

**QUEEN ANNE’S COUNTY BOARD OF LICENSE COMMISSIONERS
TUESDAY, JANUARY 3, 2023
9:00 A.M.**

The Board of License Commissioners of Queen Anne’s County met on Tuesday, January 3, 2023. The meeting was called to order by Chairman Gene M. Ransom, III, Esq. Those present were: Gene M. Ransom, III, Esq., Chairman; Thomas E. Beery, Vice Chairman; and John T. McQueeney;; and Charles W. Ferrar, Members; Crystal Richard, Esq., Attorney for the Board; ; Mandy Calvert, Liquor Inspector; Cathy Maxwell, Clerk to the Board. Member Timothy G. Hibbard was absent.

SPECIAL/TEMPORARY LICENSES:

There were no Special/Temporary license applications for January, 2023.

APPROVAL OF NOVEMBER & DECEMBER MINUTES AND REPORTS:

A motion was made by Mr. Beery, seconded by Mr. Ferrer, to approve the Minutes and Reports. By a vote of four in favor and none opposed, the motion passed. Mr. Ransom said Ms. Calvert’s report included a sample letter regarding Alcohol Awareness training classes and it was agreed that the letter was sufficient. Mr. Ransom said that Ms. Calvert’s reports are excellent.

RANGE SENIOR PLANNER:

There were no comments or updates from Mr. Rob Tracey. Mr. Beery said he would like a copy of the FY 21-22 Budgets. Mr. Ransom suggested that the Board request that Ms. Amy Moredock, Director of Planning & Zoning, along with Mr. John Shelton and Mr. Tracey, attend the February 10, 2023 monthly meeting to discuss this.

REVIEW FOR ADVERTISING:

The Board reviewed for advertising the Reclassification from a Class “A” Beer & Wine License to a Class “A” Beer, Wine & Liquor License, for Robert W. Marsh, III, for the Benefit of Boatel Operations, LLC, trading as Kent Narrows Marine Boatel, permitting the sale of the aforesaid beverages on the premises located at 100 Piney Narrows Rd., Chester, MD 21619. All submitted documents were in order. Mr. Jody Schulz and Ms. Elizabeth Tunnicliss, Manager, appeared before the Board. Mr. Schulz said there are a lot of beverages that have alcohol in them that they can’t sell. Mr. Beery said he was not sure if this property qualifies under the Board’s Rules and Regulations as a marina which is a minimum of 25 slips. Mr. Schulz said this property is a marina and has 370 slips and there are also floating docks. Mr. Beery said the purpose of the Rule was to allow convenience stores in marinas so that people staying on their boat would have a store to go to and not leave the marina. Mr. Ransom said Mr. Schulz can address this at

the public hearing. A public hearing will be held on this application on Friday, February 10, 2023.

The Board reviewed for advertising a new Class “B-D” Beer, Wine & Liquor License for Sarbjit S. Dhillon, for the Benefit of Lucky 27, LLC, trading as Lion’s Villa, permitting the sale of the aforesaid beverages on the premises located at 508 Railroad Ave., Centreville, MD 21617. This property formerly held a Class “B” beer & wine license under the name of the “Lion’s Den”. Mr. David Gregory, Esq. representing the applicant, appeared before the Board. He said there will be some renovations on the interior of the building so they most likely will not be ready to open until mid-March of this year. This will be a lunch and dinner restaurant with items like cabobs and rice, pizza, wraps, etc. Ms. Richard said there are two people listed on the LLC so the Board will need a Resolution stating that Mr. Dhillon is the only one authorized to hold this license. Mr. Gregory will provide this. Mr. Ransom said the only concern at the hearing for the Lion’s Den was the proximity to the schools but he said they did a good job and did not have any issues. Mr. Gregory said this will be addressed at the public hearing on Friday, February 10, 2023.

PUBLIC HEARING:

The Board held a public hearing for a new Class “B” Beer, Wine & Liquor license for John R. Coulby, Sr., for the benefit of Yo Java Bowl, LLC, trading as Yo Java Bowl Café, permitting the sale of the aforesaid beverages on the premises located at 800B Abruzzi Drive, Chester, MD 21619. Mr. John Coulby, Sr. appeared before the Board. Ms. Richard administered the oath to all who were to testify. No one else appeared regarding this application. Mr. Ransom reviewed § 4-210 of the Alcoholic Beverages Code, approval or denial of license. Mr. Coulby said he plans to operate a breakfast and lunch restaurant. He has been open approx. one year and plans to have a very small selection of wines and alcohol during the breakfast and brunch time period of the day. He will not serve dinner and does not have a bar. He said it will be similar to his wife’s operation in Centreville, The Commerce St. Creamery. The alcohol will be minimal and be complimentary to their existing operation. Mr. Coulby said there is a public need and desire for the license. He has had requests from his customers who would like to have a glass of wine with their lunch. There are three other businesses in the vicinity but they are different from Mr. Coulby’s restaurant and do not serve breakfast. He does not feel this license will have a negative impact on other businesses in the area. There will be no negative impact on the public health, safety and welfare of the community. Ms. Richard said the Board needs to address the background check. Mr. Coulby said when he completed the application for the background check, he disclosed to the person at the Sheriff’s Dept. that he had a traffic issue. He was advised that he did not need to indicate it. He said the incident occurred in 2012 when his license expired. He was then

stopped for an unrelated traffic violation in January and was cited with operating a vehicle on suspended license or without required license. He thought this meant he just had to go get his license renewed which he did. He then later discovered it was a “must appear” charge, not a traffic violation. Mr. Ransom said Mr. Coulby has met all the standards of § 4-210. A motion was made by Mr. Beery, seconded by Mr. McQueeney, to approve this license, contingent upon receipt of the 2022 Trader’s license, Health Dept. and Fire Marshal approvals, and meet with Ms. Calvert. By a vote of four in favor and none opposed, the motion passed.

VIOLATION HEARING:

The Board held a hearing regarding a violation under § 6-304 of the Alcoholic Beverages Code for Crownsville Exxon, Inc., trading as Sunoco Truck Stop, located at 400 Thompson Creek Rd., Stevensville, MD 21666. The charge involves the sale of alcohol to a minor which occurred on November 15, 2022 at the licensed premises. Mr. Shamsheesh K. Suhas, Licensee, appeared before the Board. Ms. Richard administered the oath to all who were to testify. Mr. Suhas is not contesting the charges. Ms. Calvert’s letter with attachments to the Licensee dated 12/15/22 and the Notice of Intention to Defend were entered as Applicant’s Exhibit No. 1. A motion was made by Mr. Beery, seconded by Mr. Ferrer, that a violation has occurred. By a vote of four in favor and none opposed, the motion passed. Mr. Suhas said he works 16 hr. shifts in the winter. That day someone had hit his gas pump and left. He was looking at the video and that was when the underage volunteer came in the store. He was extremely involved with the video because this incident cost him a lot of money. He said Ms. Calvert was kind enough to look at the video. This is Mr. Suhas’ first violation and he works there all the time. His alcohol awareness training is current. Ms. Calvert said Mr. Suhas asked her to give him a break and wanted to speak with the Board. She explained that he would have his opportunity at this hearing. She said he was very upset about the incident but was cooperative. A motion was made by Mr. McQueeney, seconded by Mr. Beery, to impose a fine of \$500 payable within the next 30 days. And that Mr. Suhas will have to retake his alcohol awareness training within the next 90 days, by April 3, 2023. By a vote of four in favor and none opposed, the motion passed.

DRUG FREE COALITION:

Mr. Warren Wright appeared before the Board. He said it is the goal of the Coalition to make tobacco compliance checks like this Board’s. On February 15 & 16, 2023 a national speaker, Ray Lozano, is coming to Queen Anne’s County to discuss alcohol and marijuana, paid for by the Lion’s Club. This is for middle school students and he explains how an adolescent brain works. Mr. Wright said Mr. Lozano is very effective with students. Mr. Beery said he saw Mr. Lozano a couple years ago and it was excellent and had the students’ full attention. There were three more overdose deaths in the County

over Christmas which brings the total for the year to seven. Last year there were 13 deaths. Mr. Wright said with Narcan available, the numbers are less.

ROUNDTABLE:

The Board discussed proposed changes to the current Special/Temporary (one day) license application and the current Rules and Regulations. Ms. Richard will make the agreed upon changes to these documents.

The Board first discussed Special/Temporary (one day) license application. Mr. Beery said the application states that an applicant needs to be a club or an association. But when you look at the definition in the Code, it states “a club or an association that is not for profit”. Ms. Richard suggested adding another number that says, are you for profit or not for profit. Mr. Beery said the application header on page 1 refers to Article 2B and that is no longer correct. This should be changed to Alcoholic Beverages Code. Mr. Beery suggested eliminating the last question on Page 3 of the application which states, “who are the intended recipients of the proceeds from the event?” Mr. Ransom suggested keeping this due to the fact that in the past there was an incident where there was an issue with a non-profit partnering with a for-profit entity. Mr. Jody Schulz appeared before the Board. He said he feels it is best to keep this on the application because in the past he had a similar incident with an event involving the Fire Co. Ms. Richard suggested restructuring the question to read, “are you the intended recipient of 100% of the proceeds”.

The Board next discussed proposed changes to the current Rules & Regulations regarding accepting anonymous complaints. Mr. Beery said this makes it difficult for our Liquor Inspector. Mr. Ransom said this can create a situation with businesses complaining about one another which already occurs. Mr. Beery said Ms. Calvert had a similar situation recently and she handled it well. Mr. Beery made a motion, seconded by Mr. Ferrer, to strike the following wording in the first sentence of Rule No. 2.10(a) which reads, “and reduced to writing on a form approved by the Board”. And in the last sentence, strike the words “to the licensee”. Also change “shall investigate” to “may investigate”. By a vote of four in favor and none opposed, the motion passed. Rule 2.10 is revised as follows:

2.10 COMPLAINTS

(a) Complaints about a current licensee/licensed premises – All complaints regarding a current licensee shall be referred to the Board of License Commissioners’ Office ~~and reduced to writing on a form approved by the Board.~~ The Inspector or an authorized agent of the Board shall **may** investigate the complaint and make a written report of his/her findings ~~to the licensee~~ and the Board.

The Board next discussed proposed changes to Rule 2.02 Alcohol Awareness. This Rule requires the licensees to provide a copy of a current certification along with the annual renewal application. Ms. Maxwell suggested that since all businesses are now required to have someone on premises at all times with the certification, that it not be a requirement to submit this at renewal time. She said many businesses send in numerous certifications with their applications which makes the files very cumbersome with paperwork. A motion was made by Mr. Beery, seconded by Mr. Ferrer, to strike this sentence. By a vote of four in favor and none opposed, the motion passed. Rule 2.02 is revised as follows:

2.02 ALCOHOL AWARENESS

CERTIFICATION – A licensee or a person employed and designated by the licensee who is certified in an approved Alcohol Awareness Program certified by the State Comptroller must be on site of the licensed premises at all times. ~~A copy of their certification must be submitted along with the annual renewal application.~~ An up-to-date valid certificate must be kept at the establishment and presented to the proper authority upon request.

The Board next discussed basket of cheer. Mr. Beery said other counties have addressed this but our County has not. He had written some suggested changes and asked if the Board can address this in the Rules and Regulations rather than making a change to legislation. Mr. Ransom said the way the gambling statute is written, the Co. Commissioners issue gambling permits in this County. Mr. Beery said Queen Anne’s Co. has two rules on gaming. One is raffles and one is gaming permits when you have more than two gaming devices. This can only be for not-for-profit. Mr. Beery said he is seeing more and more raffles involving alcohol. Mr. Ransom suggested before this Board take any action, this should be sent to the Co. Commissioners. Ms. Richard said she has been to events where donations are received and it is handled in different ways. The alcohol is not opened at the event, it is closed bottles being taken home. She said this Board does not want to create a problem for non-profit groups. The Board agreed that they will take no action at this time.

The Board next discussed the mens rea issue. Mr. Ransom said this Board handled this appropriately at a recent hearing where a decision was made during the hearing and then it can be appealed. Ms. Richard said what this Board was doing was interpreting a statute to determine whether it was “shall” or “may”. She said the Board’s interpretation of the words in the statute requiring or having the ability to have discretion is within their jurisdiction. She said our highest court said that when an administrative law judge such as a tax court judge is interpreting a statute or law, they have to defer to the Comptroller’s opinion on the law. She said if this Board is taking

the position that it is an interpretation of law, she would agree. Mr. Ransom said most of the offenses in the statute are strict liability offenses, some are not. He said the matter at the recent hearing was resolved, the majority of the Board voted that they were all strict liability offenses and he does not see a need to pursue it further at this time.

The Board next discussed late payment of fines and the requirement that someone retake alcohol awareness training within a certain time period. Mr. Ransom suggested that in the future, when a motion is made it can include that if the fine is not paid or training is not completed within the stated time period, the license will be revoked. Mr. Ransom asked Ms. Maxwell to notify the Board if a fine or class is late and it will be addressed at the next monthly meeting.

Ms. Richard said she has received an application for the transfer of a Class "B" Beer, Wine & Liquor License for O' Shucks Irish Pub in Centreville. She said due to time constraints the new applicant would like to proceed with advertising "at their own risk". The Board members agreed. The public hearing will be advertised for February 10, 2023.

There being no further business, the meeting was adjourned. The February meeting is changed to Friday, February 10, 2023 due to the conference room being unavailable on the regular meeting date.

Respectfully Submitted,

Cathy Maxwell
Clerk

/s/ Gene M. Ransom, III, Esq.
Chairman