

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

On June 8, 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, and Keith Benfer, Liquor Inspector.

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

1. **Case #5948** – A hearing on the violation of sale to a minor by an employee of a Class B – Beer, Wine and Liquor license issued to Bruce J. Jones for the use of EJ’s Restaurant, Inc., t/a EJ’s Restaurant, 35 N. Main Street, Union Bridge, MD 21791. Kelly Shaffer, Esq. appeared on behalf of the establishment. Inspector Benfer testified that on March 29, 2016, an underage volunteer entered EJ’s restaurant to buy alcohol. The volunteer ordered a Coors Lite bottle of beer. The bartender, Ms. Kinney, asked for ID and the volunteer supplied her vertical license, but was served the beer anyway. The bartender was not TAM certified and there was no manager on duty at the time. The Restaurant had passed four other compliance checks. Mr. Brian “Beau” Biddle testified as Manager and future owner of the business about the mitigating circumstances. Bruce Jones, the licensee, was excused from this hearing because of his move to Nebraska. Mr. Biddle testified that normally he and his wife are at the restaurant, but that his wife had had knee replacement surgery so they were not there, and the manager scheduled to be on duty had a medical emergency and had to leave. This left the bartender, who was 25 years old, in charge. Mr. Biddle terminated Ms. Kinney’s employment because of the mistake. The Board found the establishment culpable in the matter of the sale to a minor, but the Board did not impose the violation for not having a manager in charge due to the mitigating circumstances. The Board fined the restaurant \$300.00 for this first offense.

2. **Case #5951** – A hearing on the application of Melissa Emily Yelton and Richard (“Beau”) Brian Biddle, II, for the transfer of a Class B – Beer, Wine and Liquor license for the use of Linbeau, LLC, t/a EJ’s Restaurant, 35 North Main Street, Union Bridge, MD 21791, in Election District 12. The applicants were represented by attorney, Kelly Shaffer, Esq. Mr. Biddle testified that he and his wife have been running the establishment for two years. Initially it was because Bruce Jones’ father was ill, and because they were owed money for work they had done at the business for a previous managing group. When Bruce Jones’ father passed away, Mr. Jones was no longer interested in owning or running the business, so the Biddle’s continued to run the establishment with Mr. Jones continuing his ownership and resident agent status. Recently, Bruce Jones moved to Nebraska and is now interested in selling the business to the Biddles and getting his name off of the liquor license as he is no longer eligible to be resident licensee. Mr. Biddle testified that the business has been good since they took over and he testified as to the hours of operation and the availability of menu items. He stated that they have a zero tolerance policy for serving underage patrons and that they strive to be active in the community. He also testified that he has a relationship of trust with Ms. Yelton, the applicant to be the

resident licensee. He stated that Ms. Yelton holds a 1% interest in the business for which she paid \$5,000.00 and that she will receive some profits in return for her investment and that she will be involved in decision making for the establishment. Ann Solarz and James Strine testified as to the fit and proper character of Mr. Biddle. Ms. Yelton then testified and the second applicant. She is a single mom of three children, is a registered voter and a taxpayer in Carroll County and has lived in Carroll County most of her life. She understood her liability if any violations are cited on the establishment, and testified that she expects to be consulted about the business and the licensure. Sierra Leppo and Phil Arnold testified as to the fit and proper character of Ms. Yelton. After some discussion about Mr. Biddle's driving record and the character of the lease with option to buy contract, the Board voted unanimously to approve the transfer of the license subject to all State and County agencies' approvals.

3. **Case #5952** – A hearing on the application for the transfer of location of a Class A – Beer, Wine and Liquor license issued to Richard Steinebrunner and Kalpesh Patel for the use of Carroll Liquors, LLC, t/a Gourmet Wine & Spirits, 5959 Exchange Drive, #100-102, Sykesville, MD, In Election District 14. Dr. Patel testified that his lease at his current location runs out in October, and that the landlord there was making demands that would be detrimental to his business, so he is looking at the new location. It was discussed that the new location would have safer ingress and egress since there will be a traffic light whereas it is very difficult to get in and out at his present location. Gary Parma, as a representative of the new landlord testified as to the benefits of this move for the establishment. After a brief discussion, the Board voted unanimously to approve this transfer of location subject to the approval of all State and County agencies.

The Board then addressed the items on the business meeting agenda as follows:

4. Ms. Vance shared a handout from MSLBA Education Resources showing the new design and copies of the Maryland State drivers' licenses that will soon start being issued.
5. The Board approved a request from the Broken Spoke Bar and Grill asking that the establishment be closed on Mondays from May 23 to September 26, 2016.
6. The Board responded to a request from Jen Truby of Market Tavern about getting approval for a Class B – BWL license in the future if they change locations. They could not state for a fact that they would approve the request in advance of a hearing. However, as long as nothing substantive has changed in their criminal background or driving record, the Board did not see any reason for their request to be denied. The Board would need to conduct a full hearing before they could make a ruling on the request.
7. The Board approved a request from the Market Tavern to expand their outside seating and service area for the Sykesville Summer Block Parties and Concert Series on 6/18, 7/1, 8/5, and 9/2. The Board stated that they would approve this if Sykesville Main

Street is closed for these events, but if the street is not closed, they will not approve it.

8. The Board approved a request from Stables to expand their alcohol service to their parking lot for their corn hole tournaments on Sundays of 6/26, 7/24, 8/28, and 9/18. The Board needed a better diagram and description of the area to be fenced off. So Inspector Benfer will be talking to the management at Stables about this. The Board decided that if the area is the same as they used last year for their special band events, that it can be approved.
9. The Board approved a request from Artisan Wine to have an outside patio to the side of their building which is presently an empty lot. The Board approved this with the stipulation that there either be cameras covering the outside area or that there be a staff person stationed outside at all times. What about a window to see the patrons?
10. The Board approved a request from John Chen of Katana Sushi in Westminster to have an outdoor patio at the back of their building with the same stipulations that there either be cameras covering the outside area or that there be a staff person stationed outside at all times.
11. The Board accepted notification from Carrolltown Liquors of a change in their business hours.
12. The Board approved a request from Freedom Swim Club for a one day liquor license for an outdoor event at the club on June 18, 2016.
13. The Board approved a request from the Town of Sykesville for a one day liquor license for an outdoor event on Main Street of Sykesville on June 18, 2016.
14. Prior to the adjournment of the meeting, Mr. Brauning stated that he wished to thank Roland Meerdter for his years of service to the Carroll County Liquor Board and for his leadership during that time. Mr. Tabler agreed and also thanked Mr. Meerdter for his time with the Liquor Board.

At this time Mr. Meerdter adjourned the meeting at approximately 12:00 p.m.

Respectfully submitted by:

Jo Vance
Administrator Hearings Coordinator
Office of Administrative Hearings