

**QUEEN ANNE’S COUNTY BOARD OF LICENSE COMMISSIONERS
TUESDAY, MAY 10, 2022
9:00 A.M.**

The Board of License Commissioners of Queen Anne’s County met on Tuesday, May 10, 2022. The meeting was changed from the regular “first Tuesday” date due to a conflict with the meeting room. 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; Jeffrey E. Thompson, Esq., Attorney for the Board; Mandy Calvert, Liquor Inspector; Cathy Maxwell, Clerk to the Board; and Vivian Swinson, Zoning Administrator.

SPECIAL/TEMPORARY LICENSES:

The Board approved the following Special/Temporary Licenses. Mr. Ransom said this Board’s approval is for the alcohol only, they will still need to obtain whatever other County permits are applicable:

- American Institute of Architects Chesapeake Bay Chapter – Date of event – May 11
- Queen Anne’s Co. Chamber of Commerce – Date of event – May 18
- Md. Recreation and Parks Assoc. (MRPA) – Date of event - July 27

APPROVAL OF MINUTES AND REPORTS:

The Board approved the April 5, 2022 Minutes and April, 2022 Liquor Inspector’s Report.

LIQUOR INSPECTOR:

Ms. Calvert said she had no additional information to report.

LONG RANGE SENIOR PLANNER:

Rob Tracey appeared before the Board. He gave the Board an update on Senate Bill 340 and House Bill 555 that would authorize this Board to accept up to four licenses that were corporations and LLC’s regarding ownership requirements. Mr. Tracey said these bills are not going to move forward. They went through Committee and passed Senate; however, the cross file didn’t make it out of Committee. He said it is his understanding that both cross files in this instance would have to pass in order for the Governor to sign them. Mr. Ransom said one

bill has to pass both Houses all the way through in the same format for the Governor to consider it. Since neither of the bills did that, it is finished. Mr. Tracey said he will be attending via zoom the Virtual MALA Forum 2022 on Thursday, May 19th. He will advise the Board of any pertinent information.

BAY BRIDGE MARINA:

Mr. Walt Petrie and Mr. Dorsey Schulz appeared before the Board regarding the fuel dock at the Bay Bridge Marina. Mr. Petrie owns Bay Bridge Marina and Libbey's Restaurant and is the license holder. The liquor license covers three areas. They sell beer and wine at the gas dock. He said he had a procedural question about selling the beer. The beer is being purchased by Libbey's and then transferred to the gas dock. The employees at the gas dock sell the beer. There will be a separate tracking system for the beer sales. The gas dock then reimburses Libbey's for the purchase of the beer and the gas dock will get the profits from selling the beer. He wants to make sure this is acceptable to this Board. When the license was approved, it encompassed the entire area, the three noncontinuous areas on the property. Mr. Schulz said Bay Bridge Marina Waterfront Restaurant is the LLC that holds the license under Mr. Petrie. The slips and the gas dock are operated by Bay Bridge Marina Slips, LLC which is also owned by Mr. Petrie. Mr. Thompson said this creates a financial interest problem. The gas dock is getting all the income from that part of the facility, not the LLC that holds the license. Mr. Ransom said Mr. Petrie owns both LLC's. Mr. Thompson said they are describing two different businesses. Mr. Ransom said could Mr. Petrie report the profits from the gas dock under Libbey's, would that solve the problem, and Mr. Thompson said, yes. Mr. Petrie said he is staffing the gas dock by the Slips, LLC profits. Mr. Thompson said this is still two separate corporations and two separate businesses because different people are deriving the economic benefit. Mr. Ransom said Mr. Petrie is here today asking for clarification. He said Mr. Petrie owns both LLC's and is ultimately responsible for both of them. Mr. Ransom said Mr. Petrie wants to make sure the gas dock is profitable so he needs to keep it separate and this Board should not be making it harder for people to run their business. Mr. Thompson said the Board approved the three different areas but did not know at the time there were two LLC's. He said Mr. Petrie needs to work this out internally with a Management Agreement. Mr. Ransom said they need to work out an internal Management Agreement between the entities, Libbey's and the gas dock, making it clear that all the sales and purchases are through Libbey's and Libbey's is responsible for selling the

alcohol everywhere on the premises. Mr. Petrie will follow through with this and thanked the Board for their guidance.

BARK BARBECUE CAFÉ – EXPANSION OF PREMISES TO OUTDOOR SEATING:

Bark Barbecue Café appeared before the Board on April 5, 2022 requesting a Class “B” beer and wine license, including outdoor seating. At that meeting the Board approved the license to include indoor seating only, pending Fire Marshal and Planning & Zoning approval. Ms. Vivian Swinson, Zoning Administrator, appeared before the Board and advised that all those issues have been corrected regarding the canopy. Mr. Berj Ghazarian and his Attorney, John Prisbe, Esq. from Venable LLC appeared before the Board. Mr. Hibbard asked if the designated outdoor seating area on the drawing was for special events. Mr. Ghazarian said it was not just for special events, it will be for their lunch venue. All the purchases and serving will be done inside and then the customers can go outside to the canopy. They will also be open on Saturdays and Sundays and closed on Mondays. Mr. Ghazarian said the outside area is currently fenced off with a steel frame and there is one entrance to enter and exit. The area will be controlled. Mr. Ransom entered as Applicant’s Exhibit No. 1 the drawing depicting the location for the outdoor seating. A motion was made by Mr. McQueeney, seconded by Mr. Beery, to approve the expansion for outdoor seating. All members voted in favor.

REVIEW FOR ADVERTISING:

The Board reviewed an application for advertising a new Class “B” Beer, Wine & Liquor License for Jody Schulz, for the Benefit of Kent Narrows Enterprises, LLC, trading as Hyatt Place Kent Narrows, permitting the sale of the aforesaid beverages on the premises located at 3028 Kent Narrows Way South, Grasonville, MD 21638. Mr. Jody Schulz appeared before the Board. He said the opening date for this restaurant is now approximately October 2022, due to a backup receiving materials. Mr. Thompson said prior to the hearing, Mr. Schulz needs to provide a Management Agreement and also needs to address Question No. 20 on the application and state his percentage ownership for all the different entities, being Fisherman’s Inn, Fisherman’s Crab Deck, the Kent Narrows Boatel, etc. The Board approved this application to be advertised. A public hearing on this application will be held on Tuesday, June 7, 2022.

The Board reviewed an application for advertising a new Class “A” Beer, Wine & Liquor License for Amandeep K. Hundal, for the Benefit of Ekonkar, LLC, trading as

Wye Mills Beer, Wine & Spirits, permitting the sale of the aforesaid beverages on the premises located at 212 Grange Hall Rd., Queenstown, MD 21658. Mr. Randit Hundal appeared before the Board. Mr. Ransom said there are several documents still needed before this application can be approved for advertising. Mr. Thomposn said the application needs to be signed by the property owner prior to advertising. Mr. Hundal said the lease is not signed but they are willing to sign. Mr. Thompson said if they are only leasing the former 7-11 space where the Subway was, then the lease is not required prior to advertising. The signed lease will be required at the hearing. Mr. Ransom said this location received a license previously but then it was overturned in Court. He said there have been several cases in Court of Special Appeals and Court of Appeals recently, one being the Wegman's case in Anne Arundel Co. Mr. Ransom suggested to Mr. Hundal that he should know and understand the law regarding chain stores. Mr. Hundal said his Attorney is Mr. Chris Drummond, Esq. Mr. Ransom said Mr. Drummond is very competent and can do the research for Mr. & Mrs. Hundal. Mr. Hundal said this property is separate from 7-11 and he owns the Subway. The Board approved this application to be advertised, pending receipt of the signed application. The application will need to be submitted by this Friday, May 13. A public hearing on this application will be held on Tuesday, June 7, 2022.

PUBLIC HEARINGS:

The Board held a public hearing for a new Class "A" Beer, Wine & Liquor License for Richard C. Boulay, Jr. and Richard C. Boulay, Sr. for the Benefit of Cedar Point, LLC, trading as Cedar Point Marina, permitting the sale of the aforesaid beverages on the premises located at 3420 Main St., Grasonville, MD 21638. Mr. Boulay, Jr. and Mr. Boulay, Sr., along with their Attorney, Joseph McQueeney, Esq. appeared before the Board. Member John McQueeney recused himself from participating in this hearing as he is the father of Joseph McQueeney, Esq. Mr. Thompson administered the oath to all who were to testify. No one else appeared before the Board in favor of or opposed to this application. Mr. McQueeney submitted a document titled, "Resolutions Cedar Point Marina, LLC" which designates Mr. Boulay Sr. and Mr. Boulay Jr. as the only authorized persons to hold an alcohol license on behalf of the LLC. Mr. Boulay Jr. is not a member of the LLC. The LLC is owned by Mr. Boulay Sr. and his wife. The application does not reflect that currently. Mr. Boulay Sr. owns 55% of the LLC and his wife Laura owns 45%. Mr. Boulay Sr. is the only managing member. The application and all associated documents were entered into the record as Applicant's Exhibit No. 1. Applicant's

Exhibit No. 2 is the amendment to correct the Applicant's name. Applicant's Exhibit No. 3 is the submitted document titled, "Resolutions Cedar Point Marina, LLC". Mr. Thompson said licenses should be issued to members of the company and Mr. Boulay Jr. is not a member. Mr. McQueeney said Mr. Boulay, Jr. can be an authorized person without being a member of the company. Mr. Boulay, Sr. said he and his wife formed the LLC and purchased Lippincott Sailing Yachts Inc. on 11/2/21. He wants to remove all the abandoned boats. He had done significant improvements to the property, the pool and bathhouse. He wants to have a ships store with refreshments. He said the slip holders have requested having alcohol on the premises. This is a gated marina which is locked at 5:00 p.m. The requested license would basically be package goods for the marina and the slip holders. The customers would come in, purchase it and leave. There would be no serving on the premises. He said when he took over the marina, it was less than 70% occupancy in slip rentals and now it is over 83%. There were over 70 boats there when he purchased the property. Mr. Ransom said Oyster Cove should be happy that Mr. Boulay has made these improvements. Mr. Boulay said the Oyster Cove community has been very cooperative and helped with tree trimming. Also there are some residents of Oyster Cove that rent slips at his marina. Mr. McQueeney reviewed § 4-210 of the Alcoholic Beverages Code, approval or denial of license. Mr. Boulay said there is a public need and desire for the license based on requests from his current slip holders. He does not feel this license will have any negative effect on current licenses in the area. He has reached out to Marshy Creek Liquors and Winchester Liquors and they had no objection. He said this license may have a small impact on the other businesses but it is mainly for the slip holders so they don't have to get in their car and drive up the road to purchase alcohol. This is a unique situation compared to a regular liquor store. Mr. Boulay has put in new cameras for security. All of his employees will be alcohol awareness certified. Regarding authorized members, Mr. Thompson said there is no clear definition in the Alcoholic Beverages Code for authorized member. He said it would be highly unusual but you can have an officer of a corporation that does not have an ownership interest. Mr. Beery asked Mr. Boulay how many slip holders have asked him about selling alcohol. Mr. Boulay said at least a dozen. There will be 160 slip holders when the project is complete. Mr. Beery asked Mr. Boulay if he is planning a convenience store or a liquor store. Mr. Boulay said it is a convenience for the slip holders. He said the gate is open during the day from 9-5:00. Mr. Beery said he does not feel the need has been met. He said once Mr. Boulay has the liquor license, he can have a full-

fledged liquor store with signs, etc. Mr. Ransom said if that happened, when renewal time comes next May, all the people in Oyster Cove could object. Mr. Ransom said he believes Mr. Boulay when he testifies under oath what he intends to do. Mr. Boulay does not want his slip holders getting off their boats, into a car and driving to a liquor store. Mr. Ransom said there is no one here opposing this application. Mr. McQueeney said there is evidence of the public need and desire for the license and Mr. Boulay has spoken to the two closest off sale businesses and they had no objection. He said this is the public hearing and not a single competitor or person is here to object. Mr. Ransom said there were also no objections at last month's meeting when this application was on the Agenda for advertising. Mr. McQueeney said he has seen applications denied due to lack of public need or desire but never when there was no one testifying against it. Mr. Ransom said Mr. Boulay's intent is not to open a liquor store like Marshy Creek and Mr. Boulay confirmed. Ms. Vivian Swinson appeared before the Board. She said based on the testimony today, Mr. Boulay may have some zoning violations regarding gutting a building and removing trees. Mr. Ransom said if this license is approved, it will be contingent upon Mr. Boulay meeting all permitting requirements. Ms. Calvert said when she visited the premises, the area to locate the coolers was small, room for maybe one or two. Mr. Boulay said the area for the coolers will be approx. 800 sq. ft. (40 ft. x 20 ft.) This was indicated on the premises plat submitted. Mr. Boulay said the people will purchase the alcohol and take it to their boats, they will not be sitting on the marina property or walking around consuming alcohol. There is no food sold on the property. No one will be consuming alcohol in the designated 800 sq. ft. area where the alcohol will be sold. A motion was made by Mr. Hibbard, seconded by Mr. Ransom, to approve the license, contingent upon the applicants meeting all permitting requirements. Mr. Ransom said the applicant clearly met the standards under § 4-210 and he sees no reason to deny this license. Nearly 10% of his customers have requested this license. There is no negative effect on nearby license holders. No one has expressed any concern at either meeting involving this application. It is a gated community. With a vote of 3 in favor, one abstained and one recusal, the motion passed. Mr. Ransom, Mr. Hibbard and Mr. Ferrar voted in favor of the motion. Mr. Beery abstained and Mr. McQueeney recused.

The Board held a public hearing for the transfer of a Class "B" Beer and Wine License from Michael B. Collinson and Stephen L. Beall, to Jonathan Carrion, for the Benefit of GCB Partners, LLC, trading as Ledo Pizza, permitting the sale of the

aforesaid beverages on the premises located at 110 Kent Landing, Stevensville, MD 21666. Mr. Jonathan Carrion appeared before the Board. Mr. Thompson administered the oath to all who were to testify. No one else appeared before the Board in favor of or opposed to this application. Mr. Thompson said the documents are in order. Mr. Ransom reviewed § 4-210 of the Alcoholic Beverages Code, approval or denial of license. Mr. Carrion said Ledos has been in business for over 20 years. He purchased the company in November, 2021. They will sell beer and wine only. The percentage of alcohol sales is very low. The application and all relevant documents were entered as Applicant's Exhibit No. 1. Mr. Carrion has met with Ms. Calvert. He said he wants to give the community what they expect. There will be no special events held. This license will have no negative effect on nearby businesses. There have never been any violations. He said they do a lot with sports teams. Carry out is about 45% of their income. He hires all local kids for the kitchen and wait staff. His management is all local. Mr. Ransom said there has been a paperwork backup at the Comptroller's Office in Annapolis so they have not signed off on the taxes to date. Mr. Carrion said it was a paperwork mix-up and no taxes are actually owed. The 2022 alcohol license was renewed in the previous owner's name so the business operation has not been affected. Mr. Ransom said the applicant has met all the standards in § 4-210 and suggested that this license be approved contingent upon receiving the sign off from the Comptroller's Office and also receipt of the bulk transfer permit. A motion was made by Mr. Hibbard, seconded by Mr. Ferrar, to approve the license pending receipt of those two documents. All members voted in favor.

The Board held a public hearing for a new Class "B" Beer, Wine & Liquor License for Andrew DePaola II, for the Benefit of DePaola Food Group, LLC, trading as DePaola's Bagels and Brunch, permitting the sale of the aforesaid beverages on the premises located at 1227 Shopping Center Rd., Unit 4, Stevensville, MD 21666. Mr. Andrew DePaola II appeared before the Board. Mr. Thompson administered the oath to all who were to testify. No one else appeared before the Board in favor or opposed to this application. Mr. Thompson said the documents are in order. Mr. Ransom reviewed § 4-210 of the Alcoholic Beverages Code, approval or denial of license. Mr. DePaola said he plans to serve bagel sandwiches and other menu items for breakfast and lunch. The hours of operation will be from 5:00 a.m. to 3:00 p.m. to start. He said he wants to offer a cocktail or beer with lunch. Other license holders in the immediate area are El Jefe and Cult Classic Brewing. He does not feel this license will have any negative

effect on those licenses. His menu will be different from theirs. He will have homemade bagels and other items. He has ample parking. Ms. Vivian Swinson advised that Mr. DePaola has a pending renovation permit so he will need a final use and occupancy permit. He also needs Fire Marshal and Health Dept. approvals. Mr. DePaola said he there has been a backup in receiving materials. He hopes to open July 1. Mr. DePaola is alcohol awareness certified and all his employees will be also. He has met with Ms. Calvert. Mr. Ransom said the Board can approve the license contingent upon receiving these approvals. Mr. McQueeney advised Mr. DePaola that he cannot serve alcohol before 6:00 a.m. A motion was made by Mr. McQueeney, seconded by Mr. Ferrar, to approve this application, contingent upon receiving Fire Marshal and Health Dept. approvals, and occupancy permit from Planning and Zoning. All members voted in favor.

DRUG FREE COALITION:

Mr. Warren Wright was present earlier and took a picture of the Board members for a pamphlet he is working on with Mr. Beery.

ROUNDTABLE:

The 2022 license renewal process is complete and all licenses were obtained and paid for.

Mr. Beery said he is working with Mr. Wright and the Drug Free Coalition on a pamphlet involving health, safety and welfare. The DFC was able to secure a \$750 grant from the Health Dept. Also MALA is having a virtual conference on Thursday, May 19th from 9-12:00 p.m. Mr. Beery said you must register to attend via zoom. Mr. Rob Tracey from Planning & Zoning advised that he would be attending. Mr. Beery said a study came out about an experiment on restaurants delivering alcohol. Virginia reported that of 52 of their decoys, 32 were sold to underage recipients. California had a 52% violation rate. Montgomery Co., closer to home, reported 55% of restaurants did not check curbside mystery shoppers. Only 15% followed it properly.

There being no further business, the meeting was adjourned to meet again on Tuesday, June 7, 2022.

Respectfully Submitted,

Cathy Maxwell
Clerk

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