

**Queen Anne's County Liquor Board
Minutes of Meeting**

May 7, 2019

9:00 a.m.

The Board of License Commissioners of Queen Anne's County met on Tuesday, May 7, 2019 at 9:00 A.M. at 110 Vincit St., Centreville, MD. The meeting was called to order by Chairman John T. McQueeney. Those present were: John T. McQueeney, Chairman; Gene M. Ransom, Esq., Vice-Chairman; Maurice D. Dashiell; Joyce E. Jones, Esq.; and Thomas E. Beery, Members; Crystal Richard, Esq., Attorney for the Board; Cathy Maxwell, Clerk to the Board; William J. Council, Liquor Inspector; and Vivian Swinson, Zoning Administrator.

The Minutes from the April 2, 2019 Liquor Board meeting were approved as written.

The following Special/Temporary licenses were reviewed and approved:

Abate of Maryland – Dates of event – June 21 and June 22
Historic Stevensville A&E District – Date of event – October 5

Rohry Flood from Cult Classic Brewing, Stevensville, MD appeared before the Board. He wanted to ask the Board for permission to have an event on May 19, 2019. He has a charity organization, LLS (Leukemia and Lymphoma Society) that would like to have an outdoor event in their parking lot and serve wine and liquor. The license for Cult Classic Brewing only covers their beer. Mr. McQueeney said they cannot sell wine and liquor on their parking lot. Mr. Beery told Mr. Flood that Cult Classic Brewing will be responsible for security, underage drinking, etc. Mr. Flood said they would also like to do another event on June 30, 2019. Mr. McQueeney told Mr. Flood he will need to come to the June 4th meeting for that approval. A motion was made by Mr. Ransom, seconded Ms. Jones, to approve the one day event. Mr. Ransom made a motion, seconded by Ms. Jones, to approve the extension for the one day event with the request that the applicant present to the Board a drawing showing exactly where the event will be held. All members voted in favor.

The Board held a hearing for the transfer of a Class "A" beer and wine license from Sheikh Asadullah to Tanveer Malik, for the benefit of Bayside Oil, LLC, trading as Piney Creek Mart, 2120 Piney Creek Rd., Chester, MD 21619. Mr. Malik and his attorney, Joseph McQueeney, Esq., appeared before the Board. Chairman John McQueeney recused himself from participating in this hearing as Joseph McQueeney is his son. Ms. Richard administered the oath to all who were to testify. All paperwork submitted was in order. The submitted documents were entered into the record as Petitioner's Exhibit No. 1. No one appeared in opposition to this application. Mr. Malik has resided in Chestertown, MD for 3 years. He is a U.S. citizen. He has been in the U.S. for 18 years. He has not had a liquor license in the past. He has no financial interest in any other business in Queen Anne's Co. that has a liquor license. He is the

managing member of Bayside Oil, LLC. He owns 33% of the company. He is the only authorized agent for owning the liquor license. Mr. McQueeney reviewed the requirements of §4.210 of the Alcohol Code. Mr. Malik said he feels there is a public need for the license. All the neighbors want him to continue selling beer and wine. He does not feel his business would have an adverse impact on existing licensees in the area. Mr. Malik and all his employees are TIPS trained. Mr. Ransom asked if Xtra Mart is a chain store. Mr. McQueeney said this was an issue in the past at this location. Unlike 7-11 for instance, which controls the inventory, Xtra Mart has no control over the convenience store side. Xtra Mart is simply a name and doesn't control the inventory and enjoys no profits and has no control. Therefore it is not deemed to be a chain store. Ms. Richard said the Trader's License is in the name of Bayside Xtra Mart. Mr. McQueeney said their official "doing business as" name is Piney Creek Xtra Mart. Mr. Malik said he doesn't give any profits to Xtra Mart and Xtra Mart has nothing to do with the gasoline sales. Mr. Malik said there are 2 Xtra Marts that he knows of and both are owned by Mr. Assad. The Xtra Mart across from Queenstown Outlets has a beer and wine license. Mr. McQueeney said after the court case involving 7-11, all of the purported "chain stores" were rounded up. It was determined at that point that Piney Creek Xtra Mart was not receiving any profits from Xtra Mart and therefore was not a chain store, based on affidavits from Drake Petroleum Co. Ms. Richard referred to §26.1509 of the Alcohol Code which refers to a "concessionaire" which she said was someone doing business under the name of another for the purposes of concessions which would be food, etc. Mr. Ransom said there was a series of cases where they allowed for the grandfathering but then once you transferred, the problem occurred. Ms. Richard said that's what §26.1509 deals with. Mr. McQueeney said that section refers to an agent of the establishment and they are not an agent of an establishment in this application. Ms. Richard asked why is Mr. Malik trading under the Xtra Mart name if it is not necessary. Mr. McQueeney said because this was before the Board previously and there was not an issue with it. Ms. Richard said just because Drake Petroleum submitted affidavits for the previous license holder does not mean that applies to this application which is a new store. Mr. McQueeney said this is not a new store, they are just taking over the business. Mr. Malik has testified under oath that Drake Petroleum, Xtra Mart, no other entity has any control. Mr. McQueeney said he does not think Mr. Malik would object to eliminating the word "Xtra" from the name and trade as "Piney Creek Mart". Mr. Ransom asked for a motion on whether or not the Board believes the applicant has met the standards for §4.210. A motion was made by Mr. Beery, seconded by Ms. Jones. All members voted in favor. Mr. Ransom asked for a motion on whether the Board believes this is a chain store or not, based on §26.1509, §4.303 and §4.205. Mr. Beery made a motion, seconded by Ms. Jones, that this is not a chain store. Mr. Ransom, Ms. Jones and Mr. Beery voted in favor of the motion, Mr. Dashiell abstained. The transfer of this license was approved, pending receipt of a bulk transfer permit.

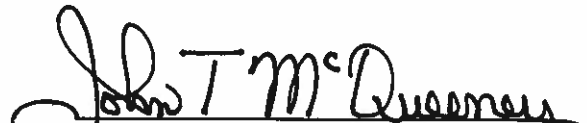
Mr. Council said all 2019 renewal licenses were pick up except for one. He did 61 business checks and 13 compliance checks for the month of April. No violations were found. He has a volunteer to help with compliance checks. Mr. Council said he is running into problems with intoxication on premises and how does the Board want him to handle this. Ms. Jones said this is hard to prove. Ms. Richard said the Board can bring them in to talk about it but it's not a provable situation. Mr. Ransom said if Mr. Council feels there is a problem he should write

them a letter and have them come in. But if someone is going out to drive intoxicated, he should call 911. Ms. Richard said a letter could be sent to all licensees putting them on notice that the Board is aware of this problem. She also emphasized that the Board members should not be policing licensed establishments since they cannot be their own witnesses if a licensee is brought before the Board.

There being no further business the meeting was adjourned to meet again on Tuesday, June 4, 2019.

Respectfully Submitted,


Cathy Maxwell, Clerk


John T. McQueeney, Chairman

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