

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

On February 13, 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 and George Barnhart were present as well as Jo Vance, Administrative Hearings Coordinator; Assistant County Attorney Timothy Dixon, Counsel to the Board; and Keith Benfer, Senior Liquor Inspector.

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

1. **Case 6121**, An application for the transfer of a Class BR – Beer, Wine and Liquor license from Todd Bricken to be issued to Thomas C. Hutchinson and Michael V. Long for the use of Enola, Inc., t/a Brick Ridge, 6212 Ridge Road, Mt. Airy, Maryland 21771, in Election District 13. Laura Melia, Esq. appeared on behalf of the applicants Michael Long and Tom Hutchinson. Michael Long testified as the 90% owner of Enola, Inc. He stated that he has been on a liquor license in Frederick for seven years. He stated that the restaurant under the new ownership would have several managers, one of whom is the chief operating officer who is also TAM trained. Todd Bricken will also act as a manager to help with the transition. There will be no change to the floor plan or hours of operation. Mr. Long also stated that he owns the land which was purchased through a separate LLC that he owns. He owns several businesses including Café Nola in Frederick, IT companies, property companies and a media company. Mr. Hutchinson testified that he is a 10% owner of Enola, Inc., and that he paid \$6,000 for that ownership. He has been a long term resident of Carroll County. He is a full time software engineer and in fact works for Mr. Long in one of his IT companies. He will be doing IT work for Brick Ridge but will only work at the restaurant a few hours a month. Brian Nickles testified as one of the managers who is TAM trained and will be training the employees. He stated that they will not accept vertical IDs, but that they will require that everyone be carded. The Bartenders will all be TAM certified and a number of the servers will be as well and the servers will undergo at least two weeks of training. Todd Bricken testified that the current staff will remain and that currently only one staff member is not TAM trained. Paula Troxell, Carmen Hutchinson and Lisa Hutchinson all testified as to the fit and proper character of Tom Hutchinson. Jeff Wilkes and Joanna Sutton testified as to the fit and proper character of Michael Long. After further questions and discussion, upon a motion by George Harmening, seconded by George Barnhart, the Board voted unanimously to approve the application.

2. **Case 6094**, the continuation of the application for the transfer of location for a Class A – Beer, Wine and Liquor license to be issued to Dharmistha Patel for the use of Taneytown Liquors, LLC, t/a Taneytown Liquors, 226 E. Baltimore Street, Taneytown, Maryland 21787, in Election District 1. Kelly Shaffer, Esq. and Michael Ritchey, Esq. appeared on behalf of the establishment. J. Brooks Leahy, Esq.

appeared on behalf of opponents of the application. Ms. Shaffer called James Williams to testify. Mr. Williams will be the manager of the establishment. He formerly held liquor licenses in Baltimore County and Howard County, but is now retired. He does work occasionally for Sunny's Fine Wines in Eldersburg. Mr. Williams stated that he was familiar with the proposed new location for the establishment and that he feels the location is perfect for a package goods store. He stated that he saw it as being an easy ingress and egress with plenty of parking. He will be handling all of the ordering and management of the store. He plans on selling craft beers and high end wines and holding many special events. They hope to compliment the Antrim by finding out what wines they carry and adding those wines to their inventory. Under questioning from Mr. Leahy, Mr. Williams admitted that he was not very familiar with all of Taneytown. Mr. Ritchey then called Ms. Patel to testify as the resident licensee. She stated that the information given to the Board in August is still correct. She also testified that Pulin Patel is not part of the establishment or the real estate where they hope to be located. She also testified that she held a liquor license in New Jersey as late as 2005 or 2007. She has lived in Hampstead for four years. Oliver Glass was then called to testify. He stated that he has lived in Taneytown all of his life and he is in his 70's. He has lived at his current address for 30 years. He owns many rental properties in Taneytown and currently serves on the city's Planning and Zoning Commission. He testified that he felt the empty building where Sheetz used to be is a bit of an eyesore for the town, and he felt the proposed use would enhance the property values around it. He stated that it would be considered the middle of town. He testified that the bulk of Taneytown's population lives within the town limits. He also stated that he is familiar with the latest version of Taneytown's comprehensive plan and that it encourages commercial businesses in the subject area. He also believes competition is good and benefits the surrounding areas. When asked about other businesses interested in the location he stated that Taco Bell had wanted to go into the spot but that they wanted a drive through and the property was not zoned for a drive through. He also stated that he is not the owner of the subject property. Ken Kacmarski testified as the owner of the Taneytown Exxon at 251 E. Baltimore Street. He has had his beer and wine license since 1993. He testified that he believes allowing this transfer of location will have a negative impact on his business. Exhibit 1 submitted by opposing counsel shows the location of the existing establishment where the Whiskey Basket was located. He also stated that he did not believe there was support or desire by the public to have this store at the new location. When asked if the new store's products were materially different from his, he stated that he does no tastings and does not have hard liquor. He also stated that he does not actively sell wine. When asked he stated that the previous establishment also sold petroleum products. Raheel Johri testified as the owner of Harvey's General Store that his establishment is approximately 2.7 miles from the center of Taneytown. James Coyle, owner of the Liquor Barn, was next called to testify. He stated that he owns a package liquor store that carries several varieties of beer, craft beer, wines and spirits. He regularly does wine tastings from March through June and then again in September through December. He does do some beer tastings and a few spirit tastings. He stated there is no difference in what they will carry than this new establishment will carry. He feels that moving this

license to the new location will have a negative impact on this business both in alcohol sales and lottery sales. Last summer he solicited input from customer who don't believe another liquor store is needed. There were approximately 75 names on one list and over 200 on another list. He testified that all stores are offered the same deals from distributors and that everyone tries to keep their prices in line with everyone else. He did appear at the Taneytown Board of Zoning Appeals meeting to oppose this move. When asked if he offered every service that Mr. Williams testified that Taneytown Liquors will offer he said he felt he does. He stated that he had no firsthand knowledge of the Whiskey Basket's business when asked. He also stated that he had done no market research or studies. When asked about the lists submitted he agreed that there were no dates of when the signatures were gathered. Also that some did not include addresses and that it was possible that some did not live in Taneytown. He also admitted that there were duplicate names on the list and that there was also a duplicate page. When asked how large the old Sheetz was he did not know. He did say the size of the store impacts the ability to buy more stock. He also stated that the Whiskey Basket was still competition but that he served a different market area. Raheel Johri was again called to testify. His store at 4170 FSK Highway is approximately 2,700 sq. ft. He carries approximately 60 to 80 varieties of wines and approximately 55 varieties of craft beer. He believes moving this store will have a major negative impact on his business. He spoke of the declines in liquor sales Statewide, and that he believes there is no public need for a new license at this location. He also stated that he does lottery sales and offers 99% of the services that Taneytown Liquors plans to offer. He stated that he advertises every other week on Facebook and Twitter and the Taneytown Newspaper. Jo Vance was asked to testify about the quotas and population density of Taneytown. She confirmed that the quota for Taneytown currently stands at 1 license and that the number of licenses is 5 because of being grandfathered in. Mr. Brauning asked if there had been any new licenses granted in the County since the quota was initiated and she stated no. Mr. Christopher Cheswick testified as a citizen of Taneytown who lost a son to a drunk driver. He did not think Taneytown needed more liquor stores and he thinks it would next to impossible to get in and out of the establishment onto Main Street because of traffic. He stated that he is a retired middle school teacher and he sees a lot of people who walk around Taneytown and he believes the store would take care of the walkers but that it would not significantly contribute new jobs to the community. Ms. Shaffer then spoke about the move bringing the business into a more appropriate zone in the town and out of the agricultural zone. She also stated that the city had approved this change and that they would have ruled on their standards and decided that a store at this location does not harm the public. Mr. Leahy closed by asking the Board to consider the public need, the effect on current license holders locations, the potential effect on existing businesses, the potential for unique services and traffic patterns. He pointed out that the applicants did not do any market study or research to show the need for this license. After further discussion, George Barnhart made a motion to adjourn to consult counsel. The motion was seconded by George Harmening and voted on unanimously. When the Board returned from seeking counsel, George Barnhart made a motion to approve the transfer of location based on the concept of competition not being a reason to turn them down, the fact that this location is in the

same district and precinct and that the City's own Board of Zoning Appeals okayed it with their knowledge of traffic patterns. George Harmening seconded the motion noting that they clearly meet the standards for the move and that he believes competition is good for the area. The Board voted unanimously to approve the transfer of location requested.

3. **Case 6124**, an application for a new Class B – Beer, Wine and Liquor license to be issued to Jung Sook Suh and Yan Liu for the use of Q168, LLC, t/a Sushi Q5, 250 Englar Road, Westminster, Maryland 21157, in Election District 7. David Mister, Esq. appeared on behalf of the applicants. Yan Liu appeared as one of the applicants. This restaurant would be one of four owned by the family group. There will not be an alcohol bar in the establishment and they won't serve anyone alcohol unless they order food. Their standard policy is to do training so that no minors or customers already under the influence are served. They will have six to seven full time employees. The Resident Licensee, Ms. Suh, will not be very active at the current location. They will be one of the of few sushi restaurants in this vicinity. They hire highly trained sushi and hibachi chefs. Ms. Liu has worked at the other three locations for at least three years. She is TAM trained and will work full time at the Westminster location. The establishment is currently under construction but they hope to be done and open by the end of the month. There will be someone TAM trained on the premises at all times. There will not be any live entertainment, but it will be a full service restaurant with the appropriate number of cooks and servers. They have regularly been asked at their other restaurants to have alcohol available so they are asking for that here as well. They have not had any other violations at their other establishments. After further discussion and upon a motion from George Harmening, seconded by George Barnhart, the Board voted unanimously to approve the application.

At this time the Board adjourned for a break, and came back at 2:00 p.m. for the Business Meeting:

4. The Board approved the minutes from the January hearing upon a motion by George Harmening and seconded by George Barnhart then approved unanimously. Kelly Shaffer, Esq. informed the Board that Michael's Steakhouse in Hampstead hopes to be open by the end of March, 2019. The Board then approved a request from Johansson's and O'Lordans Irish Pub to be allowed to have their patrons enter and exit their establishments with alcoholic beverages during the Celtic Canter, the Wine Stroll, the Beer and BBQ Stroll and the Oyster Stroll sponsored by the City of Westminster. The Board approved four one day liquor licenses from the City of Westminster for outdoor events of the Celtic Canter on 3/9/19; the Wine Stroll on 4/14/19, the Beer and BBQ Stroll on 6/15/19 and the Oyster Stroll on 10/12/19. The Board reviewed the updated plans for Frankie's Bar and Grill in New Windsor. The Board decided to table a request from the Vine on Main in Sykesville until after Inspector Benfer has met with the Chief of Police and the town's Downtown Connection group next week. The Board then opened up the discussion about changing the closing time hours for Class B, C and D establishment to 2 a.m. instead

of 1 a.m. Sheriff Jim DeWeese stated that his office is somewhat indifferent to the decision. He doesn't believe it will cause an increase in DUI stops, but he does believe that the later time might make DUI drivers more obvious due to less traffic on the roads. Captain Scott Peter from the City of Westminster stated that they are also neutral on the change for much the same reasons as the Sheriff. Phil and Cindy Mullikin, of Catherine's Cause to End Drunk Driving spoke about their work with DUI offenders and that any money goes to scholarships, the police, or the community in some way. They also mentioned that they hold a remembrance ceremony each December in memory of all deaths on Carroll County roads. They also said they could not find a reason to approve or disapprove but suggested adding a sunset clause to see how it works for two years. Ruby Stein of Salerno's spoke next stating she was not in favor of staying open later because Salerno's would then stay open that late seven days a week. Beau Biddle of Linbeau's Railway Pub spoke in favor of staying open until 2 a.m. so that he would not lose customers to other, surrounding counties. John Speiser of Memories Charcoal House, Jagtar Randhawa of Spargo's and Dave Johansson of Johansson's and O'Lordans Irish Pub all spoke in favor of the later closing for the same reason. Dave Johansson also stated that being open later would lead to more food sales and that Uber and Lyft were helping with the drunken driving problems in this area. James Breuer of Maggie's is in favor of the 2 a.m. closing time, which he would probably only do on the weekends, because it would keep people closer to their homes. Pete Samios spoke in favor of the later closing time because it would make Carroll County consistent with the surrounding counties. The Board stated that they would take all comments into consideration and they would discuss this with the Commissioners and the Carroll Delegation.

At this time, there being no further business, upon a motion by George Harmening and seconded by George Barnhart, and a unanimous vote, Mr. Brauning adjourned the meeting at 2:35 p.m.

Respectfully submitted by:

Jo Vance
Administrator Hearings Coordinator
Office of Administrative Hearings