

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

On November 14, 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 6111**, A Class BC – Beer, Wine and Liquor license with catering issued to Robert Garner, Sr., Richard Danker, and Michele Knorr for the use of Glory Days Grill of Eldersburg, LLC, t/a Glory Days Grill, 1348 Liberty Road, Eldersburg, Maryland 21784 – Violation Hearing (Sale to a Minor). Leanne Schrecengost, Esq., appeared for the establishment along with several licensees and staff for Glory Days Grill. Inspector Reid testified that on September 20, 2018, he sent an underage volunteer into Glory Days Grill with the intent to purchase alcohol. The server, John Mowry, Jr., did not ask for any identification and served the underage volunteer. Mr. Mowry had not had any TAM or TIPs training at that point, but he had just finished five days of in house training at the establishment. Robert Garner testified for the establishment as one of the licensees and an owner. He testified that Mr. Mowry had only been working there for eight days at the time of this occurrence, and that he had finished the in house BARs training and had signed off on all of the policies and tests. The restaurant also does BARs training once a month for their employees. The licensee also as part of its corporate policy to prevent sale to minors, engages an independent third party to periodically conduct surprise server compliance checks, which is in addition to the licensee's similar in house program. The policy at the time of this incident was to card anyone under 40, but has since been changed to card everyone. They have also changed their policy to not accept any vertical IDs after this incident. Mr. Garner also stated that the restaurant has discussed giving bonuses to their staff that pass age compliance checks. They do their own in-house shopping which includes alcohol service. The policy for the restaurant is usually termination for failing an age compliance check and that did happen in this case, especially because the server was very callous about the incident. It was confirmed that they have had eleven total checks with only two violations since 2014 and they have been open since 2011. Mr. Garner and other staff testified as to other policies they have in relation to training and carding and their vigilance to make sure no minors are served and no patrons are over served. After further questions and discussion, Mr. Barnhart made a motion that the establishment be found culpable and fined \$300.00 but because of their extensive training and efforts taken to prevent sales to minors that the fine be suspended. Mr. Harmening seconded this motion and the motion passed unanimously.

2. **Case 6112**, A Class A – Beer, Wine and Liquor license issued to Charles Ellenberger for the use of Lynnchar, LLC, t/a G.L. Shacks Grill, 1207 Liberty Road, Eldersburg, Maryland 21784 – Violation Hearing (Sale to a Minor). Mr. Ellenberger appeared on behalf of the establishment. Inspector Reid testified that on September 20, 2018, he sent an underage volunteer into the establishment with the intent to purchase alcohol. The server, Jennifer Mundt, asked for ID from the volunteer, but served him the beer anyway. When asked by Mr. Ellenberger as to why this happened she had no excuse. She stated that she knew he was under 21 years old but was just not thinking about what she did. Mr. Ellenberger testified that she was TAM trained at the time, but that he sent her and all his other serving staff to a TAM training on October 10, 2018. She was given a verbal and written reprimand. He also testified that he had put together a training folder and gone through everything with all of the employees. He stated that they no longer accept vertical IDs. When asked, he stated that he has ten employees. He also mentioned that on Friday nights he has a doorman who checks IDs and checks for anyone under the influence who would not be allowed in. He has not yet, but plans to post signs stating that they don't accept vertical IDs. His establishment had been checked eleven times with two violations out of the eleven. After further discussion, Mr. Harmening made a motion that the establishment be found culpable and be fined \$300.00. Mr. Barnhart seconded the motion and it passed unanimously.
3. **Case 6114**, An application for a new Class B – Beer, Wine and Liquor license to be issued to Mona Curtis for the use of Frankie's Bar & Grill, Inc., t/a Frankie's Bar & Grill, 106 Main Street, New Windsor, Maryland 21776 in Election District 11. Jessie Windsor appeared with Mona Curtis and Frank and Betty Windsor on behalf of this application. She testified that Frank and Betty Windsor were owners of the property and were currently living in the apartment above the restaurant. Ms. Curtis is a cousin-in-law to them and lives a short distance away from the restaurant. Ms. Curtis testified that she currently works a full time job, but plans to be at the restaurant several evenings each week until she retires at which time she will take a much more active role in the restaurant. Jessie Windsor testified that Frank and Betty Windsor have had a catering business for several years in Frederick County, but that they had been looking for an opportunity to open a restaurant. She also testified that they were very active in their previous community and helped with a lot of charitable events. Frank and Betty Windsor testified that they have no experience running a restaurant or dealing with alcohol service. Since the premises will be their home as well as their business they will be there all the time. Ms. Curtis testified that she and her husband used to be EMTs and that she is aware of the seriousness of impaired driving and its consequences. The Windsor's testified that they have been TIPs trained and that their intention is to have all of their staff TIPs trained. Ms. Curtis stated that she has signed up to get TIPs trained. She also stated that she has been asked to help screen applicants for a job and that her daughter, who has service experience, will be working there. The Windsors testified that they own two other successful business, those being Eldersburg Towing and Windsor Contracting. The character references for Ms. Curtis were Denise Wright, Beth Barnes, Tyra Hadry and Julie Lillycrop and they testified to Ms. Curtis' fit and proper character. Ms. Wright and Ms. Barnes also

testified to the fit and proper character of Frank and Betty Windsor. After further discussion and questioning the Board adjourned for legal counsel upon a motion made by Mr. Harmening and seconded by Mr. Barnhart. Upon their return, Mr. Harmening made a motion that they go back in session. Mr. Barnhart seconded the motion and it was approved unanimously. At that time Mr. Barnhart made a motion that the applicant be granted a conditional approval pending their receipt of all of the State and County approvals required and that they appear before the Board either on December 12, 2018 or January 9, 2019 with the documentation of those approvals, depending on which date would work best for them. Mr. Harmening seconded the motion and the motion was approved unanimously.

4. **The Board proceeded to hold their Business Meeting at this time:** The Board reviewed a letter from Piper's Wine and Spirit Barn informing them that Piper's would no longer be selling gasoline at their site, but that nothing in the store would change. They approved an outside event for the Vine on Main in Sykesville for Friday, November 16, 2018. The Board then turned to the review and discussion of the proposed changes to their Rules and Regulations. At this time, Kelly Shaffer, Esq. and Pete Samios joined the meeting. The Board went through the changes one by one and approved and/or suggested changes to the draft copy of the changes. At the end of this review they approved each individual change with a vote on the final draft to be held at the next meeting on December 12, 2018. The Board then mentioned the three pieces of legislation that will be presented to the Commissioners to pass along to the Carroll Delegation. One piece is to get rid of the requirement for the public accommodation signatures on the applications; the second piece is to remove the requirement for Class B licenses with catering riders that they provide the food for the event to be allowed to serve alcohol; and the third piece to change the on and off premise sales ability of Class D licenses, other than breweries. At this time, Mr. Barnhart brought up the subject of rain dates being approved for outdoor events. It was suggested that a request for rain dates be added to the one day liquor license application and it was generally agreed that this would be a good idea.

At this time, there being no further business, upon a motion by George Harmening and seconded by Mr. Barnhart, and a unanimous vote, Mr. Brauning adjourned the meeting at 12:50 p.m.

Respectfully submitted by:

Jo Vance
Administrator Hearings Coordinator
Office of Administrative Hearings

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