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, September 25, 2019 at 9:15 A.M.

PRESENT: Stephen A. Miller, Chairman
Kristen Ortt, Commissioner
Bernard Chiominto, Commissioner
Jason Allison, Board Attorney
Earl Bradford, Chief Alcoholic Beverage Inspector
Robin S. Trader, Administrative Assistant

UPDATE/REQUEST FOR EXTENSION
Class “B” BWL No. B-179 - David A. Carey, Member; Charles Harry Craven, Jr., Member; 31 River LLC, T/A Tiki Lee’s, 31 River Road, Perryville, MD 21903

Charles “Bud” Craven appeared before the Board with attorney, Shelly Upton, as well as, Adam Carballo, Carballo Architecture & Kevin Pascale, Pascale Stevens LLC. Ms. Upton stated they had the opportunity to purchase the property at 12 River Road; they have finally applied for and titled all abandoned boats in their name so they may be removed. She stated there are some safety issues they need to address to appease the insurance company; they have to apply for a demo permit for the house. They’ve been working with engineering, a carpenter; this property will be a restaurant with transient slips. Their plan is to begin construction November 2019. There’s a number of projects that need to be done; they need to replace every pylon and pier. They are hoping to reach out to Great Wolf and offer passenger vans to go between Great Wolf, Tiki Lee’s and Lee’s Landing. Commissioner Chiominto had questions regarding the pavilion area; Ms. Upton stated that area would house the Tiki bar to serve alcohol and food. She explained 12 River road would have a boat ramp, 200 slips and be used as a marina. Ms. Upton requested a one-year extension with a six-month update; this is to be added onto the extension that expires December 25, 2019 and the six-month update would be June 2020. With no further questions, Commissioner Chiominto made a motion to approve a one-year extension with a six-month update; to be added onto the extension that expires December 25, 2019; Commissioner Ortt seconded that motion and the Board unanimously approved the one year extension with six month update to be added onto the extension that expires December 25, 2019 with the six-month update in June 2020.

Class “B” BWL No. B-180 - Mattias Schmid, Member; Harry P. Phillips, Managing Member; William R. Phillips, Managing Member; 5th Company Brewing LLC, T/A 5th Company Brewing, 362 Front Street, Perryville, MD 21903 – FAILED TO APPEAR

Commissioner Ortt made a motion to bring the licensees of 5th Company Brewing LLC into the October 2019 meeting for show cause for failing to appear at the hearing; Commissioner Chiominto seconded that motion and the Board unanimously voted to approve to bring the licensees of 5th Company Brewing LLC into the October 2019 meeting for show cause for failing to appear at the hearing.
APPLICATIONS
TRANSFER
Application received from Isabel Hernandez, Spork Café LLC, T/A Spork Café, 102 West Main Street, Elkton, MD 21921 for transfer of Class “B” Beer and Light Wine Alcoholic Beverage License No. B-175 from Elena Smart; Brielle Smart; Jason Curtis; JEB’s Firewater, LLC, T/A Spork, 102 West Main Street, Elkton, MD 21921

Isabel Hernandez appeared before the Board; she was duly sworn by the Clerk. Mr. Allison read the legal notice stating it was advertised on the dates of August 16 and 21, 2019. The fully executed application packet with proper fees included: signatures of 10 registered voters and property owners in District 3. Chairman Miller asked how Ms. Hernandez planned for the business; Ms. Hernandez stated she would like to offer breakfast and lunch during the week and brunch on the weekends. She continued she would like to offer mimosas and other drinks. They open at 8:00 and close during the week at 3:00 PM and serve breakfast until 11:00 AM. Mrs. Trader stated the State of Maryland Comptroller’s Office has requested the CR # of the new LLC. With no further questions or concerns, Commissioner Chiominto made a motion to approve the transfer of Class “B” Beer & Light Wine Alcoholic Beverage License B-175 to Isabel Hernandez, Spork Café LLC, T/A Spork Café, 102 West Main Street, Elkton, MD 21921 from Elena Smart; Brielle Smart; Jason Curtis; JEB’s Firewater, LLC, T/A Spork, 102 West Main Street, Elkton, MD 21921 conditioned upon the applicant supplying the new CR #; Commissioner Ortt seconded that motion and the Board unanimously approved the transfer of Class “B” Beer & Light Wine Alcoholic Beverage License B-175 to Isabel Hernandez, Spork Café LLC, T/A Spork Café, 102 West Main Street, Elkton, MD 21921.

VIOLATION HEARING – Failed to appear for Hearing
Christopher D. Shelton, Licensee; Jake Ritter, Bay Crawlers, LLC, Lease Manager; T/A Bay Crawlers, 1701 Turkey Point Road, North East, MD 21901

Fred Russell and Jake Ritter appeared before the Board; they and Chief Bradford were duly sworn by the Clerk. Mrs. Trader stated the lease management agreement was approved in May contingent upon the new operators coming in to meet the Board and answer any questions they may have; Chief Bradford read his report into the record. Mr. Allison stated this Board understands there was an issue about the incorrect address, however, it is the licensee’s responsibility to correct such errors; he continued that the Board understands they were busy, short-staffed, possibly unaware of the hearing, but there were simply no excuses for not attending the previous hearings; Mr. Russell apologized to the Board for missing the previous hearings. Commissioner Chiominto stated he could understand the bad address is one issue, but the letter was hand-delivered and signed for and there’s just no excuse for that. Chairman Miller stated the Board would make their decision and they would be notified.

BOARD DECISION – Guilty - After discussion with Board attorney, Mr. Allison, Commissioner Ortt made a motion as follows:
   • Failure to appear at 3 hearings - $250.00, which must be paid prior to the license being transferred and issued.
Commissioner Chiominto seconded that motion and the Board unanimously voted to confirm the above-mentioned decision.
APPLICATION - TRANSFER
Application received from Fred Russell, RNR Crabs Inc. T/A Bay Crawlers Crab Shack, 1701 Turkey Point Road, North East, MD 21901 for transfer of Class “B” Beer, Wine & Liquor Alcoholic Beverage License No. B-135 from Christopher D. Shelton, Licensee; Jake Ritter, Bay Crawlers, LLC, Lease Manager; T/A Captain Chris’s Crab Shack, 1701 Turkey Point Road, North East, MD 21901
Fred Russell appeared before the Board; he was sworn in the violation hearing. The fully executed application packet with proper fees included: signatures of 10 registered voters and property owners in District 5; zoning certificate signed by Curtis McCardell, Code Compliance Inspector, Cecil County Office of Land Use & Development. Chairman Miller asked if they planned any changes; Mr. Russell stated there would be no changes. Chief Bradford asked when they plan to close; Mr. Russell stated they will close end of October and reopen beginning of April. With no further questions, Commissioner Ortt made a motion to approve the transfer of Class “B” BWL Alcoholic Beverage No. B-135 to Fred Russell, RNR Crabs Inc. T/A Bay Crawlers Crab Shack, 1701 Turkey Point Road, North East, MD 21901 from Christopher D. Shelton, Licensee; Jake Ritter, Bay Crawlers, LLC, Lease Manager; T/A Captain Chris’s Crab Shack, 1701 Turkey Point Road, North East, MD 21901 conditioned upon satisfying the sanctions of the violation hearing; Commissioner Chiominto seconded that motion and the Board unanimously approved the transfer of Class “B” BWL Alcoholic Beverage No. B-135 to Fred Russell, RNR Crabs Inc. T/A Bay Crawlers Crab Shack, 1701 Turkey Point Road, North East, MD 21901 from Christopher D. Shelton, Licensee; Jake Ritter, Bay Crawlers, LLC, Lease Manager; T/A Captain Chris’s Crab Shack, 1701 Turkey Point Road, North East, MD 21901.

VIOLATION HEARING - Every licensee shall be the actual owner and operator of the business. Alcoholic beverage License must be properly posted. At least one person with Alcohol Awareness Certification must be on duty at all times.
Sanjay Patel; Robin Desmith, Cecil County Resident; Hari Ohm, LLC, T/A Station Spirits, 2546 Pulaski Highway, North East, MD 21901 – FAILED TO APPEAR
Chief Bradford was duly sworn by the Clerk; Chief Bradford read his report into the record stating he went to Station Spirits to conduct a routine inspection, the sign out front stated NEW OWNERSHIP and someone not licensed was running the business. He continued there was no license posted and when he asked the clerk about this, was told it was under the counter. Chief Bradford revisited the establishment and the license was on a clipboard hanging on the wall, about the third paper from the top. We have not received a management agreement or an application for transfer. For the record, Chairman Miller stated the Board would make their decision and they would be notified.

BOARD DECISION – Guilty – After discussion with Board attorney, Mr. Allison, Commissioner Chiominto made a motion as follows:
• Allowing alcoholic beverages to be possessed, sold, furnished or consumed without the current alcoholic beverage license being properly displayed - $250.00 fine
• No one alcohol awareness trained - $100.00
• The owner is not the actual day-to-day operator of the business - $250.00
• LICENSE SUSPENSION – 10 DAYS – must receive a copy of a Lease Management Agreement which must be approved prior to the license being reissued.

Commissioner Ortt seconded that motion and the Board unanimously voted to confirm the above-mentioned decision.

APPLICATION - TRANSFER
Application received from Jaizel Cespedes and Robin Desmith JAR Beverage Inc., T/A Station Spirits, 2546 Pulaski Highway, North East, MD 21901 for transfer of Class “A” Beer, Wine & Liquor Alcoholic Beverage License No. A-17 from Sanjay Patel; Robin Desmith, Cecil County Resident; Hari Ohm, LLC, T/A Station Spirits, 2546 Pulaski Highway, North East, MD 21901 – FAILED TO APPEAR

General Business
• Approve Minutes
• Specials

Old Business
New Business
CLASS “B” BWL Alcoholic Beverage License No. B-112 - Lyle DeShaw, John Killian, Cecil County Resident, Chappytes, LLC, T/A Granite Run Tap Room, 26 S. Main Street, Port Deposit, MD 21904

– Mr. Allison read a letter from attorney, William Riddle, who is representing 3 Wells LLC, owner of the property at 26 S. Main Street, Port Deposit, stating the tenants have vacated the property and is requesting the additional 20 day extension to submit an application. Commissioner Chiominto made a motion to approve the requested 20 day extension; Commissioner Ortt seconded that motion and the Board unanimously approved the 20 day extension as set forth in Local Rules E.11.A.

With no further business to discuss, Commission Ortt made a motion to adjourn the meeting; Commissioner Chiominto seconded that motion and the meeting was adjourned.

BY:

_____________________________________
Stephen Miller, Chairman

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ATTEST:
Robin S. Trader, Administrative Assistant