

**BOARD OF LICENSE COMMISSIONERS  
CARROLL COUNTY, MARYLAND  
MINUTES**

**On September 11, 2019, the Board of License Commissioners met in Room 003/004 of the Carroll County Office Building, 225 North Center Street, Westminster, Maryland 21157. Board members David Brauning, Chair; George Harmening, George Barnhart, and Tina Mawhinney were present as well as Assistant County Attorney Timothy Dixon, Counsel to the Board; Keith Benfer, Senior Liquor Inspector; Adam Reid, Liquor Inspector; and Jo Vance, Administrative Hearings Coordinator.**

**10:00 a.m.** the Board addressed the following official business:

1. **Case 6173**, for a Class C – Beer, Wine and Liquor license issued to Alan N. Yeater, Mark R. Bailey, and William L. Guilday for the use of VFW Counties Four Post 10076, t/a VFW Counties Four Post 10076, 107-109 S. Main Street, P.O. Box 13, Mount Airy, Maryland 21771 – Violation hearing (Failure to Appear). Mark Bailey, Chad Wright and Christy Bell all appeared on behalf of the club. The Board reminded them of the fine of \$600.00 that was levied at the previous hearing, but that they were concerned that the club was not there to give their side of the story. The Board then asked questions about their staff training to convey the seriousness of serving minors. Mr. Wright testified that they now have a policy to have all their bartenders re-certified in TAM or TIPs training. He explained that at the time of the offense some of their bartenders were unaware of what a vertical ID meant. They have now implemented a policy that vertical ID's will not be accepted, and they are to check IDs for anyone who appears to be under 30 years of age. Mr. Wright and Mr. Bailey presented the Board members with a packet that outlined all their new policies as well as a letter from the Mayor of Mount Airy regarding the offense. After further discussion, Ms. Christy Bell testified as to her opinion of what transpired on the night of the initial violation. This was after Inspector Reid reiterated the circumstances of his treatment and the treatment of the volunteers during the incident. Ms. Bell took issue with two of Inspector Reid's statements about her cooperation and why she did not contact the manager. The Board asked further questions about who is allowed entry to the club. Mr. Bailey and Mr. Wright testified that they had spoken with the patrons who were unruly during the incident and had also told their staff to inform a manager of any contact with a liquor inspector in the future. The Board then offered their appreciation to the club for their community service and pointed out that being cordial to the inspectors is a good policy. The Board did not impose any fine or culpability at this hearing.
  
2. **Case 6188**, An application for the transfer of a Class A – Beer, Wine and Liquor license from William A. Chenoweth and Marlene G. Chenoweth to be issued to Rick Estes for the use of Estes & Associates, LLC, t/a Piper's Wine & Spirit Barn, 4127 Hanover Pike, Manchester, Maryland 21102, in Election District 6. Andrew Kiphart, Esq. appeared on behalf of the applicant. Mr. Estes testified as to the validity of the application as presented. He has been a resident of Carroll County for over 20 years

and is very active in the community. He was employed in sales and engineering for a security business but will giving that up to manage Piper's full time. He has no experience in alcohol sales but has been helping with various functions in the store for the past nine years. He is the sole owner of the LLC, and no one else has any fiduciary interest in the establishment. He will be full time at the store and will take over the operation on the bank's closing date which they hope will be October 1, 2019. He will be retaining all the current staff. The manager has been with the store for twenty years and he will stay. All the staff except for one new hire, have been TAM trained. Mr. Estes stated that he lives four miles away from the store. Brian Piccolo and Mike Pauley testified as to the fit and proper character of Mr. Estes. Mr. Chenoweth testified that he has know Mr. Estes for nine years and that he was certain Mr. Estes was the right man to purchase the business. Mr. Estes is purchasing the business and the property. Following further discussion, Mr. Harmening make a motion to approve the request conditioned on all the required documents being provided to the Board. Mr. Barnhart seconded the motion and it was passed unanimously.

**At this time the Board began the Business Meeting.**

3. The Board approved the minutes from August 14, 2019. The Board approved a one-day liquor license for Downtown Sykesville Connection for a craft beer festival to be held on November 9, 2019 on Main Street, Sykesville. The Board approved Rock Salt Grille's request to participate in the Oyster Stroll in downtown Westminster on October 12, 2019. The Board also approved a one-day liquor license for Team BBC to hold a Cyclocross (Bike) Race in Watkins Park in Mount Airy on October 27, 2019. There followed a discussion of the proposed rule change to Rule #20, b.1. to change the required seats from 30 to 20. The Board asked that the wording for this be added to the website and then they will vote on the rule at the October meeting. There followed a discussion of the Class D licenses for breweries. Two have been issued as "beer and lite wine" licenses, but because of the State law that says they can only sell their product, the Board agreed that those licenses would need to be changed to beer only licenses. The Board discussed the State law about the closing day for Class B – six-day licenses. The State law indicates they must be closed on Sundays. The Board determined that the establishments can be open on Sundays but that they cannot sell alcohol on Sundays. There followed from that a discussion of the various open and close times of the various classes of licenses. Mr. Benfer was in favor of making all the times consistent and adding that to the current legislation that was presented to the delegation in August. After much discussion Mr. Brauning asked that a chart be prepared for the next meeting showing current open and close times for all classes of licenses and then another chart showing the proposed open and close times to make them consistent. Mr. Benfer then invited the Board to the Maryland State Alcohol Academy's one-day training to be held on October 4, 2019 in Annapolis. Mr. Barnhart asked that the registration information be emailed to the Board.

**At this time the Board returned to hearings.**

4. **Case 6178**, A Class B – Beer and Wine license issued to Helene Taylor for the use of The French Twist, Inc., t/a French Twist Café, 732 Oklahoma Avenue, Sykesville, Maryland 21784 – Violation Hearing (Sale to a Minor). Helene Taylor and Rebecca Webster appeared for the establishment. Inspector Benfer testified that Ms. Webster asked for ID from the underage volunteer. She was shown the volunteer’s vertical Maryland license and she then served her the alcohol. Ms. Webster had not been TAM or TIPs trained at the time of the incident. Ms. Taylor testified that since that time, all her employees over 21 have been TAM certified and no one under 21 may sell or serve alcohol. She has also bought signs for the establishment about needing to be over 21 to purchase alcohol and she has instituted the policy of not accepting any vertical IDs. She also stated that she had updated her employee handbook and that every employee must sign the new book. She currently has 17 employees. After further discussion, Mr. Barnhart made a motion to find the licensee culpable and to fine her \$300.00. Mr. Harmening seconded the motion after adding that she post a sign stating that they do not accept vertical IDs. The motion was passed unanimously.
5. **Case 6179**, A Class B – Beer, Wine and Liquor license issued to Toan The Huynh for the use of William, Inc., t/a Tony Japanese Restaurant, 1213 Liberty Road, Suite A, Eldersburg, Maryland 21784 – Violation hearing (Sale to a Minor). Mr. Benfer testified that the underage volunteer entered the establishment with the intent to purchase alcohol. The server took her order but did not ask for her ID and served the alcohol to the volunteer. The server had not yet been TAM or TIPs trained. Toan Huynh appeared as the licensee. He has registered that server in the upcoming November 4, 2019 TAM class. He stated that he is always telling his staff to check IDs, and that they do not accept vertical IDs. He apologized for the sale and said he did not know what his server was thinking. He stated he is now making sure that she knows what to do. After further discussion, Mr. Harmening made a motion to find the licensee culpable and issue a fine of \$300. Mr. Barnhart seconded the motion and it passed by unanimous vote.
6. **Case 6162**, An application for a new Class D – Beer and Wine license to be issued to Darlene E. Union and Elina Myers for the use of Atlantic Organic Food Center, LLC, t/a Superfoods Café and Market, 102 S. Main Street, Mount Airy, Maryland 21771 in Election District 13. Darlene Union and Elina Myers appeared for the establishment. Ms. Union and Ms. Myers testified that they opened the café in 2012 as a vegetarian café. They have both been TIPs certified as well as the employees who will be service alcohol. They will not accept any vertical IDs. Darlene will be the full-time manager and Elina will be part time as she is a CAT scan technician full time. Elina also testified that she has experience serving and selling alcohol. Deirdre Gager and Pamela Reed appeared as character witnesses for Elina Myers and Brenda Tracy and Patricia Bauer-Filigenzi appeared for Darlene Union. They all testified as to the fit and proper character of the applicants. Their hours of operation are 9 to 5 Tuesday through Thursday and 9 to 7 on Friday and Saturday. They are closed Sunday and Monday. Their plan is to sell only locally produced wine and beer. They will not sell any brand name products such as Guinness. At this time the Board adjourned for

legal advice. Upon their return to session, George Barnhart made a motion to approve this license with on and off premise consumption permitted and the condition that the beer and wine be purchased only from Carroll, Frederick and Howard County wineries and breweries. George Harmening seconded the motion and it was passed unanimously.

7. **Case 6180**, An application for a new Class D – Beer and Wine license to be issued to Jerry Stambaugh and Elizabeth Stambaugh for the use of Flood Zone Brewery, LLC, t/a Flood Zone Brewery, 50 North Main Street, Union Bridge, Maryland 21791, in Election District 5. Kelly Shaffer Miller, Esq. appeared for the applicants. Ms. Shaffer Miller called Jerry Stambaugh as her first witness. Mr. Stambaugh testified that he has been a Carroll County resident for 58 years. He is a registered voter and a tax payer. He and his wife, Beth, will manage the brewery but other people will be doing the brewing. He is 50% owner of the LLC and his wife, Beth, owns the other 50%. His plan is to have a brewery and a tap room with no food being sold by the brewery. However, his overall concept is to have a market in the remaining portion of the building so food could be brought into the brewery. There will also be an outside patio area. There will be a walk-up window to the brewery for service, and that window gives the bartenders a site view of most of the outside area. His intent is to be open Thursday, Friday and Saturday from 4 to 10 and on Sunday from 12 to 8. He intends to hire a manager for the market/vendor area. He has already hired a brewmaster. He and his wife will be the top tier of the management team. He has 14 to 15 employees in mind to take care of the various duties. He currently runs Magstone, a construction firm, and safety is a top priority for all his business interest. His son-in-law will take TAM training and all employees will be TAM certified. He will also have an in-house training program and no vertical IDs will be accepted. He hopes to open by December 1, 2019. He is currently pursuing a State license for a winery and was asking for a beer and wine license from the Board at this hearing. He does not plan to bottle the wine but to serve it from ½ or ¼ kegs. There is adequate room in the facility for three different types of wine producing possibly 21 barrels a year. Beth Stambaugh then testified to being a life-long Carroll County resident. She will be working alongside Jerry to help manage and decorate the establishment. Catherine Engel and David Bollinger testified as to the fit and proper character of the Stambaughs. After further discussion, George Harmening made a motion to approve a Class D, beer only license with off-premises sales permitted. George Barnhart seconded the motion and it passed with unanimous approval.
8. **Case 6181**, An application for the transfer of a Class A – Beer, Wine and Liquor license to be issued to Shamsa Khan for the use of Liberty Road Liquors, LLC, t/a Carrolltown Liquors, 1708 Liberty Road, Suite 2, Eldersburg, Maryland 21784, in Election District 5. Kelly Shaffer Miller, Esq. appeared on behalf of the applicant. She called Ms. Khan as her first witness. Ms. Khan testified that she has been a six-year resident of Carroll County and that she is a voter and taxpayer. She will have 20% ownership in the liquor store and will be managing as well. She plans to go to the Liquor Store a couple of times a week, but Dunkin Donuts will remain her primary job. She has no experience in alcohol service, but she is TIPs or TAM

certified. Manish Patel would continue as the full time manager of the store and all the current employees will remain on staff. Her policies will include all employees being TAM or TIPs certified and they will not accept any vertical IDs. There will also be no changes to the floor plan. Autumn Klein and Genelea Ritchey testified as to the fit and proper character of Ms. Khan. After further discussion, Mr. Barnhart made a motion to approve the transfer request. This was seconded by Mr. Harmening and passed by unanimous vote of the Board.

At this time, George Barnhart asked that a discussion of the definition of lite wine and the use of licenses with that designation be discussed at the next business meeting. Mr. Dixon was tasked with finding a definition for lite wine to facilitate that discussion.

**Following that request, there being no further business before the Board, the meeting was adjourned as 4:07 p.m. The next hearing date will be October 9, 2019.**

Respectfully submitted by:

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Jo Vance  
Administrative Hearings Coordinator