

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

On March 9, 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, Chair, 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, 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 5926**, a violation hearing for a Class A – Beer, Wine and Liquor license issued to Gail Ball for the use of Silver Run Liquors, Inc., t/a Silver Run Liquors, 3957 Littlestown Pike, Westminster, MD 21158 – sale to a minor. The licensees present did not contest the violation. The clerk asked for ID and was shown a vertical ID but did not remove it from the volunteer’s wallet. The clerk was also not TAM certified and was feeling ill at the time. The clerk is now TAM certified and the store policy is now to refuse all vertical IDs. The Board found the establishment culpable in this matter and fined it \$600.00 for a second offense.
2. A hearing was held in the matter of **Case 5928**, a violation hearing for a Class A – Beer, Wine and Liquor license issued to Georgia Rippeon-Suter and Yogesh Bajaj for the use of Full Masti, Inc. t/a Winfield Wine and Spirits, 1707 West Liberty Road, Westminster, MD 21157 – sale to a minor. The clerk did not ask for any ID and stated that the volunteer looked familiar to him. The clerk was not TAM trained. The new owners are still making changes to the business after taking over, but they agreed that the mistake was totally unacceptable. They have added signs in the store about checking IDs and their store policy is to not accept vertical IDs. 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 5929**, a violation hearing for a Class B – Beer, Wine and Liquor license issued to Ivelin Kostadinov for the use of European Home Improvements, Inc., t/a Amante Pizza & Pasta, 21 Liberty Road, Sykesville, Maryland 21784 – sale to a minor. Inspector Benfer testified that the server in this instance did not ask for ID even though he was TAM certified. The server stated that the volunteer looked over 21 years of age. Mr. Kostadinov testified that he reminds his staff every day about the importance of checking IDs and he gives the staff incentives if they catch an underage person trying to buy alcohol. The Board found the establishment culpable in this matter and fined it \$900.00 for this third offense.
4. A hearing was held in the matter of **Case 5930**, a violation hearing for a Class B – Beer, Wine and Liquor license issued Bryan McCrory, E. Denise Moore and Laura Brewer for the use of Brinker of Carroll County, Inc., t/a Chili’s Grill and Bar, 1312

Londontown Blvd., Eldersburg, MD 21784 – sale to a minor. Inspector Benfer testified that two volunteers were seated and then ordered a Coors Lite and a Bud Lite beer. They showed their vertical IDs upon request but they were served anyway. The attorney for Chili's, Ms. Schrekengost, had a manager testify that the restaurant's policy was to accept vertical IDs if the dates were correct. The server in this case had not been TAM certified but had been through Serve Safe Training. All of Chili's managers are now certified proctors for Serve Safe training. The server was terminated immediately per Chili's policy. They testified that there are check in sheets signed by servers every day that stress not serving underage buyers, and there are large signs and boards in the back of the house that give the DOB for that day that would allow service of alcohol. 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 5932**, an application for the transfer of a Licensee to add Joseph G. Kern in place of Michael Lamborn, with Timothy Kotroco and Colleen M. Hunter for a Class B – Beer, Wine and Liquor license for the use of OG of Westminster, Inc., t/a The Olive Garden Italian Restaurant, 500 Gorsuch Road, Westminster, MD 21157, in Election District 7. Ms. Schrekengost called Mr. Kern to testify in this matter. Mr. Kern is an employee of OG of Westminster, Inc., and of Darden Companies and is a 28% shareholder. He manages the real estate and licensing side of Darden Companies. He is replacing a previous officer of Darden Companies. Upon a unanimous vote, the Board approved the change in licensee.

Prior to breaking for lunch, the Board held their business meeting and covered the following items.

- A request from Sevi Sinanian to upgrade the license for Nora's Kabob at renewal time from a Class BW – Beer and Wine seven day to a Class B – Beer, Wine and Liquor. Upon a motion by Mr. Tabler, and seconded by Mr. Brauning, the Board voted unanimously to approve this upgrade.
- A request from Steve Vonbussenius to upgrade the license for Artisan Wine at renewal time from a Class D – Beer and Wine to a Class BR – Beer, Wine and Liquor license with limited opening times. Upon a motion by Mr. Brauning and seconded by Mr. Tabler, the Board voted unanimously to approve this upgrade.
- A request for a one day liquor license for an outdoor event from the Saint Andrews Celtic Society to hold the Mid-Maryland Celtic Festival on May 14th at the Mt. Airy Fireman's Carnival grounds. The Board voted unanimously to approve this application.
- A request for a one day liquor license application for an outdoor event for the Mt. Airy Main Street Association for a Chili Cook Off on April 16, 2016 to be held at the Railyard in Mt. Airy. The Board voted unanimously to approve this application.
- The MALA registration for the Spring Conference on May 6 & 7, 2016 was offered to the Board and any staff who wished to attend. At this time it is planned that Inspector Benfer will attend the conference.
- Inspector Kaizer presented the DWI reports for 2015 to the Board. The top three

establishments in number of DWI will be asked to attend the April 20th hearing for the Board to counsel them about over-serving their customers. The next three establishments in number of DWI reports will receive a cautionary letter about over-serving their customers but will not be required to attend a meeting with the Board.

6. A hearing was held in the matter of **Case 5933**, a violation hearing for a Class A – Beer, Wine and Liquor license issued to Ralph Sparrow and Susan Sparrow for the use of Sparrow Ventures, LLC, t/a Piney Run Liquors, 577 Johnsville Road, Unit #6, Sykesville, MD 21784 – sale to a minor. Inspector Benfer testified that the clerk in this instance did not ask for ID when the volunteer tried to buy the beer and he sold the beer to the volunteer. The server was TAM certified and two hours prior to this event he had been counseled by the owner about asking for IDs. He was new and struggling to learn how to operate the register and felt that was partly to blame for his error. The owners testified that they will be TAM training all their employees and offering incentives for passing age compliance checks. This particular employee is no longer with them, but they have stressed to other employees that they must card anyone who looks under thirty years old. The Board found the establishment culpable in this matter and fined it \$300.00 for this first offense.
7. A hearing was held in the matter of **Case 5934**, an application for the transfer of location of a Class A – Beer, Wine and Liquor license issued to Sunil Vasavada and Mita Badshah for the use of Sunny’s Fine Wines and Liquors, Inc., t/a Londontowne Liquors, 6400 Eldersburg Commons, Ridge Road, Eldersburg, MD 21784, in Election District 5. Mr. Vasavada testified that this move would allow them to double the size of their store which will in turn allow them to have a wider selection of stock. Mr. Patel of Carrolltown Liquors testified against this move because he felt it would hurt his business since the two stores will be so close together. A representative of the new landlord at Eldersburg Commons testified in favor of the move. Adam Miller, one of the owners of the shopping centers where the business currently is and where it is moving testified in favor of the move. After adjourning to seek the advice of counsel, the Board unanimously approved the transfer of location with the stipulation that the percentage change in the lease be reduced from 5% to 3%.
8. A hearing was held in the matter of **Case 5935**, an application for the transfer of a Class A – Beer, Wine and Liquor license from Ztem, Inc., to be issued to Richard Steinebrunner and Kalpesh Patel for the use of Carroll Liquors, LLC, t/a Carroll Liquor Market, 25 Liberty Road, Unit D, Sykesville, MD 21784, in Election District 14. The previous owners, Douglas Metz and Cynthia Pehl, testified that they thoroughly investigated Dr. Patel’s background in the liquor business before agreeing to sell to him. They also offered a bonus to the present manager to stay on and work for Mr. Patel after the business changes hands. Dr. Patel testified that he has been involved in liquor stores in other counties. Mr. Steinebrunner testified that as the Resident Licensee he will work five to ten hours a week in the store. Dr. Patel testified that he would work at least 40 hours a week in the store. Kirit Sinh, Sunita

Patel and Sheetal Patel all testified as to the fit and proper character of Mr. Steinebrunner and Dr. Patel. By unanimous vote the Board approved the transfer with the stipulation that the approval covers only Unit D of the property and with the recommendation to Dr. Patel that he might want to find a Resident Licensee who would spend more time at the business.

9. A hearing was held in the matter of **Case 5936**, an application for the transfer of location and a change in Resident Licensee for a Class A – Beer, Wine and Liquor license issued to Debra Hall (new Resident Licensee) and Judith Legal for the use of JLDH Enterprises, Inc., t/a Still and Grill, 602 Deer Park Road, Westminster, MD 21157, in Election District 4. The owners of the establishment were represented by Michael Ritchey, Esq. The first portion of this hearing dealt with replacing Jacqueline Cullotta as Resident Licensee with her mother, Debra Hall, who now meets the residency requirements, and is a registered voter and property owner in Carroll County. A resignation letter from Ms. Cullotta is in the file and Ms. Hall is already an owner in the business. The Board approved the change in Resident Licensee by unanimous vote. The second portion of the hearing dealt with the proposed change of location from Sykesville Road to 602 Deer Park Road. Tom Hall, the manager of Still and Grill testified that he is at the store 50+ hours a week. He is the son and husband of the owners. Their existing lease is close to expiring so they wanted to make the move to the Deer Park location because it is a larger space and they can not only offer a larger selection but they can also buy from their distributors at a discount rate by buying in larger quantities. All of his employees are TAM certified and in the 13 years that Still and Grill has been in business, there have been no sale to minors violations. He testified that the store currently averages around 100 customers a day and that his customers do not hang around the store or loiter around the outside of the store. He plans of replacing the existing fence at the new location and is working with the owner to take down the canopy and do some other exterior upgrades to make the area cleaner and more attractive. The new location is directly across the street from Deer Park United Methodist Church. Mr. Steve Hildebrand asked to testify as a representative of the church. There followed testimony from him and from other church members about concerns of loitering in the parking lot of the store and other areas adjacent to the store. He also shared with the Board a petition signed by members of the church, neighbors and friends of the church. Other concerns were an increase in traffic, lowering of property values, the times the store would be open on Sundays, and possible damage to the cemetery across the road by a bad element. Mr. Hall testified that he would be open from 11 a.m. to 4 p.m. on Sundays, but that he would be willing to work with the church on his hours of operation. Mr. Hall also testified that there are two churches within a quarter mile of his current establishment and that there have not been any complaints from them about his store. After Mr. Ritchey gave his closing statement, the Board adjourned to seek counsel. Upon their return, on a motion by Mr. Tabler, seconded by Mr. Brauning, the Board voted unanimously to approve the change in the Resident Licensee. On a second motion by Mr. Tabler, and seconded by Mr. Brauning, the Board voted unanimously to approve the change in location to 602 Deer Park Road.

At this time Mr. Meerdter adjourned the meeting at 5:45 p.m.

Respectfully submitted by:

Jo Vance
Administrator Hearings Coordinator
Office of Administrative Hearings

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