

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

On October 12, 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, Keith Benfer, Liquor Inspector, and Mike Penkert, Liquor Inspector.

10:00 a.m., the Board addressed the following cases:

1. **Case #5970** – A hearing on the matter of a Class C – Beer, Wine and Liquor license issued to Griselda Garza and John W. Chen for the use of Katana Sushi of Mt. Airy, LLC, t/a Katana Sushi, 1311 South Main Street, #102, Mt. Airy, Maryland 21771– Violation Hearing (Sale to a Minor). Michael Ritchey, Esq., appeared on behalf of the licensees and stipulated at the onset that the report was correct and they were not contesting the account. Inspector Michael Penkert read the report into the record that on August 8, 2016, an underage volunteer entered the establishment in order to purchase alcohol. The volunteer sat at a table and ordered a Coors Light bottle of beer and was served the beer. He also read into the record that the server was not TAM trained and did not ask for ID. Mr. Ritchey then called Mr. Chen to testify on behalf of the establishment. Mr. Chen is the owner and a licensee. He testified that the server in this instance was a new employee that he had not yet had time to send for alcohol awareness training. He testified that he does have three waitresses who are certified and he and wife are both certified and that they are usually on the premises. Mr. Harmening asked why the new server was not being supervised as a trainee. Mr. Chen testified that he was only about ten feet away when the incident happened, but that he missed seeing the incident. Ms. Garza was called to testify as the Resident Licensee. She has been the resident agent for seven years, since the business has been open. She testified that she goes into the establishment once every week or every other week to meet with Mr. Chen. After testimony was heard, Mr. Tabler made a motion to fine the establishment \$300.00 and find them culpable. Mr. Harmening seconded the motion and it was carried unanimously.

2. **Case #5978** – A hearing on the matter of an application for a Class B – Beer, Wine and Liquor license by Claudette Pownall and Susan Nardyz for the use of Rocksalt, LLC, t/a Rock Salt Grille, 65 W. Main Street, Westminster, Maryland 21157, in Election District 7. Bradley Bauhof, Esq. appeared on behalf of the applicants. Mr. Bauhof informed the Board that Rocksalt, LLC is comprised of partners including the two licensee applicants. His clients used to operate Time Out Sports Bar & Grille. Susan Nardyz and her husband, along with three other people are the owners of Rocksalt, LLC. The location for this establishment would be the former location of Harry's Main Street Grille and would primarily be a seafood restaurant for family dining, along with a bar of fifteen seats and a raw bar. Renovations are currently underway. Ms. Nardyz has been recertified in TAM. Ms. Nardyz also used to be

involved in Bachman Valley Inn. Ms. Pownall testified that she had been in the restaurant business for thirty five years. She once managed the kitchen at Baughers and Bay City. She also worked at Time Out Bar and Grille. She will be a manager at Rocksalt Grille and understands the importance of alcohol control. Ms. Pownall is scheduled to be recertified in TAM. Testifying on behalf of the licensees as to fit and proper requirements and public accommodation were Harry Sirinakis, James Brewer and Travis Alban. Upon a motion by Mr. Tabler, seconded by Mr. Harmening, the Board unanimously approved this license for these applicants.

At this time the Board handled most of the business meeting items as follows:

1. A request for a one day liquor license for an outdoor event from Mt. Airy Main Street Association for Beards, Beers and Brats Festival at Main & Railroad on October 15, 2016 was approved by the Board.
2. A request for a one day liquor license for an outdoor event from Sykesville Main Street Association for a Chili and Beer Festival on November 5, 2016 was approved by the Board.
3. A request for a one day liquor license for an outdoor event from Grounded With Nature, Inc., a horse rescue, for a fundraiser on October 22, 2016 was approved by the Board pending the Liquor Inspector's approval of the site and presence on the day of the event.

At this time the Board returned to the hearing portion of the meeting.

3. **Case 5979**, - a hearing on the matter of an application for a Class B – Beer, Wine and Liquor license by Kam Lit Wong and Jianfei Huang, for the use of Red Olive, Inc., t/a China Dragon, 6300 Georgetown Blvd., Ste. 109, Eldersburg, Maryland 21784, in Election District 5. Jay Yu, Esq. appeared on behalf of the applicants. Mr. Yu explained that the restaurant China Dragon had previously had a liquor license, but they were in the process of selling the restaurant at renewal time last year so the license did not get renewed. Mr. Yu asked Kam Lit Wong to testify. Mr. Wong testified that he has been a resident of Carroll County, and registered voter and taxpayer for twenty years. He is also a 10% owner of Red Olive, Inc., the new corporation that owns China Dragon. He was the previous resident agent for the liquor license and would be the resident agent for this license. He understands the requirements of a resident agent. Mr. Wong owned the restaurant for fifteen years prior to selling to Mr. Huang. Under the previous license there was one violation for sale to a minor in April, 2015. Mr. Wong testified that he will not be involved in the day to day operations of the restaurant but that he will be in on weekends as a cook. Mr. Huang testified that he has lived in Maryland for fifteen years. He is 90% owner of Red Olive, Inc. He testified that he is familiar with the rules and regulations of the Board and that he will soon be TAM certified. He has ten years' experience running a restaurant. He also testified that he is of good moral character. The restaurant has seventy seats and will be open from 11 a.m. to 9:30 p.m. Monday through Sunday. There is no other full service Chinese restaurant in the vicinity. Many customers have been requesting alcohol service with their meals, and they will serve Chinese beer and wine. There followed a discussion about different IDs and how to recognize an underage person. Vincent Lioi, Wei Chu Wong and Hsiu Li Chen all testified as to the fit and proper character of the applicants and to the need for public

accommodation. Upon a motion by Mr. Tabler, seconded by Mr. Harmening, the Board voted unanimously to approve this license.

4. Daniel Mawhinney asked to speak to the Board about the possibility of his being approved for a liquor license should he choose to buy Carriage House Liquors or New Windsor Liquor & Deli. Mr. Mawhinney used to be on the license at Carriage House Liquors, but was removed from the license for a violation. He told the Board that he has been sober for 13 to 14 years and continues to go to AA meetings as needed. He went through counseling shortly after the violation. He has been working in the medical field but has not found the ideal position. He would like to work with an endocrinologist. He spoke about working from a remote location most of the time once the business was set up and he had a good manager hired. Mr. Tabler and Mr. Harmening both expressed concern about his being around alcohol to that extent given his history. Mr. Brauning stated that he would like to hear from someone in the health field related to alcoholism before he would make a decision. There was also the question of whether his removal from the license constituted a revocation, in which case he could not be issued a new license under State law. After much discussion, Mr. Mawhinney decided that going back into the liquor business might not be the best thing for him to do and that he would look to putting his business acumen to work in other areas. The Board all wished him well in whatever his future endeavors are.

At this time, Mr. Brauning adjourned the meeting at approximately 12:45 p.m.

Respectfully submitted by:

Jo Vance
Administrator Hearings Coordinator
Office of Administrative Hearings