

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

October 1, 2019

9:00 a.m.

The Board of License Commissioners of Queen Anne's County met on Tuesday, October 1, 2019 at 9:00 A.M. at 110 Vincit St., Centreville, MD. The meeting was called to order by Chairman Joyce E. Jones, Esq. Those present were: Thomas E. Beery, Vice Chairman; John T. McQueeney, Maurice Dashiell and Timothy G. Hibbard, Members; Crystal Richard, Esq., Attorney for the Board; Cathy Maxwell, Clerk to the Board; Michael Wisnosky, Director of Planning & Zoning, and Vivian Swinson, Zoning Administrator.

The Minutes from the September 3, 2019 Liquor Board meeting were approved as written.

The following Special/Temporary licenses were reviewed and approved:

Goodwill Fire Co. – Date of event – October 12

Queens Landing Council of Unit Owners – Date of event – October 13

Queen Anne's Co. Mental Health Committee – Date of event – November 2

Sudlersville Vol. Fire Co. – Date of event – April 18, 2020

The Board held a hearing for a new Class "B" beer & wine license for Goksel Teker, for the benefit of Teker, LLC, trading as Milano's Pizzeria, located at 6346 Church Hill Rd., Chestertown, MD 21620. Ms. Teker appeared before the Board. Ms. Richard administered the oath to all who were to testify. All advertising requirements have been met. No one appeared in opposition to this application. Ms. Richard reviewed the application and said the Articles of Organization for the company filed with the State Dept. and an Operating Agreement are needed. Also needed is a lease agreement between Teker, LLC and Deniz Properties, LLC. Ms. Teker said she owns the building where Milano's is currently operating and is the sole member of the LLC. A motion was made by Mr. McQueeney, seconded by Mr. Hibbard, to table this application until the November 5th meeting in order to receive the required documents. All members voted in favor.

The Board reviewed an application for advertising the transfer of a Class "B" beer, wine & liquor license from Helen F. Ross to Molly Knapp, for the benefit of 401 Love Point Rd., LLC, trading as Amalfi Coast Italian & Wine Bar, located at 401 Love Point Rd., Stevensville, MD 21666. Joseph McQueeney, Esq. appeared before the Board representing the applicant, Molly Knapp. Mr. John McQueeney recused himself as he is the father of Joseph McQueeney. Mr. Joseph McQueeney said Ms. Knapp has 30% ownership interest in the company. Ms. Richard reviewed the application and said all paperwork was in order. A motion was made by Mr. Beery, seconded by Mr. Dashiell, to approve this application for advertising. All members voted in favor. A public hearing will be held on this application on November 5, 2019.

The Board reviewed an application for advertising a new Class "D" beer, wine & liquor/tavern license for Ann Nichole Sener, for the benefit of Ten Eyck Brewery, LLC, trading as Ten Eyck Brewing Company, located at 201 Grange Hall Rd., Queenstown, MD 21658. Ms. Sener was not present but had requested that the application be reviewed. Ms. Richard reviewed the application and said a better premises map is needed. Also there are four members in the LLC so Ms. Sener will need a letter of authorization to hold the license. Also the lease needs to be signed. Ms. Maxwell will advise the applicant of the needed documents. A motion was made by Mr. McQueeney, seconded by Mr. Dashiell, to approve this application for advertising. All members voted in favor. A public hearing will be held on this application on November 5, 2019.

Pursuant to §6-304 and §27-2702 of Alcoholic Beverages Article I of the Annotated Code of Md., a hearing was held on the following businesses regarding a compliance check completed by Bill Council, former Liquor Inspector.

Kent Towne Liquors – it was alleged that an employee violated §6-304 and §27-2702 of the Annotated Code of Maryland, in that on August 16, 2019 an employee sold alcohol to a minor. Ms. Richard administered the oath to all who were to testify. There was no one else present to testify for or against this violation. Mr. Abhi R. Viradia, license holder, and Ms. Elizabeth Sheffey, employee, appeared before the Board. Mr. Viradia confirmed that he received a letter and Incident Report from this Board dated 8/23/19 notifying him of this hearing and the allegations. These documents will be identified collectively as License Commissioners Exhibit No. 1. Mr. McQueeney read into the record the Incident Report from Mr. Council. Mr. Viradia agreed that this violation did occur and he is not contesting the charges. A motion was made by Mr. Beery seconded by Mr. Hibbard, that a violation did occur. All members voted in favor. This is the first violation for this license holder. Mr. Viradia said all his employees are TIPS trained. He feels this will help eliminate any future sales to minors. Mr. Viradia does not have a scanner to check IDs. 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.

Cafe Sado – it was alleged that an employee violated §6-304 and §27-2702 of the Annotated Code of Maryland, in that on August 16, 2019 an employee sold alcohol to a minor. Ms. Richard administered the oath to all who were to testify. There was no one else present to testify for or against this violation. Mr. Chu Hung Wong, license holder, and Ms. Bonnie Jackson, employee, appeared before the Board. Mr. Wong confirmed that he received a letter and Incident Report from this Board dated 8/23/19 notifying him of this hearing and the allegations. These documents will be identified collectively as License Commissioners Exhibit No. 1. Mr. McQueeney read into the record the Incident Report from Mr. Council. Mr. Wong agreed that this violation did occur and he is not contesting the charges. A motion was made by Mr. McQueeney, seconded by Mr. Beery, that a violation did occur. All members voted in favor. This is the first violation for this license holder. Mr. Wong said he has been in business for 14 years and this is his first violation. He always stresses to his employees about the severity of this offense. Following this violation he sent six of his employees for TIPS training. He plans to have all his employees take this training. Ms. Jackson, who sold the alcohol to the minor, said when the minor entered the restaurant she recognized her as a student in a class she had assisted in at the high school and thought she was over 21. This was the first time she had ever been handed a vertical license and she did not read it properly. Ms. Jones advised Ms. Jackson

to always check the date on any license to be sure the person is 21. Mr. McQueeney said some businesses will not accept a vertical license even if the person is 21. Ms. Jones said that is not a requirement, just something to think about to make things safer. A motion was made by Mr. McQueeney, seconded by Mr. Hibbard, to impose a fine of \$500 to be paid within the next 30 days. All members voted in favor.

Piney Creek Mart – it was alleged that an employee violated §6-304 and §27-2702 of the Annotated Code of Maryland, in that on August 16, 2019 an employee sold alcohol to a minor. Ms. Richard administered the oath to all who were to testify. There was no one else present to testify for or against this violation. Mr. Tanveer Malik, license holder, appeared before the Board. Mr. Malik confirmed that he received a letter and Incident Report from this Board dated 8/23/19 notifying him of this hearing and the allegations. These documents will be identified collectively as License Commissioners Exhibit No. 1. Mr. McQueeney read into the record the Incident Report from Mr. Council. Mr. Malik agreed that this violation did occur and he is not contesting the charges. He said his employee was not actually working that day but has worked for him for approx. six years. It was on a Friday and Mr. Malik asked him to watch the store while he ran to the bank. His other employee was on vacation so he had no other way to leave. He went to the bank and when he returned, the violation had occurred. His employee said a young lady and an older lady entered the store so he thought they were together so that was why he sold the alcohol. The employee does have a TIPS card. Mr. Malik said all his employees are TIPS trained. He added that his store was robbed the following week. A motion was made by Mr. McQueeney, seconded by Mr. Beery, that a violation did occur. All members voted in favor. This is the first violation for this license holder. A motion was made by Mr. Hibbard, seconded by Mr. Beery, to impose a fine of \$500 to be paid within the next 30 days. All members voted in favor.

Frix's Fire Grill – The hearing on this business was postponed until the November 5, 2019 meeting.

Mr. Warren Wright, Drug Free Coalition, appeared before the Board. He said this month is "QA Goes Purple". The biggest activity involved children not using alcohol. There are four areas of concern, alcohol, opioids, marijuana and e-cigarettes. There was a nationally known speaker, Ray Lozano, who spoke on Sept. 26 and 27 to every middle school child in Queen Anne's Co. and this was very effective. Mr. Beery said he has heard Mr. Lozano speak and he was excellent. Also Kathy Wright, Commissioner Jim Moran, Sheriff Hofmann and State's Attorney Lance Richardson spoke to the 9th graders. Ms. Jones suggested there could be someone from the Public Defender's office speak to the students about how much a DUI will cost, representation, etc. Also a student who had been charged with this violation could speak on how it negatively affected his life. The Coalition is trying to break into four sub-groups and one of these groups on alcohol has already met. The Elks Lodge at Kent Island is number one in MD in donations of the members to community activities and number two in the country. Mr. Wright thanked the Board for completing compliance checks. There were no overdose deaths in Queen Anne's Co. during the month of September.

The Board discussed pending legislation. Mr. Wisnosky said the Co. Commissioners were meeting today at 2:00 with Senator Hershey and Delegate Steve Arentz. They will discuss all

the legislation. Ms. Jones said the Board received a letter from Business Queen Anne's stating concerns about liquor laws only applicable to Queen Anne's Co. which "serve a miniscule number of individuals at great cost to the vast majority of County citizens". Mr. McQueeney said he attended a Business Queen Anne's meeting. In the plans for the County, there are several properties that have been approached by chain restaurants such as Applebees, Ruby Tuesday and Texas Roadhouse. They wonder why Queen Anne's Co. does not allow these types of restaurants to obtain a liquor license. Mr. McQueeney said he explained to them the County's history on this subject which is to help the local restaurants who contribute a lot to the community with charity events, etc. Mr. Beery said people think this is a Queen Anne's Co. law but it is a State law which prohibits chain stores. Other counties have amended the State law. Ms. Jones said State law §4-104 and §4-105 have the requirement that an applicant must live within the jurisdiction for two years. She said Business Queen Anne's needs to identify the laws they have issues with, propose changes to the law and present these changes to this Board, the Co. Commissioners and the State Delegates. Mr. Dashiell said the local businesses need some kind of protection because many donate lots of money to community services. He said is against this proposed legislation. Mr. McQueeney said everyone will have to be on board in order for this legislation to pass. Mr. Beery said this Board should respond to Business Queen Anne's that this is a State law, not a County law. Ms. Jones said the process starts with someone coming in with a formal request and that's what they need to do. Ms. Richard this matter was on the Agenda, the Board did publically address their letter so she feels the Board did respond. Mr. Beery said Anne Arundel Co. with a million population or Baltimore City with 600,000 population, or Talbot Co. with home rule, is different than Queen Anne's Co. Ms. Jones said since Mr. McQueeney advised Business Queen Anne's of the process at the meeting, she did not feel an additional letter is necessary.

The Board discussed the Class "B" BWL license where the license holder may think he is allowed to sell off premises. And they do not apply for the Class "B-D" license which allows off premises sales because it is cost prohibitive. Or they do not realize that they have another license available to them. A Class "B" BW license is allowed to sell off premises. Mr. Beery said some business owners he has talked to do not have an issue with this and are satisfied with their current "B" BWL license.

The Board discussed the Queen Anne's Co. requirement that you have to be 21 to serve or sell alcohol. Ms. Jones said this is confusing because it does not apply to a "B-D" license but it applies to other licenses. Ms. Jones said she can draft a couple versions for the next meeting. The Board discussed Mr. Hibbard being the Open Meetings Act designee. Mr. Hibbard said he has not taken the training yet. Ms. Jones said the training is on line. She said there is a meeting on October 4, 2019 at the Comptroller's Office in Annapolis for a Liquor Bd. Training Academy.

The Board met with Mr. Wisnosky and Ms. Swinson from Planning & Zoning regarding what are the responsibilities of this Board. Mr. Beery said the County website states that this Board is responsible for reviewing alcoholic beverage license applications, issuing licenses, license renewals, enforcement of laws, and printing, publishing and updating alcoholic beverage regulations. And at one time it stated that this was implemented through the Dept. of Planning & Zoning. Mr. Beery said this Board follows State laws. He said this Board has not had a great amount of communication with the Dept. of Planning & Zoning that they probably should have.

Ms. Jones said this Board has the authority to summons witnesses, admit evidence and make rulings. Mr. Wisnosky said his Department manages five Boards. Planning Commission, Bd. of Appeals, Liquor Bd., Electrical Bd. and Plumbing Bd. Each of those Boards are made up of a collection of Queen Anne's Co. residents. They need a venue to be managed and that's what his Department does. They are given funding through the P&Z yearly budget. Mr. Wisnosky's Dept. receives requests for funds if they want to go to conferences, etc. The Dept. does not dictate to this Board how they should or should not act on any particular application or any other business, except to attend the monthly meetings and represent the Dept. at those meetings. The Board discussed the role of the Liquor Inspector. Mr. Wisnosky said when he started this job four years ago, the Inspector was already in place. He did not hire that inspector. It was his understanding that the Liquor Inspector position was a part-time contract employee managed through the Dept. of Planning & Zoning and that process will continue. Mr. Wisnosky said as far as day-to-day activities, the job description has been revised because it was outdated. It talks about the liquor laws of the State, what they need to address, what their roles and responsibilities are and they report to Ms. Swinson, Zoning Administrator. She supervises that position. Mr. Wisnosky said the Dept. was probably lax in not getting more involved in that position previously. He said he hopes when this position is refilled, there is a much clearer understanding. Mr. McQueeney said the Liquor Inspector's job is not a part-time job 9-4:00. The Inspector may be needed after hours because they receive a complaint. Mr. Wisnosky said as a contractual employee he cannot require someone to go out after hours. This is a 25-hr. a week part-time position generally in the framework of 8:00-4:30. That is Human Resources directive. An employee cannot be sent out on the weekend without just compensation. Mr. Beery said there is current legislation that requires the Inspector to do an inspection on every licensee at least once every 60 days and to do a compliance check on every licensee at least once a year and is this included in the job description. Ms. Jones said the Board is supposed to receive a monthly report from the Inspector and this would be very helpful. Mr. Wisnosky said the new Inspector can deliver this to the Board on a monthly basis. Mr. McQueeney said he understands checking licenses and making sure people have TIPS cards can be done during the day, but most other problems occur after 6:00 p.m. or weekends. He said probably most alcohol is sold between 4:00 on Friday afternoon til 4:00 Sunday afternoon. Mr. Wisnosky said he will contact Human Resources to find out what flexibility there is for this part-time position for off hours and weekends. Ms. Swinson said if a Board member receives a complaint, they need to have those directed to the Dept. of Planning & Zoning. She said any Board member may email her and cc the Inspector in this situation. Ms. Jones suggested if anyone on the Board has an issue or needs the Inspector to take action, this could be funneled to her as Chair and then she can funnel it to Ms. Swinson so there is one line of communication. Mr. Beery said some counties have Sheriff's deputies assigned to the Liquor Bd. as well. The law requires that compliance checks be done and this Board supervises these. The Board gets underage volunteers to assist the Inspector. Mr. Wisnosky said he is not familiar with this procedure and who does this underage volunteer work for. Ms. Jones said she has had concerns about whether this was being done properly. Should this be done in conjunction with the Sheriff's Dept. with a deputized under cover agent under the age of 21? Mr. Wisnosky said his Dept. is not involved with this process and he does not think it is in the job description of the Liquor Inspector nor is it the responsibility of this Board. Mr. Beery said other counties go to Chesapeake College and ask for volunteers from the criminal justice program there and he has contacted them and they are willing to work with the Board on this. Mr. Wisnosky said if this

is legal and a procedure is established to do it, he's fine with it. Mr. McQueeney said in the past compliance checks were done by the Md. State Police but they stopped. It was then assigned to the Liquor Inspector. Mr. Wisnosky said the Inspector is responsible for doing the compliance checks but he has a problem with an underage person accompanying the Inspector and purchasing alcohol. Ms. Jones said there is no prohibition against this Board using an undercover 18-20 yr. old person doing this but there are certain requirements that are supposed to be done. Mr. Wisnosky said he does not know that law. Mr. McQueeney said the underage person is compensated \$25 each time they assist the Inspector. Ms. Jones referred to §27-2615.(a) – Use of Fines- which states “the County may use any part of the fines for a violation of this article to hire detectives or undercover agents”. It also says (2) “a detective or an undercover agent hired under this section shall be deputized as an officer”. Mr. Wisnosky said he does not question that this Board has the authority to do this but he thinks there should be some type of mechanism to regulate this. Ms. Richard said perhaps there should be a closed work session for legal advice between all relevant individuals to discuss authority of employees, legal interpretations, etc. Mr. Wisnosky will coordinate this meeting and it will include Beverly Churchill from Human Resources, John Shelton who manages the budgets, Patrick Thompson, County Attorney, Crystal Richard and Jeff Thompson, Vivian Swinson, Todd Mohn, County Administrator, and Sheriff Hofmann. Mr. Wisnosky suggested having this meeting at the regularly scheduled November 5 meeting.

Ms. Jones said she had an inquiry if there is a license to deliver alcohol. Mr. Beery said that is in the State law and this Board can write a letter allowing that to occur.

Concerning the hiring of a new Liquor Inspector, Mr. Wisnosky said he and Ms. Swinson will sit down with the candidates and that one member of this Board be included in this process.

Concerning Board rules, the Board may plan a work session to have the rules formalized.

There being no further business the meeting was adjourned to meet again on Tuesday, November 5, 2019.

Respectfully Submitted,


Cathy Maxwell, Clerk


Joyce E. Jones, Esq., Chairman