

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

On May 8, 2019, 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, Chair; George Harmening, George Barnhart and Tina Mawhinney were present as well as Assistant County Attorney Timothy Dixon, Counsel to the Board; and Keith Benfer, Senior Liquor Inspector.

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

1. **Case 6146**, On May 8, 2019, the Board of License Commissioners for Carroll County (hereinafter the Board) convened to hear Case No. 6146, the application of Sandra McKelvin for a new Class D – Beer and Wine license and a Growler and Crowler license for the use of 1623 Brewing Company, LLC, t/a 1623 Brewing, 5975 Exchange Drive, Suites H-L, Eldersburg, MD 21784, in Election District 14.

Sandra McKelvin testified on behalf of the company. She has lived in Carroll County since 1994. She signed the application in this matter, and all of the information in the application was still true and correct at the time of the hearing. She worked in the marketing field and had her own marketing agency. Her partners in the company would be her husband, Michael, and Zachary Rissmiller. Mr. Rissmiller will serve as the head brewer or the brew master. She will work on marketing. She will also be the on site manager and will be responsible for supervising employees. She has considered and given thought to the facility hosting three or four music festivals a year. The outdoor patio is included in the 7000 square feet as noted in Exhibit 2. The facility will be housed at the Liberty Exchange.

Mrs. McKelvin plans to have food trucks brought to the site. She is also looking into a relationship with restaurants in the immediate vicinity. The hours of operation would be from the afternoon until approximately 9:00 pm.

The company currently is brewing beer. The company makes four core beers and produces seasonal items. The beer has been in distribution since mid-November 2019. The company generates about 1500 cases of beer a month. The beer is distributed in more than 500 liquor stores. Some local restaurants in the county also carry their beer. As an existing business the company already is in possession of the brewing equipment. The company will obtain the Growler and Crowler equipment. The equipment cost alone is a major investment.

Michael McKelvin testified for the company. He stated that the lease was signed on the web the morning of the hearing. He stated that the first lease payment would be in December 2019. He noted that as tenants the company could have early occupation of the site through November 2019. Mr. McKelvin testified that the landlord would have two months of lease payments and a portion for improvements before the facility opened. He stated that the brewery would be open either two weeks before Labor Day or two weeks after Labor Day.

Character witnesses were: Toni Palmeroy and Samantha Miles.

The Board approved the application in this matter. The approval was subject to the Board receiving a signed lease. The approval was for a seven day liquor license. All required permits and sign offs also had to be approved before the applicant could obtain the license.

The Board unanimously approved the application as presented.

2. Case 6150, On May 8, 2019, the Board of License Commissioners for Carroll County (hereinafter the Board) convened to hear Case No. 6150, the application for a new Class B – Beer, Wine and Liquor license to be issued to Scott Roland Davis for the use of Keene, LLC, t/a Diggs Pub & Restaurant, 5525 Taneytown Pike, Taneytown, Maryland 21787, in Election District 1.

Much of the testimony in the case dealt with the issue of Rebekah Sweeney's character and whether she was a fit and proper person to have a liquor license. Some of that testimony related to her involvement with other establishments which had a liquor license and where she had an involvement. The other establishments were Conah's Bar & Grille and Eazy Does It.

In the last year or so the Board has had three separate occasions when Rebekah Sweeney has had an involvement with a liquor license. There was testimony about each of those occasions. In the last year or so the Board has had two separate occasions when Scott Davis was involved with a liquor license. On April 11, 2018 the Board heard an application for a liquor license for an establishment known as Eazy Does It. The liquor license to Eazy Does It was approved by the Board for Scott Davis and Arthur Baux.

Rebekah Sweeney would be a 90% owner of the business. She has worked in the restaurant field and for bars since approximately 2005. She would like to open immediately upon receiving the liquor license. She expects to have approximately eight employees. She stated that she and the front of house employees would receive alcohol awareness training. The restaurant known as Diggs Pub would be in the same location as the Eazy Does It establishment. The company had a one year lease with renewals.

Ms. Sweeney explained that she had debts that she had to address. A \$7,000 sales tax to the state had been paid. A \$1750 check for a renewal of the Eazy Does It license has yet to be paid. The check came out of a BB&T account held by Eazy Does It. She admitted to signing the check for the payment of the \$1750. However, because of reoccurring payments she did not know that the check would not clear when it was presented to county officials. The \$1750 check to county officials bounced. She did not account for the reoccurring payments or automatic deductions in the account.

In a 2018 criminal case, Ms. Sweeney was charged with the counterfeiting of private instruments and documents. She was charged with forging a bank statement. She prayed a jury trial on the charge. At that time the charge was placed on the stet docket. The case number for the case is C-06-CR-18-000161. Ms. Sweeney stated at the hearing that she forged a bank signature because she was an idiot and used poor judgment. She realized that it was a criminal offense after the fact.

A \$500 check to buy Conah's Bar & Grille was written by Ms. Sweeney. This check bounced too. The Board had a November 8, 2017 hearing for an original application to buy Conah's Bar & Grille in Westminster, Maryland. When it was discovered that the \$500 check bounced Ms. Sweeney came in the next day and paid the bill with cash. Jennifer Klevins and Arthur Baux were on the Conah's license that got approved by the Board. Something in the deal with the purchase of Conah's fell through. When that occurred Ms. Sweeney went into Conah's and stole the license (which did not have her name on it) from off of the wall where it was located. A licensed establishment must always have on display its approved license from the Liquor Board.

Ms. Sweeney testified that she has taken steps to ensure that no other business checks bounced. She now has five different bank accounts.

The partners in the Eazy Does It had to split up. Ms. Sweeney stated that part of the reason for the split was because Arthur Baux was a hardcore alcoholic that hid it well. She stated that he was also a negligent business partner. Thereafter, Eazy Does It was dissolved.

Rebekah Sweeney pleaded guilty to a felony charge of grand larceny in New York in 2002 when she was in her late 20s. She also pleaded to a misdemeanor charge of possession of a forged instrument in 2005 in New York. When she was asked about the convictions at the hearing she read a statement. She knew that she would have to address the Board about the convictions. She stated that she was recently separated at the time and that she was introduced to cocaine. Her downfall occurred, including the convictions, after she was introduced to the cocaine. At her lowest point she lived in her car for about two months. Sometime in 2005 she placed herself in a rehabilitation facility.

Scott Davis would be a ten percent owner of the business. He has lived in Carroll County his whole life. He had worked in the restaurant business before for his uncle. He stated that they would not accept Maryland vertical driver's licenses for alcohol sales. However, they would accept vertical licenses from Pennsylvania. The staff would be expected to bring Pennsylvania vertical licenses to him or Ms. Sweeney for the approval to serve.

Mr. Davis was on the Eazy Does It liquor license along with Arthur Baux. Although Ms. Sweeney was not on the Eazy Does It license she helped to operate the business. Mr. Baux handled the finances for Eazy Does It. Mr. Davis stated that Mr. Baux lied to him about something. Mr. Davis stated that Mr. Baux had relinquished or waived his rights in Eazy Does It. While Eazy Does It was in operation Mr. Davis would spend his days at the facility. He puts in time at his other job by working remotely. At first he was a silent partner in Eazy Does It. However, he has actually been working at the location since November 2018. His expectation as a business partner is that Ms. Sweeney will not write out another bad check. When asked about his commitment to the venture after hearing all of the testimony he stated that his commitment had not diminished. One of his roles in business was to invest in small businesses. He wanted the Taneytown area to grow and thrive.

Mr. Scott stated that he was not involved with the situation at Conah's Bar & Grille in 2017.

Barbara Zortman testified as a character witness for Ms. Sweeney. She has known Ms. Sweeney for seven or eight years. She and her children were friends with Ms. Sweeney and her children. She had not seen Ms. Sweeney for a while due to an issue with her knee. She believed that Ms. Sweeney was a fit and proper person to hold a liquor license.

Chris Tillman testified as a character witness for Ms. Sweeney. He has known her for a little more than one year. He owns a bed and breakfast in Taneytown. He sends his patrons to her restaurant to eat. He has served as a bartender for her on occasions. He had been in Eazy Does It dozens of times. He believed that Ms. Sweeney was a fit and proper person to hold a liquor license.

Joann Lebel testified as a character witness for Ms. Sweeney and Mr. Davis. The food service at Eazy Does It was good and prompt. It was a nice restaurant. She would eat there on Tuesdays and Wednesdays. There would be seven to eight tables in use when she dined there.

Victoria Bromley testified as a character witness for Ms. Sweeney and Mr. Davis. She had seen dogs in the office. She was an employee of Eazy Does It.

Gail Wilson testified as a character witness for Ms. Sweeney and Mr. Davis. She has known them since they opened Eazy Does It. She thought they were ethical, honest and strong. She believed that both were a fit and proper people to hold a liquor license.

Nancy McCormick testified as character witness for Ms. Sweeney and Mr. Davis. She works for Taneytown in the area of economic development. She testified before the Board during the application for Eazy Does It. She said that the community came together for a fundraiser to help Rebekah Sweeney and fifty to eighty people came to it. Ms. McCormick was recalled as a witness for the Board. When she was asked whether Taneytown government would be for or against a company with the testimony at the hearing regarding Ms. Sweeney she stated that the town would be “extremely cautious.”

Benjamin Kieffer testified as a character witness for Mr. Davis. He has known him for three years. He also knows Ms. Sweeney. He runs a Taneytown Tire and Auto shop. He and Scott have talked about being partners on various projects.

Keith Benfer testified in opposition to the application. He believed that Ms. Sweeney was not worthy of obtaining a liquor license. To that end he submitted Opposition Exhibit 1 to the Board. He stated that this application was Ms. Sweeney’s third involvement with a liquor license. He stated that she had been smoking in her office at the facility. Although he had not actually seen any dogs, he stated that she also brought dogs into the office. He observed dog bedding in the office. At the grand opening of the restaurant he stated that a customer was drinking alcohol behind the bar. He also saw Ms. Sweeney and an employee smoking in the restaurant. She had not shown remorse for her misdeeds and hadn’t taken responsibility for them. She was a cash only customer with the county due to the bad checks.

The Board found that this was a difficult case in which to decide. There were real concerns about the character of Ms. Sweeney. At times she had issues with obeying the law. There were some points that were weighed in mitigation to the transgressions though. She had compelling character witnesses. People stated that she was a hard worker. There is a need for the establishment in the community. Ms. Sweeney acknowledged to the Inspector that she would be truthful going forward and would be forthright with Mr. Benfer. Although it was acknowledged that Ms. Sweeney had a past that could clearly disqualify her from obtaining a liquor license, the Board decided to approve the application.

George Harmening made a motion to disapprove the application. There was evidence of illegal conduct and criminal offenses on behalf of Ms. Sweeney. There were also examples of bad character. The motion died because there was a lack of a second on the motion.

George Barnhart made a motion to approve the application. The motion was seconded by Dave Brauning.

The Board approved the application as presented. **Quarterly reports of food sales verses alcohol beverage sales will be required during the first year of operation.**

At this time, the Board adjourned at 1:00 p.m. for a break to come back into session at 1:30 p.m. for the next hearing.

3. **Case 6151**, On May 8, 2019, the Board of License Commissioners for Carroll County (hereinafter the Board) convened to hear Case No. 6151, the application for a new Class D – Beer and Wine license and a Crowler license to be issued to David Palmer and Jesse Johnson for the use of Brewery Fire, LLC, t/a Brewery Fire, 4337 Old Taneytown Road, Taneytown, Maryland 21787, in Election District 1.

David Palmer testified as a 50-50 owner of the company. He performs contract work with the Department of Defense. His partner would be Jesse Johnson. Mr. Johnson would monitor the day to day operation of the brewery for the first two years. The brewery would be

located along with a bowling alley. The facility used to be a Curves gym and it was vacant for two years. He intends to receive alcohol awareness training in May 2019.

Jesse Johnson stated that he would brew 100 barrels at a time. The square footage at the brewhouse would be 600; the serving area might have approximately 1800 square feet. There will be a way for patrons to go to the bowling alley from their premises. The bowling alley, which also has a liquor license, will have one tap of their beer. They hope to open the brewery in early July 2019. The hours of operation would be from the afternoon until approximately 9:00 pm.

Character witnesses were: Christopher Tillman, David Palmer, Robin Hoke and Nancy McCormick.

The Board unanimously approved the application as presented.

At this time the Board moved into the Business Meeting:

1. The Board approved the minutes from the April hearing upon a motion by George Harmening and seconded by George Barnhart then approved unanimously. The one correction to those minutes was that the April, 2019 minutes had a next hearing date on the last page as April 10, 2019 when it should have been May 8, 2019. The Board approved a request from Market Tavern for expanded outdoor space for events after Inspector Benfer approved of the matter. The Board approved drawings from Dave Johansson of the planned floor plan changes to the restaurant to be done in July, 2019. The work would start on July 1, 2019. The Board approved a one day liquor license request for an outdoor event from Common Ground on the Hill to hold a music and arts festival at the Carroll County Farm Museum on July 13, 2019. The Board approved a letter from Piper's Wine & Spirit Barn informing the Board that they are now selling gasoline again and that their store hours have changed as a result. The Board approved a one day liquor license request for an outdoor event from Freedom Swim Club to hold a crab feast at the Freedom Swim Club on June 8, 2019. The Board approved a one day liquor license request for an outdoor event from Kiwanis Club of Westminster to hold a beer and wine garden at the Carroll County Farm Museum on July 4, 2019. The Board discussed corrected 2018 DUI stats. The Board decided to speak to G.L. Shacks, Belisimos, Green Turtle-Westminster, and Stables about the DUI situation at those establishments. The Board wanted the establishments to be scheduled to come in at different times. The Board wanted counsel to draft a letter the Westminster Police Department about sharing its DUI numbers with the Board.
2. The Board discussed the wording for the Rules and Regulations booklet for Class 1 Distillery on-site consumption permits. The Board decided that the fee for the permit would be \$500. The motion was made by George Harmening and was seconded by George Barnhart. The motion carried by a 3-0 vote.
3. On June 6, 2019 there will be a retailer training seminar at Carroll Community College. The seminar will be from 8:30 am to 12:00 noon. The Board will be scheduled to speak at 11:30 am. Other speakers will be Marty Johnson, James DeWees, Sheriff, and Brian DeLeonardo, States Attorney. On June 10, 2019 there will be a TAM training session in room 003 from 10:00 am to 2:00 pm.

At this time, there being no further business before the Board, Mr. Brauning adjourned the meeting at 2:30 p.m. The next hearing date will be June 12, 2019.

Respectfully submitted by:

Timothy A. Dixon
Assistant County Attorney