

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

On April 10, 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 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 6129**, A Class A – Beer, Wine and Liquor license issued to William A. Chenoweth and Marlene G. Chenoweth for the use of Chenoweth and Associates, Inc., t/a Piper’s Wine and Spirit Barn, 4127 Hanover Pike, Manchester, Maryland 21101 – Violation hearing (Sale to a minor). The Chenoweths both appeared for the establishment. Inspector Reid testified that on January 9, 2019, he sent an underage volunteer into the store to purchase alcohol. Jennifer Lambert, the clerk, looked at the volunteer’s vertical ID and then sold her a four pack of Seagrams Escapes. The clerk said she was not TAM/TIPs certified at the time of the sale. She had previously been TAM/TIPs trained as she had worked in alcohol service and sales previous to this job. Her excuse was that she didn’t have her glasses on that day. Mr. Chenoweth explained the in-depth training that they do in-house regarding checking IDs and particularly sales to minors. He explained that they have multiple training sessions one-on-one with new employees and they have them sign a contract that they understand all of their policies. They also offer an incentive program of \$100 for catching a minor trying to buy alcohol and after three times of doing so, then the incentive goes up to \$200. They also have multiple signs in the store and one of the doors that says patrons under 21 are not allowed in the store. He testified that their store policy has always been to not accept vertical IDs at all. Mr. Chenoweth also showed the Board a sample of their “refusal packet” which documents incidents where alcohol sales are declined to patrons. He also testified to multiple other safeguards that they employ at their store. Ms. Lambert’s employment with them was terminated at the time of the incident per their policy. After further testimony and discussion, George Barnhart made a motion to find them culpable and fine them \$300.00 but to suspend the fine. George Harmening seconded the motion and the Board voted unanimously to pass the motion. Each Board member spoke to the Chenoweth’s about their excellent record and standing in the community and about their diligence in trying to prevent sales to minors.

At this time, the Board reviewed the minutes from the March 13, 2019 meeting and upon a motion by George Harmening and seconded by George Barnhart, the minutes were approved by unanimous vote.

2. **Case 6135**, A Class B – Beer, Wine and Liquor license issued to be issued to Jose

Antonio Ulloa to replace Heather Robertson as Resident Licensee for the use of Cinco De Mayo 5, Inc., t/a Cinco De Mayo, 402 Englar Road, Westminster, Maryland 21157 in Election District 7. Antonio Ulloa appeared as the applicant and owner of the restaurant. He testified that he has owned the Westminster restaurant for six years. He also owns one in Columbia, MD; one in Middletown, MD; one in Urbana, MD; and one in Martinsburg, WV. He has lived in the Finksburg area of Carroll County for more than two years now so he is finally eligible to be a resident licensee. The previous resident licensee, Heather Robertson, moved out of State due to family issues. He noted that he is TIPs certified and that all of his employees get certified and that they do not accept vertical IDs at all at the restaurant. He had two character references who testified to his fit and proper character. Upon a motion by George Harmening and seconded by George Barnhart, the Board voted unanimously to approve the application and they also expressed their thanks that Cinco De Mayo is an asset to the community. At this time, Mr. Ulloa asked the Board's permission to hold a May 5th celebration in a tent on the parking lot as they have done for several years and the Board gave their approval.

3. **Case 6136**, A Class BC – Beer, Wine and Liquor license with catering issued to Susan Nardyz for the use of Rocksalt, LLC, t/a Rocksalt Grille, 65 W. Main Street, Westminster, Maryland 21157 – Violation hearing (Sale to a minor). Susan Nardyz appeared for the establishment along with Lisa Dalton, the server. Inspector Reid testified that on February 26, 2019, he sent a volunteer into the establishment to purchase alcohol. The volunteer ordered a Coors Lite Beer, and Ms. Dalton requested ID and looked at the volunteer's vertical ID and served the beer anyway. Ms. Nardyz testified that Ms. Dalton has lost her bartending privileges and as part of her discipline that she will be required to see an eye doctor to get glasses. Ms. Dalton had told Ms. Nardyz that she thought the birthdate on the ID was 01 for January, but it was 10 for October. Ms. Dalton confirmed that in her testimony as well. As a result of this incident the restaurant has instituted a policy that they will no longer accept vertical IDs. Ms. Dalton was TAM or TIPs certified. Inspector Reid testified that in four prior checks and one post check for age compliance, that they had passed all five of those checks. Ms. Nardyz also testified that they do have a written employee policy and that before this, any vertical IDs had to be approved by a manager. She also stated, as did Ms. Dalton, that they were not aware that the license has the date the owner turns 21 right on the license. After further discussion, George Harmening made a motion to find the restaurant culpable and fine them \$300.00 for this first offense. He also stated that the community loves the restaurant and he thanked them for being in Westminster. George Barnhart seconded the motion and the sentiments, and the Board voted unanimously to accept the motion.

At this time the Board discussed business meeting items before adjourning for lunch. The Board approved a request from Rafael's to allow their patrons to exit their establishment with alcoholic beverages in plastic cups during the City of Westminster's Wine Stroll on April 14, 2019. The Board approved the new layout of the bar area at Pub Dog Brewery. The Board also approved a request from Linbeau's Railway Pub to move their fundraiser in memory of their former patron from June 15 to June 22, 2019. The Board approved all of the following one day

liquor license requests for outdoor events: Lazarus Church for a corn hold tournament on May 28, 2019; the City of Westminster Red & Parks' request for a 5K Color Run on the former Wakefield Valley Gold Course on May 11, 2019; the ICARE association for a Music/Blues festival on the Mt. Airy Fire Company's carnival grounds on June 16, 2019; the Mount Airy Main Street's request for two events, a Home Town Chili Cook-off on June 15, 2019, and an Oktoberfest on September 28, 2019; the Carroll County Ag Center's request for a two day event called the Buckwild Truck and Tractor Show on April 26 and 27, 2019; the Iron Order Motorcycle Club to hold a charity event on April 27, 2019 at 2227 Gillis Road. The Board discussed a request from Jen Truby of Market Tavern to expand their outside seating area during Main Street events and during a special event they want to hold. She also asked permission for their special event to use the gazebo out the back of the establishment. The Board was concerned about how the neighboring businesses felt about the expansion of the seating area, and wanted something in writing from those businesses giving their approval and about access to the gazebo in the back. Inspector Benfer is to talk with Ms. Truby and get some clarification on these matters and bring that information back to the Board for a decision. The Board also approved a request to have a specified number of outside events from March 20, 2019 to November 23, 2019. The Board reviewed a request from Integrate/Fairhaven to allow their residents to carry alcoholic beverages from their Beasman Lounge to the Copper Kettle Grill dining room by a certain hallway. After discussion with Inspector Benfer they approved this request. A request from the Westminster VFW to hold a specified number of events in their Pavilion outside during the summer was approved by the Board. Inspector Benfer discussed the DUI reports with the Board. At present he does not have the Sheriff's offices reports and he's hoping to get the Westminster City Police's reports. So, the Board decided to wait until those reports come in before taking any action. Inspector Benfer asked if anyone wanted to attend the MALA Conference with him and Adam in May, 2019. It takes place on May 10th and 11th. He will be driving down on the evening of the 9th if anyone wants to ride with him. The Board also discussed some of the members signing up for the TAM training. Once the new calendar comes out for training, Ms. Vance will check the dates and see which training session the members want to attend. **The Board adjourned for lunch at 11:56 a.m. with the next case to begin at 1:30 p.m.**

4. **Case 6137**, A Class A – Beer, Wine and Liquor license issued to Sunil Vasavada and Mita Badshah for the use of Sunny's Fine Wines and Liquors, Inc., t/a Sunny's Fine Wines and Liquors, 6400 Eldersburg Commons, Ridge Road, Eldersburg, Maryland 21784 – Violation hearing (Sale to a minor). Sunil Vasavada appeared as the resident licensee and owner of the establishment. Inspector Reid testified that he sent an underage volunteer into the establishment on February 26, 2019 with the intent to purchase alcohol. The volunteer took a bottle of Mark West Pinot Grigio to the clerk to purchase. The clerk looked at the volunteer's vertical ID but made the sale anyway. The clerk, Kenneth McCawley, had not been on the job for even one week and had not yet been TAM or TIPs trained. Since the incident he has been trained. Mr. Vasavada testified that he has signs in his establishment that they do not accept vertical IDs and they have trained everyone on the ID booklet that shows IDs from various States. They do not have any other in house training programs or written policies. Mr. McCawley is still working there. Upon questioning, Mr. Vasavada stated that he does not have any incentive program for his staff if they catch a minor

trying to buy alcohol. The Board recommended that he might want to consider that. After further discussion, George Barnhart made a motion to find the establishment culpable and fine them \$300. This was seconded by George Harmening and voted on unanimously by the Board.

5. **Case #6138**, A Class B – Beer, Wine and Liquor license issued to Pete Samios and John Weiler for the use of WAA-Westminster, LLC, t/a Buffalo Wild Wings, 404 Englar Road, Westminster, Maryland – Violation hearing (Sale to a minor). Pete Samios, Doug Weatherholtz and Johna Maize appeared for the establishment. Inspector Reid testified that on February 26, 2019 he sent an underage volunteer into the establishment with the intent to purchase alcohol. The volunteer ordered a Coors Lite beer from Joshua Alexander. The volunteer presented his vertical ID to Mr. Alexander but he was served anyway. Mr. Alexander had undergone in-house training at the time. Mr. Weatherholtz testified that Mr. Alexander was terminated at that time. He reiterated that their policy is to card everyone and to not accept vertical IDs. Ms. Maize testified that she conducts brief alcohol seminars with staff, and conducts in house training. She considered this to be a lapse in Mr. Alexander's judgment. She also testified that every day at lineups the staff is reminded to card everyone and that Maryland vertical IDs are never accepted. They will accept out of state vertical IDs only at the manager's discretion. She also testified that they do have an organizational policy in Maryland. After further discussion, Mr. Harmening made a motion to find them culpable and fine them \$300. Mr. Barnhart seconded the motion and the Board voted unanimously to approve the motion. Mr. Harmening also thanked the establishment for being in Carroll County and being an asset to the community.

6. **Case 6139**, An application for a new Class BC – Beer, Wine and Liquor license with catering to be issued to Richard Stultz for the use of Sergio's, LLC, t/a Sergio's, 330 One Forty Village Road, Units 16-18, Westminster, Maryland 21157 in Election District 7. Kelly Shaffer, Esq., appeared for the establishment. She called Richard Stultz, the applicant as her first witness. Mr. Stultz testified that he is the sole member and owner of Sergio's. He is the overseer and manager of the operation. His only restaurant experience is at the current location which is a carry out pizza and sub shop. His future brother-in-law, Sergio, is originally from Naples, Italy and he has restaurant experience and it's all that he's ever known. They are requesting to move into the former Habaneros space to become a full service restaurant. They may add a few items to the menu in the new space. He testified that they plan to be open from 11:00 a.m. until 1:00 a.m. every day, but they will adjust the hours as needed. He stated that he understood that the sales must be at least 41% food sales. He also stated that the establishment will have at least 50 seats apart from the bar seating, but they plan to expand the size of the bar. He has no experience in serving alcohol, but he intends to take a TAM training class. He also intends to hire other managers and experienced bartenders. Sergio and Mr. Stultz's sister will manage the dining room and kitchen. The other managers and bartenders will help decide on the policies and procedures for alcohol training and staff training. They will definitely have the policy of not accepting any vertical IDs. Mr. Stultz already has a plan in place for

TIPs/TAM training for staff which he plans to do at least quarterly or as circumstances require. Mr. Stultz plans to be at the establishment six to seven days a week and they hope to be open by June 1, 2019. Besides lengthening the bar, they plan to add some glass partitions and do some painting. Ron Larson and Robert Bowers both appeared as character witnesses for the applicant. They both spoke to his fit and proper character and high integrity. Upon a motion by George Barnhart, seconded by George Harmening, the Board voted unanimously to approve the application.

At this time the Board returned to the Business Meeting agenda regarding the discussion of legislation submitted in 2019 by the Board. Pete Samios appeared before the board to give some explanation as to why the Board's submitted legislation for distilleries was pulled and why the Board was not notified of same. The Board had been told that the State was not submitting a bill for distilleries, but then later told that their bill was in conflict with the State bill. Mr. Samios explained that Senator Young thought the Carroll County bill made the distilleries sound too much like a restaurant because they could sell beer, wine and liquor. The State bill does allow the distilleries to sell mixed drinks on their premises.

At this time, there being no further business before the Board, Mr. Brauning adjourned the meeting at 2:04 p.m. The next hearing date will be May 8, 2019.

Respectfully submitted by:

Jo Vance
Administrator Hearings Coordinator
Office of Administrative Hearings