

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

DATE: Wednesday, October 17, 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
Crystal Dadds, Assistant Director of Codes
Melanie Smith, Administrative Assistant to the Boards

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

TEMPORARY ALCOHOLIC BEVERAGE LICENSE APPLICATIONS

100TH ANNIVERSARY OF WORLD WAR I – C.C. HISTORICAL SOCIETY – November 11, 2018

Kathy Mackel presented to the Board the Caroline County Historical Society's application for a fundraising event at Crouse Park Visitor Center in Denton. They will be celebrating the 100th Anniversary of World War I on Veteran's Day, Sunday November 11th from 5 pm to 8 pm. They have applied to serve beer and wine with dinner. There will be no live band or DJ. All costs will be included in the admission charge of \$30 per person with a maximum capacity of 80 persons. Michael McCrea will be the TiPS certified server.

ANNUAL HOLIDAY FUNDRAISER – C.C. HISTORICAL SOCIETY – December 8, 2018

Kathy Mackel presented to the Board the Caroline County Historical Society's application for their annual Holiday Fundraiser at a private home on 2nd Street in Denton. The event is scheduled for Saturday, December 8, from 4:30 pm to 7:30 pm. They have applied to serve beer, wine and liquor at the event. There will be no live band or DJ. All costs will be included in the admission. Michael McCrea will be the TiPS certified server.

Motion: Mr. Plutschak made a motion to approve both of the one-day temporary license applications by the Caroline County Historical Society.

Second: Mr. Mann seconded the motion.

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

DUCKS UNLIMITED DINNER – FEDERALSBURG VOLUNTEER FIRE CO. – November 2, 2018

Federalsburg Volunteer Fire Company is holding their annual Ducks Unlimited dinner on Friday, November 2, from 5 pm to 2 am. As permitted in the past they will sell beer, wine and liquor at a cash bar during the event. Ms. Dadds explained that the Board has previously approved the annual event, on the condition that there are no reported problems or violations.

CORNHOLE TOURNAMENT – PRESTON VOLUNTEER FIRE CO. – November 3, 2018

The Preston Volunteer Fire Company will be holding a Cornhole Tournament on Saturday, November 3, from 10 am to 6 pm selling beer and wine at a cash bar during the event. Ms. Dadds explained that the Board has previously approved for the fire company to hold events at the firehouse, on the condition that there are no reported problems or violations.

OTHER BUSINESS

NOTIFICATION OF 2018 TURKEY SHOOTS – AMERICAN LEGION CAROLINE POST #29

The American Legion asked Ms. Dadds to report to the Board that they have scheduled their annual Turkey Shoots for October 21, November 18 and December 16. The Board approved the annual event, on the condition that, they report their plans to the Board in advance.

NOTIFICATION OF MANAGER CHANGE – 404 TAPHOUSE

Ms. Dadds received an email on October 15, 2018 from JM Hospitality Group, LLC that, effective November 1, 2018 John Mullins will be replaced as manager of 404 Taphouse by Sheryl Matthews.

NOTIFICATION OF MANAGER CHANGE – SHELDON’S 313

Ms. Dadds received an email on October 15, 2018 from Jaye Sheldon that, as of November 1, 2018 John Mullins will be the manager of Sheldon’s 313. Mr. Mullins is in the process of buying the property and intends to buy the business eventually as well.

- Motion:** Mr. Mann made a motion to approve both requests and asked staff to inform Mr. Mullins that a “Statement of Premise Owner” will be required at the time the property is transferred.
- Second:** Mr. Plutschak seconded the motion.
- In Favor:** The motion was unanimously approved (3-0).

REQUEST FOR TEMPORARY CLOSING – BODIE’S DAIRY MARKET

Bob Lawson, contractor for Bodie’s Dairy Market in Greensboro submitted a letter to the Board to inform them of a fire that occurred at the establishment on October 6, 2018. Because of the smoke and water damage the store will be closed for two-three months. They are waiting for a release from the insurance company fire investigator and the value lost due to the damages. All

of their alcohol was stored in the cooler and now has been relocated to a locked boiler room. They have been instructed to reach out to the distributor to see if they will take it back and if not, they will likely have to destroy the beer as a result.

Ms. Dadds explained that the law only allows them to be closed ten days and with the Boards approval they can be closed an additional 20 days for a total of 30 days. They foresee possibly having to gut the store and rebuild. If so, they will need to be closed longer than the Board has the authority to allow.

The Board asked staff to have legal counsel investigate how they can extend the closure to prevent the owners from having to lose their license and reapply. State law limits closures to 30 days before a license is made null.

Motion: Mr. Plutschak motioned to approve an extended 20-day closure of Bodie's Dairy Market and approve, in advance, that should legal counsel find the Board has the authority to extend the closure longer, to allow them to be closed until the meeting of November 28th at which time they will reexamine the request.

Second: Mr. Mann seconded the motion.

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

DISCUSSION – RULE & REGULATION AMENDMENT FOR PENALTIES

Ms. Dadds explained that legal counsel has drafted a rule revision to the Rules and Regulations for consideration by the Board in response to a question that was posed at the last Show Cause Hearing. The purpose of the amendment is to clarify the Board's legal authority to impose fines and fees for violations of the Board Rules and Regulations. Staff suggested the Board discuss the suggestion.

Motion: Mr. Plutschak made a motion to approve Rules & Regulations Amendment No. 2018-04 to add §2.30.1., Penalties to the General Provisions with an effective date of October 17, 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:

- September 26, 2018 minutes
- Dave's Place Decision
- Preston Super Soda Decision
- **Motion:** Mr. Plutschak motioned to approve the consent agenda as presented.
- **Second:** Mr. Mann seconded the motion.
- **In Favor:** The motion was unanimously approved (3-0).

DISCUSSION ITEMS

Ms. Dadds asked the Board for their guidance regarding the County Attorney's concern on a ruling the Board made earlier last year. She referred to pages 4 and 5 of the minutes from the March 2018 meeting. Mr. Plutschak read the paragraph into the record and recalled the conversation.

Ms. Dadds stated that the question came up when she advised the visiting lawyer to include that wording on his decisions from the September meeting. Ms. Price informed her that she did not agree with the wording "if fines are not paid within 30 days of the date of the hearing the Inspector is directed to visit the establishment to remove the license." This would not be giving the license holders due process.

Mr. Plutschak stated that Ms. Price was present at both the February and March 2018 meetings when this was decided. He read from his saved copy that Ms. Price would add language to all violation decisions that the establishment must pay all fines within (31) days of the date the decision was passed.

The Board agreed that sanctions should be handled immediately rather than a month after the violation was heard. It was not ethical to drag the process on any longer. They asked that both Inspector Moore and Ms. Price follow up on the tasks that they were asked to do after the March 2018 meeting. Those tasks consisted of Ms. Price contacting other Liquor Board attorneys about how they handle fines and Inspector Moore contacting other Counties to see if they have a template form like those handed out in court. Staff was instructed to include this as a discussion item on next month's agenda.

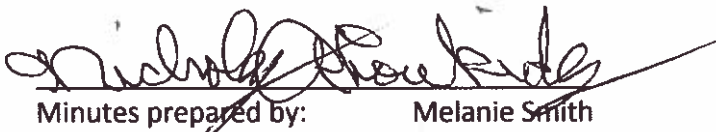
INSPECTOR'S REPORT

Inspector Moore asked for guidance from the Board regarding a possible violation at the Federalsburg VFW event. The Board requested they come in for an Inquiry Hearing next month.

There being nothing further to discuss Vice-Chair Loukides adjourned the meeting at 10:30 a.m.

BOARD OF LICENSE COMMISSIONERS

Greg Eigenbrode, Chairman


Minutes prepared by: Melanie Smith