

**BOARD OF LICENSE COMMISSIONERS
CARROLL COUNTY, MARYLAND
MINUTES**

On June 10, 2015, the Board of License Commissioners met in Room 003/004 of the Carroll County Office Building, 225 North Center Street, Westminster, Maryland 21157. Board members Roland Meerdter, Chairman, Robert Tabler, and David Brauning were present as well as Assistant County Attorney Timothy Dixon, Counsel to the Board, Jo Vance, Administrative Hearings Coordinator, Charles Kaizer, Chief Liquor Inspector, and Keith Benfer, Liquor Inspector.

10:00 a.m., the Board addressed the following official business:

1. A hearing was held in the matter of **Case 5847**, violation – sale to a minor by a Class B – Beer, Wine and Liquor license issued to Kam Lit Wong and Wei Chu Wong for the use of Lam Wong, Inc., t/a China Dragon Restaurant, 6300 Georgetown Blvd., Eldersburg, Maryland 21784. Testimony was given by Inspector Benfer that alcohol was sold to an underage volunteer by a server who asked for ID but was confused by the vertical license. It was the first day on the job for the server. After testimony, the Board voted unanimously to find the establishment culpable in the matter and fined them \$300.00 for the first offense.
2. A hearing was held in the matter of **Case 5848**, violation – sale to a minor by a Class B – Beer, Wine and Liquor license issued to Jamie Sauro for the use of FS Rest, Inc., t/a New York J & P Pizza, 6252 Sykesville Road, Eldersburg, Maryland 21784. Testimony was given by Inspector Benfer that alcohol was sold to an underage volunteer by a server who asked for ID but misread the date of birth. The server stated at the time that she thought the date of birth was 1985, but it was 1995. After testimony, the Board voted unanimously to find the establishment culpable in the matter and fined them \$300.00 for the first offense.
3. A hearing was held in the matter of **Case 5852**, violation – sale to a minor by a Class C – Beer, Wine and Liquor license issued to Ryan Scott Kraushofer, Vicki L. Snyder & Shawn S. Snyder for the use of WN Beverage Corporation, t/a Westminster National Golf Course, 2158 Littlestown Pike, Westminster, Maryland 21158. Testimony was given by Inspector Benfer that alcohol was sold to an underage volunteer by a server who did not ask for ID. The server gave no reason for not asking for ID and he was unpleasant and uncooperative with Mr. Benfer. After testimony, the Board voted two to one to find the establishment culpable in the matter and fine them \$300.00 for the first offense.
4. A hearing was held in the matter of **Case 5853**, violation – sale to a minor by a Class C – Beer, Wine and Liquor license issued to Brian Wedemeyer, Robert Nester and Harry Schafer, for the use of Sykesville Memorial Post #223 (American Legion), t/a Sykesville Memorial Post 223, 7327 Slacks Road, Sykesville, Maryland 21784. Testimony was given by Inspector Benfer that alcohol was sold

to an underage volunteer by a server who did not ask for ID and no reason was given for not asking for the ID. Mr. Wedemeyer, the licensee, testified that the underage buyer should not have been served, nor should he have even been allowed into the establishment since he was not a member. After testimony, the Board voted unanimously to find the establishment culpable in the matter and fined them \$300.00 for the first offense.

The Board then adjourned for a break at 11:20 a.m.

At 2:00 pm, the Board addressed the following official business:

5. A hearing was held in the matter of **Case 5855**, violation - sale to a minor by a Class D – Beer and Light Wine Liquor license issued to Steven M. VonBussenius and Jamie M. Roden for the use of WMU, LLC, t/a Artisan Wine Company, 61-1/2 East Main Street, Westminster, MD 21157. Inspector Benfer testified that an underage volunteer entered the establishment with the intent to purchase alcohol. The servers who waited on the volunteer did not ask for ID and served him. Mr. VonBussenius testified that the manager had called out and that their policy was that a manager has to be on duty at all times. Instead of a manager, there were two bartenders where there would normally only be one. He also testified that the manager was fired because of this. After testimony, the Board voted unanimously to find the establishment culpable in the matter and fined them \$300.00 for the first offense.

The Board addressed the following items in their Business Meeting:

6. The Board approved the following one-day liquor license requests for outdoor events: a request from the Kiwanis Club of Westminster to hold a beer and wine garden at the Farm Museum on July 4, 2015; a request from the Sykesville American Legion to hold two outdoor events in their Pavilion on July 4 and July 18, 2015; a request from the Carroll County Public Library to hold their Farm to Fork outdoor event on August 15, 2015; a request from the Community Foundation of Carroll County – Taneytown Main Street to hold a wine festival outdoor event at Taneytown Park on June 20, 2015.
7. The Board accepted correspondence from the following establishments: a letter from Papa Joe's restaurant informing the Board that they have decided not to have outside seating because of the expense involved; a notice from E.W. Beck's that Keith Watson has bought 42 shares of stock in the establishment; a letter from Hampstead Pizza Hut that Gregory Hendrickson has sold his stock back to the company and will be resigning as a licensee.
8. The Board discussed a request from Liberatore's Ristorante in Eldersburg to add outside seating at the front of their restaurant. After consulting with Inspector Kaizer and looking over the plans for the outside seating, the Board approved this request.

9. There was an appearance by the licensees and management of Salerno's Restaurant concerning the DWI reports for 2014. There were four reports of drivers who self-reported that they had been drinking at Salerno's. The Board understood that there might be mitigating circumstances regarding where and how much alcohol had been consumed by the drivers, but because the same circumstances could be possible for all establishments, they cautioned Salerno's about being more vigilant about over serving their clientele. The representatives from Salerno's testified that they have added cameras for the inside and the parking lot and that they take these reports very seriously. To date for 2015, there has only been one DWI report on their establishment.

10. There was an appearance by individuals involved in the Community Foundation of Carroll County – Sykesville Main Street to discuss the wine festival that was held in Sykesville on May 3, 2015. The parameters for containment of the alcohol at the festival were changed from what the Board had approved and the Board asked these representatives to explain why the plans were changed, and informed them that they were in violation of State law by allowing the participants to walk the streets and go in and out of licensed establishments with the alcohol that they had purchased. Audrey Cimino of the Community Foundation testified that as the licensee that she took full responsibility for the error, but that the new town hire, Steven Colella was the one who made the last minute change in the plans, not realizing that he could not do that without Board permission. Several people testified to the success of the wine festival, including Ms. Cimino and Mr. Colella there were also Police Chief Michael Spaulding, Leo Keenan with the town; Fred Gossage with the town, Jennifer Truby with Market Tavern and Jackie Jones with the Community Foundation. All testified as to the success of the festival and their desire to keep this format. The town had gotten permission from the State Highway Administration to close the road. The only complaints that were mentioned were from Stewart Dearie of Baldwin's Station because he felt the barricade was in a location that made access to his establishment difficult, and Peter Truby of Market Tavern had called in a complaint about people coming in and out of his business with alcohol purchased from other vendors. The representatives answered questions about how the area was policed to prevent over-intoxication and underage drinkers. The representatives reported that arm bands were given to those who could participate and that all entrances and exits were covered by police and auxiliary police. The Board asked Mr. Dixon to investigate whether or not there is a passage in the law that could be used to allow this type format. In the event that there is not, the Board suggested that they seek legislation that would allow for the street format for the festival because the Board cannot override State law.

11. The owner and manager from Stables Restaurant appeared before the Board to request permission to hold outside events every Sunday afternoon during the summer. The Board had given permission for an outside event on May 31, 2015 and it was such a success for Stables that they are hoping to have an event every Sunday. The following Sunday, they did not have an event that took place on the parking lot, but they did have a band and a noise complaint about the band was

called into the office and to the police. After discussion, the Board agreed to let Stables hold the outside events for the next four, consecutive Sundays. After that, they will appear before the Board in July for reports of the outcome and any complaints that might be received. At that time, the Board will rule on the possibility of future events. The Board stressed that this was a temporary permission and does not extend their licensed premises.

12. When asked if there was any legislation that the Board wanted to propose for this year's legislative session, Mr. Brauning mentioned that he would like to see a bill proposed and passed that would make servers liable and able to be penalized for serving minors. Mr. Tabler concurred with Mr. Brauning. Mr. Meerdter noted that a bill of that nature had been proposed several years ago and it never made it into committee. Mr. Brauning felt that it would be worth presenting again. The final decision was that a letter should be sent to the Carroll County delegation asking them to research the previous bill and to request that they submit that bill again or in the alternative, draft a new bill.

The meeting adjourned at 4:30 p.m.

Respectfully submitted by:

Jo Vance
Administrator Hearings Coordinator
Office of Administrative Hearings