

**Queen Anne's County
Board of License Commissioners
Minutes of Meeting**

**January 4, 2022
10:00 a.m.**

The Board of License Commissioners of Queen Anne's County met on Tuesday, January 4, 2022. Due to inclement weather and delayed opening the meeting began at 10:00 a.m. 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; John T. McQueeney, Timothy G. Hibbard and Charles W. Ferrar, Members; Crystal Richard, Esq., Attorney for the Board; Mandy Calvert, Liquor Inspector; Cathy Maxwell, Clerk to the Board; Rob Tracey, Long Range Senior Planner; and Vivian Swinson, Zoning Administrator.

APPROVAL OF MINUTES AND REPORTS:

The December 7, 2021 Minutes and December 2021 Liquor Inspector's Report were approved.

LIQUOR INSPECTOR'S REPORT:

Ms. Mandy Calvert, Liquor Inspector, appeared before the Board. She did a follow up on Bayside Xtra Mart regarding additional information pertaining to the requested license fee refund. She has not received a reply from them to date. Mr. Ransom said the timeline for receiving license fee refunds expired as of 12/31/2021.

SPECIAL/TEMPORARY LICENSES:

The following Special/Temporary Licenses were approved:

Kent Island Estates Community Assoc. – Date of Event – January 14

Kent Island High School Baseball – Date of Event – February 12

RELOCATION OF PREMISES:

Mr. Adarshdeep (Ricky) Khalar, Licensee for Hillside Restaurant, appeared before the Board. He requests to transfer his current license from its current location to a property that is on the opposite side of the creek. He has a contract on the new property but before he goes into more depth with planning and building, he

wanted to discuss with this Board about the possibility of relocating from the current address to the new address. The new proposed building will be approx. 4,500 sq. ft., 500 sq. ft. larger than his current location, not for floor space but for storage. Mr. Ransom said this Board is happy to answer questions about the law, etc. but cannot promise him a specific outcome at this time. The Board would need to see an application and have a public hearing. Mr. Khalar asked if he should file an application now or wait until the building is done. Ms. Richard said this Board can give conditional approval if Mr. Khalar wants to apply during construction. Mr. Khalar said he is currently working with a local architect and a building company but they recommended that he not start anything until he gets some questions answered by this Board. Mr. Ransom said logically he should file the application, get conditional approval, and then he can continue his operations and move forward. Mr. Ransom said he does not see anything here that would automatically raise a red flag but other issues could arise. Mr. Khalar said he wants to own his building and be the operating company as well. Ms. Richard said there are timelines for temporary approvals under the construction period. Mr. Ransom said the Board can give extensions on timelines if there are no objections. Mr. McQueeney said he does not see any problems with this as he is simply moving across the creek. He said Mr. Khalar can submit an application to be reviewed for “advertising” at the February 1, 2022 monthly meeting or he can proceed with advertising “at his own risk” and then the public hearing would be held at the February 1st meeting, it is his choice. Mr. Khalar would need to submit his application to Ms. Maxwell by this Friday in order to schedule a public hearing for February 1, 2022. Mr. Ransom suggested that Mr. Khalar contact his legal counsel for guidance.

REVIEW FOR ADVERTISING:

The Board reviewed an application for a new Class “B” Beer, Wine & Liquor license for Abimael Morales-Meja and Irving Padilla Araujo, for the benefit of El Manantial, LLC, trading as El Manantial, LLC, permitting the sale of the aforesaid beverages on the premises located at 2640 Centreville Rd., Centreville, MD 21617. Mr. Morales-Meja and Mr. Araujo appeared before the Board. They are currently operating the restaurant on a daily basis and customers ask if alcohol is available. Ms. Richard said the application has some incomplete spaces and also indicates an LLC may be involved. She said it also indicates the “trade name” is El Manantial, LLC. Ms. Richard said the LLC documents do not indicate who the members are nor their percentages. Mr. Ransom advised the applicants that they

can proceed with advertising “at their own risk” and suggested that they seek legal counsel prior to the February 1 public hearing. He also advised them that the Board will be reviewing § 4-210 of the Alcoholic Beverages Code, approval or denial of license, and that counsel can assist them with this. The applicants would like to have their public hearing on February 1, 2022.

PUBLIC HEARING:

The Board held a public hearing for a new Class “B-D” Beer, Wine & Liquor license from Paul J. Mackoul to Albert Fabula and Nickole Whitmer, for the benefit of Fabula LLC, trading as Silver Swan Bayside, permitting the sale of the aforesaid beverages on the premises located at 412 Congressional Drive, Stevensville, MD 21666. Ms. Richard recused herself from representing the Board in this matter as her firm has a conflict of interest. Mr. Ransom administered the oath to all who were to testify. All submitted paperwork was in order and was admitted as Applicant’s Exhibit No. 1. Mr. Albert Fabula and Ms. Nickole Whitmer appeared before the Board. They are the only members of the LLC. They said they plan to keep things the same, a wedding venue and sell beer from the marina store on the property. The store is not fully functional at this time. The licensed premises will remain the same. Both applicants are certified for alcohol awareness training. Mr. Ransom reviewed § 4-210 of the Alcoholic Beverages Code, approval or denial of license application. They are purchasing an existing business so it has been ongoing. They plan to essentially operate it the same as it has been in the past. There are no other similar existing license holders in the immediate area. Ms. Whitmer said this license will not have an adverse effect on other license holders in the area. Silver Swan has been in business for at least 20 years. She said the property is directly on the water which makes it unique for weddings. Ms. Calvert said when she did an inspection on the property, there was not a storage permit and alcohol was kept in a different building. Mr. David Henderson, 24 City Gate Lane, Annapolis, MD appeared before the Board. He is Chief of Operations for Mr. Mackoul, current license holder. He has worked there for six years and said where they have stored the alcohol has been there since he started there. Mr. Beery said a State storage permit can be applied for. No one appeared in opposition to this application. A motion was made by Mr. Beery, seconded by Mr. Hibbard, to approve this application, contingent upon receipt of a Traders License, Bulk Transfer Permit and to resolve the storage issue, either by moving the alcohol into the licensed premise building or obtaining a State storage permit from the Comptroller’s Office to allow it to remain in its current location. All

members voted in favor. Mr. Ransom said the applicants have met all the requirements under § 4-210.

VIOLATION HEARINGS:

The Board held a hearing regarding a violation under § 6-304 of the Alcoholic Beverages Code for Araujo & Sons, Inc., t/a Don Tonios. The charge involves the sale of alcohol to a minor which occurred on December 13, 2021 at the licensed premises. Also a violation under § 27-1903 by not having an employee on site with alcohol awareness training certification. Ms. Richard administered the oath to all who were to testify. Ms. Betty Araujo, Ms. Sharon Crew, Licensees, and Mr. Freddy Araujo appeared before the Board. The licensees do not contest the charges. A motion was made by Mr. McQueeney, seconded by Mr. Beery, that these two violations did occur. All members voted in favor. Ms. Calvert, Liquor Inspector, reviewed her Incident Report. On 12/13/21 an underage volunteer entered Don Tonios and purchased an alcoholic beverage. Ms. Araujo did not ask for identification and proceeded with the sale. Ms. Calvert then entered the store and advised Ms. Araujo of the violation. She indicated she thought he was over 21. Ms. Araujo did not have an alcohol awareness training card. Her son, Freddy Araujo, is certified and is normally on premises but was not present at that time. Ms. Calvert's letter and Incident Report dated 12/17/21 was entered as Board's Exhibit No. 1. Ms. Araujo said she was very sorry this happened, she has run the business for 12-1/2 years working almost every day and has never sold alcohol to a minor. Mr. Freddy Araujo, Ms. Araujo's son, said he works at the store and he is the person of record to be alcohol awareness certified. He said he is there every day and his mother is there 90% of the time also. He had stepped out to pick up lunch when the incident occurred. He said they are working on Ms. Araujo getting alcohol awareness certified. She has taken the class before but had problems with communication and the technical aspects. Mr. Ransom asked if it is possible for Ms. Araujo to take the class in Spanish and Mr. Araujo said they are looking into this. Everyone else employed at the store is certified. Mr. Araujo said they make sure someone is always on premises now. He is the license holder for Back 50, which is behind Don Tonios, and he said all his employees are TIPS certified. Ms. Calvert said Ms. Araujo was extremely apologetic and said she always checks IDs and does not know why she didn't. Mr. McQueeney suggested that Ms. Araujo contact Terry Ober, instructor for TIPS classes, to see if he can assist with Ms. Araujo receiving the training. Mr. Ransom also suggested that they contact Prince George's Co. who has a greater Spanish population. Mr.

Araujo said he recently got a new puppy and it was in the store the day of the violation and was running all over the store but he said he realizes that is not an excuse. A motion was made by Mr. McQueeney, seconded by Mr. Hibbard, for the underage sale violation to impose a fine of \$500 to be paid within 30 days of this date. And for not having a TIPS card on premises, to impose a fine of \$100, with this \$100 fine in abeyance for 60 days as long as Ms. Araujo completes an alcohol awareness class within that time. All members voted in favor. Mr. Ransom said he sincerely hopes Ms. Araujo completes the training rather than paying the \$100 fine. He said if she finds she cannot find the proper training within 60 days, to advise this Board.

The Board held a hearing regarding a violation under § 6-304 of the Alcoholic Beverages Code for Parkside Grocery & Deli, t/a Parkside Grocery & Deli. The charge involves the sale of alcohol to a minor which occurred on December 13, 2021 at the licensed premises. Ms. Richard administered the oath to all who were to testify. Ms. Judy Leonard, Licensee/Owner, appeared before the Board. She is not contesting the charges. Ms. Calvert, Liquor Inspector, reviewed her Incident Report. On 12/13/21 an underage volunteer entered Parkside Grocery & Deli and purchased an alcoholic beverage. The employee asked him his birthdate and the volunteer replied, April 10, 2001. The employee said since he answered so quickly, she just assumed he was 21. She did not ask for Identification and proceeded with the sale. Ms. Calvert then entered the store and advised the employee of the violation. Ms. Calvert met with Ms. Leonard and she and the employee were very cooperative. Ms. Calvert's letter and Incident Report dated 12/17/21 was entered as Board's Exhibit No. 1. A motion was made by Mr. Beery, seconded by Mr. Hibbard, that a violation did occur. She said the employee had not worked there very long and she was short of help. It was just herself and the employee on site. Ms. Leonard said all her employees are TIPS certified except the employee who sold the alcohol. She had never worked around alcohol. Ms. Leonard said this is not an excuse because she emphasizes all the time to her employees about checking IDs. Ms. Calvert said Ms. Leonard's husband was in the store and appeared to be angry but he then walked away. Mr. Ransom said this establishment has not had any violations for many years. A motion was made by Mr. McQueeney, seconded by Mr. Hibbard, to impose a fine of \$500, with \$250 held in abeyance for one year from this date, which means as long as they do not have another sale to minor violation for one year, they only have to pay the \$250 fine within the next 30 days. If there is another violation within one year

of this date, she will have to pay that \$250 plus whatever other fines occur with the new violation. All members voted in favor.

ROUNDTABLE:

Amanda Haddaway, Bosun’s Boat Expo, had sent an email to the Board requesting guidance for an event occurring on February 11-13, 2022. This event also involves Cult Classic Brewing who has an alcohol license. Since Ms. Haddaway was not present today, the Board requested Ms. Richard to follow up with her.

Rob Tracey, Long Range Senior Planner, appeared before the Board. He did not have any legislative updates. The MD General Assembly is due to convene early next week. He has been participating in the MALA calls. Mr. Ransom said it is his understanding that Queen Anne’s Co. Commissioners are putting in the Bill to allow licenses for additional restaurants. Legislation went in last year. This Board already voted and took a favorable position on this and this Board will do a letter of support. Mr. Ransom requested that Mr. Tracey draft a document and email to the Board for review and to coordinate with Mr. Jeff Thompson and Mr. Beery if he has any questions. Mr. Ransom said chain stores may attempt to get licenses again and this Board will be monitoring that. He advised Mr. Tracey to contact the Board by email if he sees any pertinent information on the MALA calls.

The Board discussed alternate meeting dates for 2022 due to the 2022 election. There will be no date change for February, March and April, August, September and December.

The following alternate dates were confirmed beginning at 9:00 a.m.: May 10, June 6, July 12, October 7, and November 21 or 22.

LICENSE FEE REFUND REQUESTS:

The Board discussed the refund request for Bayside Extra Mart which was tabled at the December 7, 2021 meeting. Ms. Calvert requested additional paperwork from the licensee but it was not received in the requested time. Mr. Ransom said this request for refund will be withdrawn.

The Board discussed the refund request for Queenstown Mart which is a Class “A” beer, wine & liquor package goods store. The Board requested that Ms. Calvert follow up with this establishment and ask them to show their alcohol receipts for

the last three years, being 2018, 2019 and 2020. This refund request will be tabled until the February 1, 2022 meeting.

REVIEW FOR ADVERTISING:

The Board reviewed an application for advertising a new Class “B” Beer & Wine License for Jun Zhang, for the benefit of Z&H Fortune, LLC, trading as Shogun Sushi-Teriyaki, permitting the sale of the aforementioned beverages on the premises located at 600 Abruzzi Dr., Unit A, Chester, MD 21619. Joseph McQueeney, Esq. is the Attorney for the applicant but was not present. Ms. Maxwell said she believes Mr. McQueeney would like the Board to review the application for sufficiency and proceed with advertising the public hearing for February 1, 2022. Ms. Richard said all paperwork was in order. This application will be advertised for a public hearing on February 1, 2022. Ms. Richard asked the Board if the procedure for reviewing applications for ‘advertising sufficiency’ is purely courtesy. Mr. Ransom said it is a courtesy and an applicant can advertise “at their own risk” if that is what they choose to do. The Board does not vote on this.

Ms. Richard said Mr. Jeff Thompson will not be available for some future meetings. Mr. Ransom said he believes this Board voted in the past allowing Ms. Richard to be the alternative Counsel. He requested her to contact Mr. Todd Mohn, County Administrator, and advise him that Ms. Richard is the Board’s alternative Counsel for the Co. Commissioners’ information.

LICENSE INQUIRY:

The Board discussed an inquiry from Courtney Smith, Chesapeake Bartenders. Mr. Ferrar recused himself from this discussion. Ms. Richard said she does not feel that Ms. Smith falls under the “special/temporary license” non-profit category. Since Ms. Smith was not present, Mr. Ransom suggested that Ms. Richard follow up with her. Ms. Smith can then be added to the Board’s future Agenda if additional information is necessary.

There being no further business, the meeting was adjourned to meet again on Tuesday, February 1, 2022.

Respectfully Submitted,

Cathy Maxwell
Clerk

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