

**Meeting Minutes
Board of License Commissioners
Caroline County, Maryland**

DATE: Wednesday, September 26, 2018

PLACE: Health & Public Services Building
403 S. 7th Street, 1st Floor, Room 110
Denton, Maryland 21629

BOARD MEMBERS: Nick Loukides, Vice-Chairman
Glen Plutschak, Member
Michael Mann, Alternate

OTHERS PRESENT: Phillip Moore, Alcoholic Beverage Inspector
Seth Hampton, Codes Enforcement Officer
Bob Merriken, Attorney
Melanie Smith, Administrative Assistant to the Boards

Vice-Chair Loukides called the meeting of the Caroline County Board of License Commissioners to order at 9:30 a.m.

SHOW/CAUSE AND INQUIRY HEARINGS

LUMA, LLC t/a DAVE'S PLACE – 207 E. 6th Street, Ridgely, MD

Inspector Moore read the summons for Lucille Ball and Scott Judy to appear before the Board to discuss three (3) alleged violations that was documented through a police report case number 18-00340 and forwarded to the office of the Caroline County Alcoholic Beverage Inspector. The violations occurred in the early morning hours of June 3, 2018 at Dave's Place.

Charge No. 1 – Alleged violation of the Caroline County Board of License Commissioners Rule and Regulation No. 2.08(b), specifically, for allowing any person to drink on the licensed premise, or for any license holder to permit any person to drink any alcoholic beverages not purchased from the license holder on said premise; and

Charge No. 2 – Alleged violation of the Caroline County Board of License Commissioners Rule and Regulation No. 2.29, specifically, failure to police the immediate area outside of the establishment allowing loitering and drinking outside of the licensed premise area; and

Charge No. 3 – Alleged violation of the Caroline County Board of License Commissioners Rule and Regulation No. 2.12, specifically, failure to operate their establishments in such a manner as to avoid disturbance of the peace, safety and tranquility of the neighborhood in which the place of business is located. Congregation of patrons in a noisy, unruly, or

disturbing manner after leaving the interior portion of the licensed premises shall be prohibited.

The following documents were entered as exhibits:

- Exhibit 1: June 30, 2018 Dave's Place Violation Report (3 pages)
- Exhibit 2: August 6, 2018 Summons for Scott Judy (4 pages)
- Exhibit 3: August 6, 2018 Summons for Lucille Ball (4 pages)
- Exhibit 4: August 10, 2018 Summons for Chief Gary Manos
- Exhibit 5: August 10, 2018 Summons for Sgt. Gordon Geesey
- Exhibit 6: Violation History Report for Dave's Place (2 pages)
- Exhibit 7: Email from Lucille Ball requesting postponement
- Exhibit 8: Letter and copy of receipt for fee paid August 16, 2018 (2 pages)
- Exhibit 9: September 5, 2018 Summons for Chief Gary Manos
- Exhibit 10: September 5, 2018 Summons for Sgt. Gordon Geesey
- Exhibit 11: Aerial View of Licensed Premise

Attorney Justin Hoyt, representing Dave's Place, provided a letter from Mr. Judy to ask that the Board forgives his absence at today's hearing. He was not approved for time off from his job at the Anne Arundel County Department of Corrections. Mr. Hoyt was not aware of this until this morning but understood Mr. Judy spoke to Crystal Dadds about this earlier last week. This letter was marked as Respondent's Exhibit 1.

Inspector Moore read the incident report (Exhibit 1) into the record.

Vice-Chair Loukides swore in the following people:

Lucille E. Ball, 9144 Honeysuckle Drive, Easton, MD
Christopher Willis, 24899 Schuyler Road, Goldsboro, MD
Justin Hoyt, Attorney, Law Office of Stevens Palmer, Centreville, MD

Mr. Hoyt explained that he has had an opportunity to speak extensively with Ms. Ball about the problems she has encountered over the last year and a half and by extension what the Liquor Board has had to deal with. He noted that the circumstances of this situation are slightly different than the past ones. There have been numerous problems at Dave's with people taking alcohol off the premises after they purchased it in inside. This cannot continue, and Mr. Hoyt stated that he will define what Ms. Ball has done recently and will do in the future to resolve that issue.

Mr. Hoyt repeated that this charge was a little different in that the patron was drinking alcohol in the parking lot that was not purchased from the establishment. He agreed that this should not have happened. He explained that Ms. Ball is aware that proactively seeking counsel earlier may have been useful in resolving her problems a little quicker.

One of the problems he sees is that Ms. Balls clients have developed some bad habits that have escalated over time. Bad habits are hard to break. Mr. Hoyt asked the Board for their continued patience and the opportunity to demonstrate that Ms. Ball is taking this seriously and asks for additional time to overcome these issues.

Mr. Hoyt asked that Mr. Willis give his testimony of what occurred that evening. Mr. Willis was referenced in the report as the bouncer that spoke to Officer Geesey that evening. Mr. Hoyt asked the Board to listen to Mr. Willis' and Ms. Ball's testimony based on this individual case. They will see at the end that Ms. Ball is very serious about rectifying the problem and he will demonstrate her efforts to do that.

Mr. Willis has been employed at Dave's Place for almost four months. He was on security duty inside the bar that evening. Another bouncer, Zach Holt, was working security at the door. Mr. Willis explained that outside detail included ensuring no one leaves the premise with alcohol nor enters the property with alcohol and that no inappropriate behavior occurred in the parking lot. Mr. Hoyt asked Mr. Willis to describe what he witnessed happened that morning.

Mr. Willis recalled that at 1:50 a.m. he started his closing procedures of taking the trash out to the dumpster located on the east side of the property. He remembers seeing a man leaning inside a truck talking to the passenger. A few minutes later after making a second trip to the dumpster he walked over to the Subway parking lot where Sgt. Geesey was sitting.

Mr. Willis approached Sgt. Geesey to ask if there was any trash he needed to pick up to the rear of the building. Sgt. Geesey said no, but he had been watching the gentleman within his headlights (later verified to be Mr. McCormack) drinking beer and smoking cigarettes in Dave's parking lot. Mr. Willis had not observed Mr. McCormack with a drink, but he was always leaning inside the truck window.

Before they could decide what to do, Mr. Willis turned around and noticed Mr. McCormack adjusting his pants as if he were about to urinate in the parking lot. He yelled for the man to stop and walked toward him, but Sgt. Geesey arrived first in his SUV.

Mr. Willis guessed that there were 20 yards from the front door of the establishment, where Mr. Holt was stationed, and where Mr. McCormack was standing. Mr. Willis added that a bouncer is particularly busy at closing. He must carefully watch as the patrons leave, and the lot is full of people congregating in the parking lot. Witnessing Mr. McCormack talking to a passenger in the parking lot was not unusual. There were also two cars in the lot blocking Mr. Holt's view of Mr. McCormack.

Mr. Willis stated that it is required, since he began at Dave's Place, that the parking lots of adjoining businesses be picked up at closing. He had never received a complaint from neighboring businesses.

To correct the problems, Ms. Ball had informed Mr. Willis that alcohol will no longer be allowed on either the patio or the deck outside. Alcohol will only be allowed within the establishment. He agreed that having a third bouncer employed to secure the parking lot of the establishment would be helpful. There are three entrances to the establishments interior. Mr. Willis stated that they would only have to man the main door if they were no longer allowing alcohol on the deck or patio.

Mr. Hoyt recalled that Ms. Ball complained that people lingered in the parking lot. Mr. Hoyt asked if they were aware now that they do have the power to kick someone off their property whether

they are causing a violation or not. Mr. Willis said he understood and that they have incorporated a 5-8-minute rule that patrons must leave the parking lot within 5-8 minutes of exiting the establishment. Mr. Hoyt asked to have Ms. Ball come forward to testify.

Ms. Ball stated that she agreed with Mr. Willis' testimony and the information that Mr. Hoyt has provided. She confirmed that she is establishing a rule that alcohol is no longer permitted on the patio or deck of Dave's Place. Ms. Ball told the Board that she agreed a third bouncer is needed and that she has actively sought hiring a third bouncer. But she has found it difficult to find someone that she could both trust and not mishandle her patrons. Thereby, putting her in further liability than she is now. Ms. Ball stated she will be present in the evenings as she continues to search for an additional bouncer. Mr. Hoyt added that they have discussed hiring an off-duty officer for the job.

Ms. Ball intends to increase patrol of the parking lot as part of the solution. Ms. Ball stated that she had spoken to her neighboring business about any nuisances they may have experienced recently because of her business. She spoke to Tanya at Subway, Mike Butkus, the man who used to own the Italian Restaurant next door, and Queenstown Bank.

Ms. Ball explained that she spoke to Queenstown Bank because they held her mortgage. She spoke to the man who owned the Italian Place because they would split food delivery orders and she spoke to Tanya at Subway because they often get change from Ms. Ball.

Mr. Merriken asked for clarification of how she split food orders with the place across the street. Ms. Ball stated that to have food delivered they would have to make an \$800 order. She would only need half of that order and the place across the street would take the other half. But they had separate invoices. She said it was frozen food, cheese and various supplies included in the order.

Mr. Merriken then asked Mr. Willis to outline on Exhibit 11 where the following were located that evening: The truck Mr. McCormack was standing next to, the dumpster, where Mr. Holt was stationed and where Sgt. Geesey was sitting. Mr. Willis marked that the dumpster was to the right of the establishment just past a tree. The truck he marked as being slightly to the left of the dumpster close to the road. Mr. Holt was stationed ground level on the porch at the main entrance and Sgt. Geesey was in the Subway parking lot directly across the road.

Mr. Hoyt recalled in the police report that an employee stated that the alcohol that Mr. McCormack had was not purchased inside the premises and that he did not walk outside with it in his possession. Mr. Willis agreed.

Sgt. Geesey came forward to testify. The Board asked him to describe the night of the offense as he witnessed it. Sgt. Geesey agreed with the report that was provided by Inspector Moore. He was working the 4 p.m.-2 a.m. shift that evening and before wrapping it up his routine is to sweep the area in his SUV to ensure all is quiet in the neighborhood. To see clearly in the night, he keeps his high beams on. When pulling around the driveway of Subway parking lot he has an unobstructed view of Dave's Place parking lot.

When he turned to leave, caught in his high beams was the subject leaning against a truck with a brown bottle in each hand, that according to his training, knowledge and experience as an officer, appeared to be beer. He laughed to himself thinking, why would this guy continue to drink beer in the high beams of a car. Sgt. Geesey put his car in park and decided to see how long it would go on. He was amazed that this person, in a dark unlit parking lot, never turned around to see who was shining their light beams directly on him. Sgt. Geesey witnessed the subject sit to smoke a cigarette and get back up to continue interacting with a person inside the truck.

Mr. Willis came over to his squad car to ask about the trash as he had testified, and the officer explained that he had been watching the guy in the parking lot for 20 minutes drinking outside his vehicle. Mr. Willis sighed and asked if he wanted to take care of it or should he. At this point the subject started a motor vehicle; he was letting the motor run. Sgt. Geesey told Mr. Willis that his biggest concern is that they cannot have drunks driving off the parking lot and if he wanted to handle it that would be fine and save him the paperwork.

At this point the subject turned around adjusting his pants like he was ready to urinate. Just then he saw the stream of urine and to his amazement he was urinating on the tire of the person he was conversing with. He told Mr. Willis that it was now a police issue and he would have to take care of it. He drove over and identified himself to the man. As soon as the man turned around he was immediately argumentative and belligerent with the officer. Sgt. Geesey asked the man for his ID and stated that the man was clearly getting ready to go somewhere. The man denied it and Sgt. Geesey told him the bottom line was that he could not allow him to drive on the streets drunk.

A girl came over and introduced herself as a friend of the subjects. Sgt. Geesey asked if she could arrange for a ride to take him home. She said that she would. Because the man was so disorderly, Sgt. Geesey stayed after his shift was over until 2:30 a.m. waiting for his ride to pick him up.

It was while he was waiting to be picked up that an employee walked over to Mr. McCormack to ask him if he purchased the alcohol from inside and Mr. McCormack stated that he brought the alcohol from home. Mr. Willis walked over to inform Sgt. Geesey of this and Sgt. Geesey replied that his only concern was to keep an intoxicated person from drinking and driving.

Chief Manos has requested a report of any interaction with Dave's Place and to follow it up with Inspector Moore if it involved alcohol abuse or violations. Mr. Mann noted that the officer witnessed this for 20 minutes and asked if at any point the officer saw the man open a new bottle. Sgt. Geesey could not testify that he witnessed him open a new beer. Mr. Mann asked if he could see Mr. Holt from where he was sitting. The officer could see both Mr. Holt and Mr. McCormack from his vantage point but agreed that they probably could not see each other because of the vehicle between them.

Mr. Hoyt asked Sgt. Geesey if the disorderly conduct started when Mr. McCormack began urinating in the parking lot. From a legal standpoint, Sgt. Geesey answered, drinking in public is a crime. Mr. Hoyt noted that the officer did not believe intervention was warranted until the public urination occurred. Sgt. Geesey also did not have an opportunity to speak to Mr. Holt about what he had witnessed.

Mr. Hoyt asked Sgt. Geesey why he had not issued a citation for public urination or disorderly conduct that evening. Sgt. Geesey explained that was at his discretion. Mr. Hoyt asked Sgt. Geesey, if he were to issue citations in the future for public urination or disorderly conduct, did he think it might discourage others from acting this way in the future. Mr. Hoyt explained that Dave's Place has erected signs warning patrons not to urinate in public and worked with staff to better police the area. He asked Sgt. Geesey if he thought that if patrons were aware that they weren't only going to get kicked off the property for this behavior but would also receive a ticket for it, might it discourage this repetitive behavior. Sgt. Geesey answered that it was common knowledge that you aren't supposed to urinate in public. Chief Manos was present in support of his officer's testimony.

Mr. Hoyt closed by first stating that Mr. Willis' testimony was in no way casting doubt on Sgt. Geesey's statement that he saw the man drinking in the parking lot. Mr. Willis was only testifying that he himself had not witnessed the man drinking in the parking lot.

Mr. Hoyt repeated that this incident was slightly different than the previous violations where drinks were permitted to be taken out to the parking lot for consumption. In this situation it appears someone brought their own alcohol with them to drink in the parking lot. This is not okay, and they are acknowledging to the Board that it is the intention of Dave's Place owner and employees to prevent this from happening in the future.

Mr. Hoyt stated that he understood the concern that the incident occurred only two days after Ms. Ball was before the Board for similar violations. He added that two days also did not allow management to adopt the recommendations that were made by the Board to remedy the problem. However, he explained, Ms. Ball demonstrated how serious she was about correcting the problems when she offered to remove the outside area from her premise.

Mr. Hoyt reiterated that Ms. Ball did not realize the power she had as the owner of the property. For instance, the fourth amendment prevents the police from being able to enter the parking lot and start searching everybody's cars. But a private business owner can say who can come and go on their property, if they are not discriminating in an improper way. If a person is being too loud or loitering too long the business has the right to ask them to leave. He noted that this was a blunt conversation that he has had with Ms. Ball and testimony showed that the establishment will exercise the rights they previously were not aware they had to ensure compliance with the Boards Rules and Regulations.

Mr. Hoyt stated that when Mr. Willis first encountered the man he was leaning into a car and no alcohol was visible. When Mr. Willis saw the man adjusting his pants as if to urinate he reacted by yelling to him to stop and moving toward where he stood. The officer agreed that there wasn't anything he knew that Mr. Willis could have done to prevent the incident or control it any better than the officer had.

Mr. Hoyt added that he respects the Chief's statement that no one should be overserving their customers. However, he suggested that it creates an impossible standard to ask an owner or bartender to know if their patron was drinking before they arrived and to regulate every person from exceeding the legal limit to drive a car. Realistically, it is not illegal to have a couple of drinks if you act in a lawful manner, but it is illegal to have a couple drinks and then drive a car.

The issue with Mr. McCormick was that he completely disregarded the law and brought his own alcohol to drink outside of the premise, and he urinated on another person's car in eyesight of a police officer. Dave's has an obligation to the Board and the community to prevent that from happening and they have demonstrated that they have been proactive and will continue to be proactive in the future. Mr. Hoyt stated that it would be unfair to punish the establishment, despite their efforts to prevent such violations, and not enforce the law on the individual that committed the act.

Mr. Hoyt closed by stating that Dave's Place has sincerely demonstrated that they are making every effort to comply with the Rules and Regulations of the Board. He asked the Board to exercise discretion, not to take any additional punitive acts that the Board has not previously taken towards Dave's and give Dave's the obligation to demonstrate that they will not allow people to drink outside and to be more proactive about what is going on in the parking lot to remedy the situation and break some bad habits.

Vice-Chair Loukides suggested they look at one violation at a time.

Charge No. 1 – Section 2.08(b), Consumption/possession on premises.

- Motion:** Mr. Plutschak noted that the evidence and testimony proved that there was a violation of Section 2.08(b); that someone was drinking alcoholic beverages that were not purchased from the establishment. He motioned to find them in violation of this charge.
- Second:** Mr. Mann seconded the motion.
- In Favor:** The motion was unanimously approved (3-0).

Charge No. 2 – Section 2.29 Policing the area outside of the establishment.

- Motion:** Mr. Plutschak stated that based on the evidence provided there was a lack of policing the outside area. He pointed out that it is not the Police Department's job to monitor Dave's parking lot, but it is the establishment's responsibility. He motioned to find them in violation of this charge.
- Second:** Mr. Mann agreed with Mr. Plutschak and noted that if the drinking had not taken place for over 20 minutes in immediate eyesight of an officer it would be easier for the Board to rule otherwise. He seconded the motion.
- In Favor:** The motion was unanimously approved (3-0).

Charge No. 3 – Section 2.12 Disorderly Conduct.

- Motion:** Mr. Plutschak stated that based on the police report and the testimony of the witnesses there was an issue of disorderly conduct at the establishment. He motioned to find them in violation of this charge.
- Second:** Mr. Mann explained that Sgt. Geesey's discretion not to issue a citation was a good gesture on behalf of Dave's Place. He has said before that

having a police presence in the vicinity in combination with the bouncers increased vigilance, will work hand in hand with resolving the issues they are facing. Mr. Mann seconded the motion that Dave's Place is found in violation of Section 2.12.

In Favor: The motion was unanimously approved (3-0).

Vice-Chair Loukides asked the Board to next consider whether to revoke, suspend and/or fine the licensee for each violation charge.

Charge No. 1 – Section 2.08(b), Consumption/possession on premises.

Motion: Mr. Plutschak spoke of the Boards frustration that Dave's Place has been before them so much in such a short period of time despite the fines and reprimands they have been given in the past. He motioned to suspend their license for a 7-day period and fine them \$1000 for the violation of Section 2.08(b).

Second: Mr. Mann listed the times the establishment has been before them and the penalties they gave in the past and noted it has not deterred them. Vice-Chair Loukides concurred that they have created a pattern of poor decisions. Mr. Mann seconded the motion.

In Favor: The motion was unanimously approved (3-0).

Charge No. 2 – Section 2.29 Policing the area outside of the establishment.

Motion: Mr. Mann stated that his decision regarding this offense was made easier by Ms. Ball's agreement to remove the outside area from her premise. He made a motion to limit the premise area to the inside of the building and if after a year there are no further offenses they are willing to reconsider a request by Ms. Ball to expand her premise again to the outside area.

Second: Mr. Plutschak seconded the motion.

In Favor: The motion was unanimously approved (3-0).

Charge No. 3 – Section 2.12 Disorderly Conduct.

Motion: Mr. Plutschak made a motion to issue a fine of \$1500 for the violation of Section 2.12.

Second: Mr. Mann seconded the motion.

In Favor: The motion was unanimously approved (3-0).

The Board agreed that their license will be suspended beginning October 1, 2018 and can be picked up from the Planning and Codes Department on October 8, 2018.

PURAV CORPORATION T/A PRESTON SUPER SODA – 101 Maple Ave., Preston, MD

Vice-Chair Loukides swore in the following people:

Manishkumar Patel, 1796 Windswept Circle, Dover, DE 19901
Pallavi Patel, 1796 Windswept Circle, Dover, DE 19901
Jaymin Patel, 308 Wood Duck, Greensboro, MD 21639
Hitesh Joshi, 101 Maple Avenue, Preston, MD 21655
Dhaval Patel, 7018 Ocean Gateway, Easton, MD 21601
Robert Thornton, Law Office of Robert Thornton, Denton, MD 21629

The Board granted Mr. Thornton an opportunity to make a preliminary request. He pointed out that the first three charges show the section of Maryland Law that defines the fine and increased action. The last three charges of the County Rules and Regulations do not provide a definition for a fine or what the penalty is for violating the regulation. He asked what the maximum penalty is that they are facing for those violations. Mr. Mann responded that the law states the fine is not to exceed \$2500. Mr. Merriken added that the maximum is per charge and may include suspension or revocation. They referred him to Section 15-2802(a) of the Alcoholic Beverages Article of the Annotated Code of Maryland. Mr. Thornton responded without there being a provision of law that states what punishment or penalty may be charged, then there is no ability to issue a punishment for the last three charges. Mr. Merriken referred to Section 4-604(a) of the Alcoholic Beverages Article of the Annotated Code of Maryland which gives the Board the authority to revoke or suspend a license for any reason to promote the peace or safety of the community in which the premises is located.

Inspector Moore read the summons for Manishkumar Patel, Pallavi Patel, and Jaymin Patel to appear before the Board to discuss six (6) alleged violations found during a routine inspection of the Caroline County Alcoholic Beverage Inspector. The violations occurred in the afternoon of June 24, 2018 at Preston Super Soda.

Charge No. 1 – Alleged violation of Section 4-505(e) of the Alcoholic Beverages Article of the Annotated Code of Maryland and the Caroline County Board of License Commissioners Rule and Regulation No. 2.01, specifically, failure to have a licensee or an employee on-site that has completed training in an approved alcohol awareness program; and

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

Charge No. 3 – Alleged violation of Section 15-1902(a)(1) of the Alcoholic Beverages Article of the Annotated Code of Maryland and the Caroline County Board of License Commissioners Rule and Regulation No. 2.01, specifically, the individual certified by an approved alcohol awareness program may be absent from the licensed premises for an emergency if the absence lasts for no more than two (2) hours; and

Charge No. 4 – Alleged violation of Section 15-1902(a)(2) of the Alcoholic Beverages Article of the Annotated Code of Maryland and the Caroline County Board of License Commissioners Rule and Regulation No. 2.01, specifically, the license holder did not have a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form required by the Board; and

Charge No. 5 – Alleged violation of the Caroline County Board of License Commissioners Rule and Regulation No. 2.17(b), specifically, failure to maintain records of all employees on the premises; and

Charge No. 6 – Alleged violation of the Caroline County Board of License Commissioners Rule and Regulation No. 2.46(b), specifically, failure to post signage upon the outside of the entrance to the establishment stating, “no alcoholic beverage sales to persons under 21 years of age in large bold type.”

The following documents were entered as exhibits:

- Exhibit 1: July 24, 2018 Preston Super Soda Inspection Report (3 pages)
- Exhibit 2: August 6, 2018 Summons for Manish Kumar Patel (5 pages)
- Exhibit 3: August 6, 2018 Summons for Pallavi Patel (5 pages)
- Exhibit 4: August 6, 2018 Summons for Jaymin Patel (4 pages)
- Exhibit 5: Violation History Report for Preston Super Soda
- Exhibit 6: Mr. Thornton’s Request for a Postponement
- Exhibit 7: Ms. Dadds Response and Receipt for Fee Paid August 16, 2018 (2 pages)
- Exhibit 8: Ms. Price’s Response to Thornton’s Request for Information dated August 27, 2018 (2 pages)

Mr. Thornton interrupted the proceedings to state that he objected to parts of Exhibit 1 that included speculation and assumption and prior knowledge. He added that the report can include only the facts which are what the Inspector heard, touched, smelled, and tasted.

Ms. Smith noted that Inspector Moore had not read the report into the record yet to allow the Board to refer to his objection. Mr. Merriken suggested that Inspector Moore be allowed to read the report.

Inspector Moore read the inspection report (Exhibit 1) into the record. Mr. Thornton interrupted the proceedings again to object to the line “When you register for a class you choose a date and location.” Inspector Moore continued reading the report.

Mr. Hampton asked Mr. Thornton to clarify his objection that the last three charges did not include a fine in the statute. Mr. Thornton stated that he was mistaken.

Mr. Plutschak asked the Inspector what date he gave Preston Super Soda his first verbal warning regarding the signs. Mr. Thornton stated that the question was irrelevant. Inspector Moore responded that it was in early January.

Mr. Thornton explained that Minesh (Mike) Patel was not available to attend due to sickness but he assured the Board that the licensees do not contest anything said by Mr. Patel in the report. He introduced Mr. Hitesh Joshi as a permanent employee along with his wife. Mr. Dhaval Patel was the employee mentioned in the inspection report. Mr. Thornton entered a photograph of a sign on the side of the store as Respondent's Exhibit 1 and a photograph of the front door as Respondents Exhibit 2 to show that the signage violation has been corrected. Mr. Manish Patel (Manny) explained that the signs were not intentionally removed but often a salesman from another company will replace a sign with their own on the door. This may have been one of those times that went unnoticed.

Mr. Thornton submitted a copy of the TiPS Certification to show that Mr. Dhaval Patel has since been certified for alcohol awareness. The copy was entered as Respondent's Exhibit 3. Mr. Thornton asked Manny Patel if he will have employee records (names, birthday's, aliases and address) available for the inspector when he asks for them in the future. Mr. Patel stated that he would. He asked if they also have a logbook available should the TiPS person have to leave for an emergency. Mr. Patel stated, "that shouldn't be necessary now that everyone is certified." Inspector Moore gave Mr. Patel a copy of the list he uses when doing an inspection, so he will know in advance what is needed when he arrives.

Mr. Thornton closed by saying the violation of Section 4-505(e) and Section 4-505(f)(1)(iii) does not apply. But if the Board disagrees the fine is stated in the code that a first offense is a hundred dollar fine. Violations three and four of Sections 15-1902(a)(1) and 15-1902(a)(1) he argued was one and the same and should not be considered as separate violations. He objected to the last two violations of the County Rules & Regulations, because nowhere in writing does it inform a citizen what fine or penalty they will receive for violating each rule and regulation. Lastly, he stated that the charges were inactions as opposed to deliberate noncompliance.

Vice-Chair Loukides suggested they look at one violation at a time. Mr. Thornton noted that the charges did not transfer over to the summons in the correct order. The Board agreed to read the charges from the summons rather than the report.

Charge No. 1 – Section 4-505(e) Alcohol Awareness Training Required.

- Motion:** Mr. Plutschak found that testimony and evidence proved them in violation of this charge.
- Second:** Mr. Mann seconded the motion.
- In Favor:** The motion was unanimously approved (3-0).

Charge No. 2 – Section 4-505(f)(1)(iii) Alcohol Awareness Certification.

- Motion:** Mr. Plutschak stated that based on the testimony and evidence provided he found them in violation of this charge.
- Second:** Mr. Mann seconded the motion.
- In Favor:** The motion was unanimously approved (3-0).

Charge No. 3 – Section 15-1902(a)(1) Certified Person not on Premise.

Motion: Mr. Plutschak stated that there was no argument that the certified person was absent for a non-emergency and found them in violation of this charge.
Second: Mr. Mann seconded the motion.
In Favor: The motion was unanimously approved (3-0).

Charge No. 4 – Section 15-1902(a)(2) Absence of a Logbook.

Motion: Mr. Plutschak stated that based on the testimony and evidence provided he found them in violation of this charge.
Second: Mr. Mann seconded the motion.
In Favor: The motion was unanimously approved (3-0).

Charge No. 5 – Section 2.17(b) Employee Records.

Motion: Mr. Plutschak stated that based on the testimony and evidence provided he found them in violation of this charge.
Second: Mr. Mann seconded the motion.
In Favor: The motion was unanimously approved (3-0).

Charge No. 6 – Section 2.46(b) Signage, Under 21.

Motion: Mr. Plutschak stated that based on the testimony and evidence provided he found them in violation of this charge.
Second: Mr. Mann seconded the motion.
In Favor: The motion was unanimously approved (3-0).

Mr. Plutschak commended them for taking actions to fix the violations. Their response tells the Board that they take this seriously. He appreciates that, and Vice-Chair agreed with his statement.

Vice-Chair Loukides asked the Board to next consider whether to revoke, suspend and/or fine the licensee for each violation.

Charge No. 1 – Section 4-505(e) Alcohol Awareness Training Required – The Board was divided about the significance of the wording of this section. Mr. Thornton stated that there is a requirement for someone to be present with a valid certificate, but it is not under the section of the code that was referred to in the Summons. After some discussion the Board members agreed to revisit the original finding for this charge.

Motion: Mr. Loukides motioned to find them not in violation of this charge claiming that the wording of this section implies only licensees and their designees are required to be TIPS Certified.
Second: Mr. Mann seconded the motion
In Favor: Mr. Loukides and Mr. Mann found them not to be in violation of Section 4-505(e) and Mr. Plutschak found them to be in violation of this section of the code. (2-1).

The Board continued their consideration of penalties for the following violations:

Charge No. 2 – Section 4-505(f)(1)(iii) Alcohol Awareness Certification.

Motion: Mr. Plutschak recommended a \$100 fine for this violation.
Second: Mr. Mann seconded the motion.
In Favor: The motion was unanimously approved (3-0).

Charge No. 3 – Section 15-1902(a)(1) Certified Person not on Premise.

Motion: Mr. Plutschak recommended a \$100 fine for the violation of Section 15-1902(a)(1).
Second: Mr. Mann seconded the motion.
In Favor: The motion was unanimously approved (3-0).

Charge No. 4 – Section 15-1902(a)(2) Absence of a Logbook.

Motion: Mr. Plutschak recommended a \$100 fine for the violation of Section 15-1902(a)(2).
Second: Mr. Mann seconded the motion.
In Favor: The motion was unanimously approved (3-0).

Charge No. 5 – Section 2.17(b) Employee Records.

Motion: Mr. Plutschak recommended a letter of reprimand for this offense.
Second: Mr. Mann seconded the motion.
In Favor: The motion was unanimously approved (3-0).

Charge No. 6 – Section 2.46(b) Signage on door.

Motion: Mr. Mann stated that because they were warned about the signage before and somehow it was found down again, he motioned to fine them \$100.
Second: Mr. Plutschak seconded the motion.
In Favor: The motion was unanimously approved (3-0).

It was noted that Mr. Patel's niece was severely injured recently in an automobile accident. Mr. Plutschak asked for an update on her condition and asked them to share his concern with her father's family. The Board took a 15-minute break before proceeding.

TEMPORARY ALCOHOLIC BEVERAGE LICENSE APPLICATIONS

MAKING A DIFFERENCE – CASA OF CAROLINE – November 3, 2018

Ms. Smith introduced an application for a special class C one-day temporary license to sell beer and wine from 5-8 p.m. on November 3, 2018 for a fundraising event at the Wharves of Choptank Center in Denton. Chandler Johnson explained that CASA is an organization that helps with foster youth and the fundraiser will help raise awareness and increase funds to continue operating. They will have a silent auction, photo booth, and a deejay. Ms. Chandler and the general manager of Bridges Restaurant, who also sits on CASA's Board, are TIPS certified to serve alcohol. The maximum they may sell cannot exceed 85 tickets. Tickets and ID's will be checked at the entrance.

- Motion:** Mr. Mann made a motion to approve the application.
Second: Mr. Plutschak seconded the motion.
In Favor: The motion was unanimously approved (3-0).

SUPPER AT SUNSET – DOWNTOWN DENTON MAIN STREET – September 15, 2018

Inspector Moore informed the Board that the September 15, 2018 date that was approved for the Supper at Sunset event was rained out due to the Hurricane. The applicants have requested a new date of October 14, 2018.

- Motion:** Mr. Plutschak made a motion to approve the request to change the date of approval to October 14, 2018.
Second: Mr. Mann seconded the motion.
In Favor: The motion was unanimously approved (3-0).

CONSENT ITEMS

The following item were approved by unanimous consent:

- August 22, 2018 minutes

INSPECTOR'S REPORT

Inspector Moore informed the Board that the Goldsboro Firehouse is having their "Community Day" event as they did last year. They will have the fenced in beer garden as they did before. The Board had no objection.

Inspector Moore went over his inspections for the month.

The Board asked where the Inspector was on underage compliance checks. Mr. Plutschak asked if it was true they haven't been done in Caroline County since 2016. Inspector Moore explained that he has worked on this for eight months and thinks he may have a solution that will give him the responsibility of them. The County wants the first check to be done through the Sheriff's Office. If his expectations work out he will talk to the Colleges for resources.

The Board asked if the Sheriff can be brought in for the next hearing to discuss this. They are frustrated that this has been kicked around for so long. The last inspection they had was a serious one and one hasn't been done since. It has been three years and the Board is fed up. They would like the Sheriff to discuss this with them before the elections in November.

MATRIX

The Board appreciated the information the Matrix provided them and asked if they must vote on this. Ms. Smith explained they did not because it is a guidance tool rather than a regulation.

PUBLIC COMMENT

The Board thanked Mr. Merriken for sitting in for the County Attorney this month.

There being nothing further to discuss, Vice-Chair Loukides adjourned the meeting at 12:32 p.m.

BOARD OF LICENSE COMMISSIONERS

Nicholas Loukides, Vice-Chairman

A handwritten signature in blue ink that reads "Nicholas Loukides". The signature is written over a horizontal line.

Minutes prepared by: Melanie Smith

