

Meeting Minutes
Board of License Commissioners
Caroline County, Maryland

DATE: April 28, 2021

PLACE: Virtually on Microsoft Teams

BOARD MEMBERS: Greg Eigenbrode, Chairman
Nicholas Loukides, Vice-Chair
Glen Plutschak, Member
Mike Mann, Alternate

OTHERS PRESENT: Phillip Moore, Alcoholic Beverage Inspector
Crystal Dadds, Assistant Director of Codes
Melanie Smith, Board's Administrative Asst.
Robert Merriken, Attorney

Chairmen Eigenbrode called the meeting of the Caroline County Board of License Commissioners to order at 9:32 AM.

SHOW CAUSE HEARING

Bodie's Dairy Market – 100 N. Main St., Greensboro, MD

Ms. Dadds read the Summons' into the record for Ashok Patel, Narayan Patel, and Faye Naomi Minnick:

You are hereby summonsed to appear before a Virtual Public Hearing before the Board of License Commissioners of Caroline County, Maryland at 9:30 AM on the 28th day of April, 2021, using Microsoft Teams, to show cause why your alcoholic beverage license(s) issued by this Board to you under the provisions of the Alcoholic Beverages Article of the Annotated Code of Maryland, as amended, should not be revoked, suspended and/or a fine issued for the following alleged violation(s) of the alcoholic beverage laws as the result of a routine compliance inspection by the Caroline County Alcoholic Beverage Inspector on March 6, 2021:

CHARGE NO. 1 - Alleged violation of Caroline County Board of License Commissioners Rule and Regulation No. 2.01 and the Annotated Code of Maryland, Alcoholic Beverages, Section 15-1902(a)(1), specifically, failure to have a licensee or an employee onsite that has completed training in an approved alcohol awareness program.

CHARGE NO. 2 – Alleged violation of Caroline County Board of License Commissioners Rule and Regulation No. 2.01 and the Annotated Code of Maryland, Alcoholic Beverages, §4-505(f)(1)(iii), specifically, failure to present a valid alcohol awareness program certificate to the Alcoholic Beverage Inspector upon request.

CHARGE NO. 3 – Alleged violation of Caroline County Board of License Commissioners Rule and Regulation No. 2.01 and the Annotated Code of Maryland, Alcoholic Beverages, Section 15-902(a)(1), specifically, the individual certified by an approved alcohol awareness program may be absent from the licensed premises for an emergency if the absence is not for more than two hours.

This Summons is issued by the Board of License Commissioners pursuant to Alcoholic Beverages Article, §6-204 and all exhibits must be submitted at least seven business days in advance of the hearing. The summons' were issued by the Board on March 30, 2021.

Inspector Moore read the Incident Report into the record:

On March 6, 2021 at approximately 10:15 AM I arrived at Bodie's Dairy Market located at 100 N. Main Street, Greensboro, MD, which is within the limits of Caroline County. I arrived at the location in order to complete a routine inspection.

Upon entering the establishment, I was met by the Acting-Manager, Samantha Brittingham. As I proceeded with the inspection, I discovered that no one on the premise had an approved alcohol awareness training certificate. I also checked with the cook, a Ms. Carol Rawding, who did not have one either. I followed up by asking if there was an emergency and if an employee that was alcohol awareness trained had left or was coming soon. No one was found in the logbook to be logged out of the license premise for an emergency. Ms. Brittingham advised me that she was working her entire shift with just her and Ms. Carol and had planned to work again tomorrow with the same person. At this point, I advised Ms. Brittingham this was a violation. As a result, she then called the store manager to advise him. Ms. Brittingham was advised of the violation and was given information regarding TIPS training and was provided a phone number for a trainer. Ms. Brittingham also had several other questions regarding alcoholic beverage training, which I answered for her.

Chairman Eigenbrode swore in:

Narayan Patel, 22504 Ridge Circle, Lewes, Delaware, 19958; and
Ashok Patel, 22504 Ridge Circle, Lewes, Delaware, 19958.

Mr. Narayan Patel explained that he had Ms. Minnick on the phone with him if they had any questions for her.

Mr. Narayan Patel explained that it wasn't like they didn't have anyone TIPS certified. When he looks at his current roster of employees, he has 6, as of today. He had two take the class that was last offered, and Ms. Brittingham was one of them. He stated that with the Covid crisis and

the hiring issue it is difficult to retain employees. He stated that his three managers and those cashiers that have been employed for more than six months are all TIPS certified.

Mr. Patel added that Ms. Brittingham misspoke when she told the Inspector that she contacted the Manager, Mary Beecham. Ms. Brittingham actually contacted the Supervisor. He was unsure where the manager was at the time. He explained that their structure is to have a cashier and cook open the store. The manager does not have to arrive until 8 am. They are only required to work a half day on Saturday.

He added that he thought of having Ms. Brittingham trained in April but was not sure if any classes were available due to COVID. He reiterated that 6 of his 9 employees are certified. The three that are not were only hired in March. Two of them worked as cooks.

Mr. Patel stated that he apologizes that there was no one TIPS certified at the time of the inspection but because of Covid and the turnaround everyone has been experiencing, it happened. He stated that corporately all managers and supervisors, who are present the bulk of the time, are TIPS trained. He has two cashiers that are certified however he finds it impossible to have 100% of his employees certified at any given time.

Mr. Plutschak asked when Ms. Brittingham was hired. Mr. Patel replied that she was hired on February 27, 2021 and the incident occurred on May 6th. Mr. Plutschak asked why he did not have someone present with more experience. Mr. Patel replied that the Supervisor, who she called lived in Delaware. However, the Manager, who lives in Maryland, this was her leisure day. She is still required to be there but has no set time to have to start.

Chairman Eigenbrode explained that the Board understands the challenges of turnaround, however, there must be a person present at all times that is TIPS certified. Mr. Patel acknowledged that and does not know why the Manager wasn't clocked in by 10 am.

Motion: Mr. Plutschak stated that due to the testimony given and the documents that were submitted he motioned to find Bodie's Dairy Market in violation of Caroline County Board of License Commissioners Rule and Regulation No. 2.01 and the Annotated Code of Maryland, Alcoholic Beverages Article, §15-1902(a)(1), §4-505(f)(1)(iii), and §15-902(a)(1).

Second: Mr. Loukides seconded the motion.

In Favor: All members voted in favor (3-0).

Mr. Plutschak asked Ms. Dadds if there were any prior violations on the record for Bodie's. Ms. Dadds apologized for not having the information. Ms. Smith informed the Board that Bodie's last violation was in 2016 and according to the Boards practices those charges have been cleared from the record.

Mr. Plutschak asked Mr. Merriken what the State mandate is for the charges incurred. Mr. Merriken responded that the state mandates a \$100 fine for the first offense of each charge they are found in violation.

Motion: Mr. Plutschak stated that because the Board found the establishment in violation of the 3 charges, the sanction will be a \$100 fine for each offense for a total of \$300.

Second: Mr. Loukides seconded the motion.

In Favor: All members voted in favor (3-0).

Ms. Dadds noted that a licensee, if found in violation, would be assessed a \$50 administration fee for costs associated with the violation hearing. This is found in §2.22(b) of the Board of License Commissioners Rules and Regulations.

Motion: Mr. Plutschak stated that because the Board found the establishment in violation of the charges, they will be responsible for an administrative fee of \$50, for a total of \$350.

Second: Mr. Loukides seconded the motion.

In Favor: All members voted in favor (3-0).

Mr. Plutschak confirmed that the \$350 is due to be paid within 30 days from today. The Board urged the licensees to keep in mind that they have only been given the minimum the Board can give for these violations. Should a second violation occur in the future, the charge would be a minimum of \$500 per violation. He noted that the Board was pleased that their record is clean until today, but he asked them to take the charges to heart so they do not find themselves in more serious trouble.

NEW ALCOHOLIC BEVERAGE LICENSE APPLICATION

Denton Diner– 42 Denton Plaza, Denton, MD

Ms. Dadds read the Notice of Public Hearing into the record:

Notice is hereby given that pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland, the Caroline County Board of License Commissioners will hold a Virtual Public Hearing beginning at 9:30 AM on Wednesday, April 28, 2021, relative to the following application:

A request by Hasan Bastas for the use of Bastasc, LLC T/A Denton Diner, located at 42 Denton Plaza, Denton, MD for a new, Class B-Beer, Wine & Liquor (Restaurant), 7-Day on Premise Sales Alcoholic Beverage License. The notice was published in the Times Record the weeks of April 14th and April 21st of 2021. All exhibits were to be submitted at least 7 days in advance of the hearing.

Ms. Dadds read the exhibits into the record:

- Exhibit 1 – Notice of Public Hearing
- Exhibit 2 – Proof of Posting in the Times Record
- Exhibit 3 – License Application
- Exhibit 4 – LLC Documents
- Exhibit 5 – Site Plan

Exhibit 6 – Workers’ Compensation Confirmation Letter
Exhibit 7 – Applicant’s Notice of the meeting
Exhibit 8 – Staff Report

Ms. Dadds mentioned that she had several other documents that were not submitted as exhibits but show they meet the requirements of the code. She has their residential lease agreement to show that they are residents of Caroline County and a copy of the business lease agreement for the Denton Diner space.

Mr. Thornton had also provided her with a document showing the status of Mr. Bastas’ application for naturalization. Mr. Terry Ober, TIPS Instructor, emailed Ms. Dadds to confirm that he held a TIPS class at the Denton Diner, however, they will not have the results of the test for another week. They do have one employee currently certified.

Chairman Eigenbrode swore in:

Hasan Bastas, 710 Randolph Street, Denton, MD; and
Ozlem Sen, 710 Randolph Street, Denton, MD.

Attorney Robert Thornton, Jr. was present to represent the applicant. Mr. Thornton explained that Ms. Sen, introduced as Mr. Bastas’ wife, is a naturalized United States citizen. Mr. Bastas is a permanent resident of the United States, but his naturalization process has been held up because of COVID. Mr. Thornton stated that he supplied Ms. Dadds documentation to show Mr. Bastas is due to be naturalized in July.

The couple operated the Ridgely Diner for 3 years until the main investor and partner made things difficult for them. Mr. Thornton has known the couple and eaten at the Ridgely Diner and could vouch that they are present 24/7 business operators. However, he has made them aware of the regulations regarding TIPS certification.

Ms. Sen stated that they will be open 7 days a week from 7 AM to 9 PM until the Board approves them for an Alcoholic Beverage License, at which time they will stay open until 2 AM. For the moment, due to being short staffed, they are closed on Mondays.

All the business records and alcohol will stay on site. They will not be using the outside storage cooler/container for their alcohol. Ms. Sen stated that they have enough room within the bar. They are not asking to have outdoor seating. Mr. Thornton confirmed that Ms. Sen understood that the logbook and Rules & Regulations pamphlet must be stored by the register and shown to the Inspector when he arrives for an inspection. She has met Inspector Moore and Mr. Thornton asked that he go there to ensure they are set up properly. He stated that his clients are conscientious and reliable.

Mr. Thornton explained that Ms. Sen was not on the applications because of a judgement against her in Court, however she is very familiar with operating a diner and will be present most of the

time. Mr. Thornton also verified that Mr. Bastas approved of all of Ms. Sens statements to the Board.

Mr. Thornton asked Ms. Sen if they intended to operate as a bar in the evening. Ms. Sen stated that she wanted permission to stay open until 2 AM in case they book a special event on the weekend. However, once they are licensed, they will typically close at 11 PM. She will have seating at the bar, but their main focus is to run the establishment as a family diner.

Ms. Sen stated that her father had a liquor license in Dover and Wilmington, Delaware and she served at his business. Mr. Mann asked if the applicants were aware that if they were to decide to use the outside storage cooler/container, they will be required to get approval from the State in addition to the Board. Ms. Dadds confirmed that she made all of that clear to the applicants, however, they do not intend to use that area to store alcohol. Ms. Sen agreed.

Ms. Dadds referred the Board to page 1 of the staff report where it was highlighted that it is recommended that the Board review the results of the Criminal History Records check that was completed on the applicant. Ms. Dadds offered to share it on the screen and stated that she did not know if Mr. Thornton was aware of the record. She asked for Mr. Merriken's advice. He stated that if it is public record, they can certainly share it on the screen. He asked if she included the record in the Boards package.

Ms. Dadds stated that she typically does not include the report in their packages for fear they may be distributed accidentally but she can put it on the meeting screen. Mr. Merriken asked Mr. Thornton if he was aware of what Ms. Dadds was referring to. Mr. Thornton stated that he was not, and he felt a little blindsided. Ms. Dadds stated that it was a charge from 2008 with Immigration.

Mr. Merriken offered for Mr. Thornton to take a few minutes to converse with his clients in private before the Board responds to this information since he was unaware of the record. Mr. Merriken agreed that he was not aware of the record either. Mr. Thornton asked Ms. Sen if she could explain the charge.

Ms. Sen explained that Mr. Bastas entered the United States on a business Visa while Ms. Sen was waiting for her United States citizenship to be approved. Once she had citizenship, she could petition for Mr. Bastas' citizenship but Mr. Bastas was sent home before that could happen. Now, as a citizen, she petitioned for him to return to the States and he was allowed to return. She promised to provide the citizenship paperwork they expect to receive for him in July to the Board.

Mr. Merriken added that the charge was from 2008 (13 years ago) and may not be of great concern for the Board.

DELIBERATION

In accordance with §4-210 of the Alcoholic Beverages Article of the Annotated Code of Maryland, the Board considered the following:

1. The public need and desire for the license – *The Board agreed that there has always been an establishment there and they have been supported by the public.*
2. The number and location of existing license holders – *This does not change the number or locations of license holders.*
3. The potential effect on existing license holders of the license for which application is made – *The Board saw no impact on other license holders if this application were approved.*
4. The potential commonality or uniqueness of the services and products to be offered by the business of the applicant - *The Board agreed that the services provided a balanced product.*
5. The impact of the license for which application is made on the health, safety, and welfare of the community, including issues relating to crime, traffic, parking, or convenience – *The Board had no concerns about the license holder regarding the issues mentioned.*
6. Any other factor that the Board considers necessary – *The members had no other factors to consider.*

The Board shall deny a license application if the Board determines that:

1. The granting of the license is not necessary to accommodate the public – *The Board agreed that there will be enough public support of the business applying.*
2. The applicant is not a fit person to receive the license – *The Board agreed that the applicant is fit to receive the license.*
3. The applicant has made a materially false statement in the application, and
4. The applicant has acted fraudulently in connection with the application – *Chairman Eigenbrode asked the Attorney his advice on this line in view of the deportation file. Mr. Merriken suggested it was a non-issue because of the length of time that has passed since that issue occurred. Additionally, he felt that it was adequately explained by Ms. Sen. Ms. Dadds asked Mr. Merriken to respond to the statement under section J of the application that he has not been ever adjudged guilty of any offense against the laws of the United States. Mr. Merriken stated that it is ultimately the Boards decision as to whether or not the statement was an oversight or an intentional false statement. Chairman Eigenbrode leaned towards it being an oversight on the applicant's part due to how long ago the incident occurred. The Board concurred and Chairman Eigenbrode added that Mr. Bastas has provided evidence that he is now a permanent resident of the United States and has applied for citizenship.*
5. If the license is issued, the operation authorized by the license would unduly disturb the peace of the residents of the neighborhood of the location described in the application; or for other reasons that the Board considers sufficient – *The location is in a commercial strip mall far from resident housing.*

Inspector Moore explained to the applicants that you are only considered TIPS certified when you have the certificate in hand. He has visited the location and talked with the owners about the regulations and common violations to beware of. He had also informed them that his first inspection would be a post license inspection to ensure they are aware of the important factors of holding a liquor license and to answer any questions they may have as new license holders.

- Motion:** Mr. Loukides made a motion to approve the application on the condition that all outstanding documents as listed in Exhibit 8 – Staff Report, are submitted.
- Second:** Mr. Plutschak seconded the motion.
- In Favor:** All members voted in favor (3-0).

Mr. Thornton asked Ms. Dadds why the signatures, in Exhibit 3, page 6 of 6, failed. Ms. Dadds responded that 2 failed because they were not owners of the property addresses, they listed. One was not accepted because the owner was listed as an LLC.

REQUEST FOR TEMPORARY LICENSE

Caroline County Humane Society – May 1, 2021 – Blue Jean Ball

Ms. Dadds explained that this application was approved for last year, however, because of Covid it had to be canceled. Some of the details have changed for this year, requiring them to come before the Board. The fee they paid for last years event would go toward this year’s event. The event this year is planned for May 1, 2021 at Linchester Mills in Preston from 2-6 PM. Ms. Dadds introduced Cathie Moore, County Comptroller, as representative of the applicant.

Ms. Moore explained that they have planned an outdoor event this year due to Covid precautions. She referred to the site plan where the beer and wine vendors are located behind the stage. Chairman Eigenbrode asked if the winery and brewery had their own license to sell at the event. Ms. Dadds and Ms. Moore agreed that they do hold a special license for such events however, a County license is required also.

The Board asked if children will be attending. Ms. Moore stated that people may bring their younger children to the event to listen to the music, however, the Blue Jean Ball is geared toward adults. Mr. Plutschak asked if they are required to have the drinking area fenced. Ms. Dadds stated that it is up to the Board to make such a requirement. Otherwise, the Board may allow people to roam around the grounds with their drink.

- Motion:** Mr. Loukides made a motion to approve the May 1 - one day license for the Caroline County Humane Society Blue Jean Ball.
- Second:** Mr. Plutschak seconded the motion.
- In Favor:** All members voted in favor (3-0).

OLD BUSINESS

Remaining 2020-2021 Annual Alcoholic Beverage License Renewals

Ms. Dadds named the seven remaining establishments that have not yet been before the Board for their 2020 license renewals.

CAFÉ PARADISO – No application material has been submitted for Café Paradiso. Ms. Dadds last spoke with the licensee in March. He was going out of town and she is not sure that he has returned.

COHEES 404 – Cohees paperwork has been submitted except for TIPS certificates that need to be renewed. Alcohol sales were 0.08 % of total food and alcohol sales for the reporting year.

D & B TAVERN – D & B has not yet submitted their application material. The owner has spoken with Ms. Smith to advise Ms. Dadds of the issues that have interfered with her taking care of this obligation. However, she did have her relative pick up the applications for both years so she can start working on them.

DENTON LIQUOR OUTLET – They have submitted their application but must return to sign it. They need their 2020 business license, fee, alcohol awareness certifications and workers' compensation insurance certificate.

RIDGELY EXXON – Ridgely Exxon's application material is complete.

ROADHOUSE 313 – Has submitted their application but needs 2 licensees' signatures, their 2020 business license, and workers' compensation insurance certificate.

TIGERMART – Tigermart's application material is complete.

Ms. Dadds informed the Board that the Governor has announced that all licenses must be renewed by June 30, 2021.

Motion: Mr. Plutschak made a motion to approve the 2020 licenses for Cohees 404, Denton Liquor Outlet, Ridgely Exxon, Roadhouse 313 and Tigermart on the condition that the outstanding items are submitted.

Second: Mr. Loukides seconded the motion.

In Favor: All members voted in favor (3-0).

NEW BUSINESS

2021-2022 Annual Alcoholic Beverage License Renewals

AMERICAN LEGION – The Legion has everything except for the 2021 Business License. Ms. Dadds has heard that distribution is behind on the business licenses, with some establishments not yet receiving them.

BARGAIN BEVERAGE – No paperwork has been received.

BODIE'S DAIRY MARKET – The application is complete.

BULLOCK'S DELI – They need a notarized property owner signature, their 2021 Business License, and Workers' Compensation Insurance Certificate.

CAFÉ PARADISO – No paperwork has been received.

CHOPTANK RIVER YACHT CLUB – The application is complete.

COHEE'S 404 RESTAURANT – No paperwork has been received. The licensee intends to bring it in; however, she didn't want to have to pay for both years at one time.

COVEY'S – The paperwork is complete.

D & B TAVERN – No paperwork has been received. As with the 2020 license, the paperwork has been picked up and the Board is aware of the issues they are facing.

DAVE'S PLACE – No paperwork has been received.

DENTON GOOSE CREEK – They only need their Workers' Compensation Insurance Certificate.

DENTON LIQUOR OUTLET – No paperwork has been received. They did just file their 2020 application and will probably submit the paperwork for the May meeting.

DENTON SHELL – They still need their 2021 Business License, license fee, and Workers' Compensation Insurance Certificate.

FOSTER'S MINI MART – They only need their 2021 Business License.

GREENSBORO QUICK SHOP – They need their 2021 Business License and TIPS certification.

HARRY'S ON THE GREEN – Harry's needs their 2021 Business License and TIPS certification. Alcohol sales were 0.27% of total food and alcohol sales for the reporting year.

The Board members were aware that Harry's has been closed indefinitely for several weeks. Ms. Dadds stated that she has talked with the owner and they are thinking of retiring and are unsure whether or not they should keep the license and find a manager. Ms. Dadds suggested to him that they send a letter to the Board requesting permission to stay closed for an extended time. She stated that an establishment can close for ten days but any more than that would require the Board's permission and is limited to an additional 20 days. She also talked with the owner about possibly opening 1 day every 10 days just to keep the license active. However, she has not heard back from them with how they want to proceed.

Chairman Eigenbrode and Mr. Loukides knew that the establishment has already been closed longer than 10 days. Chairman Eigenbrode stated that their public announcement on April 13th stated that they were closed effectively immediately. Ms. Dadds asked for Mr. Merriken's advice. He concluded that they have not expressed to the Board that they want to renew their license. Additionally, they have been closed for more than the permitted time. He suggested the Board could deny the application.

They discussed the impact either decision may make on the owner. Ms. Dadds stated that if they concede their license, they only have to remove the alcohol from the premises. At that point it is easier to request a new license than it is to transfer a license. Chairman Eigenbrode felt it was better for the owner to concede the license. Ms. Dadds added that she had asked the owner to send in a request to stay open for today's meeting and she did not receive such a request.

Mr. Merriken asked if there were any other establishments closed for more than 10 days. Ms. Dadds stated there was not.

KATIE MAE'S – Their application was complete; alcohol sales were 0.009% of total food and alcohol sales for the reporting year.

LUCKY CORNER – Their application is complete; they only need to pay the license fee.

MARKET STREET PUBLIC HOUSE– The Pub's application is complete; alcohol sales were 0.29% of total food and alcohol sales for the reporting year.

MARY'S COUNTRY STORE – Their application is complete.

MIKE'S CORNER – No paperwork has been received. This is the establishment that had to do a transfer and renewal for 2020. Now that they are caught up, they can concentrate on the 2021 license.

PRESTON SUPER SODA – Their application is complete; they only need to pay the license fee.

RIDGELY EXXON – No paperwork has been received.

ROADHOUSE 313 – No paperwork has been received.

SHORE STOP #240 – They only need their 2021 Business License.

STATE LINE STORE – No paperwork has been received. The same people own Bargain Beverage and State Line. Ms. Dadds was aware of some medical issues with one of the license holders and this may be the reason for the delay. Ms. Dadds will notify them of the new deadline.

SUPER SODA CENTER FEDERALSBURG – They still need their 2021 Business License, TIPS certification, and Workers’ Compensation Insurance Certificate.

THE GREENSBORO DELI – Their application is complete; they only need to pay the license fee.

TIGERMART – Their application is complete.

TRI-ME WAREHOUSE – They still need their 2021 Business License.

U-5 FOODS – No paperwork has been received.

U-5 FOODS BETHLEHEM – No paperwork has been received.

VFW POST #5246 – No paperwork has been received.

WALKER’S GROCERY STORE – No paperwork has been received.

WETCHER WHISTLE – They still need their 2021 Business License.

Mr. Plutschak suggested they decide how to move forward with Harry’s on the Green. He feels a letter should be drafted and delivered to the owner and the Board can move on this at the May meeting. Chairman Eigenbrode would like to give them the benefit of the doubt but this is a law rather than a regulation they are breaking. Mr. Plutschak asked that this be added to the letter. Ms. Dadds suggested requesting a letter from him with what his intentions are and when the establishment officially closed so this can be voted on at the May hearing.

Motion: Mr. Plutschak made a motion to approve the 2021 licenses in Exhibit 1 on the conditions that they submit any outstanding documents. The establishments that have not submitted any paperwork will not be approved today.

Second: Mr. Loukides seconded the motion.

In Favor: All members voted in favor (3-0).

PROPOSED AMENDMENT TO RULE NO. 2.40 (RESIDENCY) OF THE CAROLINE COUNTY RULES AND REGULATIONS

The Board was previously informed about the Supreme Court’s decision that a decision regarding residency for a Tennessee liquor license application was unconstitutional. Since that ruling The House has drafted bill, HB 902, to amend the residency requirements. It removed the requirement that a licensee must show they have been a resident of the County for the previous two years and be a registered voter. It now reads that they must be a resident at the time the application is submitted, and the registered voter section was removed.

Because the County Rules and Regulations, section 2.40 mimic the State rule on this point, Mr. Merriken drafted an amendment to the Regulations for the Board to approve.

Motion: Mr. Loukides made a motion to approve Amendment No. 2021-1.
Second: Mr. Plutschak seconded the motion.
In Favor: All members voted in favor (3-0).

REVIEW AND APPROVAL

Mr. Plutchak asked if the Chamber of Commerce ever submitted the site plan for the temporary license they applied for last month. Ms. Dadds stated that the applicant informed her that they decided against having alcohol at the event. He asked if it was a reaction to the Board requiring the site plan. Ms. Dadds said no that it was more trouble to set up than they wanted.

MARCH 24, 2021 Minutes

Having read the March minutes, the Board voted.

Motion: Mr. Plutschak made a motion to approve the March 24, 2021 meeting minutes as written.
Second: Mr. Mann seconded the motion.
In Favor: All members voted in favor (3-0).

INSPECTORS REPORT

Inspector Moore informed the Board that he passed his TIPS trainer certification and he has applied for his permit with the Comptroller's Office.

He conducted an underage check and as a result four establishments will come before the Board for violations which will be scheduled for May and June. In addition, the Board will hear a violation for allowing alcohol outside the premise. He suggested issuing a warning letter to a licensee as a result of a missing records violation. The Board agreed.

He has supported the license holders while they struggled to stay in business during the Covid crisis. However, he has noticed a lax in practice on important issues like selling to minors and overserving.

Ms. Dadds added that she asked the County Commissioners at this week's budget workshop to allow them to add a per-person fee of \$40 for a TIPS training class that Inspector Moore will conduct. The money will help cover the \$100 annual training re-certification fee, workbooks and staff time conducting the classes. This is \$5 less than another local instructor (Terry Ober) charges.

Chairman Eigenbrode asked if undercutting Mr. Ober's fees would have a negative effect. Ms. Dadds explained that Inspector Moore will be serving Caroline County license holders and their

employees and because of his time constraints he will not be conducting classes as often as Mr. Ober.

DISCUSSION

Mr. Plutschak was bothered that neither the applicant's attorney nor the Board was aware of the criminal charges that were discovered on the license applicant's record. He asked Ms. Dadds to put it on next month's agenda as a discussion item. He would like to find a way for staff to disseminate the information about a criminal record finding so that the Board and Attorneys were not blindsided.

Ms. Dadds said that she would lean on the County Attorney for guidance on that, because with the criminal record verification, they have an obligation as the agency to ensure that the results of the check are handled in a manner that protects the applicant's privacy and cannot disseminate the record outside of the department under the Privacy Act. She has never mailed them out to the Board or included them in a package in the past. She has always noted on the staff report that there was an entry on the background check and the Board should review it.

Mr. Merriken suggested that staff share the information with the applicant in advance in order to allow the applicant to figure out what it is and see if it's even them. He has had a few cases where the client was incorrectly named on a criminal record and it's a long process to untangle the error. He said he would suggest staff at least tell the applicant ahead of time and they can decide how to move forward from there.

Chairman Eigenbrode stated that he would like the members as well to be better notified. Ms. Dadds suggested to Mr. Plutschak that she could notify the applicant in advance and ask them to prepare to discuss it with the Board during the meeting.

Mr. Merriken noted that the information was highlighted on the staff report. Chairman Eigenbrode and Mr. Loukides stated that they missed the statement altogether. Mr. Plutschak stated that he saw that but kept scrolling to find what results the Board was supposed to review.

Ms. Dadds apologized for not attaching the report but reiterated that it was due to the privacy act that it was not attached. Mr. Plutschak said that he knew it to be public knowledge.

Motion: Mr. Loukides made a motion to adjourn at 11:34 AM.

Second: Mr. Plutschak seconded the motion.

In Favor: All members voted in favor (3-0).

Melanie J. Smith

Minutes prepared by Melanie Smith