard complaints that this premises sells alcohol to minors. The Board strongly cautioned Mr. Dreibelbis that if another violation occurs, his license could be revoked. Mr. Dreibelbis said he understood. A motion was made by Mr. Beery, seconded by Mr.

Hibbard, that a violation did occur. All members voted in favor of the motion. A motion was made by Mr. McQueeney, seconded by Mr. Ferrar, to impose a fine of \$1,000 to be paid within the next 30 days. Also to impose a seven-day suspension, to be held in abeyance for one year from today's date. All members voted in favor of the motion.

The Board held a hearing regarding a violation under § 6-304 of the Alcoholic Beverages Code for Ten Eyck Brewery, LLC, t/a Ten Eyck Brewing Co.. The charge involves the sale of alcohol to a minor which occurred on August 7, 2021 at the licensed premises. Mr. Thompson administered the oath to all who were to testify. Ms. Nicole Sener, Licensee, along with Mr. Wesley Schaefer, Bartender, and Mr. Jeff Abell, Manager, appeared before the Board. Mr. Ransom said Ms. Sener is currently dealing with the Health Dept. on some issues but that is not relevant to this hearing. Ms. Sener confirmed that she received a letter and Incident Report dated 8/11/21 from Mr. Calmon advising her of the charges and the hearing date. She is not contesting the charges. This is the first offense for this establishment concerning sale to a minor. Mr. Calmon's letter and Incident Report were entered into the record as Board Exhibit No. 1. An underage volunteer working with Mr. Calmon entered Ten Eyck Brewing Co. and purchased an alcoholic beverage. The bartender, Mr. Schaefer, did not ask for identification and the purchase was completed. Mr. Schaefer did have a current Alcohol Awareness Card. Ms. Sener apologized for this occurring. They were having an anniversary celebration that day and were very busy. She said the volunteer working with Mr. Calmon was known to Mr. Schaefer, they attended college classes together, so he made a bad assumption that she was 21 years of age. A motion was made by Mr. Beery, seconded by Mr. Ferrar, that a violation did occur. All members voted in favor of the motion. A motion was made by Mr. McQueeney, seconded Mr. Beery, that since this is the first offense, to impose a fine of \$500, with \$250 in abeyance for one year from this date, which 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. All members voted in favor of the motion.

PUBLIC HEARING:

The Board held a hearing for a new Class "A" beer & wine license for Wayne Leager, for the Benefit of 313 Deli, LLC, trading as 313 Deli, permitting the sale of the aforesaid beverages on the premises located at 1207 Goldsboro Rd., Barclay, MD 21607. Mr. Wayne Leager and his wife, Mrs. Christen Leager, appeared before the Board. All advertising requirements have been met. Mr. Thompson administered the oath to all who were to testify. No one else appeared in favor or opposition to this application. Mr. Thompson said the applicant has requested a Class "A" license which is a package goods store license, off-sale only. He said the drawing submitted indicates that there are tables and a counter on the premises with a note indicating "on and off beer sales". Mr. & Mrs. Leager said they understand that there will be no on-sale consumption of alcohol. Mr. Leager said the building has two exits. Mr. Thompson amended the site plan, initialed by Mr. Leager, and said the entire building will be the licensed premises. Mr. Calmon has interviewed the applicant and went over the Rules & Regulations. Mr. Ransom reviewed § 4-210 of the Alcoholic Beverages Code, approval or denial of license application. Mr. Leager believes there is a public need and desire for the license. His customers are constantly asking if

they sell alcohol. This location previously had a Class "A" beer & wine license under the name of Depot at Barclay Station. That license expired in April, 2021 and Mr. & Mrs. Leager purchased the property in July. Mr. Leager does not believe this license will have any negative effect on other license holders in the area as there are no other establishments nearby selling alcohol. There will be no negative impact on the health, safety and welfare of the community. Mr. & Mrs. Leager have both completed Alcohol Awareness training. A motion was made by Mr. Hibbard, seconded by Mr. Beery, to approve the license. All members voted in favor.

REVIEW FOR ADVERTISING:

The Board reviewed an application for Mr. Walter Petrie, for the benefit of Bay Bridge Marina Waterfront Properties, LLC, trading as Hemingways, for an expansion of licensed premises for a Class "B-D" Beer, Wine & Liquor license located at 357 Pier One Rd., Stevensville, MD 21666. All submitted documents were in order. Mr. Petrie and his Attorney, Justin Hoyt, Esq., appeared before the Board. Mr. Hoyt said Mr. Petrie desires to expand the current licensed premises. He said about a decade ago there was an operational restaurant that sold alcohol by the pool where the Tiki Bar is going to be located but that area is not currently covered by the license. It is part of the same parcel of property that was purchased. Mr. Thompson asked the applicant to highlight on the submitted plat what will be the licensed premises. Mr. Hoyt highlighted in yellow the current licensed premises and marked in red the proposed expansion. They wish to expand to the pool area. Mr. Petrie owns the entire property. There will be a ship's store on the dock to sell gasoline. Mr. Ransom asked if they wanted to license the entire property. Mr. Hoyt said they were not sure what the Board's position would be. Mr. Petrie had concerns about people carrying alcohol throughout the entire area. They are currently trying to isolate the area where alcohol will be sold. A public hearing on this application will be held on Tuesday, October 5, 2021.

PUBLIC HEARING:

The Board held a public hearing to receive comments on House Bill 12/Senate Bill 205. These Bills were Md. General Assembly legislation that allowed the sale or delivery for off-premises consumption (To Go Cups) during the Covid pandemic. Mr. Ransom said first he would like to take public note of the County Commissioners' vote to ask that this Board cease "To Go Cups" effective as of October 1, 2021. Also entered into the record were written comments from Harris Crab House and comments from Annie's Restaurant asking that this Board not move forward with this. Mr. Warren Wright, Drug Free Coalition, appeared before the Board. He said he agrees that this should be stopped as per the recommendation of the County Commissioners. Mr. Jody Schulz appeared before the Board. Mr. Ransom said this Board, at two prior meetings, announced that they would have a public hearing and make a decision concerning "To Go Cups". The Board needs to make a decision today because the current Order expires on October 1, 2021. The General Assembly gave each county the ability to make a decision one way or the other. The County Commissioners had a public meeting in open session where they voted to ask this Board to not extend this any further than October 1, 2021. The only testimony this Board has heard so far is for this to cease. Mr. Schulz agreed. Mr. Ransom closed the public hearing. A motion was made by Mr. Beery, seconded by Mr.

McQueeney, to cease the Executive Order effective October 1, 2021 and also that this Board will opt out regarding House Bill 12/Senate Bill 205. All members voted in favor. Ms. Maxwell will notify all licensees by email.

PENDING LEGISLATION:

Concerning § 27-1403(6) of the Alcoholic Beverages Code, number of Class “B” licenses in the 4th Election District, Mr. Ransom said this was a County Commissioner proposal and this Board will not take any action and will support what the Commissioners decide to do.

ROUNDTABLE DISCUSSION:

Mr. Calmon said he had a request from Ms. Carol Agostino, Town of Centreville. A local restaurant, Two Fellas, had inquired if they were allowed to let patrons bring their own alcohol to eat with their meals. They do not have a liquor license so the corkage permit would not apply. The Board advised Mr. Calmon that Queen Anne’s Co. does not allow for BYOB. Mr. Calmon will advise Ms. Agostino.

The Board discussed Ten Eyck Brewing Co. Mr. Ransom said the current issue is between Ten Eyck, the Health Dept. and Planning & Zoning and this Board will follow their lead.

The Board discussed Cult Classic Brewing in Stevensville, MD. Mr. McQueeney said there is a farmer’s market there on Thursday and there was a liquor company on site selling alcohol to go in bottles. Mr. Ferrar said he believes there is a farmer’s market exception for locally brewed alcohol. Mr. Ransom said the language for this is very broad so it is probably allowed. Mr. Thompson will follow up on this.

Mr. Ransom said he believes this Board should officially adopt Robert’s Rules of Order. Mr. Thompson said this could be done as an amendment to the Board’s Rules and Regulations. A public hearing to adopt these Rules will be scheduled for the October 5, 2021 regular monthly meeting.

The Board discussed requests for refunds/waivers of license fees for businesses who have suffered financial hardship due to Covid. § 27-1406 of the Alcohol Beverages Code allows for refunds in this situation. Also the County Commissioners gave this Board the authority to allow refunds. The following three businesses sent requests to the Board. Ledo Pizza, Carletto Pizza & Pasta and New Canton Restaurant. Ledo Pizza is still not up to full capacity and their alcohol sales are significantly down. Carletto Pizza & Pasta’s dining room was closed for a period of time and their sales are still down. New Canton’s dining room continues to be closed and they have not sold alcohol since May of 2020. Their license has been surrendered effective May 1, 2021 per request of the licensee. A motion was made by Mr. Hibbard, seconded by Mr. McQueeney, to refund these three establishments their full license fees for the years 2020-21 and 2021-22. All members voted in favor.

Today is Mr. Calmon's last official meeting. This Board has received many compliments on Mr. Calmon's professionalism while performing his job duties. He will be greatly missed.

The Board discussed replacement of the Liquor Inspector. The Human Resources will do an initial review of applications and then give this Board the final choices. Mr. Ransom suggested that the list be narrowed down to between 3-5 applicants. The Board tentatively scheduled an Executive Session for Tuesday, September 28, 2021 at 9:00 a.m., depending on the availability of Ms. Beverly Churchill, Ms. Amy Moredock and Ms. Vivian Swinson. (DATE CHANGED TO OCTOBER 5)

There being no further business the meeting was adjourned, to meet again on Tuesday, October 5, 2021.

Respectfully Submitted,



Clerk

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