

**QUEEN ANNE’S COUNTY BOARD OF LICENSE COMMISSIONERS
TUESDAY, APRIL 4, 2023
9:00 A.M.**

The Board of License Commissioners of Queen Anne’s County met on Tuesday, April 4, 2023. The meeting was called to order by Chairman Gene M. Ransom, III, Esq. Those present were: Gene M. Ransom, III, Esq., Chairman; John T. McQueeney, Charles W. Ferrar and Timothy G. Hibbard, Members; Jeffrey E. Thompson, Esq., Attorney for the Board; Mandy Calvert, Liquor Inspector; Cathy Maxwell, Clerk to the Board. Vice Chairman Thomas E. Beery was not present.

SPECIAL/TEMPORARY LICENSES:

A motion was made by Mr. McQueeney, seconded by Mr Ferrar, to approve the following Special/Temporary Licenses, pending approval from Planning & Zoning. By a vote of four in favor and none opposed, the motion passed:

- Chesapeake Bay Environmental Center – Date of events – March 16 and April 20
- Sudlersville Vol. Fire Co. – Date of event – April 7
- Goodwill Fire Co. – Date of event – April 29
- Talisman Therapeutic Riding – Dates of event – May 5, 6, 7
- Downtown Historic Stevensville – Date of event – May 20

The Board discussed a Special/Temporary application submitted by Eden and Avery By Farm Charm for an event at their store at the Queenstown Outlets on April 15, 2023. This is a “for-profit” event and does not qualify for the Special/Temporary License. Mr. Ransom said the applicant could hire a company that has a catering license. Ms. Maxwell will advise the applicant.

APPROVAL OF MARCH 7, 2023 MINUTES AND MARCH 2023 REPORTS:

A motion was made by Mr. Ferrar, seconded by Mr. McQueeney, to approve the March 7, 2023 Minutes and March, 2023 Reports. By a vote of four in favor and none opposed, the motion passed. Ms. Calvert had no additional comments. Mr. Ransom said he appreciates that she emails her reports ahead of the meeting.

REVIEW FOR ADVERTISING:

The Board reviewed an application for the transfer of a Class “B” Beer, Wine & Liquor License for Roger L’Heureux, for the Benefit of RCL Holdings, LLC,

transferred from Joshua's Centreville, LLC, trading as The Station Steak and Grille, permitting the sale of the aforesaid beverages on the premises located at 420 Pennsylvania Ave., Centreville, MD 21617. Mr. L'Heureux is currently the Licensee for The Station Steak and Grille. He will not be required to obtain another background check for this transfer. He is the only member of the company so an Operating Agreement is not required. Mr. Thompson said the Operating Agreement would show that Mr. L'Heureux is the only member of the company but he is not legally required to have one. Mr. L'Heureux will be required to obtain a Bulk Transfer Permit since it is a new company. Mr. Thompson said the lease also needs to be amended to reflect that Mr. L'Heureux is the only member. Mr. Ransom said the current license expires April 30, 2023 and the public hearing on this transfer will be May 2, 2023. Mr. L'Heureux said his restaurant is not open on Monday and Tuesday so this should not be a problem. He said the Comptroller's Office requested that he streamline the name of the company. There were two Trader's licenses under one address. This application will be advertised for a public hearing on Tuesday, May 2, 2023.

VIOLATION HEARINGS:

The Board held a hearing regarding a violation under § 6-304 of the Alcoholic Beverages Code for Mangum Enterprises, LLC, trading as Friendly Food Store, 1383 Main St. Stevensville, MD 21666. The charge involves the sale of alcohol to a minor which occurred on February 22, 2023 at the licensed premises. Mr. Art Mangum, Licensee, appeared before the Board. Mr. Thompson administered the oath to all who were to testify. Mr. Mangum is not contesting the charges. Ms. Calvert's letter with attachments to the Licensee dated 3/16/23 and the Notice of Intention to Defend were entered as Board's Exhibit No. 1. A motion was made by Mr. McQueeney, seconded by Mr. Ferrar, that a violation has occurred. By a vote of four in favor and none opposed, the motion passed. Mr. Mangum said a mistake was made. The alcohol sale was made by his manager. Mr. Mangum said his manager has had alcohol awareness training many times. His card had expired and he has since retaken the class. Two other employees were on the premises who were certified. Mr. Mangum said his manager was in the middle of changing the gas price and was distracted. He did not check the ID of the underage volunteer. Ms. Calvert said the manager was very upset about making the sale and was cooperative. A motion was made by Mr. McQueeney, seconded by Mr. Ferrar, to impose a fine of \$500 to be paid within ten (10) days of this date. By a vote of four in favor and none opposed, the motion passed.

VIOLATION HEARINGS:

The Board held a hearing regarding a violation under § 6-304 of the Alcoholic Beverages Code for HMA, Inc., trading as Chester Convenience Store, 120 Chester Station Rd., Chester, MD 21619. The charge involves the sale of alcohol to a minor which occurred on February 22, 2023 at the licensed premises. Mr. Mahmud Ashfaq, Licensee, Mr. Muhammad Toufee, and Joseph McQueeney, Esq., Attorney for Mr. Ashfaq, appeared before the Board. Member John McQueeney recused himself from participating as he is the father of Joseph McQueeney, Esq. Mr. Thompson administered the oath to all who were to testify. Mr. Ashfaq is not contesting the charges. Ms. Calvert's letter with attachments to the Licensee dated 3/16/23 and the Notice of Intention to Defend were entered as Board's Exhibit No. 1. A motion was made by Mr. Ferrar, seconded by Mr. Hibbard, that a violation has occurred. By a vote of three in favor and none opposed, the motion passed. Mr. McQueeney said Mr. Toufee sold the alcohol. He was not feeling well that day and was distracted. He has successfully passed previous compliance checks. He is currently alcohol awareness certified. Mr. McQueeney said since this incident occurred, Mr. Ashfaq has purchased new software to check ID's. He said there were previous violations but these occurred prior to Mr. Ashfaq having the license transferred to his name only, under HMA, Inc. Mr. Ransom said Mr. Ashfaq was still on the license when the previous violations occurred. Mr. McQueeney said since the previous partnership dissolved, Mr. Ashfaq took over managing the store. Ms. Calvert said Mr. Toufee told her he did not ask for the ID and everyone was cooperative. Mr. Ransom made a motion, seconded by Mr Ferrar, to impose a fine of \$2,000 and suspend the license for one year, but hold in abeyance all but two (2) weeks (14 days) of that suspension for one year from today's date. So they will lose their license for 2 weeks and hold the rest of the year in abeyance. Mr. Ransom said if there is another violation within one year of this date, that will be automatically instituted. He said he feels this is very generous because there have been several previous violations. Mr. Ferrar said he would like to amend the motion to hold the one-year suspension in abeyance for two years from today's date. Mr. Ransom said, in summary, the motion is a \$2,000 fine, the license is suspended for one year, with all but 2 weeks (14 days) held in abeyance for two years from today's date. If there are any violations within the two-year period, any violation at all, the full one-year suspension will be implemented. By a vote of three in favor and none opposed, the motion passed. Mr. Ransom told Mr. Ashfaq that Mr. McQueeney assures the Board that he is very responsible. The

14-day suspension begins tomorrow, Wednesday, April 5, through Wednesday, April 18. Ms. Calvert will pick up the license tomorrow and the license will be held through April 18, 2023.

A violation hearing was scheduled today for Davra Enterprise, Inc., trading as L&L Liquors, 228 Shopping Center Rd., Stevensville, MD 21666. Mr. Joseph McQueeney, Esq., appeared before the Board. Member John McQueeney recused himself from participating as he is the father of Joseph McQueeney, Esq. Mr. Joseph McQueeney requested a postponement of this hearing until the next scheduled Board meeting on Tuesday, May 2, 2023 as Mr. Davra, Licensee, is out of the country. By a vote of three in favor and none opposed, the postponement request was approved.

BOARD VOTE ON 2023 RENEWAL APPLICATIONS AND DELIVERY PERMITS

Mr. Joseph McQueeney, Esq. appeared before the Board regarding the renewal application for Pool Bar, LLC, trading as Lazy Mermaid, 428 Kent Narrows Way S., Grasonville, MD 21638. He said there is a hold on this license from the Comptroller's Office and he is in the process of clearing it up. He requested that when the Board votes on the 2023 renewal applications, that they consider conditionally approving this license, pending the release of the hold. Mr. Ransom said he feels this is a reasonable request. Mr. Thompson said the Board can conditionally renew, but not issue, the license until the problem is resolved.

Mr. Ransom said the Board can renew the 2023 applications in bulk. Lazy Mermaid, Libbey's Coastal Kitchen and Carletto Pizza & Pasta currently have a hold from the Comptroller's Office. Ms. Maxwell has been in contact with these three businesses regarding this and all are working to resolve the situation. Mr. Ransom requested a motion to renew, but not issue, these three licenses, and give the administrative staff the authority to issue them, once the hold is released from the Comptroller's Office. This motion was made by Mr. Ferrar, seconded by Mr. Hibbard. By a vote of four in favor and none opposed, the motion passed. Mr. Ransom asked the Board if there were any of the remaining 2023 license applications that they would like to discuss and there were none. There has been no public comment on any of the 2023 renewal applications. A motion was made by Mr. Ferrar, seconded by Mr. McQueeney, to approve the remaining 2023 renewal applications. By a vote of four in favor and none opposed, the motion passed.

The Board discussed approval of 2023 Delivery Permits. Member Charles Ferrar recused himself from this discussion. A motion was made by Mr. McQueeney, seconded by Mr. Hibbard, to approve Delivery Permits for the following six businesses: Bay Ridge Wine & Spirits, Draper Bros., Kentmorr Restaurant, L&L Liquors, CK Sewell Spirits, and The Winery. Kentmorr Restaurant currently has a Class “B-D” license which allows them to deliver “beer only” off premises. There was a delivery request from the Chesapeake Bay Beach Club. They are not eligible to deliver off premise under their Class “B” license. Mr. Ransom said he feels that the Beach Club probably only wants to deliver alcohol on premise from their restaurant to the rooms and this is allowed. Ms. Maxwell will follow up with the Beach Club to verify that they are only delivering alcohol on premises. If this is not resolved administratively, it will be on the May 2, 2023 Agenda for further discussion. **NOTE:** After today’s meeting, Ms. Maxwell contacted Mr. Don Reedy, CFO for the Beach Club, and he confirmed that they only plan to deliver alcohol “on premises”.

ROUNDTABLE:

The July, 2023 monthly meeting will be rescheduled for Thursday, July 6, as the July 4th Holiday falls on the first Tuesday.

Ms. Maxwell inquired about residency requirements for licensees. In the past she has required a driver’s license be submitted at renewal. Mr. Ransom had a copy of the Attorney General’s Opinion on residency. He said he and Mr. Beery too a MALA course on this subject. He said he does not think it matters what the statute says because in the Tennessee Wine & Spirits Retailers vs. Thomas case, the Supreme Court found that Tennessee’s durational-residency requirements for alcoholic beverage licenses requiring the applicant to have resided in the State for a period of two years prior to the application violated the Commerce Clause of the US Constitution by discriminating against non-residents of the State. It was not saved by the 21st Amendment’s reservation of State authority to regulate alcohol. Mr. Thompson said the Supreme Court ruled on the State requirement. They feel the same analysis would apply to the County requirement. Any State requirement is resolved. The County requirement is still pending. A motion was made by Mr. Ferrar, seconded by Mr. McQueeney, that driver’s licenses are not required at renewal. By a vote of four in favor and none opposed, the motion passed.

Ms. Maxwell had a general question from Ms. Gina Scherl, Jeff Davis Legion Post 18, inquiring if a Special/Temporary application can be applied for by a non-profit organization that is not based in the County, as long as the planned event is located in the County. Mr. Ransom said, yes, there is no prohibition on where an organization is from in the statute.

DRUG FREE COALITION:

Mr. Warren Wright appeared before the Board. He had statistics from the YRBS (Youth Risk Behavior Study) that is done every two years all over the U.S. In 2021 nationally, 23% of the high school age students reported that within the last 30 days they drank alcohol. The MD average was 19%. Queen Anne's Co. was 32.3%. He said these numbers have gone down over the last two years but Queen Anne's Co. is still high for marijuana and alcohol. The number of high school students that said they have ridden with someone in the last 30 day who had been drinking was 35.5%. That was based on 777 QA students. The MD average is 12.9%. The number of kids who said they have binged drank at least once during the last 30 days was 5 for men, 4 for women, 19.1%, based on 384 high school students. The MD average is 5.5%. Percentage of high school students who drove a car after they had been drinking was 5.9%, based on 119 students. The State average is 4.1%. Percentage of middle school students who said they have ridden with someone who had been drinking was 20.7%, based on 668 students. There are more middle school age students than high school. Percentage of students who said they live with someone who has a drug or alcohol problem was 31.8%. Mr. Wright said this Board's continued hard work on the issue of kids drinking and driving and being able to buy liquor is a huge thing in this County.

ADJOURN

There being no further business, the meeting was adjourned to meet again on Tuesday, May 2, 2023.

Cathy Maxwell
Clerk

Respectfully Submitted,

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