

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

On October 10, 2018, 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 and George Barnhart were present as well as Jo Vance, Administrative Hearings Coordinator; Assistant County Attorney Timothy Dixon, Counsel to the Board; Keith Benfer, Senior Liquor Inspector; and Adam Reid, Liquor Inspector.

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

1. **Case 6108**, An application to replace Resident Licensee Peter Truby with Jennifer Truby for a Class B – Beer, Wine and Liquor license to be issued to Jennifer Truby for the use of Market Tavern, LLC, t/a Market Tavern, 7540 Main Street, Sykesville, Maryland 21784 in Election District 5. Jennifer Truby appeared and explained that she needed to replace Peter Truby on the license because Peter had moved to Buffalo, New York. She explained that she has the controlling interest in the corporation and therefore is the decision maker on all matters and that she does not need to consult with him or his brother, who has a minor interest, about any of the business matters. She informed the Board of her hours of operation and her staffing. After further discussion George Barnhart made a motion to approve the request and George Harmening seconded that motion. It was passed unanimously and her application was approved.

The Board conducted a portion of the Business Meeting at this time: Upon a motion by George Harmening and seconded by George Barnhart, the Board voted unanimously to approve the September minutes. The Board was given a copy of a new Operating Agreement for Mt. Airy Inn, LLC just for their information to be current on the ownership of that establishment. The Board approved a request from VCP to hold a cornhole tournament on a portion of the parking lot on October 13, 2018 for a fund raising event. The Board approved a request from the Town of Sykesville to extend the area for their Craft Beer Festival to include Baldwin's Station based on the drawings and information presented. The Board also approved a request from Island Green Birdie's Pub to add a tap system for draft beer to their establishment.

2. **Case 6113**, A Class A – Beer, Wine and Liquor license issued to Benny Kirkner for the use of Spirit Shoppe, Inc., t/a Total Discount Liquors, 1438 Liberty Road, Eldersburg, Maryland 2174 – Violation Hearing (Sale to a Minor). Benny Kirkner appeared on behalf of the establishment. Adam Reid testified that on September 20, 2018, he sent an underage volunteer into the establishment with the intent to purchase alcohol. The volunteer took a bottle of wine to the cashier. The clerk did not ask for ID and the volunteer, who was under twenty one years of age, bought the bottle of wine. Mr. Kirkner testified that the clerk, MS. Honeycutt, was TAM trained, as are all of his employees and that it wasn't very busy at the time. She was immediately

terminated from her position per the rules of the establishment. He also testified that he does not accept vertical IDs and that he has signs posted and does strict training of his employees. His business has been operating to a total of 26 years and out of 9 checks, this is his only violation in that time. George Harmening made a motion that the establishment be found culpable and be fined \$300.00, but have the fine suspended. George Barnhart seconded the motion and a unanimous vote was taken to approve the motion.

At this time the Board resumed their Business Meeting: The Board requested that Mr. Shital Patel, licensee and owner of Carrolltown Liquors, appear to answer questions about the previous violation involving stock from his store that was taken to Carroll Liquors. Mr. Patel appeared along with Mr. Michael Ritchey, Esq. Mr. Patel informed the Board that he does have a computer program that tracks inventory for him, but that without doing a physical inventory it is easy to have something taken from the store without his knowledge. He stated that he has since hired a new manager, Christopher Campbell since he fired Pulin Patel after the violation was brought to his attention. Mr. Barnhart asked several questions of Shital Patel and Pulin Patel's interests and ownership of other liquor stores in the County, particularly Taneytown Liquors and Shree Liquors, LLC. Shital Patel stated that he was unaware of any of that information. The Board asked if Shital Patel had been reimbursed in any way for the wine that was stolen from his store and confiscated from Carroll Liquors and he stated that he had not been. Mr. Patel was asked why he didn't pursue criminal charges against Pulin Patel and he stated that he felt firing him was severe enough punishment. There followed further questioning about the inventory of Carrolltown Liquors, what Shital Patel was told by Pulin Patel about the incident, and about Pulin Patel's interests in other establishments. At the conclusion of the questions and answers, Mr. Brauning advised Mr. Shital Patel that should there be any future incidents of this nature that the penalties could end of being severe for the establishment. At that point Mr. Patel and Mr. Ritchey were excused with thanks for coming in.

The Board then met with Abby Gruber and Bonnie Hood from the City of Westminster. The reason they were requested to appear before the Board is because the beer and wine garden at the Fallfest event was not set up in the area approved by the Board. Ms. Gruber explained that the grounds were saturated and had standing water in some locations so they were not able to get the food trucks and vendor trucks into their usual places on the park grounds. They had to completely rearrange their set up because of the condition of the park grounds. Because the food trucks were not located on the grounds, the fence that would normally have been erected next to the food trucks was also not put up. The Kiwanis run the beer and wine garden for the event and they did erect a 10 X 10 tent and they monitored the customers by checking IDs and giving out wristbands to those over 21 years of age. Ms. Gruber informed the Board that they did have people monitoring the exits from the park to make sure no alcohol left that area. Mr. Benfer stated that he did not see anyone monitoring one of the exits and asked that in the future they have their staff wear a green vest, or something of that nature to make them easily identifiable. The Board stated that any time the diagrammed set up given with the original application changed that those changes should be given to the Board (Liquor Inspector or

Administrative Support) as soon as possible, preferably prior to the event set up. After further discussion, Ms. Gruber and Ms. Hood were excused with thanks for coming in.

The Board then opened a discussion about Class D licenses and proposed legislation to change the scope of that category of licenses presented by Pete Samios, Darren Barnes and Scott Jendrek. They were recommending that two types of Class D licenses be implemented. One Class D license would be considered a Limited Class D with on premises sales only allowed, except for the existing five Class D's which would be grandfathered in to remain the same. The other Class D license would be issued only to establishments that had State Licenses for distilleries, breweries and/or wineries. The recommended costs of these licenses would be \$250 for the Limited Class D (the current cost of a Class D beer and wine) and \$1,500 for the other Class D license. They stated that if these suggestions were accepted, that the current limitations on Class D licenses of 7,000 square feet in size and 50% sale of alcohol requirement could be done away with. After much discussion, the Board decided to approve the suggested changes as presented.

The Board then discussed the proposed legislation that had been drafted by Mr. Dixon. They discussed the draft legislation for giving the liquor inspectors the right to impose civil citations for the servers/clerks who sold alcohol to minors. After much discussion, the Board decided not to pursue this legislation at this time until more research could be done to determine exactly how the citations would be heard and by whom. The second legislation proposed dealt with removing the requirement for Class BC licensed establishments to be able to cater only when they also provided food. The legislation would make it acceptable for this class establishment to cater only alcohol as long as there was food at the event. The Board approved this draft as presented. Lastly, the Board approved the draft legislation to get rid of the requirement on the application to provide the public accommodation signatures for a new establishment. The Board felt that this requirement actually puts people in a dangerous position by causing them to go knocking on doors to get the signatures required. At this time of 12:45 p.m., the Board adjourned for a lunch break with the plan to resume the business meeting at 2:00 p.m.

Upon their return at 2:00 p.m., the Liquor Board and staff, with Mr. Pete Samios also in attendance, discussed the proposed changes to the current edition of the Rules and Regulations of the Board of License Commissioners for Carroll County. The suggested changes were gone through with suggestions and comments on each item. After discussion, it was decided that the Board approved changes would be presented at the November 14, 2018 hearing for the public to comment and have input before the final draft would be reviewed and voted upon.

At this time, there being no further business, Mr. Brauning adjourned the meeting at 2:47 p.m.

Respectfully submitted by:

Jo Vance
Administrator Hearings Coordinator
Office of Administrative Hearings

Y:\LIQUOR BOARD\Minutes\BLC2018\10.10.18.doc