

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

On November 4, 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 Robert Tabler, Chairman, David Brauning and George Harmening were present as well as Assistant County Attorney Timothy Dixon, Counsel to the Board, Jo Vance, Administrative Hearings Coordinator, Charles Kaizer, Senior 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 5894**, violation – sale to a minor by a Class B – Beer, Wine and Liquor license issued to Sun Hui Ye and Xu Chen, for the use of Tao Asian Cuisine, LLC, t/a Tao Asian Cuisine, 1834 Liberty Road, Eldersburg, MD 21784. Inspector Benfer testified that an underage volunteer entered the establishment and ordered a bottle of Sam Adams beer. The server did not ask for an ID and served the beer to the volunteer. It was the first day on the job for the server and he was not TAM certified. He was fired because of this incident. Since that day, the establishment has hired a manager and does some in house training. Mr. Brauning made a motion to impose a \$300.00 fine and require the establishment to have all employees TIPS or TAM trained within six months of this decision. Mr. Harmening seconded and the Board voted unanimously to find the establishment culpable in the matter and fined them \$300.00 with the stipulation of the required training.

Upon a motion by Mr. Brauning, and seconded by Mr. Harmening, the minutes of the October 4, 2015 meeting were approved upon a unanimous vote by the Board.

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

Emails were presented to the Board notifying of changes in operating hours for Crossroads Liquors and Artisan Wine. Both changes were approved by the Board

The Board received a faxed letter from the Whiskey Basket informing them of a ten day closure from 10/23 through 11/2/15. This was accepted by the Board

There was an email from EW Beck's requesting permission to allow their patrons to carry alcohol to and from their establishment during the Sykesville Chili and Craft Beer Festival on 11/7/15. After testimony from Inspector Kaizer regarding this request the Board voted unanimously to allow their request.

A revised map of the boundaries for the Sykesville Chili and Craft Beer Festival was presented to the Board and explained by Inspector Kaizer. Upon a motion by Mr. Brauning and seconded by Mr. Harmening, the Board voted unanimously to accept

the revised boundaries for the festival.

2. A hearing was held in the matter of **Case 5895**, violation – sale to a minor by a Class A – Beer, Wine and Liquor license issued to Shilpa Patel for the use of Shilpa, Inc., t/a Ye Olde Package Goods, 887 Sandosky Road, Sykesville, MD 21784. Inspector Benfer testified that an underage volunteer entered the store to purchase a six pack of Sam Adams beer. The clerk, Jonathan Brown, asked for ID but sold the beer to the volunteer. He stated that he was looking for a “red stripe” on the ID and did not see one. Ms. Patel testified that she personally trains her employees about checking IDs and she also said that it was store policy to not accept any vertical licenses. Mr. Brauning made a motion to impose a \$300.00 fine, Mr. Harmening seconded the motion and the Board voted unanimously to find the establishment culpable of the violation in the matter and fined them \$300.00.
3. A hearing was held in the matter of **Case 5897**, violation – sale to a minor by a Class D – Beer and Wine license issued to Ridia Anderson Dearie for the use of Cork and Bottle Spirit Shoppe, Inc., t/a Cork and Bottle Spirit Shoppe, 7615 Main Street, Sykesville, MD 21784. Inspector Benfer testified that an underage volunteer entered the establishment with the intent to purchase alcohol and took a bottle of wine to the counter for purchase. The clerk asked for ID, but did not remove the license from the wallet and sold the wine to the volunteer anyway. Ms. Dearie testified that the clerk was a relatively new employee and had not been TAM certified at the time. The clerk is now trained. Ms. Dearie and her manager testified to the on-site training that they give and that employees will be TAM trained in the future. The Board adjourned briefly to speak with Counsel. Upon the Board’s return, Mr. Brauning made a motion to find the establishment culpable of the violation and to fine them \$600.00 for this second offense within three years. Mr. Harmening seconded the motion and upon a unanimous vote the Board fined them \$600.00.
4. A hearing was held in the matter of **Case 5898**, an application for a new Class B – Beer, Wine and Liquor license to be issued to Roberto C. Flores and Thomas Clayton Barrow for the use of Tex Mex in Maryland, LLC, t/a Habaneros, 330-140 Village Road, Units 16-18, Westminster, MD 21157 in Election District 7. Richard Titus, counsel for the applicants, presented the request and then took testimony from the applicants. Mr. Flores and Mr. Barrow will each have 50% ownership of the business. Neither applicant had experience in the restaurant trade or alcohol service, but they are familiar with running small businesses and they are both TAM certified. They testified that all employees will be TIPS or TAM certified. Mr. Titus then proffered the character witnesses and accommodation witnesses’ testimony and asked that the Board accept their testimony by all present being asked to confirm their testimony. The Board allowed this testimony. After questions and testimony, Mr. Brauning made a motion that contingent on all approvals from various State and County agencies, that the license be approved. Mr. Harmening seconded the motion and upon a unanimous vote, the Board approved the license.
5. A hearing was held in the matter of **Case 5899**, an application for the transfer of a Class A – Beer, Wine and Liquor license to be issued to Sunil Vasavada and Mita

Badshah for the use of Sunny's Fine Wines and Liquors, Inc., t/a Londontowne Liquors, 1311 Londontowne Blvd., #220-225, Eldersburg, MD 21784 in Election District 5. Michael Ritchey appeared as counsel for the applicants. Mr. Ritchey presented the request for transfer and indicated the Mr. Vasavada and Ms. Badshah would be the equal owners in the establishment. They are both TAM certified and two of their part-time employees are TAM certified. They testified that all of their employees will be TAM certified. Ms. Badshah is a principal at a school in Frederick County and Mr. Vasavada is a pharmaceutical representative who works from home. They will both be heavily involved in the business, but Ms. Badshah much more so when she retires from the school system in 2017. Mr. Ritchey took testimony from the former owner that he was a willing participant in this application request. He also took testimony from character references for the applicants. Upon a motion by Mr. Brauning and a second by Mr. Harmening, the application was approved for the transfer.

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

6. A hearing was held in the matter of **Case 5900**, violation – sale to a minor by a Class B – Beer, Wine and Liquor license issued to Joanne Edwards and James Dichiara for the use of Mount Airy Tavern, LLC, t/a The Mount Airy Tavern, 1001 Twin Arch Road, Mount Airy, MD 21771. The establishment was represented by Brooks Leahy, Esq. Inspector Benfer testified that the underage volunteer entered the establishment and asked for a table and ordered a Coors Light which she stated was for her boyfriend who would arrive shortly. The server, Kayla Brown, served the beer and did not ask for any ID. She stated that she got confused by the order being placed for the boyfriend, but realized later that she should not have served the beer until the boyfriend arrived. Mr. Dichiara, the owner and chef, testified that all of his employees are TAM or TIPS certified, but that he was also instituting a rewards program of paying \$100.00 for catching an age compliance check or an underage buyer. Because this was the third violation in a short period of time, Mr. Brauning made a motion to find the establishment culpable of the violation and fine them \$1,200.00 for the third offense. Mr. Harmening seconded the motion and the Board voted unanimously to fine them \$1,200.00.
7. A hearing was held in the matter of **Case 5885**, violation – sale to a minor by a Class BC – Beer, Wine and Liquor with catering license issued to Jose Liberatore and Juan C. Liberatore, for the use of Due Fratelli, Inc., t/a Liberatore's Ristorante, 6300 Georgetown Blvd., Eldersburg, MD 21784. Juan and Jose Liberatore appeared on behalf of the business. Inspector Benfer testified that an underage volunteer entered the establishment with the intent to purchase alcohol. The volunteer sat at the bar and ordered a Budweiser bottle of beer. Ms. Gordon, the bartender, did not ask for ID. Mr. Liberatore testified that they believed they were culpable, but that they were going to have a training at their restaurant to make sure all servers and bartenders are TIPS or TAM certified. They also noted that they have been in business for 27 years and this is their first violation. Because this was the first violation, Mr. Brauning made a motion to find the establishment culpable of the violation and fine them \$300.00. Mr. Harmening seconded the motion and the Board voted unanimously to fine them \$300.00.

8. A hearing was held in the matter of **Case 5901**, violation – sale to a minor by a Class C – Beer, Wine and Liquor license issued to Alan N. Yeater, Mark R. Bailey, and William L. Guilday, for the use of VFW Four Counties Post 10076, t/a VFW Four Counties Post 10076, 107-109 S. Main Street, P.O. Box 13, Mount Airy, MD 21771. Inspector Benfer testified that an underage volunteer entered the VFW and sat at the bar and ordered a Bud Light. The bartender, Dorothy Norwood, did not ask for ID and served the beer. Mr. Bailey and Mr. Guilday appeared for the VFW and they testified that they had failed on two fronts because the volunteer should not have been let in, let alone served the beer. Upon a motion by Mr. Brauning and seconded by Mr. Harmening, the Board voted unanimously to find the establishment culpable of the violation and fined them \$300.00 for this first offense.

At this time, Chair Tabler opened the hearing up for comments from anyone present. Jo Vance informed the Board that in the future they may get an unusual application for a beer and wine license from an entity known as Carroll County Farm Fresh.

Mr. Tabler adjourned the meeting at 3:20 p.m.

Respectfully submitted by:

Jo Vance
Administrator Hearings Coordinator
Office of Administrative Hearings