

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

On October 14, 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, Leslie Connolly sitting in for Jo Vance, Administrative Hearings Coordinator, Charles Kaizer, Senior Liquor Inspector, and Keith Benfer, Liquor Inspector.

10:20 a.m., the Board addressed the following official business:

1. A hearing was held in the matter of **Case 5886**, violation – sale to a minor by a Class B – Beer, Wine and Liquor license issued to James Serra and John H. Serra for the use of Serra Brothers Italian Deli, Inc., t/a Serra Brothers Italian Deli, 2021 Liberty Road, Eldersburg, Maryland 21784. Inspector Benfer testified that on August 12, 2015 at approximately 7:10 pm, a 19 year old volunteer entered the establishment and ordered 2 bottles of Budweiser beer. The bartender, Dawn Clayton testified that she could not see the date of birth on the license due to sun glare. She advised that her TAM certification is not up to date. James Serra testified that he has been in business for 19 years and that he has only had one violation during that time. He has passed all prior compliance checks. He stated that he has mostly an older clientele. Mr. Tabler made a motion to impose a \$300.00 fine, Mr. Brauning seconded and the Board voted unanimously to find the establishment culpable in the matter and fined them \$300.00.
2. A hearing was held in the matter of **Case 5887**, violation – sale to a minor by a Class BW – Beer and Wine license issued to Daniel P. Schuman and Michael L. Schuman, for te use of Captain Dan’s Crabhouse, Inc., t/a Captain Dan’s Crabhouse, 2021 Liberty Road, Eldersburg, Maryland 21074. Inspector Benfer testified that on August 12, 2015 at 7:35 pm, a 19 year old volunteer entered the dining area and ordered a bottle of Budweiser beer. The bartender, Chelsea Spriggs testified that there was no reason why she did not card the volunteer. She stated that she is TAM certified and that she did not lose her job due to the incident. Inspector Benfer testified that the owners were polite and cooperative during the incident. The establishment has passed a compliance check since this incident. Captain Dan’s had a prior violation in January 2015 but no further violations since this date. Mr. Tabler made a motion to impose a \$600.00 fine, Mr. Brauning seconded the motion and the Board voted unanimously to find the establishment culpable in the matter and fined them \$600.00.
3. A hearing was held in the matter of **Case 5880 and 5889**, violation – sale to a minor by a Class A – Beer, Wine & Liquor license issued to Douglas Metz and Cynthia Pehl, for the use of Ztem, Inc., t/a Gourmet Wine & Spirits, 25 Liberty Road, Sykesville, Maryland 21784. The licensees were represented by Robert Gatta, Esq.

With regards to **Case 5880**, Inspector Benfer testified that on August 5, 2015 at approximately 6:15 pm, a 19 year old volunteer entered the establishment with the intent to purchase alcohol and was offered a sample of Sriracha Pale Ale. The volunteer was not asked for identification before receiving the two ounce sample of alcohol. The volunteer left the store with the sample to confer with Inspector Benfer. Inspector Benfer advised the volunteer to pour the sample out and return to the establishment and purchase a six pack of beer. He returned to the store and purchased a six pack of Sriracha Pale Ale and was again not asked for identification. He then left the store with the purchase. Upon entering the establishment, Inspector Benfer met with Daniel Palmer and John Gripe, who had no reasons why they did not ask for identification and neither of whom are TAM Certified.

With regards to **Case 5889**, Inspector Benfer testified that on September 1, 2015 at approximately 7:00 pm, he had an 18 year old volunteer enter the establishment with the intent to purchase alcohol. The volunteer purchased a six pack of Blue Moon beer. At no time was he asked for any identification. The clerk who waited on the volunteer, John Reed, did not have any reason for not carding the volunteer. Mr. Reed is also not TAM certified and was the person in charge of the store that evening. The store employees were polite and cooperative during both incidents. Gourmet Wine & Spirits has passed all prior alcohol compliance checks.

Cynthia Pehl then testified on behalf of the establishment. She advised that all individuals involved have been reprimanded and all employees are to be TAM Certified. She advised that she has asked all employees to read and sign a copy of a September 19, 2015 Washington Post article in which two individuals died in an alcohol related accident. This article is now to be part of any new employee training. Their policy is that anyone coming into the establishment that appears to be younger than 35 will need to be carded. During the hearing, she advised that that she intended to raise the age of appearance when people would need to be carded. She also intended to place signs around the establishment to let customers know that they could be carded. The Board then adjourned to seek the advice of counsel, and upon their return, the found establishment culpable in selling alcohol to a minor and fined them \$300.00 in **Case No. 5880** and \$600.00 in **Case No. 5889**.

Upon a motion by Mr. Tabler, and seconded by Mr. Meerdter, the minutes of the September 11, 2015 meeting were approved upon a unanimous vote by the Board.

The Board then moved into the Business Meeting portion of the Hearing.

Mr. Brauning then posed a question to the Board. He asked if there is any limitation on one day liquor licenses for any particular applicant. Inspector Kaizer advised that there is no limitation.

1. A one day liquor license application for an outdoor event by Audrey Cimino of the Community Foundation of Carroll County for a beer festival in Mounty Airy on October 17, 2015. Inspector Kaizer advised the Board that all information has been

received and the application is complete and that he saw no issues with the event. The Board voted unanimously to approve the request.

2. A faxed letter from Miia Illiano of the Mount Airy Green Turtle informing the Board that she is resigning as Resident Agent for the establishment 30 days from September 21, 2015. Inspector Kaizer advised that he had spoken to Ms. Illiano and that she reiterated her desire to be removed from the license within 30 days. Inspector Kaizer advised that she is now willing to stay on the license until a replacement is named. Mr. Tabler made a motion if the Board has not received a notarized letter by October 21, 2015, then the license would be revoked. It was decided to table this issue until the afternoon for further discussion.
3. Fax from J&P Pizza, Mount Airy with attached floor plan drawings with minor changes – requesting Board permission. Inspector Kaizer advised that he had met with Mr. Illiano and feels that there are no issues with the renovation. The Board approved the request.
4. One day liquor license application for an outdoor event by Audrey Cimino of the Community Foundation of Carroll County for a Chili Cook Off and Beer Festival on Saturday, November 7, 2015. Inspector Kaizer advised that the Town of Sykesville has approved the event. The Board approved the request.
5. A discussion was held regarding the situation regarding Tom Dougherty of BJ's Liquors who lost his lease in July. He is still currently looking for a new location and has two realtors assisting him. He has not been successful in acquiring a new location. The Board decided that they would give Mr. Dougherty until April, 2016 to find a new location. If no new location by then, Mr. Dougherty would not be able to renew his application.
6. A discussion was held regarding the date for the November meeting. The date needed to be changed to November 4, 2015 due to the scheduled date of November 11, 2015 being a county holiday. After much discussion it was decided to see if the alternate is available for November 4, 2015.

AT THIS TIME, THE BOARD ADJOURNED FOR A LUNCH BREAK.

4. A hearing was held in the matter of **Case 5890**, application of William B. Russell and Mihail Sakellis for the use of Y & M Restaurant, LLC, t/a Basta Pasta Italian and Seafood Ristorante, 5957 Exchange Drive, Suites 100-104, Eldersburg, Maryland 21784 in Election District 14. The applicants were represented by Mike Ritchey, Esq. of Stoner, Preston & Boswell.

The first applicant to testify was William Russell of 3222 Wheatfield Road, Finksburg, Maryland 21048. He advised that he would be the resident agent on the license and that he has been a Carroll County resident for 19 years and is a registered voter and pays property tax. He has been employed by St. John Properties for three

and half years. He has a clean criminal record and has previously held a liquor license in Baltimore County. He has never applied for a liquor license in Carroll County. He has put up \$5,000.00 of his own personal funds for the restaurant and plans to become TAM certified.

John Livaditis testified as part owner of the new business. He is a resident of Perry Hall, Maryland and stated that he and his uncle have locations of the same restaurant in Timonium and Fallston. They would have the same menu at the Eldersburg location as they have in their other locations.

Mihail Sakellis testified as part owner of the new business. He stated that he and John Livaditis would be co-owners.

William Holtzman testified that he is the leasing manager of St. John Properties. He stated that the lease would have to be renegotiated as the company receiving money due to the percentage of sales related to alcohol is not permitted in Carroll County.

Chris Carroll and Tammy Lofink, both of Eldersburg, Maryland testified as accommodation witnesses acknowledging the need for such an establishment in the area.

Character witnesses testifying as to character and fit and proper requirement of the resident agent, Mr. Russell, were Denise McVey of Westminster and Bruce DeAnthony of Westminster. Character witnesses testifying as to the character of Mr. Sakellis were Susan Kelly of Perry Hall and Jeff Caton of Bel Air, Maryland.

In closing remarks, Mr. Ritchey advised the Board that the Eldersburg location of Basta Pasta hopes to employ 40 workers in their restaurant. They will all be TAM certified. The owners hope to open in the spring of 2016.

Mr. Brauning made a motion that the license be granted; it was seconded by Mr. Tabler. The Board unanimously approved the application as presented.

The Board then revisited the issue regarding Miia Illiano. Mr. Tabler made a motion to extend the license until October 22, 2015. The license was suspended if no new resident licensee application by October 22, 2015. The Board was in agreement.

Respectfully submitted by:

Leslie J. Connolly for Jo Vance
Administrator Hearings Coordinator
Office of Administrative Hearings