

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

On March 13, 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 and George Barnhart were present as well as Jo Vance, Administrative Hearings Coordinator; Assistant County Attorney Timothy Dixon, Counsel to the Board; Keith Benfer, Senior Liquor Inspector; and Adam Reid, Liquor Inspector.

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

1. **Case 6125**, A Class B – Beer, Wine and Liquor license issued to Austin Illiano for the use of Three Maryland Amigos, LLC, t/a LunaZul, 841 S. Main Street, Suite E, Hampstead, Maryland 21784 – Violation hearing (Sale to a minor). Kelly J. Shaffer, Esq. appeared on behalf of the establishment. Inspector Reid testified that on January 9, 2019, he sent an underage volunteer into LunaZul with the intent to purchase alcohol. The server, Ms. Strong, requested the volunteer's ID and was presented with her vertical ID. However, she served the beer to the volunteer. At the time of the incident, the server has not had any alcohol awareness training. Austin Illiano, Garrett Jarvis and Tony Ogden appeared as licensee, manager and owner, respectively, of the establishment. Mr. Ogden testified that Ms. Strong had been hired in October and that they had just had a training class in September and the next one was scheduled for February of 2019. The policy at the time of the incident, however, was that a server must receive manager approval on a vertical ID. Since the incident they have implemented a written policy on alcohol procedures and they ask each server to read and sign that they have read the policy. Mr. Ogden also testified that a new hire would go through two days of training by shadowing another employee and verbal training on all policies. Mr. Illiano verified these statements and also testified that he regularly meets with Mr. Ogden about store policies, etc. Mr. Ogden also testified that his establishment and Illiano's J&P in Hampstead have joined together to have more frequent TAM/TIPs training for new staff. His expectation is to do trainings quarterly if there is enough new staff to justify the cost. The Board suggested to Mr. Ogden that there would be fewer frustrations for his business if he had a policy of not accepting vertical IDs. Mr. Ogden stated that he would institute that policy immediately. After further questions and discussion, George Barnhart made a motion to find the establishment culpable and issue a fine of \$750.00. This was the second violation in a twelve month period for this establishment. Mr. Harmening seconded the motion and it passed unanimously.

At this time, the owners of Michael's Steak and Seafood House of Hampstead, Sophia Gerapetritis and Themistocles Gerapetritis appeared before the Board to explain the continuing delays to their opening the restaurant in Hampstead. They explained that they have had several unexpected delays partly caused by their contractor who is also their landlord and partly because of a company they are renting their steam table from.

They unfortunately did not have a deadline included in their contract with their contractor. Right now they are planning to be open in at least two months, but they requested a three month extension just to be safe. Mr. Harmening made a motion to grant the three month extension and Mr. Barnhart seconded the motion and it passed unanimously.

2. **Case 6126**, A Class B – Beer, Wine and Liquor license issued to Jagtar Randhawa for the use of Spargo’s, Inc., t/a Spargo’s, 3165 Main Street, Manchester, Maryland 21102 – Violation hearing (Sale to a minor). Mr. Randhawa and Ms. Collins appeared for the establishment. Inspector Reid testified that on January 9, 2019, at approximately 6:13 p.m., he sent an underage volunteer into the business with the intent to purchase alcohol. The volunteer ordered a Bud Lite beer and Ms. Collins requested her ID. The volunteer showed the server her vertical ID which stated that she was not yet 21, but Ms. Collins served her anyway. Ms. Collins and Mr. Randhawa testified that it was very busy that evening and that another server had called out so Ms. Collins was on her own for the very first time. She stated that she was rushed and stressed by the unusually large crowd for a Wednesday night. Mr. Randhawa testified that they were short staffed and also that the bartender just sat the beer on the counter when most times he would check IDs also. Mr. Randhawa stated that Ms. Collins is now TAM certified. She stated that she took this very seriously and that she had served as an intern with the Westminster Police Department doing tobacco compliance check. Inspector Reid testified that the establishment had been checked a total of twelve times, with only two violations and the last one being in 2015. Mr. Harmening made a motion to find the establishment culpable and to issue a fine of \$300.00. Mr. Barnhart seconded the motion and it passed unanimously.
3. **Case 6127**, A Class A – Beer, Wine and Liquor license issued to Dan Bowles for the use of Gunnar, LLC, t/a Hampstead Liquors, 720 Hanover Pike, Hampstead, Maryland 21074 – Violation hearing (Sale to a minor). Dan Bowles, the owner and licensee appeared for the establishment. Inspector Reid testified that on January 9, 2019 at approximately 6:59 p.m., he sent an underage volunteer into the establishment with the intent to purchase alcohol. The clerk, Ms. Myers, did not ask for ID and sold the volunteer a six pack of beer. Ms. Myers was TAM trained at the time of incident. Mr. Bowles testified that he is constantly telling his employees that checking IDs is of the utmost importance and he stated that his policies in place include not selling to anyone with a vertical ID. He also stated that he used this incident to stress to other employees the importance of checking IDs. After further discussion Mr. Barnhart made a motion to find the establishment culpable and to issue a fine of \$300.00 and then suspend the fine because of their record of no violations in the four years since Mr. Bowles has owned the establishment. Mr. Harmening seconded the motion and it passed unanimously.
4. **Case 6128**, A Class A – Beer, Wine and Liquor license issued to Suresh G. Chokshi and Kaushik Talati for the use of Manchester Group, Inc., t/a Number One North, 3201 North Main Street, Manchester, Maryland 21102 – Violation hearing (Sale to a minor). J. Brooks Leahy, Esq., Kaushik Talati and Donald Dean Fitzgerald appeared

on behalf of the establishment. Inspector Reid testified that on January 9, 2019 at approximately 5:55 p.m. he sent an underage volunteer with the intent to purchase alcohol. The volunteer went to the cashier with a four pack of Seagrams Escape and was asked for her ID. She presented her vertical ID that showed that she was not 21 years old, and the clerk, Mr. Fitzgerald, sold her the alcoholic beverages. Mr. Fitzgerald testified that he thought the birthdate on the card was 1977. Prior to this incident and after this incident he has successfully carded several other minors and not sold to them. The policy of the store is to not accept vertical IDs at all, and there is a bonus system in place for age compliance for both alcohol and tobacco. Mr. Fitzgerald was TAM/TIPs trained early last year, and the establishment also has a scanner for IDs. There was a software issue on that date so it was not working. Mr. Talati testified that he has two other employees and that he has had the scanner for about a year. It was noted that they had one previous violation in 2014. After further discussion, Mr. Harmening made a motion to find the establishment culpable and to issue a fine of \$300.00 and suspend the fine. Mr. Barnhart seconded the motion and it was passed unanimously.

At this time the Board moved into the Business Meeting:

5. The Board approved the minutes from the February hearing upon a motion by George Harmening and seconded by George Barnhart then approved unanimously. The Board approved two requests from the Vine on Main and Baldwin's Station to allow them to participate in TGIF in Sykesville and the Sykesville festivals on Main Street. They also asked if they could move a TGIF event to Saturday in the case of inclement weather on Friday and the Board approved this also. The Board approved one day liquor license applications from Downtown Sykesville Connection for Mimosas on Main on April 14, 2019 and for Sykesville Art and Wine Festival on May 5, 2019. The Board approved a request from Stables restaurant asking for permission to hold deck parties on Sunday afternoons through the summer and early fall. The Board approved a one day liquor license application from the Mount Airy Main Street Association for a 5K Glow Run on May 18, 2019. The Board also approved a one day liquor license application from Carroll Hospice to hold a fundraising event at Carroll Hospital on April 29, 2019. Inspector Benfer informed the Board of events surrounding the establishment of Eazy Does It in Taneytown. After discussion, it was decided by the Board that if Mr. Baux did not submit a resignation letter by the end of March that there would be a need for a hearing and possibly an extension of time for their renewal packet to be submitted. The Board approved a request from Pete Samios that John Weiler, a licensee, be excused from the April 10, 2019 hearing for a violation of sale to minor because of a conflict in his scheduled. The Board approved the information from Johansson's regarding the days they will be closed in July for renovations. The Board also approved a request from Linbeau's Railway Pub to hold a fundraiser outside on their property on June 15th to donate to the Suicide Prevention organization because of a patron of theirs who had recently committed suicide. Mr. Benfer reported that Frankie's Bar and Grill in New Windsor will be opening on Monday, March 25, 2019. Mr. Brauning reported to everyone that it was too late this year to submit legislation for the 2 a.m. closing time, but that next year this will be

something they will plan to submit.

At this time, the Board adjourned at 11:57 a.m. for lunch to come back into session at 1:30 p.m. for the next hearing.

6. **Case #6131**, A Class B – Beer, Wine and Liquor license issued to Betty G. Boone for the use of FS Rest, LLC, t/a New York J & P Pizza Eldersburg, 1720 Liberty Road, Eldersburg, Maryland 21784 – Violation hearing (Sale to a minor). Betty G. Boone, Nikki Burns, and Fabio Sanchez appeared for the establishment. Inspector Reid testified that on February 23, 2019 at approximately 6:40 p.m., he sent an underage volunteer into the establishment with the intent to purchase alcohol. The volunteer ordered a Miller Lite beer. Ms. Burns requested her ID and looked at her vertical license showing that she was not yet twenty-one years old but served her anyway. Ms. Burns has been TAM trained previously but her certification had expired at the time of this incident. Ms. Burns testified that she tried to calculate the birthdate and thought the volunteer was old enough. She also testified that she has always had problems with math. She also testified that she was not TAM certified again. Ms. Boone testified that she was not there at the time but her understanding was that there was some problem with reading the date of birth. Mr. Sanchez testified that they don't accept vertical IDs. Inspector Reid stated that they had a violation in February of 2015 but nothing since until this incident and that they had been checked a total of twelve times. After further discussion, Mr. Barnhart made a motion to find the establishment culpable and issue a fine of \$300.00. Mr. Harmening seconded this motion and it passed unanimously.

7. **Case 6132**, A Class A – Beer, Wine and Liquor license issued to Bhavesh R. Patel and George R. Harrison for the use of Oakland Mills Liquors, LLC, t/a Oakland Mills Liquors, 2816 Liberty Road, Sykesville, Maryland 21784 – Violation hearing (Sale to a minor). Mr. Patel appeared for the establishment. Inspector Reid testified that on January 23, 2019 at approximately 6:26 p.m., he sent an underage volunteer into the establishment with the intent to purchase alcohol. The clerk, John Landis, did not ask for any ID and sold the volunteer a Bud Lite beer. Mr. Patel testified that Mr. Landis had not been TAM or TIPs trained but that their policy is to not accept any vertical IDs. He also testified that Mr. Landis is no longer allowed to work behind the counter. This is the first violation on this establishment since Mr. Patel took ownership twelve years previously. Mr. Reid then asked that an amendment be accepted by the Board to change the date from 1/23/18 to 1/23/19 on his violation form. The Board accepted the amendment. After further discussion, Mr. Barnhart made a motion that they find the establishment culpable and issue a fine of \$300.00, but because of this being the first violation in twelve years that the fine be suspended. Mr. Harmening seconded this motion and it passed unanimously.

At this time, there being no further business before the Board, Mr. Brauning adjourned the meeting at 2:04 p.m. The next hearing date will be April 10, 2019.

Respectfully submitted by:

Jo Vance
Administrator Hearings Coordinator
Office of Administrative Hearings

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