

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

On January 13, 2016, 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, David Brauning and Robert Tabler 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 5908**, a violation hearing for a Class B – Beer, Wine and Liquor license issued to Augusto Illiano for the use of Illiano’s J&P – Westminster, LLC, t/a Illiano’s J&P Westminster, 480 Meadow Drive, Westminster, MD 21157, for sale to a minor on November 4, 2015. Inspector Benfer testified that the server sold a bottle of Coors Light to the underage volunteer after requesting his ID. Augusto Illiano testified that the server was not TAM trained at the time, but the restaurant policy is to not accept any vertical IDs. The servers are also told to check with a manager if they have any questions regarding serving alcohol. The Board found the establishment culpable in this matter and fined it \$300.00 for a first offense.
2. A hearing was held in the matter of **Case 5913**, a violation hearing for a Class B – Beer, Wine and Liquor license issued to Ricky Lee Jones for the use of Ernie’s Place, t/a Ernie’s Place, 90 W. Main Street, Westminster, MD 21157, for sale to a minor on November 12, 2015. Inspector Benfer testified that the server sold alcohol to the underage volunteer without asking for any ID. Rick Jones, owner, and Nancy Fox, manager both testified that the server, Pat VanHorn had worked there for many years and that she felt that the shift change caused her to be confused about whether or not the volunteer had already been served alcohol. The Board found the establishment culpable in this matter and fined it \$300.00 for a first offense.
3. A hearing was held in the matter of **Case 5914**, a violation hearing for a Class B – Beer, Wine and Liquor license issued to Aristidis Harry Sirinakis for the use of Mt. Olympus, Ltd., t/a Harry’s Main Street Grille, 65 W. Main Street, Westminster, MD 21157, for sale to a minor on November 12, 2015. Inspector Benfer testified that the underage volunteer sat at a table and ordered a Rolling Rock bottle of beer. The server, who was under eighteen, asked Samantha Wright to serve the beer which she did without asking for ID. Harry Sirinakis and his manager both testified that the company policy was for the first server to ask for ID and for the person who actually delivers the alcohol to the table to also ask for ID, but neither was done in this case. Neither server was TAM trained at the time of the incident. Mr. Sirinakis also testified that his establishment has a two drink maximum at all times, and that he and/or the manager are constantly wandering through the restaurant checking to see if things are going well. The Board found the establishment culpable in this matter and

fined it \$600.00 for this second offense.

4. A hearing was held in the matter of **Case 5915**, a violation hearing for a Class B – Beer, Wine and Liquor license issued to John H. Serra, Sr., for the use of JRJ, LLC, t/a Rafael's, 32 W. Main Street, Westminster, MD 21157, for sale to a minor on November 12, 2015. Inspector Benfer testified that the underage volunteer sat at a table and ordered an alcoholic beverage. The server, Priscilla Rhoten, did not ask for ID. Ms. Rhoten testified that it was only her second table for the evening and that she just wasn't in the right mindset yet. Rafael testified that all of the servers have since been TAM trained. The Board found the establishment culpable in this matter and fined it \$300.00 for this first offense.
5. A hearing was held in the matter of **Case 5916**, a violation hearing for a Class A – Beer, Wine and Liquor license issued to Roxanne Burrier, for the use of Village Store, t/a Village Store, 7566 Middleburg Road, Detour, MD 21757, for sale to a minor on November 30, 2015. Inspector Benfer testified that the underage volunteer went into the store and took a can of Bud Ice from the cold box and went to the register to pay for it. The clerk thought the volunteer looked older than 21, so he did not ask for ID. Ms. Burrier testified that the clerk is 84 years old and needs the job in order to make ends meet financially. He has worked for her for over 20 years. The Board found the establishment culpable in this matter and fined it \$600.00 for this second offense.

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

6. A hearing was held in the matter of **Case 5917**, an application for the transfer of a Class B – Beer, Wine, and Liquor License to be issued to Charles Ellenberger for the use of Lynnchar, LLC, t/a G.L. Shacks Eldersburg, 1207 Liberty Road, Sykesville, MD 21784 in Election District 5. Mr. Ellenberger testified that he is the new owner and will be the new Licensee and that he plans to spend about 25 hours a week at the business. Mr. Rick Shackelford testified that Mr. Ellenberger has been managing the restaurant for several months now and it has gone well. Mr. Shackelford and Ms. Tammie Thomas, the present Resident Licensee both testified as to the fit and proper character of Mr. Ellenberger. Mr. Ellenberger testified that he plans on keeping the majority of employees currently on staff and that Ms. Thomas will continue to be his general manager. He also stated that the policy of the restaurant was to not serve anyone with a vertical ID. On a motion made by Mr. Tabler and seconded by Mr. Brauning, the Board unanimously approved the transfer contingent on all State and local agencies giving their approval of the transaction.
7. A hearing was held in the matter of **Case 5918**, an application a new Class B – Beer and Wine six day License to be issued to Donna Gail Helie, Thomas Francis O'Connor and Rachael Lynn Kulick for the use of The Noodle Shop, Co – Carroll County, LLC, t/a Noodles & Company, 6400 Ridge Road, Sykesville, MD 21784, in Election District 5. The establishment was represented by Linda Carter, Esq. Mr. O'Connor testified that the business is currently open to the public. The area is 2,753 square feet and has seating for 62. There is also an outdoor patio, but there will be no alcohol served or allowed on the patio. He also testified that if a patron orders beer or

wine, that the sale is automatically put on hold by the cash register computer and a manager has to complete the order. Mr. O'Connor testified that he is an area manager for Noodles & Company and has been with the company for 17 months. Rachael Kulick, Donna Helie and Gloria Stultz testified as to Mr. O'Connor's fit and proper character. Rachael Kulick testified that she has worked with Noodles and Company for 9 and 1/2 years and is also an area manager, but for a different area than Mr. O'Connor. She has six stores in her area, but she and Mr. O'Connor and Ms. Helie will be 30% owners of the Eldersburg store, with the parent company owning the remaining 70%. Mr. O'Connor, Ms. Helie and Ms. Stultz all testified as to the fit and proper character of Ms. Kulick. Ms. Helie testified that she will be the Resident Licensee for the business. She stated that she would stop by the business at least once a month, but the Board urged her to be a much more frequent guest of the establishment as the Resident Licensee is held responsible for any problems. It was agreed by Mr. O'Connor that he would comp any meals needed to Ms. Helie to help her with coming by on a more frequent basis. Ms. Helie's mother testified as to her fit and proper character. The Board adjourned to consult with counsel and upon their return Mr. Brauning made a motion to approve the license pending proof of the \$5,000 investment by each licensee, the receipt of the required signatures for public accommodation, and approval from all State and County agencies. Mr. Tabler seconded the motion and it was passed by unanimous vote. The new license was granted pending the exceptions listed above.

8. A hearing was held in the matter of **Case 5919**, an application for a change in location for an existing Class A – Beer, Wine and Liquor license issued to Thomas Dougherty for the use of Tom & Map, LLC, t/a BJ's Liquors, 6 East Ridgeville Blvd., Mount Airy, MD 21771 in Election District 13. Mr. Dougherty testified as to the reason for the move and gave a description of the size and location of the new store. He also testified that he intends to re-hire some of the same employees once the store is opened. He will be leasing the property from Frank Illiano and Mr. Illiano testified as to a proposed opening date at the beginning of March. Mr. Dougherty was asked by Mr. Brauning and the taxes owed on the business to the State and the County. Mr. Dougherty advised that he would check into that matter. Mr. Gary Myers and Mr. Glendon Bell testified as to the public accommodation need of this business in this new location. Upon a motion by Mr. Brauning that the license be approved pending the receipt of proof of taxes paid and approval from all State and County agencies and seconded by Mr. Tabler, the motion was carried unanimously and the license at the new location was granted pending the receipt of the above stipulated items.
9. At this time, Mr. Tim Thammavongsa of Tim Thai Classic restaurant appeared before the Board about the continuation of his license hearing. The Board had been informed by his attorney, Mr. Brad Bauhof, Esq., that his application was being put on hold. The gentlemen who appeared with Mr. Thammavongsa stated that they had all been told that only one Class B license was available each year and that they would have to wait to apply for one. They also asked that the case be continued until such time as they could find a Resident Licensee or that Mr. Thammavongsa would meet the 2 year residency requirement to become the Resident Licensee. The Board informed them that they could submit an application for a new Resident Licensee and continue the current case, but that if they wait until Mr. Thammavongsa is eligible, he would have to file a new application and pay an additional fee. They were advised to contact either of the liquor inspectors or Ms. Vance to get accurate information.

10. The Business Meeting portion of the day occurred between hearings and the following items were approved: Paddock Wine and Spirits new operating hours on Sunday were approved; a request from Baldwin's Station for outside service during the Shiver Shuffle race on Saturday, February 27, 2016; a letter requesting permission from the Board to remodel Buffalo Wild Wings; a request for an outdoor event for the Community Foundation of Carroll County for a Black Ice Gala on February 6, 2016; a letter from the VFW Post 6918 in Harney for approval of all of their licensed events in 2016; a letter from Rafael's requesting permission for their deck parties for 2016.
11. The Business Meeting continued at the end of the day with a discussion of how to respond to the letter from the Licensed Beverage Association of Carroll County about Class D licenses. Upon a motion from Mr. Tabler, and seconded by Mr. Brauning, the Board voted unanimously to invite a representative(s) of the Association to attend the Business Meeting in February, 2016 to relay to them the Board's decision regarding this matter.
12. Mr. Michael Ritchey, Esq. appeared on behalf of FS Rest, Inc., the corporate entity for New York J&P in Eldersburg to give an answer to the Board regarding a request for documentation from the Board on December 9, 2015 regarding the personal property associated with the establishment. Mr. Ritchey informed the Board that representatives of the business have been working on getting the documentation required, but that they were not finished. He informed the Board that information would be forthcoming, and he apologized for Ms. Sauro for not keeping the Board informed of her correct phone number.

At this time Mr. Meerdter adjourned the meeting at 4:03 p.m.

Respectfully submitted by:

Jo Vance
Administrator Hearings Coordinator
Office of Administrative Hearings