

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

On August 10, 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 David Brauning, Acting Chair, Robert Tabler, and George Harmening were present as well as Assistant County Attorney Timothy Dixon, Counsel to the Board, Jo Vance, Administrative Hearings Coordinator, Keith Benfer, Liquor Inspector, and Mike Penkert, Liquor Inspector.

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

1. **Case #5955** – A hearing was held for a Class BR – Beer, Wine and Liquor license issued to Juan C. Liberatore and Jose Liberatore, for the use of Due Fratelli, Inc., t/a Liberatore’s Ristorante, 6300 Georgetown Blvd., Eldersburg, MD 21784 – Violation Hearing (Sale to a Minor). On May 9, 2016 Inspector Benfer sent an underage volunteer into Liberatore’s Ristorante to purchase alcohol. The volunteer sat at the bar and ordered a Heineken bottle of beer. The bartender asked for ID and the volunteer asked him to wait a few seconds while she got it out of her purse. In the meantime, the bartender sat the opened beer bottle on the bar in front of her but more to the inside of the bar than to her. He then got called away by another customer, and when he came back, the volunteer had pulled the bottle directly in front of herself, and Inspector Benfer had come in to write up the violation. Dante Liberatore explained that it was an unfortunate set of circumstances and that they were very apologetic about it, but that they felt it was a mistake made by distractions from other customers. After further discussion and questions from the Board members, they adjourned to seek advice of counsel. Upon their return they found the establishment culpable in the matter and fined them \$600.00 for their second offense in less than a year.

2. **Case #5950** – A hearing on the matter of a Class B – Beer, Wine and Liquor license issued to James Serra and John Serra for the use of Serra Brothers Italian Deli, Inc., t/a Serra Brothers Italian Deli, 2021 Liberty Road, Sykesville, Maryland 21784 - Violation Hearing (Sale to a Minor). On May 2, 2016, Inspector Benfer sent two volunteers into Serra Brothers Italian Deli with the intent to purchase alcohol. They each ordered a bottle of beer. The server, Dawn Clayton, asked for ID and they both showed their vertical IDs showing that they were not yet 21 years of age. Ms. Clayton then served the beer to them both. Ms. Clayton said she did the math wrong and said she did not realize that vertical IDs had the “won’t be 21 until ...” on them. Mr. John Serra stated that they were not supposed to accept vertical IDs at all and that they are now stressing that policy to their staff. They have also had all staff TAM certified since the incident. After further testimony and questions from the Board, Mr. Tabler made a motion that they be found culpable in the matter and be fined \$600.00 for a second offense in less than a year. Mr. Harmening seconded the motion and the motion passed unanimously.

3. **Case #5969** – A hearing on the matter of a Class BR – Beer, Wine and Liquor license issued to Jennifer Klevins for the use of Conah’s Bar & Grille, Inc., t/a Conah’s Bar & Grille, 84 East Main Street, Westminster, Maryland 21157 - Violation Hearing (Sale to a Minor). On July 19, 2016, Inspector Benfer sent an underage volunteer into Conah’s Bar & Grille with the intent to purchase alcohol. The volunteer sat at the bar and ordered a Coors Lite beer. Ms. Klevins asked for her ID, but had several things on her mind and was waiting for her bartender to arrive, and she served the volunteer even though the ID showed she was not yet 21. Ms. Klevins apologized and stated that she was embarrassed and upset with herself, but that she really could not explain where her mind was that night that she would make a mistake like that. She testified that she is very diligent about not serving minors and stresses that to her staff all the time. She also stated that her policy for the restaurant is to not accept vertical IDs at all, and she couldn’t understand why she had made this mistake. After further discussion and some questions from the Board, upon a motion made by Mr. Tabler and seconded by Mr. Harmening, the Board found her culpable and fined her \$300.00 for this first offense.

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

4. There was a discussion about making a donation to the Shriner’s Children’s Hospital in memory of Chuck Kaizer. After some discussion, it was decided that everyone would contribute \$20.00 and that Roland Meertder would also be asked if he wanted to participate.
5. Inspector Benfer presented the Board with a spread sheet showing the number of DUIs for the first six months of the year. He pointed out that Belisimo’s is currently up to eight DUI reports and Johansson’s is up to six. The Board discussed what could be done as far as a violation in these instances. Mr. Dixon will check the law and see if the Board has any standing in these instances to impose a fine.
6. The Board approved a request from the Mt. Airy Lions Club for a one day liquor license for an outdoor event, pending Inspector Benfer’s ok after speaking with a representative of the Town and after finding out what types of policing arrangements are going to be in place during the event to be held on August 27, 2016.
7. The Board approved a request from the Freedom Swim Club for an outdoor event on August 26, 2016.
8. There was a brief discussion about the operations of the Whiskey Basket in Taneytown and Inspector Benfer passed along to the Board the owner’s appreciation for how lenient they have been with him during his wife’s illness. He is now open and operating the business more in line with the rules and regulations.
9. The Board approved a request from E.W. Beck’s Pub in Sykesville to allow their patrons to exit their establishment with alcoholic beverages during all of the Sykesville Main Street events where the Main Street is closed.

10. The Board approved a request from Baldwin's Station/Cork and Bottle Spirit Shoppe to be allowed to sell "over 21" snowballs at the Sykesville Main Street events from now through November 5, 2016
11. The Board approved a one day liquor license application for an outdoor event from the Town of New Windsor for a music festival to be held on October 1, 2016.
12. The Board approved a request from the Sykesville American Legion to use their outdoor Pavilion for alcohol service during a fund raising event/car show on September 18, 2016.
13. The Board approved a request for a temporary license for three days for an outdoor event by the Kiwanis Club of Westminster to hold a beer and wine garden on the Westminster City Playground property during Fallfest on September 22, 23 and 24, 2016.
14. The Board approved a request from the Mt. Airy Greene Turtle to hold a cornhole event on their parking lot for a fundraising event on Thursday, August 18, 2016.

At this time, Mr. Brauning adjourned the meeting at approximately 11:50 a.m.

Respectfully submitted by:

Jo Vance
Administrator Hearings Coordinator
Office of Administrative Hearings