

**Meeting Minutes
Board of License Commissioners
Caroline County, Maryland**

DATE: Wednesday, April 17, 2019

PLACE: Health & Public Services Building
403 S. 7th Street, 1st Floor, Room 110
Denton, Maryland 21629

BOARD MEMBERS: Greg Eigenbrode, Chairman
Nick Loukides, Vice-Chairman
Glen Plutschak, Member
Michael Mann, Alternate

OTHERS PRESENT: Crystal Dadds, Asst. Director of Codes
Heather Price, County Attorney
Phillip Moore, Alcoholic Beverage Inspector
Melanie Smith, Administrative Assistant to the Boards

Chairman Eigenbrode called the meeting of the Caroline County Board of License Commissioners to order at 9:35 a.m.

TEMPORARY LICENSES

BEER & WINE TASTING – BARGAIN BEVERAGE – Denton, MD

Bargain Beverage applied for a one-day beer and wine tasting/sampling license which can be issued for no more than 26 times in a calendar year. They have not planned the dates yet but will notify staff at least five days in advance of any event and pay the \$50.00 per day license fee.

Motion: Mr. Loukides motioned to approve the application for no more than 26 days on the condition that staff is notified five days in advance of each event.

Second: Mr. Plutschak seconded the motion.

In Favor: The motion was unanimously approved (3-0).

LICENSE RENEWALS

SHELDON'S 313 – GREENSBORO, MD, 21639

Ms. Dadds reminded the Board that at the annual license renewal meeting, neither Sheldon's 313 nor 404 Taphouse had submitted the necessary documents for renewal. The Board directed staff to notify them that they were granted a grace period until April 16, 2019 to submit the missing paperwork.

Ms. Dadds read the notification that was mailed April 8, 2019 to Sheldon's 313, the Sheldon's residence and Mr. Mullins residence, which she also followed up with an email. The letter listed the documents that were outstanding.

On Friday, April 12, 2019, Steven Dial, who is Mr. Mullins' business partner, came in to speak to Ms. Dadds. Mr. Dial informed her that Mr. Mullins has washed his hands of the Sheldon's establishment. Mr. Dial, who was only supposed to be a silent partner, asked for direction on how to proceed. Ms. Dadds gave him a list of what was outstanding. Mr. Dial informed her that Mr. Mullins had given him copies of the required paperwork for the transfer, but he thought it was already filed. He was unsure at this point if he was better off to shut the establishment down or proceed as planned.

Ms. Dadds never received a response from the Sheldons. On April 16th she called to remind Ms. Sheldon the deadline for the paperwork was 4 pm. Ms. Sheldon stated that she had canceled the Workers' Compensation Insurance on April 9th because Mr. Mullins was supposed to have taken it over. She told Ms. Dadds that she would take care of that right away. She also informed her that she had taken her Sales and Use Tax paperwork to Salisbury that day but would not have a confirmation for 48 hours.

Ms. Sheldon was aware of the situation with Mr. Mullins and Mr. Dial and assured Ms. Dadds that she was willing to work with Mr. Dial as he worked all of this out.

Ms. Dadds was told the license holder will be Ernest Bradley should the transfer occur. Chairman Eigenbrode confirmed that, as this point, Mr. Mullins and Mr. Dial only own the property and the building.

Chairman Eigenbrode stated that without the license fee being paid nor the Comptroller's clearance or Workers' Compensation the Board was still unable to approve the application. He is also concerned that they intend to close the business rather than transfer it in order for the fines not to be used against the new owner.

If that should occur, Ms. Price will file a lien against their property for the amount due. The Board agreed to give them a third chance to get the paperwork in by April 30, 2019. If it is not, the license will naturally void and Inspector Moore must pick them up.

Motion: Mr. Plutschak motioned to approve Sheldon's license renewal provided that the certificate of Workers' Compensation Insurance, Release from the Comptroller's Office for Delinquent Sales & Use Tax, the 2019 State Business License and \$1900 License fees are submitted no later than April 30, 2019. All fines must be paid by April 26, 2019 in the form of a cashier's check or money order.

Second: Mr. Loukides seconded the motion.

In Favor: The motion was unanimously approved (3-0).

Motion: Mr. Plutschak motioned to direct Inspector Moore to pick up Sheldon's license for their suspension by 4:30 p.m. today if it has not been dropped off to the office.

Second: Mr. Loukides seconded the motion.

In Favor: The motion was unanimously approved (3-0).

Chairman Eigenbrode amended the agenda to hear Nich's request before going on to the next license renewal application.

THIRD THURSDAYS – NICH'S – Denton, MD

Ms. Smith explained that Ms. Koski, owner of Nich's, applied to temporarily expand her premise to participate in a town event on Thursday April 18th from 5:30 pm to 8:30 pm. She would like to have acoustic music on the green in front of her establishment and allow patrons to carry their drinks to the lawn to enjoy the music. The property belongs to the Town of Denton and she stated that the Town approved her request but was not aware she would be allowing alcohol on the property.

Nich's is located on N. Third Street between Gay and Market Street and the green is across from Nich's on Third Street. The Board asked if she received approval from the Denton Police Department for the event. She stated that she had although she did not ask that the road be shut down.

Inspector Moore explained that if a person were to walk across the street with an open container, they would be breaking the law. Mr. Mann added that they would also want her to cordon off the area to prevent unsupervised access and egress to the area. Inspector Moore suggested a simple and acceptable means of blocking off the area. He advised her the road would have to be shut down for the event.

She explained that she would sell the alcohol from her establishment and they would be allowed to walk across the road to sit and listen to the music. The event was scheduled for the next day and Ms. Koski would not have the necessary approvals in time therefore the request was denied. She thanked the Board for their advice so that she will be more prepared when she applies to do the same in the future.

404 TAPHOUSE – DENTON, MD, 21629

404 Taphouse had not submitted the necessary documents for the annual license renewal. The Board directed staff to notify them that they were granted a grace period deadline of April 16, 2019 to submit the missing paperwork.

Ms. Dadds did not receive a response from Mr. Mullins until April 15, 2019. After several attempts Ms. Dadds finally received an email from the property owner which included the Statement of Premise Owner and that the original was in the mail.

They received a letter from BBSI (Barrett Business Solutions Company) stating that Worker's Compensation for the 404 Taphouse was not being maintained through an insurance company but is self-insured through them. This is the first anyone has heard of such a thing and Ms. Price requested time to research its validity. The Board asked that she also contact the previous insurance holder to ask if there has been a lapse in service.

The Board asked what Mr. Mullins had left to submit.

- Copies of Alcohol Awareness Certificates
- Ms. Price to approve the Workers Compensation document
- 2019 State Business license
- Clearance from the Comptroller
- Individual Storage Permit renewal – current permit expired 10/31/18 (Ms. Dadds spoke to the Comptrollers Office on April 15 and they had not yet received an application)

The License fee and late fee has been paid and Mr. Mullins did finally fill out the Food and Alcohol Report.

The Board discussed whether or not they should have Inspector Moore confiscate the alcohol in the storage box. They agreed that the license was contingent on their having a permit to store the alcohol in the unit. Mr. Mullins was aware of this and allowed the permit to expire six months prior to renewals.

Ms. Price suggested that she could call the Comptroller’s Office to discuss how to handle this before the Board voted. Then they would not be inadvertently overstepping the Comptroller’s agents.

Motion: Mr. Loukides motioned to approve 404 Taphouse’s license renewal on the condition that the following is submitted by April 30, 2019: A copy of all TIPS certifications, the “Self-Insured” Workers’ Compensation letter is legally sufficient, the 2019 business license, Clearance from the Comptroller’s Office for delinquent sales & Use Tax, and an up to date Individual Storage Unit permit.

Second: Mr. Plutschak seconded the motion.

In Favor: The motion was unanimously approved (3-0).

CONSENT AGENDA

March 2019 Liquor Board Minutes.

Motion: Mr. Loukides motioned to approve the March 2019 minutes as written.

Second: Mr. Plutschak seconded the motion.

In Favor: The motion was unanimously approved (3-0).

April 2019 License Renewal Minutes.

Motion: Mr. Plutschak motioned to approve the April 5, 2019 minutes as written.

Second: Mr. Loukides seconded the motion.

In Favor: The motion was unanimously approved (3-0).

Sheldon’s Decision.

Motion: Mr. Loukides motioned to approve Sheldon’s decision as written.

Second: Mr. Plutschak seconded the motion.

In Favor: The motion was unanimously approved (3-0).

DISCUSSION

Ms. Dadds recalled the violation they heard for selling alcohol when a license was suspended. While the Board could act on the State provision, she suggested they add similar language to the County Rules & Regulations. Ms. Price will draft an amendment for signature.

Mr. Plutschak would like to have on the next agenda a discussion about reckoning periods for major and minor offenses. Ms. Price reminded them that they will now want to add, not paying a fine, to the matrix. Because this violation was first offended this year, the Board was unsure how to rule on it.


INSPECTORS REPORT

Inspector Moore discussed his inspections for the month. He informed them that there will be a show cause hearing scheduled for the next meeting.

There being nothing further to discuss Chairman Eigenbrode adjourned the meeting at 10:41 am.

BOARD OF LICENSE COMMISSIONERS

Greg Eigenbrode, Chairman



Minutes prepared by: Melanie Smith