

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

August 6, 2019

9:00 a.m.

The Board of License Commissioners of Queen Anne's County met on Tuesday, August 6, 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; and Vivian Swinson, Zoning Administrator.

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

The following Special/Temporary licenses were reviewed and approved:

Kent Island Federation of Arts – Date of event – August 21
Saving Future Feral Cats – Date of event – August 25
Cloverfields Homeowners Assoc. – Date of event – September 7
Queenstown Vol. Fire Dept. – Dates of event – September 13 and 14
QAC Legacy Foundation – Date of event – September 14
Centreville Rotary Club – Date of event – October 5 and 6
Ruthsburg Community Club – Date of event- November 2
Wye River Upper School – Date of event – November 2

The Board discussed the one day license request for Queen's Landing Condominium, date of event, September 28. This is the first one day event for this applicant. Mr. McQueeney recused himself from this discussion as he lives at Queens Landing and is President of Queens Landing Association. Ms. Sally Kramer appeared before the Board. The Association is a nonprofit. Ms. Jones asked Ms. Kramer what precautions they will take to assure that no one under 21 yrs. of age is served alcohol. Ms. Kramer said they will give bracelets as they enter and someone will card them. Out of 92 reservations only two are children. Mr. Beery told her that no one may bring alcohol onto the property during the event and no one can leave the property with alcohol. Ms. Kramer said an outside entity will be handling this event. Mr. Thompson said even if they have a caterer, the responsibility is still Queens Landing Association. A motion was made by Mr. Beery, seconded by Mr. Hibbard, to approve the one day license request. All members voted in favor.

The Board discussed electing a Vice Chairman for the Board. Mr. Thompson said the State law only covers the fact that it is the County Commissioners who appoint the Chairman. Mr. Thompson suggested that the County Commissioners appoint a Vice Chairman as well and a letter be sent to them requesting them to make this appointment. Mr. Beery made a motion,

seconded by Mr. Hibbard, that Mr. Thompson send a letter be sent to the County Commissioners recommending that Ms. Joyce Jones be appointed Vice-Chair of the Board. All members voted in favor.

The Board reviewed an application for advertising a new Class "A" beer and wine license for Shamsheesh K. Suhas, for the benefit of Crownsville Exxon, Inc., trading as Sunoco Truck Stop, located at 400 Thompson Creek Rd., Stevensville, MD 21666. Mr. McQueeney recused himself from the discussion as his son, Joseph McQueeney, Esq. is the attorney representing the applicant. Mr. Thompson reviewed the application. He had several issues that need to be addressed and he will contact Mr. Joseph McQueeney to discuss these. He will advise Mr. McQueeney that he can proceed with advertising "at his own risk". A motion was made by Mr. Beery, seconded by Mr. Hibbard, to approve this application for advertising, conditioned upon Mr. Thompson having a conversation with Mr. Joseph McQueeney to make sure that it is clear that Mr. Thompson would agree that it can be advertised. If this is satisfactory with Mr. McQueeney, this application will be advertised and a public hearing will be held at the September 3rd monthly meeting. All members voted in favor.

The public hearing was continued on proposed legislation amending §27-1401.(c)(4) of the Alcoholic Beverages Article. Mr. Patrick Thompson, Esq. appeared before the Board along with Mr. Jody Schulz and Mr. Andy Schulz. Ms. Jones presented draft legislation relating to "controlling interest" for license holders. Mr. Jeffrey Thompson and Mr. Patrick Thompson both agree that this proposed legislation is the best way to accomplish defining the term "financial interest" as being a controlling interest. In other words, you could have a minority interest in more than one liquor license and you would not be in violation of the application provision in the Code. Mr. Patrick Thompson suggested that under the new language for §27-101.(d) Controlling Interest, specifically "ownership or control of sufficient shares", this be amended to read "sufficient shares or interest", because of LLC's, partnerships, etc. Ms. Jones suggested this read, "sufficient shares/interest". Mr. Beery asked if this should be limited to a Class B" license. He said the Code absolutely says only one license for Class "A", "C" and "D" licenses. The only place he has seen multiple licenses with single ownership has been in Class "B". Mr. Jeffrey Thompson said this would trigger many more changes to the Code. A blanket change would only deal with financial interest and what does that mean. He said this change would mainly affect Class "B" licenses. Mr. Beery referred to §4-203 of the Code. Mr. Jeffrey Thompson, referring to Mr. Jody Schulz and Mr. Andy Schulz, said they will not be able to hold multiple licenses but that doesn't mean that they can't hold one of the licenses, based on the proposed changes, and not have a financial interest in another license. This legislation is not proposing multiple licenses. A motion was made by Ms. Jones, seconded by Mr. Hibbard, to send this proposed legislation, with the suggested changes, to the County Commissioners for consideration. All members voted in favor.

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.

Classic Pizza - (continued) 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 and Mr. Jose Ramos, license holders, appeared before the Board. They confirmed that they received a letter from this Board dated 7/15/19 notifying them of this continued hearing and the allegations. They agreed that this violation did occur and they are not contesting the charges. Mr. Council, Liquor Inspector, said he visited this establishment in March 2019 and Mr. Ramos confirmed that his Tips card was expired and that he planned to renew it that month. Mr. Council returned in April and found there was still no current Tips card and no one had taken the class. He then returned early in May and found there was still no current card because the owner was out of the country. He returned on June 3 and there was no current card and he advised them that they would be charged. Since then, in June, they did obtain a current card. Both Mr. & Mrs. Ramos now have current cards. Ms. Jones advised them that effective July 1, 2019 there must always be someone on site with a current Tips card. A motion was made by Mr. Beery, seconded by Ms. Jones, that a violation did occur. All members voted in favor. This is their first offense. A motion was made by Ms. Jones, seconded by Mr. Hibbard, to impose a fine of \$100 but ask that it be held in abeyance for one year from today's date. All members voted in favor. Mr. McQueeney explained to the Ramos' that they were fined \$100. But they do not have to pay the fine at this time. From today's date, August 6, if they do not have any violations for one year, the fine will not have to be paid. If they do have another violation, they will have to pay the \$100 plus whatever other fines may be imposed.

Sunset Grill at Rolphs' Wharf – it was alleged that an employee violated §6-304 and §27-2702 of the Annotated Code of Maryland, in that on June 8, 2019 an employee sold alcohol to a minor. The minor was working with Mr. Council, the Liquor Inspector. 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. Charles Dreibelbis, license holder, appeared before the Board. He confirmed that he received a letter from this Board dated 6/14/19 notifying them of this hearing and the allegations. He agreed that this violation did occur and he is not contesting the charges. Mr. Council said this violation occurred on June 8, 2019 at approx. 3:15 p.m. He was doing compliance checks with Ms. Makenzie Miller who is 18 years old. They entered the premises and Ms. Miller presented her ID and asked for a beer. She was served a bottle of Corona by the bartender who asked for her ID which was a vertical license. Mr. Council then spoke to Ms. Travers who sold the alcohol. Ms. Travers said she did check her ID. Ms. Travers was very cooperative and said she does have a current Tips card. Mr. Dreibelbis said this is correct. Mr. Council has completed compliance checks for all 91 licensed establishments this year and they all checked the IDs. Ms. Jones asked Mr. Dreibelbis if he understood that generally a vertical license means the person is under 21 years of age and he said, yes. She suggested that the servers write down the proper age that someone has to be in order to be served. She said other establishments do this and it works well. Mr. McQueeney said some establishments do not serve anyone with a vertical license regardless of their age. Mr. Dreibelbis said the server has been bartending a long time and she made a mistake. He said his business is high volume but there is no excuse for this. He said he is aware of the new Tips law

that became effective July 1. A motion was made by Mr. Beery, seconded by Ms. Jones, that a violation did occur. All members voted in favor. This establishment did have a violation in June, 2011. A motion was made by Mr. Beery, seconded by Mr. Dashiell, to impose a fine of \$500 to be paid within the next 30 days. All members voted in favor.

Back 50 Tavern - it was alleged that an employee violated §6-304 and §27-2702 of the Annotated Code of Maryland, in that on June 8, 2019 an employee sold alcohol to a minor. The minor was working with Mr. Council, the Liquor Inspector. 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. Freddy Araujo, license holder, appeared before the Board. He confirmed that he received a letter from this Board dated 6/14/19 notifying them of this hearing and the allegations. He agreed that this violation did occur and he is not contesting the charges. Mr. Council said this violation occurred on June 8, 2019 at approx. 3:30 p.m. He was doing compliance checks with Ms. Makenzie Miller who is 18 years old and she was accompanied by another older lady. They entered the premises and Ms. Miller sat down at the bar and ordered a beer. The bartender, Matthew Clark, asked for her ID which was a vertical license. He then served her a bottle of Corona beer. Mr. Council then spoke to Mr. Clark and advised him that Ms. Miller was 18 years old. He stated that he did check her ID and did serve her. Mr. Clark was very cooperative and did have a current Tips card. Mr. Araujo said he spoke with the bartender and he still contends that he was given a horizontal license. Mr. Araujo has had a liquor license there for over 10 years and this is his first offense. He said he was on the premises at the time and he is typically behind the bar. He has very good cameras on the premises but they were not good enough to confirm whether the license was vertical or horizontal. Mr. Council said he checked Ms. Miller's ID before she entered the establishment, she presented it to the bartender and then she left. Mr. Council said he asked Ms. Miller to enter the establishment, ask for directions, which she did, and then she asked for a beer, she showed the bartender her license, he looked at it and served her the beer. Mr. Council then entered the bar and Mr. Clark admitted that he did see her ID and did not mention anything about seeing a horizontal ID. Mr. Council did have a problem with one of the customers who followed him onto the parking lot. Mr. Araujo said he does not believe this customer was intoxicated. Ms. Jones said she does not believe this has any bearing on the situation as Mr. Araujo is not contesting the charge. And also this Board does not allow people to use fake IDs when doing compliance checks. She stressed to Mr. Araujo to tell his servers to write down the proper age that someone has to be in order to be served. A motion was made by Mr. Dashiell, seconded by Mr. Hibbard, that a violation did occur. All members voted in favor. A motion was made by Mr. Dashiell, seconded by Mr. Hibbard, to impose a fine of \$500 to be paid within the next 30 days. Ms. Jones abstained; all other members voted in favor.

Mr. Warren Wright, Drug Fee Coalition, appeared before the Board. Queen Anne's Co. is "Going Purple" again this year but they are not following the mandates of the federal program. They are doing things at the middle schools and with opiates. He has permission to present programs in each of the middle schools and the 9th grade. A doctor will come in to talk about marijuana, alcohol and vaping from a doctor's point of view. The audience will be primarily parents of kids. There will also be a comedian speaker who will talk about alcohol and

marijuana. Mr. McQueeney asked about the statistic board that lists the number of drug overdoses. Mr. Wright said the board has not been changed regularly and he said he would take care of this. The new numbers should be out the second week in August and he will change the numbers. Almost all of the deaths last year were cocaine and fentanyl. Mr. Council asked Mr. Wright if anyone teaches the students what happens if they are caught with a fake ID as this can affect them later in life. Mr. Wright said they do make that a lesson in their health classes.

Mr. Council, Liquor Inspector, did 77 business checks in July with one violation. This will be on the September 3 Agenda. He said regarding the new law concerning Tips/Tams cards, he feels there will be violations until everyone is up to date on the law. The fine under §3-504(h) of the Code is \$100 for the first offense. He asked if the Board wants everyone charged to attend the monthly meeting or simply pay the fine. He is giving everyone until September to be up to date with their training. Ms. Jones said if they don't intend to contest the charge, then they can just pay the fine. If they intend to contest the charge, then they will be required to appear before the Board. Mr. Council discussed the "B" beer, wine & liquor license. He said there are 34 establishments with this type of license. He said the Code states that this license cannot sell beer to go. He has found 2 establishments that are selling beer to go as they were under the impression that this was allowed. He advised them they could change to a "B-D" license which is \$800 more a year. Mr. Council feels that most businesses would prefer to simply stop selling beer to go.

The Board discussed pending legislation for §27-1601 concerning the distance requirement from churches, schools, libraries and youth centers. Ms. Jones said other counties around the state have different rules. Dorchester Co.'s distance requirement is 300 ft. and they exempted the Town of Hurlock from that. Mr. Thompson said this is local legislation and he does not foresee a problem changing it. Mr. Beery said Queen Anne's Co. does not have the same issues at Baltimore City and urban areas where you have a lot of loitering outside of a Class "A" scenario. He said most of the counties who have done this also have a prohibition against drinking in public and pretty much takes care of the problem. Queen Anne's Co. does not have that law. Mr. Thompson said he thinks the reason counties are doing away with this requirement is because the hours of operation of the two involved aren't consistent. Churches basically operate on Sundays. Mr. McQueeney said there are no distance requirements for one day licenses and churches do apply for them. Ms. Jones made a motion, seconded by Mr. Hibbard, to have a hearing to amend §27-1601 to remove the "place of worship" from the title of that statute and in the body of the statute (a)(1)(i). All members voted in favor. Mr. Thompson said he does not think this Board needs to advertise these types of hearings since the Co. Commissioners advertise their hearings. The Board agreed that this will be an "agenda item" and Mr. Thompson will draft the legislation for the September 3 meeting.

Mr. Beery said he has heard from Drug Free Coalition and the Alcohol Drug Council on §6-321 and §6-322, which are issues on drinking in public and possession of open containers. Mr. Beery said the consensus was split about 50/50. 50% in favor of changing the law to have QAC

conform with 23 of the other counties and 50% said we don't need the law. Mr. Beery said he does not think there is a consensus to move forward this year with any change.

There being no further business the meeting was adjourned to meet again on Tuesday, September 3, 2019.

Respectfully Submitted,



Cathy Maxwell, Clerk



Joyce Jones, Esq., Chairman