

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

**July 2, 2019**

**9:00 a.m.**

The Board of License Commissioners of Queen Anne's County met on Tuesday, July 2, 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; Maurice D. Dashiell; Joyce E. Jones, Esq.; Thomas E. Beery, and Timothy G. Hibbard, Members; Jeffrey E. Thompson, Esq., Attorney for the Board; Cathy Maxwell, Clerk to the Board; William J. Council, Liquor Inspector; Mike Wisnosky, Director of Planning & Zoning; and Vivian Swinson, Zoning Administrator.

The Minutes from the June 4, 2019 Liquor Board meeting were approved as written.

Chairman McQueeney welcomed new Board member Timothy G. Hibbard. The Board discussed appointing a new Vice Chairman to replace Mr. Ransom. Mr. Thompson said the Code only provides for a chairman who is appointed by the Co. Commissioners. He asked that this be tabled while he looks into it.

The following Special/Temporary licenses were reviewed and approved:

MEBE Foundation, Inc./MD Museum of Women's History – Date of event – July 14  
Sudlersville Vol. Fire Co. – Date of event – August 3  
FCSI Educational Foundation – Date of event - August 7

Mr. Rorhy Flood and Ms. Stephanie Butler from Cult Classic Brewing appeared before the Board. Mr. Flood thanked the Board for the one day permits for the last two months. The July 13 event has been cancelled. He requested to be placed on the August 6, 2019 agenda.

The Board held a public hearing on proposed legislation to amend §27-1401(c)(4) of the Alcohol Beverages Code. Mr. Patrick Thompson, Esq., appeared before the Board. He represents Jody, Andy and Tracy Schulz who will be the equal owners of Fisherman's Inn and the Crab Deck. When the license for Fisherman's Inn was renewed in May, 2019 there was a question as to whether they were allowed to have more than one liquor license. Mr. Patrick Thompson said there isn't a provision that says you can't have an interest in more than one license but there is a provision that says the application must contain a statement that you do not have a financial interest in any other place of business in the jurisdiction for which the alcoholic beverage license has been applied for. Mr. Thompson is asking for a change to that provision and he presented a draft of one possibility to exempt Queen Anne's Co. from that provision so that the Schulz's will be allowed to continue these businesses which have been going on for many years. Mr. Jeffrey Thompson explained the process for the benefit of new member Mr. Hibbard. Under state law the local delegate and senator ask that we fully vet any proposed legislation

before this Board first, a recommendation is made to the Co. Commissioners and they will have a public hearing for comments and then they may or may not choose to make a recommendation to the delegation and the delegation may or may not proceed with the proposed legislation. Mr. Beery said he did not find any other county in the state that had exempted themselves from this provision. Mr. Beery referred to §4-109.(a)(16) which says, nor do you contemplate having a second license. Mr. Jeffrey Thompson said one or more of the family members will have to divest themselves of property they would otherwise inherit. Mr. Sonny Schulz was the previous license holder for Fisherman's Inn and Tracy Schulz was made the temporary holder for an 18-month period. So the proposed legislation is a result of this situation. Mr. Beery is concerned that if this proposed legislation is not passed, then the Board runs out of time to pursue another remedy. Mr. Patrick Thompson said if it is not passed, then another route will have to be considered. Ms. Jones said if she understood Mr. Beery correctly, the proposed legislation should include §4-109 (a)(13) and (a)(16). Mr. Jeffrey Thompson said when a person applies for a license for a corporation it's three of the officers that make the application but you only have a number of stockholders. Because of that, the interpretation has historically been any other person is addressing not just the applicant but the company. Mr. Beery said the state did have some concerns with this legislation. Mr. Jeffrey Thompson said the Board could consider limiting it to two or three licenses. Mr. Jody Schulz said he is involved with Fisherman's Inn, the Crab Deck and the Boatel, which all have a liquor license. He proposes to build a hotel which will have a liquor license and may be building another restaurant at the Boatel site which he may or not be involved with. He is trying to build businesses. Mr. Jeffrey Thompson said he will work with Mr. Patrick Thompson on this proposed legislation and this item will be on the August 6, 2019 agenda. No one else in attendance commented on the proposed legislation.

Mr. Council, Liquor Inspector, did 66 business checks in June with no violations. He finished the compliance checks for the year (ending July 1). All businesses have now had a compliance check and Mr. Council is preparing to start over for the coming year.

Pursuant to §4-603 of the Alcoholic Beverages I of the Annotated Code of Md., hearings were held on the following businesses regarding compliance checks completed by Bill Council, Liquor Inspector. Mr. Thompson administered the oath to all who were to testify.

**Friendly Foods** - it was alleged that an employee violated §2-2004, in that on May 17, 2019, the employee sold alcohol prior to the allowable hours of sale. Mr. Thompson administered the oath to all who were to testify. There was no one else present to testify for or against this violation. Mr. Arthur Mangum, license holder, appeared before the Board. He confirmed that he received a letter from this Board dated 5/20/19 notifying him of this hearing and the allegations. He does not intend to contest the charge. Mr. Council said he responded to a complaint he received. He entered the premises at 5:07 a.m. and purchased a bottle of wine. The employee said he had a Tips/Tams card. Mr. Council asked the employee if he knew what the law was on the hours allowed to sell alcohol. He said he was told by his supervisor that when he opened the store, he could sell alcohol. Mr. Mangum said he did not tell the employee he could sell alcohol before hours but he also did not tell him he could not. Mr.

Mangum took responsibility and said he was not aware of the law. His store opens at 4:00 a.m. for the watermen. They come in and get coffee, etc. A motion was made by Mr. Beery, seconded by Mr. Dashiell, that a violation did occur. All members voted in favor. A motion was made by Mr. Dashiell, seconded by Ms. Jones, to impose a fine of \$250 to be paid within 30 days. All members voted in favor.

**Classic Pizza** - it was alleged that an employee violated §4-505, Alcohol Awareness Program, in that no employee on site had a current Tips/Tams card. Mr. Thompson administered the oath to all who were to testify. There was no one else present to testify for or against this violation. Mrs. Lorena Ramos, license holder, and her son appeared before the Board. Mrs. Ramos confirmed that she received a letter from this Board dated 6/6/19 notifying him of this hearing and the allegations. Her son said his mother did not understand the letter when it was received because she has problems reading English. He was not available at the time the letter was received and he just became aware of this yesterday. Mr. Jose Ramos is also a license holder but he is ill today. Ms. Jones said both license holders should be present. She made a motion, seconded by Mr. Beery, to table this hearing until the August 6, 2019 hearing so that both license holders may be present. All members voted in favor.

**Big Owl** – it was alleged that a violation occurred under §27-903.(b) in that on May 25, 2019 opened alcohol was removed from the licensed premises. Mr. Allen Wysong, license holder, appeared before the Board. Mr. Thompson administered the oath to all who were to testify. There was no one else present to testify for or against this violation. Mr. Wysong confirmed that he received a letter from this Board dated 5/31/19 notifying him of this hearing and the allegations. Mr. Council said on May 25, 2019 at approx. 4:15 p.m. he observed three people walking to the parking lot drinking alcohol from cans and bottles. He left and returned approx. 6:30 p.m. and again observed three or four gentlemen walking up the path with alcohol and were standing by their motorcycles drinking alcohol from cans and bottles. Mr. Council said this has been brought to Mr. Wysong's attention previously. He advised him that there had been several complaints about alcohol being taken off the premises. Mr. Council had asked Mr. Wysong to put signs up or perhaps have someone there to monitor this. Mr. Council presented to the Board a drawing showing the licensed premises outlined in yellow and where the violation occurred. Ms. Jones asked if a sale of alcohol occurred off the premises and Mr. Council said, no, they purchased the alcohol inside and then took it off the premises. Ms. Jones said could people have taken alcohol from the boats and Mr. Council said he did not see anyone taking alcohol from boats, they were riding motorcycles. He saw them walking up the pier, which is a part of the licensed premises, and to the parking lot. Mr. Dashiell said he thought if a boat pulled up to the dock and was tied, it was then legal to take alcohol onto the boat. Mr. Thompson said the licensed premises isn't the water under the slip so the fact that the boat has alcohol on it is OK because that slip is not a part of the licensed establishment. Mr. Council said he feels it is Mr. Wysong's responsibility to try to slow this down or stop it if he can. There are no signs or trash cans. Other establishments in the area have people monitoring and they don't allow people to leave with alcohol. Mr. Wysong said he has taken steps to correct the problem. He presented to the Board four pictures showing signs posted stating that no alcohol may be removed from the premises. He said there are trash cans on the premises. He said he values

his liquor license very much and he has never had a violation in 14 years. When he originally applied for his license 14 years ago he was told to cut the parking lot out of the licensed premises so that he was not responsible for the working marina that he shares the property with. His pier is also a very busy commercial working marina. Fishermen come in and they put their beer on their boats and leave. When they return they take the beer off the boat and go to their cars. Mr. Wysong said he does not police the marina. He does not sell beer in cans. He is on a private property at the end of the road and he shares it with a very busy marina. The morning of May 25 there were 21 cars in the parking lot when he arrived to work and he was not even open yet. So these cars were people out on their boats. Mr. Beery asked Mr. Wysong if he has anyone stationed at the entrance to his location and Mr. Wysong said he does not have other security but he and his son are always monitoring the premises. He said by 11:00 p.m. everyone has left the premises. Mr. Wysong asked for clarification about boats that are docked at his facility. Can he serve them food and drinks on their boat. Mr. Thompson said that Mr. Wysong has a "D" license which allows beer to go but don't open it until they get on their boat. Mr. Jody Schulz appeared before the Board and said all the businesses in the Narrows have this same potential problem. Most of them have a dock for a transient person to pull up to and the licensees should be allowed to serve them. Mr. Beery made a motion, seconded by Mr. Dashiell, to dismiss the charges. All members voted in favor.

Symphony Village was on the agenda for discussion. Mr. Thompson said this issue has been resolved.

Mrs. Tammy Harper, Kentmorr Restaurant, and her attorney, Christopher Drummond, Esq. appeared before the Board. Mr. Drummond said Mrs. Harper learned about comments made at the June 4, 2019 meeting. Since Kentmorr Restaurant was not on the June agenda, she requested to appear today. Mrs. Harper and her husband are the license holders. She read the following statement for the record: "We are here to answer all your concerns raised at the June 4th meeting of the License Commissioners pertaining to Dirty Dave's Tiki Bar and the beach area. As evidenced by the letter to the Dept. of Planning & Zoning dated 4/12/18 we agreed to increase the parking area and marina basin with the help of the Kentmorr Marina partners to find parking lot attendants to direct parking cars to get them off Orchid St. and Allen Ave. in order to allow the flow of emergency services if needed to Annette St. and Chesapeake Ave. and to provide live music on Friday, Saturday and Sunday only from April to September that will cease by 10:00 p.m. on these days. Further we abided by the License Commission to section off our private property of the beach at 908 Kentmorr Rd. from the liquor license property creating a non-alcoholic beach area. We sectioned off the tiki bar area to create a 21 and over area allowing parents to get non-alcoholic flushies for their children but providing no seating for the children. For security reasons we have provided staff members to check the identification of all people going to the beach, giving color wristbands for the folks who are allowed to legally drink on the licensed property. We've hired staff to clean the roads of trash around the Kentmorr community, not just the parking lots leased by Kentmorr Associates. We have worked with the Sheriff's Dept. to have a speed monitor placed on Kentmorr Rd. to deter speeding. Please allow us to address any other issues that you may have as we want to work with all the County departments and the community to insure a safe and clean environment in Kentmorr. Thank

you for your time and consideration". Mr. McQueeney said the biggest problem at Kentmorr is being in a residential neighborhood. He said he gets a share of complaints and they are really not about anything that Mrs. Harper does. He said she has done everything she said she would do to alleviate the problems. Mrs. Harper said the Sheriff's Dept. did come to the property on Memorial Day weekend and gave out parking tickets. There are "no parking" signs in the area. She is doing everything she can to make the area safe and secure. Ms. Jones said this Board has received no written complaints. Until there is something in writing, this is not an issue for concern for this Board. Mr. Drummond said this should not have been addressed formally or informally at the last meeting. Mrs. Harper said she lives in this community and raised her children here and she is doing all she can to make it safe. She does have signs posted that say by law you are not allowed to remove alcohol from this licensed premises. She leases ten slips in front of Kentmorr Restaurant and is she allowed to serve alcohol to those people. Ms. Jones said it depends on whether they have that area highlighted as part of the licensed premises. Mr. Drummond said the phone call complaints that have been reported may not have anything to do with the authority of this particular Board. Mr. Beery said health, safety and welfare of the community is a concern of this Board. Ms. Harper said they close at 10:00 p.m. on Saturdays and Sundays. Everyone is off the beach when the sun sets and there is no one in the parking lots after 11:30 p.m. including her own staff. Mr. McQueeney said Mrs. Harper has done everything that has been asked of her to alleviate the problems.

**Roundtable discussion.** Ms. Jones discussed proposed legislation to eliminate the distance requirement under §27-1601. Mr. Thompson will prepare this for the August 6th meeting.

Mr. Council referred to proposed legislation concerning consuming alcohol in public under §6-321. He said Queen Anne's Co. and Kent Co. have no jurisdiction to stop people that are consuming alcohol walking down the street. In every other county it is a violation. Mr. Beery said under application of general provision Queen Anne's Co. exempted themselves from §6.321 and §6.322.


Mr. Beery said the Supreme Court ruled on the case in Tennessee and struck down residency as a requirement for a liquor license. The Court said they didn't make a case that residency in any way played into health, safety and welfare. Mr. Thompson said in Queen Anne's Co. the requirement to hold a Class "A" license, 70% of the ownership has to be a Queen Anne's Co. resident.

Ms. Jones suggested that new member Mr. Hibbard take the Open Meetings Act on line training. Mr. Thompson said the Board could go into executive session to get legal advice on ethics and open meetings. Mr. Thompson said the Board will not reconvene into open session following the executive session. Ms. Jones made a motion, seconded by Mr. Beery, to go into executive session for legal advice. All members voted in favor. The Board went into executive session at 10:45 a.m. No action was taken in the executive session.

There being no further business the meeting was adjourned to meet again on Tuesday, August 6, 2019.

Respectfully Submitted,

  
Cathy Maxwell, Clerk

  
John T. McQueeney, Chairman