

The Board of License Commissioners of Cecil County met in a regular session at the County Administrative Building, Conference Room, 200 Chesapeake Boulevard, Elk Room, Elkton, MD on **Wednesday, January 30, 2019** at 9:15 A.M.

PRESENT: Tim Snelling, Chairman
Steven A. Miller, Commissioner
Kristin Ortt, Commissioners
Jason Allison, Cecil County Attorney
Robin S. Trader, Administrative Assistant

Chairman Snelling called the meeting to order at 9:15 AM; he stated Chief Bradford and Board Attorney, H. Norman Wilson are both excused and County Attorney, Jason Allison will be assisting the Board today; he stated anyone wishing to wait until Chief Bradford and/or Mr. Wilson were in attendance may do so.

APPLICATIONS

NEW LICENSE:

Application received from Curtis Pember York, Owner, T/A The Rum Guys, 19 Bohemia Avenue, Chesapeake City, Maryland 21915 for issuance of a new Class "B" Beer, Wine & Liquor Alcoholic Beverage License.

Curtis Pember York appeared before the Board; he was duly sworn by the Clerk. Mr. Allison read the legal notice stating it was advertised on the dates of January 16 and 23, 2019. The fully executed application packet with proper fees included: signatures of 10 registered voters and property owners in District 2; zoning certificate signed by Robert Bernstine, Town Manager, Town of Chesapeake City; Mr. Allison asked if the questions that were answered and submitted were the same as when they were submitted; the applicants stated yes. Mr. York stated he would like to clarify one of the questions, stating he was in business with his son in Australia doing this, however, his son is the licensee, and he was only the business owner. He continued he would like to educate people on rum generally about once a month or more, present people with a quiet place to meet, primarily to educate and introduce spirits to experience and enjoy and educate; at first would like to be open Thursday through Sunday from 5 PM – 9 PM. He reiterated he was in business with his son in Australia and had quite a business and would like to introduce this here and thinks Chesapeake City is a great place to have such a business.

Patricia DeRosa, representing Bennett's Liquors and Harvey Jacobs from Brantwood Liquors voiced concerns that this will eventually turn into a package store and they want assurance that this will not happen. Mr. York stated he has no intentions of having a package store, nor is there room for this. Both licensees wished him well in his endeavors.

Mr. Allison asked about food sales, stating to have Sunday Sales, 25% of sales must be from food items; Mr. York stated his wife will be doing the food, she will introduce tapas type menu, they are hoping to pair food with the spirits and educate on where the food originates. Mr. Allison

asked if the food will be prepared onsite and if they have Health Department approval? Mr. York stated he has spoken with the State of Maryland Comptroller's Office, as well as, the Cecil County Health Department and the kitchen facilities are approved. Mr. Allison stated he will need to determine which distributors can satisfy his needs and Mr. York stated he is working on that, but will need the license in order to speak with many of the distributors. Commissioner Ortt asked about the bakery and if the alcohol will be in a locked area; Mr. York stated they are discussing these items. Commissioner Miller asked if he plans on any type of outdoor activity and Mr. York stated that is a question for the Town of Chesapeake City.

With no further questions or concerns, Chairman Snelling called for a motion; Commissioner Miller made a motion to approve the Class "B" alcoholic beverage license conditioned upon Mr. York getting Cecil County Health Department approval and submitting the CR # (Sales and Use #) to the Board office; Commissioner Ortt seconded that motion and the Board unanimously approved the Class "B" BWL alcoholic beverage license with the above conditions.

TRANSFER

Application received from Jamil Jamaldinian, Member; Mynor Hernandez, Member; Melanie Prest, Cecil County Resident; GT Perryville, LLC, T/A The Greene Turtle, 1201 Chesapeake Overlook Parkway, Perryville, Maryland 21903 for transfer of Class EF Alcohol Beverage License No. EF-2 from Robert Frankis, William Frankis, Melanie Prest, Cecil County Resident; GT Perryville, T/A The Greene Turtle, @ Hollywood Casino, 1201 Chesapeake Overlook Parkway, Perryville, MD 21903

Mr. Jamaldinian and Melanie Prest appeared before the Board; they were duly sworn by the Clerk. Mr. Allison read the legal notice stating it was advertised on the dates of January 16 and 23, 2019. The fully executed application packet with proper fees included: signatures of 10 registered voters and property owners in District 7; zoning certificate signed by ; Mr. Allison asked if the questions that were answered and submitted were the same as when they were submitted; the applicants stated yes. Chairman Snelling asked if there were plans for a different entrance since the casino does not allow anyone under 21; Mr. Jamaldinian stated they are currently in discussion with the casino about future plans and that is one of the items they are discussing, especially with the water park opening. This will depend on permitting, as well as other things.

With no further questions, Chairman Snelling called for a motion; Commissioner Ortt made a motion to approve the transfer to the applicants; Commissioner Miller seconded that motion and the Board unanimously approved the transfer.

Application received from Jennifer Clare Marin, Secretary/Treasurer; Susan Clare Marin, President; The Bayard House, Ltd, T/A The Bayard House, 11 Bohemia Avenue, Chesapeake City, Maryland 21915 for transfer of Class "B" Beer, Wine & Liquor Alcoholic Beverage License No. B-21 from Jennifer D. Beck, Owner; Bayard House Restaurant, LLC, T/A Bayard House, 11 Bohemia Avenue, Chesapeake City, MD 21915

Jennifer Marin and Susan Marin appeared before the Board with attorney, Robert Jones; they were duly sworn by the Clerk. Mr. Allison read the legal notice stating it was advertised on the dates of January 16 and 23, 2019. The fully executed application packet with proper fees included: signatures of 10 registered voters and property owners in District 2; zoning certificate signed by Robert Bernstine, Town Manager, Town of Chesapeake City; Mr. Allison asked if the questions that were answered and submitted were the same as when they were submitted; the applicants stated yes. Mr. Jones stated the Board previously approved the Lease Management Agreement with Ms. Beck; Ms. Marin stated they will be upgrading the food service, they have cleaned the restaurant and are keeping all employees. She stated they are scheduled for alcohol awareness in March. She stated the Marin family is very invested in making this a success.

With no further questions, Chairman Snelling called for a motion; Commissioner Ortt made a motion to approve the transfer of the Class "B" BWL alcoholic beverage license conditioned upon the applicants getting the CR #/Sales & Use # to the Board office; Commissioner Miller seconded that motion and the Board unanimously approved the transfer of the Class "B" BWL alcoholic beverage license with the above conditions.

LEASE MANAGEMENT AGREEMENT

Class "B" BWL No. B-83 – Enzo's Waterfront Italian Dining and Bar, 285 Plum Point Road, Elkton, MD 21921 – DID NOT APPEAR – Mrs. Trader will send them a letter to appear at the February meeting, stating that if they fail to appear the lease management agreement will be void.

CONCERNS:

Jay Rhawn, The Beach House regarding The Archway Inn

Jay Rhawn appeared before the Board with attorney, John Downes; Michael Darrell, Vice President of the Archway Inn was called to the front as well. Mr. Downes stated the business known as the Archway Inn has been closed for business since June 28, 2017. He continued the Board called the license for a violation hearing for not having a current license to do business. Mr. Rhawn stated he was very grateful to the Board for the extensions he was granted, however, he feels the Board has far exceeded time that is allowable by law to the Archway.

Mr. Downes stated this Board has a reputation, a good reputation for working together with license holders; working with them, particularly when there are hardships that the owners are enduring in order to keep the license alive and in the business viable in the community. But what we see going on with the Archway Inn, we don't believe is constitutes a hardship. For example, I don't think owing back taxes to the comptroller on liquor sales constitutes An issue that were there should be a waiver or a hardship that doesn't seem to us to constitute a hardship. And they're not doing anything to maintain that license. The 30 day requirement has not been met in 2007 or 2017 or 2018 and we see no reason to think that it's going to be complied with 2019 either; the property went to tax sale last year. It was later redeemed, but they are delinquent this time on their on their property taxes. We're concerned of other things that we are aware of, as I said, the property has been listed for sale and it's continued to be for

sale. It's not operational, the property itself is in deplorable condition; it does not appear visually to be anywhere near ready to operate. As a criminal defense attorney, I sometimes do some of that work. I am aware of the concept of innocent until proven guilty about there are presently approximately 10 counts in circuit court pending against Miss Graves, who's the owner and operator of Archway Inn relating to a resisting arrest involving a police officer and a one car accident and the ensuing involvement of a police officer resulted in DWI and DUI charges that are still pending. And then that that happened back in February of last year. And I realize that it takes time to play out, part of the reason it's delayed so much as Miss Graves failed to appear and she had to be rearrested and brought in and had to post bond so you know if it was just that incident, say, somebody made a mistake, it happens. Who knows, maybe she'll be found not guilty. But when all these things are taken together and look at this, we think that the fact that the license hasn't been used in almost two years would indicate that there is not a need for that license. And there are already eight in District One and we believe the population would only support six. So we have two extra is one of which is not being used. We think it's appropriate that the Board address this, my client would prefer, you're not going to do this, but my client would prefer you just simply say today we're going to pull that license and we're going to have seven licenses in District One, but we would like for you to take it under advisement and consider what to do about this license. We don't see the need for it, as demonstrated by the fact that hasn't been used in two years. Mr. Rhawn, do you have any other issues you like to address at this time? Mr. Rhawn stated, I'm just questioning on why does state law say liquor licenses can only be extended 20 days, one thing I've always kind of been confused on for hardship stuff. Mrs. Trader explained that's in events where the premises have been abandoned. They have 20 days to send in an application for transfer, if you were leasing the property and you lost your lease or abandoned the property, then you have 20 days to send the application into our office to transfer that license. Mr. Downes stated all right, well that's not what's happening here and what's happening is it's simply not being operated. When it was being operated it was being operated unlawfully this Board became aware of it, by, virtue of the inspector catching them red handed, it hasn't been operating, to the best of our knowledge, lawfully since then we have reason to believe that it was operated subsequently to that inspection. Basically what's happening is a train wreck and I think it's time to recognize that there really is no need for this license to exist, it's been unused for quite some time, there's relevant issues related to the 30 day issues that that we just think it's time to recognize that.

Mrs. Trader asked the Board if she could state the facts as the Board has in files in place of Chief Inspector Bradford; she stated what is in the file on January 9th 2017, we did indeed receive a letter from the comptroller stating to hold the Archway, as well as I'm not sure how many other licenses until the taxes were satisfied. They did on May 1 sell alcohol without the present license being issued and that's what we brought them into for a violation hearing, however, on May 5, 2017, we received a letter from the comptroller's office, stating that they request to lift that hold and that the license has been that taxes had been satisfied for them. On September 1, 2017 as well as on 6/8/17 we did a compliance check and they did not sell so they were open in June of 2017 on 9/1/17, our inspectors did a compliance check, they were open at that time and did not sell; they did a stay alert and they did not sell and Karen Graves, President and she

was the one who signed that form. Chief Bradford contacted distributors on 11/15/17 they purchased approximately \$200 of alcohol from Sentman's and on that same day he contacted Northeast Beverage. And they purchase approximately \$196.45 cents of alcohol; we at that time had two inspectors who lived in that area and they were in constant communication with Chief Bradford, and would say that they were open. January of 2018 we received a letter from the comptroller's office again stating that there was a tax issue and they are not the only ones that are on this list. There's a list of probably 13 to 17 every year. And we were asked to hold the license and we know as a drop dead date that May 1, 2018, the license was not issued and that is the date that we are going by May 1, 2018, so they have one year to make the license good.

Mr. Darrell stated they, too had a fire November 2, 2018; his mother was diagnosed with a terminal illness January 2, 2019 with three – six months to live. They are working with an Auctioneer Company and will signing a contract within the next few weeks. He stated the inside is immaculate, though the grass needs to be cut and the parking lot needs to be blacktopped, the business is ready to go under contract for the auctioneer.

With no further questions, Chairman Snelling called for a motion; Commissioner Miller made a motion to allow the Archway to pursue the sale of the establishment/license with the 12 month period to end on May 1, 2019; Commissioner Ortt seconded that motion and the Board unanimously approved the time period for the license through May 1, 2019.

General Business

- **Approve Minutes**
The minutes from the October 24, 2018 meeting were approved.
- **Specials**
 - **West Cecil Health Center – Anna appeared before the Board explaining they will be holding a fundraiser for Health Center - Approved**

Old Business

New Business

With no further business to discuss, Commission Ortt made a motion to adjourn the meeting; Commissioner Miller seconded that motion and the meeting was adjourned 10:47 AM.

BY:

Tim Snelling, Chairman

ATTEST:

Robin S. Trader, Administrative Assistant