

**QUEEN ANNE’S COUNTY BOARD OF LICENSE COMMISSIONERS  
TUESDAY, OCTOBER 3, 2023  
9:00 A.M.**

The Board of License Commissioners of Queen Anne’s Co. met on Tuesday, October 3, 2023. 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; Members John T. McQueeney, Charles W. Ferrar and Lynn M. Mason; Mandy Calvert, Liquor Inspector; Cathy Maxwell, Clerk to the Board. Jeffrey Thompson, Esq., Attorney for the Board, was not present.

**SPECIAL/TEMPORARY LICENSES:**

There were no Special/Temporary Licenses for the month of October, 2023.

**APPROVAL OF SEPTEMBER, 2023 MINUTES AND REPORTS:**

A motion was made by Mr. Beery, seconded by Ms. Mason, to approve the September 5, 2023 Minutes and the September, 2023 Liquor Inspector Report. By a vote of five in favor and none opposed, the motion passed.

**LIQUOR INSPECTOR:**

Ms. Calvert had no additional comments.

**LONG RANGE SENIOR PLANNER:**

Mr. Rob Tracey had no comments.

**EXPANSION OF PREMISES REQUEST:**

Joseph McQueeney, Esq., appeared before the Board on behalf of Amalfi Coast Italian & Wine Bar, 401 Love Point Rd., Stevensville, MD. Member John McQueeney recused himself from this discussion as he is the father of Joseph McQueeney, Esq. Mr. Joseph McQueeney, Esq. said this is the annual “Artober Fest” that will take place in Historic Stevensville on Saturday, October 7, 2023. This event was held last year. There are road closures, etc. Amalfi Coast is the only business that is in the confined shutdown area. Instead of confining the sale of alcohol to the premises of Amalfi Coast, they request a one-day expansion of premises so that people be allowed to purchase from Amalfi and walk through the Artober Fest area. The required Public Events Permit has also been filed with the Dept. of Planning & Zoning. Mr. Beery said the Special/Temporary License was issued this year to the Heritage Society which is a non-profit charity. They are going to sell drink tickets and retain one dollar from each ticket. He asked if Amalfi Coast is going to honor those tickets and Mr. McQueeney said, yes. Mr. Beery said all sales leaving the licensed premises will be sold by tickets. A motion was made by Mr. Beery, seconded by Mr. Ferrar, to approve the one-day expansion of premises for Amalfi Coast for October 7, 2023. By a vote of four in favor and none opposed, with Member McQueeney recused, the motion passed.

**GENERAL QUESTION:**

The Board reviewed an email request from Ms. Christine Little, A Little Farm & Nursery, 100 Davidson Dr., Stevensville, MD. Ms. Little was not present. She had requested a Special/Temporary license to sell alcohol at several events in October and December, 2023. Mr. Ransom said this is not a non-profit so she does not qualify for a Special/Temporary license. All members agreed.

**CHESAPEAKE OUTDOORS:**

The Board discussed an email request to remove Mr. Charles Nemphos as a Licensee. Mr. Beery said the Board will need a letter from Mr. Nemphos. Ms. Maxwell will follow up on this and this will be discussed at the November 7, 2023 monthly meeting.

**VIOLATION HEARINGS:**

The Board held a hearing regarding violations under § 6-304 and §27-1903 of the Alcoholic Beverages Code for MH Investment, Inc., trading as Squisitos Pasta & Pizza, 101 Outlet Center Dr., Queenstown, MD 21658. The charge involves: (1) the sale of alcohol to a minor; and (2) no one on premises with a current alcohol awareness certificate. This hearing was postponed at the September 5, 2023 meeting due to Mr. Martin Hernandez, Licensee, being ill. Mr. Hernandez, along with his Attorney, Joseph McQueeney, Esq. appeared before the Board. Member John McQueeney recused himself from this hearing as he is the father of Joseph McQueeney, Esq. Mr. Ransom administered the oath to all who were to testify. Mr. Hernandez is not contesting the charges. Mr. Ransom entered Ms. Calvert's letter with attachments to the Licensee dated 9/21/23 and the Notice of Intention to Defend as Board's Exhibit No. 1. A motion was made by Mr. Beery, seconded by Ms. Mason, that a violation occurred. By a vote of four in favor and none opposed, with Member McQueeney recused, the motion passed. Mr. Hernandez said his employee who made the alcohol sale will be taking the alcohol awareness class. She is the only employee that handles alcohol that is not certified. Mr. Hernandez, who is certified, was working that day but had to leave the restaurant for a short period of time and that is when the violation occurred. He said the other employee's certificates were in the office and were not accessible. There have been no previous violations for this business. Ms. Calvert said the employee was very cooperative when the violation occurred. Mr. Beery asked if there was a manager on site and Mr. Hernandez said, no. Mr. Ransom said he dines at Squisitos frequently and there are servers who bring the food to the table. He asked if these servers are alcohol awareness certified and Mr. Hernandez said the ones certified are those at the register and those who provide the alcohol. A motion was made by Mr. Ferrar, seconded by Mr. Beery, to impose a fine of \$500 for the sale of alcohol to a minor and impose a fine of \$100 for not having an alcohol awareness certified person on site. Total fines \$600 to be paid within the next ten (10) days. Mr. Ferrar said he would also like to put on the record that all servers handling alcohol will be certified within the next six (6) months. Mr. Hernandez said some employees only deliver the food to the tables and do not handle alcohol. Customers have to go to the register to order alcohol. By a vote of four in favor and none opposed, with Member McQueeney recused, the motion passed.

### **SHOW CAUSE HEARINGS:**

A Show Cause Hearing was scheduled today for Old Vine Cask & Keg, Inc., trading as The Winery, 116 S. Piney Rd., Chester, MD 21619 regarding an alleged Wine Tasting event that occurred off site. Mr. Ransom explained that a licensee is not required to contest or not contest the charges because a “show cause hearing” is to gather facts to determine if charges are appropriate. Ms. Jennifer DiDonato, Licensee, has requested a postponement to continue this hearing until the November 7, 2023 monthly meeting. Mr. Ransom said this is a reasonable request. A motion was made by Mr. Beery, seconded by Mr. Ferrar, to postpone this hearing to Tuesday, November 7, 2023. By a vote of five in favor and none opposed, the motion passed.

The Board held a Show Cause Hearing for KID320, LLC, trading as Kent Island Depot, 320 Romancoke Rd., Stevensville, MD 21666 regarding on site alcoholic beverages containing spirits. Kent Island Depot currently holds a Class “A” beer & wine license. Mr. Devin Walsh, Licensee, along with his Attorney, Joseph McQueeney, Esq. appeared before the Board. Member John McQueeney recused himself from this hearing as he is the father of Joseph McQueeney, Esq. Mr. Ransom administered the oath to all who were to testify. Mr. Joseph McQueeney said he was always under the assumption that if alcoholic beverages were below a certain percentage, they could be sold with a beer/wine license. He said if you look at the ingredients in a “Truly” that is made with alcohol, it does not state what kind of alcohol it is. Then there are “High Noons” that can be sold but “High Noon Tequilas” cannot be sold. Mr. Ransom said he received a call from Ms. Calvert who had received a complaint from a concerned citizen. He suggested that this matter seemed to deal more with the wholesaler rather than the retailer, Mr. Walsh. He requested Ms. Calvert to reach out to the Comptroller’s Office which she did. Ms. Calvert said the Comptroller’s Office investigation is not completed but they did contact the distributors and are holding them accountable. Mr. Ransom said this does appear to be a strict liability charging offense. Mr. McQueeney said the alcohol was on the premises but this was absolutely not intentional on the part of Mr. Walsh. He said those beverages have been sold at Kent Island Depot for years and he appreciates the concerned citizen pointing this out so it can be corrected. Mr. McQueeney said the distributors/wholesalers are aware that Mr. Walsh has a beer & wine license and they are allowing him to purchase these alcoholic beverages. He said he has tried to look at the statutes to define what is beer and what is liquor and he was unable to locate this. Mr. Beery said last year the MD Alcohol & Tobacco Commission sent out a bulletin on this and the 5% by volume rule was for confectionaries. For instance, if you have a bakery and are making a rum cake you don’t need a license to sell that, providing it is less than 5% by volume. It has nothing to do with alcoholic beverages per se. Mr. Beery said the distributors should be aware of this as they should have also received this bulletin. Mr. Ferrar said Mr. Walsh has a beer & wine license and he is not allowed to sell spirits. Ms. Mason asked Mr. Walsh how long he has been allowed to purchase these items before the concerned citizen came forward. Mr. Walsh said he purchased Kent Island Depot which had been selling those products for at least three years. He asked the previous owners if he was allowed to sell the items and was advised that he could and that they had passed previous inspections at least three times. Mr. Walsh said the distributors introduced themselves to him and advised him there is a fortified wine law that says he could sell any products under 22% alcohol with his license. They advised him they had his license on

file and he could not add to his cart on line if it is not allowed to purchase under his license. Mr. Walsh confirmed when he orders on line, he can't add anything to his cart that's not allowed under his license. All three of the distributors that sell to him said it was OK to sell these products. Mr. Walsh has operated the store since July, 2023 and no one had told him he could not sell these products. The previous owner was selling them and the distributors were telling him he could sell them. He said he read the Board's Rules & Regulations three times to make sure he was in compliance. He said all his employees are TIPS certified and he makes sure everyone is carded. He has a scanner to check ID's. He said these products are very popular and now he is more limited in what he can sell. Mr. McQueeney said he would still like to see more clarity on the exact limit of what is allowed under a beer & wine license. Mr. Ransom said he feels this is more appropriately handled by the Comptroller's Office. He said unless the Board objects, he suggested that Ms. Calvert ask the Comptroller's Office to handle this complaint with the wholesaler and the retailer rather than involving this Board. Mr. Beery said he wants to make sure that all Licensees understand that those beverages are not to be sold unless they have a beer, wine & liquor license. Mr. Ransom said the real issue is that the wholesaler should not be selling these products to the retailer and he is sympathetic to Mr. Walsh. He said it would be good for the Comptroller's Office to give the Board examples of legal products. Mr. Ransom said this should be handled by the Comptroller's Office and if they determine that the Licensee should be charged, then this Board will get involved. Mr. Beery asked Mr. Walsh what he did with these products that were in the store. Mr. Walsh said he took them off the shelf immediately while Ms. Calvert was still at the store and put them in the back room. He asked the distributor if they would be willing to take them back and they said they would pick them up. Nothing was sold since. Mr. Walsh asked the Board about the possibility of applying for a beer, wine & liquor license to allow him to sell these products. Mr. Ransom said the problem is that the majority of this Board voted to put a ban on Class "A" licenses in the Fourth Election District. He said there are exceptions and he suggested that Mr. McQueeney advise him on this. Mr. Walsh said an exception was a population increase and it has increased, especially on his side of the road. Mr. Ransom said this cannot be determined until documentation is provided. Mr. Walsh said losing these products is a financial hit to his business. He lives in this County now and people are telling him they are going across the Bridge to buy these products. Mr. Ransom said he is sympathetic to Mr. Walsh's situation and Mr. McQueeney can explain the process to amend the Rule. Mr. Ransom said this Show Cause matter is closed. No further action required at this time.

#### **DRUG FREE COALITION:**

Mr. Warren Wright appeared before the Board. He said thanks to a grant, the Whitsitt Center in Chestertown, MD now has twelve crisis stabilization beds for those who need it. Now you can walk in and they have all the services there. He said the biggest problem in Queen Anne's Co. is kids vaping. The nicotine content in vape is stronger than cigarettes. He said Queen Anne's Co. has been searched by the Cannabis Commission and all those products that are not supposed to be sold after July 1 have been pulled. Mr. Ransom said there is very little regulation of what's going into non-franchised gas stations. He said at least if they are buying the product from a licensed retailer, there are rules and requirements, they are testing the catches and you know what you're getting.

**ROUNDTABLE:**

The Board discussed the upcoming MALA Conference in Ocean City on October 15-17, 2023. Mr. Ransom reminded the Board members to save their receipts for reimbursement. He said to comply with open meeting rules, three or more Board members may be attending the MALA Conference.

Concerning delivery permits, Mr. Ransom asked if inspections are done on these. He said he has heard in other states that it is common practice for underage persons to go on line and order alcohol. This County currently has seven businesses with delivery permits. Mr. Ransom asked if we have ever ordered from them to see if they would deliver to a child. Mr. Beery said the Board's Rules & Regulations require the Licensee to maintain a log and they obtain identification upon delivery. Mr. Ransom said this could be done like a compliance check, get an underage person to order alcohol on line. Ms. Calvert said she can do this. Ms. Mason said she has had alcohol delivered and they require an adult to sign for it.

Ms. Maxwell said all fines from the September 2023 meeting have been paid.

**ADJOURN:**

There being no further business, the meeting was adjourned to meet again on Tuesday, November 7, 2023.

Respectfully Submitted,

Cathy Maxwell  
Clerk

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