

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, April 27, 2022, at 9:15 A.M.

PRESENT: Stephen Miller, Chairman
Kristen Ortt, Commissioner
Bernard Chiominto, Commissioner
Lawrence Scott, Board Attorney
Holly Ayers, Risk Manager/Legal Tech
Earl Bradford, Chief Alcoholic Beverage Inspector
Robin S. Trader, Administrative Assistant

Chairman Miller: Morning, ladies and gentlemen. I'm calling the meeting to order for the Cecil County Board of License Commissioners for March 30, 2022. I'd like to start off with everybody standing for the pledge allegiance to the flag.

APPLICATIONS – TRANSFER

Application received from Kuldip Singh Shergill; Kenneth William May, Maryland Resident; Shergill Brothers, Inc. T/A Bayview Liquors, 3135 Joseph Biggs Highway, Suite 4, North East, MD 21901 for transfer of Class "A" Beer, Wine & Liquor Alcoholic Beverages License No. A-51 from Kuldip Singh Shergill, President/Secretary/Treasurer; Katie Marie Kosinski, Cecil County Resident; Shergill Brothers, Inc., T/A Bayview Liquors, 3135 Joseph Biggs Highway, Suite 2A, North East, Maryland 21901

The fully executed application packet with proper fees included: signatures of 10 registered voters and property owners in District 5.

Mrs. Trader: Please stand and raise your right hand. Do you solemnly promise and declare that the evidence you're about to give in the matter now pending before the Board of license Commissioner shall be the truth and nothing but the truth?

Applicants: I do

Chairman Miller: Mr. Scott.

Mr. Scott: Morning. Could you tell the Board in your application is anything changed from when you submitted it yes Okay, would you tell us what changed in your application.

Mr. Shergill: One of my employees got the violation selling underage. So we got a ticket for that

Chairman Miller: Is that scheduled for next month?

Mr. Shergill: Yes. We haven't received any update on that yet.

Mr. Scott: Okay, is there anything in the application for transfer that is still nothing, everything else is saying okay, thank you for telling us that.
Commissioner.

Chairman Miller: Okay, tell us what you're doing basically; how far you're moving?

Mr. Shergill: We are doing business at 3135 Biggs Highway. And we have an opportunity; there's a bigger space available for rent and we jumped in and got it, it used to be a bookstore. There are more extra room to help, so we signed the lease with the landlord, and we applied for the permit and the demolition has been done, we haven't started any building yet, because we want to make sure the Board approved the transfer, then we can start building. Currently, we are in 2000 square foot the little suite will have approximately 4000 square feet.

Mr. Scott: I'm sorry, can you tell the board, how much how many square feet, is the new location?

Mr. Shergill: 4000

Mr. Scott: Okay 4000. Okay, thank you.

Mr. Shergill: It is in the same shopping plaza is just a different suite number from two to four.

Chairman Miller: Mr. Chiominto, do you have any questions?

Commissioner Chiominto: What's the square footage of the facility you have now?

Mr. Shergill: We have now 2100? And then regards to operation, nothing gonna change be still going to have the same hours and nine to nine and in the summertime nine to 10.

Chairman Miller: Ms. Ortt.

Commissioner Ortt: I have no questions.

Mr. Scott: Is anyone in the audience would like to speak for, on behalf, or in opposition to this application for transfer. Seeing none. Back to you, Mr. Commissioner, thank you sure.

Chairman Miller: At this point, hearing no opposition I'd like to entertain a motion.

Commissioner Chiominto: I'll make the motion to approve the transfer request when the application receive from Kuldip Singh Shergill; Kenneth William May, Maryland Resident; Shergill Brothers, Inc. T/A Bayview Liquors, 3135 Joseph Biggs Highway, Suite 4, North East, MD 21901 for transfer of Class "A" Beer, Wine & Liquor Alcoholic Beverages License No. A-51 from Kuldip Singh Shergill, President/Secretary/Treasurer; Katie Marie Kosinski, Cecil County Resident; Shergill Brothers, Inc., T/A Bayview Liquors, 3135 Joseph Biggs Highway, Suite 2A, North East, Maryland 21901

Chairman Miller: And do I hear a second?

Commissioner Ortt: I'll second

Chairman Miller: All in favor say Aye

Board: Aye

Chairman Miller: Opposed?

Chairman Miller: Having here heard no opposition; motion is approved Thank you good luck, good luck to you.

NEW LICENSE

Application received from Michael J. Browne, Patriots Glen Golf Course,

LLC, 300 Patriots Way, Elkton, MD 21921 for issuance of a new Class "GC" alcoholic beverages license.

The fully executed application packet with proper fees included: signatures of 10 registered voters and property owners in District 3.

Chairman Miller: Anybody that's going to testify in favor or an opposition, please stand.

Mrs. Trader: Please raise your right hand, do you suddenly promise and declare that the evidence, you are about to give in the matter now pending before the Board of License Commissioner shall be the truth and nothing but the truth.

Applicant: I do

Chairman Miller: Mr. Scott.

Mr. Scott: Hello, Sir good morning, is there anything in the application for this new license that has changed since you submitted to the Liquor Board?

Mr. Browne: No

Mr. Scott: Commissioner

Chairman Miller: Mr. Browne, could you tell us a little bit about your venture,

Mr. Browne: We were fortunate enough to purchase Patriots Glen Golf Course, along with my partner Ray Jackson. And we are currently in the process of renovating the clubhouse and putting several improvements into the golf course and these properties has not changed the, the number of people is that we're going to be serving is the same. And we're looking forward to bring patriots going back to what it was several years ago.

Chairman Miller: Miss Ortt, do you have any questions.

Commissioner Ortt: I know Patriots Glen but has the place been closed for a while?

Mr. Browne: Well, we closed it down when we purchased it, it was open up until December 31 and then we took over and began renovations, but it was opened up until then.

Chairman Miller: Very good, thank you. Mr. Chiominto, do you have any questions?

Commissioner Chiominto: No golfing going on right now?

Mr. Browne: Golfing is going on right now, no liquor

Commissioner Chiominto: I have nothing further

Mr. Scott: I just had a couple questions; can you tell us more about the ownership group and are you here as an owner or representing the client I am.

Mr. Browne: I own the operating entity, the business that will be operating the golf course and the clubhouse and the ownership group is separate from them.

Mr. Scott: Are you going to be serving food?

Mr. Browne: Yes, we are

Mr. Scott: Can you just give us a little background, but kind of food, would you know just give us and what hours of operation that kind of thing to be any music and will you be doing, will you be hosting events and stuff also was as part of this sure,

Mr. Browne: so the HOA actually owns the building of the Patriots Glen Golf Course so we work closely with them, we will be holding events that are in support of the Community will also be serving some food will be very similar to a convenience store deli that I went down off the Oldfield Point Road which is used to be Cooper's which is now the Jetty Frog and will have bar food and cheese steaks and that kind of food for both the patrons and for the that would come in from the Community, and also the golf course all right.

Mr. Scott: And what hours of operation, do you think the bar and the food would be the same as the golf course?

Mr. Browne: Right now, we're looking at basically seven in the morning until nine at night

Mr. Scott: Okay, be doing breakfast also

Mr. Browne: Yes.

Mr. Scott: Is there anyone here who would like to speak in support or an opposition of this application for a new license. Seeing one please come up certain state your name for the record

Rob Alt: Hello I'm Rob Alt, Mayor of the Town of Elkton Thank you guys for seeing me. Town developed in is extremely excited about Patriots Glen finally having a local operator and a local owner of this facility. It was needed, and if you get an opportunity, you should stop by I pop in on occasion, the excitement of the Community, as well as all the Members of Patriots Glen are very excited about this, thank you

Chairman Miler: thank you, Mr. Alt

Commissioner Chiominto: Just have one, are you are you hosting any tournaments

Mr. Browne: not currently we're going to begin hosting tournaments on or about July 1 our plans are to put a tent out back to host tournament separate from the clubhouse area clubhouse was a little tight for hosting and tournaments like that. So, there's some future innovations that we have plans to kind of accommodate that but, as of now, the tournaments will not begin until July 1.

Commissioner Chiominto: July 1 is your target date for tournaments?

Mr. Browne: Opening the clubhouse, we hope to do May 15

Commissioner Chiominto: okay May 15 Thank you.

Mr. Scott: And this one question. Is our first golf course one since I've been here does that also include allowing you to sell from the card says you go beer and wine I'll call from the cards also right,

Mr. Browne: Yes, Sir

Chairman Miller: Okay, thank you.

Mr. Scott: No other questions, for me, Mr. Bradford do you have any questions.

Chief Bradford: No.

Chairman Miller: No other questions.

Commissioner Ortt: I moved to approve the application receive from Michael J Browne, Patriots Glen Golf Course LLC 300 Patriots Way, Elkton, Maryland 21921 for issuance of a new Class GC alcoholic beverage license.

Chairman Miller: We have a motion; do I hear a second

Commissioner Chiominto: Second

Chairman Miller: All in favor say Aye

Board: Aye.

Chairman Miller: Opposed? Hearing no opposition motion to approve. Congratulations, Mr. Browne, good luck,

Mr. Browne: thank you very much.

Board: Good luck.

TRANSFER - CONTINUED

Application received from Kirtan Gopal Patel, Managing Member; Hema Kirtan Patel, Member; Robin Lynn Nelson, Maryland Resident; Elkton Liquor Emporium LLC, T/A Elkton Liquor Emporium, 157 Big Elk Mall, Elkton, Maryland 21921 for transfer of Class "A" Beer, Wine & Liquor Alcoholic Beverages License No. A-54 from Naynika A. Patel, President; Sondra Larson, Cecil County Resident; Tech Pride of America, Inc. T/A Happy 40 Liquors, 600 E. Pulaski Highway, Elkton, MD 21921

Chairman Miller: Next, on the agenda is an application received from Kirtan Gopal Patel, Managing Member; Hema Kirtan Patel, Member; Robin Lynn Nelson, Maryland Resident; Elkton Liquor Emporium LLC, T/A Elkton Liquor Emporium, 157 Big Elk Mall, Elkton, Maryland 21921 for transfer of Class "A"

Beer, Wine & Liquor Alcoholic Beverages License No. A-54 from Naynika A. Patel, President; Sondra Larson, Cecil County Resident; Tech Pride of America, Inc. T/A Happy 40 Liquors, 600 E. Pulaski Highway, Elkton, MD 21921. Please come forward, so anybody that's going to testify in this case for or against, please stand and be sworn.

Mrs. Trader: Please raise your right hand, do you solemnly promise and declare that the evidence you are about to give in the matter now pending before the Board of License Commissioners will be the truth and nothing but the truth?

Applicants: I do

Mr. Scott: Welcome back, thank you. Have you made any edits to your application?

Mr. Emrey: We have, Mr. Scott,

Mr. Scott: I am in receipt of a new plan.

Mr. Emrey: Okay 10,000 square foot you this one comes in at 9,720 square feet less.

Mr. Scott: Is there been anything else from your original application that has changed, that we should take note off?

Mr. Emrey: No Sir, nothing, nothing has changed

Mr. Scott: And for the record, you don't have to answer this, but if you'd like to you may, I'm inviting you to, the prior space, do you still have access to more than 9300 square feet in the future or is it, how has that been cordoned off like how have you when you originally testified it was kind of a large high ceiling area. And this is a smaller space, so how is there a way for you to convince the Board that you can't move a move, something you know, a shelf or some carts and you have more space.

Mr. Emrey: Certainly, I'll let Mr. Patel, Kirtan Patel answer that question but if you look at the drawings, you can see that this is a separate space now and it's, but please explain.

Mr. Patel: With my noncompliance for last time there was over 13,400 square feet, to get it compliant, I had to be under 10,000 and I pretty much had to give up one of the units, so pretty much I just have to section it off with a solid wall.

Mr. Scott: So, it'll be a solid fixed wall?

Mr. Patel: solid wall

Mr. Patel: So, I'll be renting 9,720 it's good

Mr. Scott: Okay, so your lease agreement will say that the different square footage that's good

Mr. Patel: That is correct

Mr. Scott: Okay, thank you very much.

Mr. Emrey: Do you know nothing's changed since we submitted the application as it was done under okay,

Mr. Scott: And just for the record, do you mind just giving a quick summary of where you were the original licenses how far away, it is and where it's being moved to are being proposed, the proposed transfers being too, and how far away.

Mr. Patel: Sure, so, the existing license which I'm transferring is located on Route 40 and it is Happy 40 and I'm going down to pretty much almost a half mile to my location will be 157 bigger more I'll be in center with Planet Fitness and Ollie's bargain store.

Mr. Scott: So, would it be fair for me to say when you say half mile it's about 2640 feet from the current location of where the license holder is, approximately?

Mr. Emrey: approximately

Mr. Scott: Okay, thank you. I have no further questions.

Chairman Miller: Mr. Bradford before I get into some other testimony, can you tell me how many liquor licenses and liquor stores are within a two-mile radius of where he was and where he wants to be.

Yes, and.

Chief Bradford: The current location I'm happy for it from the records, we received from the Department of Zoning, though, that looks like the current location there's 29 liquor licenses; seven of those are liquor stores. The new location or would be 32 liquor license and eight of those are liquor stores.

Chairman Miller: Thank you, sir. Mr. Emery if you could take your clients back a little bit of bring up some other witnesses,

Mr. Scott: So, it this time, anyone who would like to speak. In support or an opposition of this application. We already to everybody in Is that correct Robin

Chairman Miller: everybody

Mr. Scott: all right, you may um we do have them come up one, at a time you'll call them great.

Chairman Miller: Tiffany Galyen; you're first, nothing to be scared about.

Mr. Scott: You're first, nothing to be scared of, just please state your name.

Tiffany Galyen: Tiffany Galyen, we're on 213 North about them and you're on your address all 31356

Chairman Miller: Okay, thank you very much, you can be seated.

Tiffany Galyen: I just wanted to say that I'm an opposition of this. My family has operated a business in Cecil County for almost 50 years. We're taxpaying voting members of our community, we have children and Cecil County schools, we attend churches, here we volunteer here we shop here. We often shop at stores in the Big Elk Mall, I knew large retail liquor store will negatively affect my business and the other licensees in this area. I feel it will also affect the business is currently located in the vicinity, it is already common to be approached in the parking lot by panhandlers and people who appear intoxicated there. I can imagine, when this is further exacerbated by a

large selection of cheap beer and liquor. I realized that Big Elk Mall and Elkton need new businesses, and I think we're doing great and drawing in new businesses, but we need better businesses, there's not a need for another liquor store in this area. By my account there were about 11 stores in 11 liquor stores, not including bars or other places in the five-mile radius of that location I just don't think we need another one

Chairman Miller: Thank you tiffany Thank you, you did well,

Tiffany Galyen: thank you now, I can go back in.

Chairman Miller: Don Harmer

Don Harmer: I'd be repeating some things back and forth I'm sure so much Okay, my name is Don Harmer I am the owner of Weaver's Liquors I resided at 39 Cynthia Court, Elkton Maryland and thank you for hearing my comments. I asked that you recognize what Mr. Bradford pointed out with the seven package stores now and the old section to the eight package stores, so the density in the need of these particular stores in that particular location. As a five-year former member of the Planning Commission per se so county and looking at businesses and placing them, special exceptions for home business and such I'm confused, is why anybody would want to move away from route 40 I'm a Route 40 retailer look at that free access on Route 40, that's a hot corner; Chick Fil A; Walmart; Food Lion; all those places are up with the current licenses located. And then you look at the housing density in the neighborhoods behind those particular ones, all the housing is up there, and this isn't a commercial area where there's very few residences, you know to can either walk or such or get to those locations. The only other thing that I wanted to mention was the current cannabis legislation that's passing through and the downward pressure on. The alcohol beverage industries that scene and other states, so we have this many stores around the county this many stores in this high-density area. You know it's going to affect them even more dramatically, so increasing the density, on top of that, it can only spell wows for all these particular stores, so I asked you that you recognize all these particular points, thank you.

Chairman Miller: Beth Creek

Beth Creek: Good morning, my name is Beth Creek, I reside at one at 71 Lee Way in Elkton Maryland and I am with Drug Free Cecil Youth Coalition and Youth Empowerment Source; I'm also the Coalition Coordinator for the

YES Coalition, which focuses on underage drinking and underage tobacco use. Under a grant from the White House Office of National Drug Control Policy. So, for 12 years I've been involved in this work, and we have been studying for 12 years how to reduce access by our youth to alcohol in Cecil County. And over that time, we've worked with our licensees, we've worked with compliance, we've worked with the Liquor Control Board very successfully until COVID. Our compliance numbers are through the roof, our lack of compliance numbers is through the roof, in January, we had a 50% failure in compliance checks. In February, it was 37% and in March, it was still almost 35%. That is an outrageous number of compliance failures, so the vendors in this community are still selling to youth when they go in, they are not carding adequately, they are not checking IDs consistently, and it is creating an effect on youth alcohol. My concern about this establishment is its location, the absolute number of other establishments within the density. There is there's considerable access already to alcohol in Cecil County and, although I am a strong proponent of business and small business, especially, I am not a proponent of more access for our young people to something that can be dangerous to them, thank you.

Chairman Miller: Thank you, Mrs. Creek. Shannon Shade.

Shannon Shade: Good morning. My name is Shannon Shade I'm representing Jayco Liquors, I'm the manager I'm representing my boss, Bud Ewing; he's actually away. I reside at 120 Locomotive Lane Colora, Maryland. I am opposed to this, I actually brought 600 signatures from our customers. Noting mostly the people when we asked them why they are opposed to it, I don't think anyone didn't want to sign it. The main reason is they don't want another liquor store and in Elkton, they feel like there are more worthy businesses that need to come in, they want more restaurants, they want more you know places for us to go arcades was like the big idea that they wanted in that area. Obviously, the second reason was because we've been there since 1976, we're a big legendary favorite in the area, the store would definitely really have a big impact on us because it's so close, it's going to be almost similar square footage. We're really going to have some issues, we're already having issues with staffing, because of COVID, we've had to reduce our hours, so I mean with other small businesses we're definitely struggling, so I more want to be representative of the 600 signatures, the people that were against this. You guys need to do a few can we

Mr. Scott: Submit that to Earl over here on your way out that'd be great. What did they actually sign? Like is there a statement that they signed that you could read another record

Shannon Shade: We actually explained because we almost explain to every single person what this was. It just says, vote against new liquor store and Elkton big or small, and then we had them exit there are Cecil county resident Okay, thank you and 23rd for a paper on average yeah and then we when we asked them, the majority of them just were shocked, actually, that there was going to be another liquor store and out in and that it was going to be almost as big as ours so there was only other thing I just feel like another thing is I don't think it's going to actually bring in more revenue, it's just going to pull from the little kind of circle that we have already set up that have been small businesses in this area for a while that's it,

Mr. Scott: Thank you very much

Chairman Miller: Anthony Vlamis

Anthony Vlamis: Good morning, Anthony Vlamis, Vlamis Liquors, residing 1701 Singerly Road, Elkton, Maryland. I just want to say as a member of this community, I would just like to make a few key points on why we don't need another liquor license in this area. The Maryland code of alcohol beverages 4-206, states that determination into a license must serve a public need and would not adversely impact the existing retail license holders in the immediate vicinity of the premises, including those license holders that may be in a continuous county or city, there are nine tips certified off premise licenses in a two-mile radius and five of those nine are under a mile of the proposed location. The law also states that the proposed license server public need. The Community overwhelmingly feels that the last thing we need is another liquor store. An article was published by the Cecil Whig on April 7 covering the proposed new liquor store in the Big Elk Mall. This article drew over 200 comments condemning the application. For example, Shirley Reynolds wrote just what Cecil County needs another liquor store, why can't we put something in there for the families, we have enough liquor stores. Lisa Lawson Smith wrote, no, no, not a liquor store there's enough liquor stores around here we don't need it and Heather Childers wrote there a way too many liquor stores and out. I have over 1000 signatures from Community Members who are against the new liquor store and the Big Elk Mall and a letter from a member of the Community who had a horrific experience at the Big Elk Mall. Over a six-month span from September 2021 to March 2022,

the Elkton police department received 233 calls to report to the Big Elk Mall. I'm not hearing any way to smear a highly valued police department, but to shed light on a situation in our town, that can make their jobs even more challenging. I thank you for your time, and please ask that you take all of my points into consideration and realize the last thing this community needs as a template.

Mr. Scott: Would you please give your list to Earl?

Anthony Vlamis: And the letter is in there as well.

Mr. Scott: could you put on the record what they sign is there a statement that they signed.

Mr. Vlamis: Yeah, it's basically vote against new liquor store in Elkton and out in the Big Elk Mall and then mark yes for Cecil County resident.

Mr. Scott: Okay, thank you very much, sir.

Chairman Miller: Dharmesh Patel

Dharmesh Patel: Good morning, Sir good morning hi there Dharmesh Patel representing Bridge Street Liquors.

Mr. Scott: I'm sorry you're so you're an opposition or in support?

Dharmesh Patel: I'm an opposition to tell you the Board my store is about half mile from the location, that this new store is going to be.

Mr. Scott: What is the name of your liquor store?

Dharmesh Patel: Bridge Street Liquors. I've been in Cecil County for almost 22 years, and I have a family business and my grandpa's doing business for almost 40 years and I don't see any need for the liquor store in this area.

Mr. Scott: Okay, yes, thank you.

Chairman Miller: Ishan Patel

Ishan Patel: I'm Ishan Patel, Cherry Hill Liquors at 42 Beauchamp Road, and I'm here against the new liquor license because of the heavy competition and looking at the size and stuff and thinking that is going to be a heavy

discounted kind of store, which would hurt small stores in matter of pricing and then the competition would basically increase. So that's the only point I have.

Mr. Scott: Okay, thank you very much

Chairman Miller: Is there anybody else want you to speak that didn't on this list,

Mr. Scott: For or opposed?

Mr. Scott: Seeing none.

Chairman Miller: At this point in time, I'm going to ask for motion to go to executive session. First of all, before we do that, as Mr. Emery here, do you and your clients have anything they want to say before we go to your Executive session.

Mr. Emrey: I would like to point out to the Board members would probably you already know this, but these many of these protesters mentioned a new license a new liquor store, this is a transfer. This is not a brand-new store or absolutely, saying no new license it's a transfer from an existing facility, and I think some of the protests were geared toward we don't need another, this is not another store this is just a transfer from Happy 40 store about half a mile away. I heard no real probative evidence of how this would affect any other businesses, other than it looks like a number of other licensees are their representatives are opposing this because they don't want the competition. But again, not a new store with a new store, there was a liquor store at the big moment a years ago I think it's closed over 10 years ago, I think, in fact, Mr. Harmer managed that store. So there was one at the Big Elk Mall for many years that an excellent deli very good food there I'm sorry it closed but now this is going to they want to open one in the same mall not the exact same location, as the other store, but in the Big Elk Mall and I don't think there's been any probative evidence submitted to the Board would force you to not approve this transfer, I have a question, if I may.

Mr. Scott: What do you, what do you believe is the responsibility of a liquor store owner for the activities surrounding the liquor store for people that have utilize the products of the liquor store itself?

Mr. Emrey: Well, this is an off premises of for consumption as far as that

Mr. Scott: Off premises means when you walk out the door well, even though it may be illegal to drink in public and asking do you do you believe you have any responsibility to the Community to the neighborhood to the other business owners in the mall, how do you what's your position on that?

Mr. Emrey: I believe that the position of my client and I'll let him speak in a moment but is to not encourage people to walk out the door and start drinking because it's against the law and they're going to do everything they can to support the laws and regulations of the town developed in state of Maryland. What would you do, Mr. Patel if you want to answer that question?

Mr. Patel: I would like to add a few things last 15 years I have been working in liquor store, I never had any points like of ID failures it checking failures or any violations so I have managed that still pretty well. My store that that store particular 2007 I was given an opportunity to manage their store and till now. Even though I had a competition, I had a competition, and the store was the ninth store in the one-mile radius between five gas stations in in Maryland side and four liquor stores on Delaware side and I just I totally see that frustration from my competition that they don't want another store, but for the consumer, the local consumer, I think it is better that they have competition we all have competition. Again, we all want to progress and make money. I will make sure that for safety is going to be our first concern and with my experience I'll make sure that we don't have any violations,

Mr. Scott: So, I want to be very clear in my question I don't think it was answered clearly, I'm going to ask it again. There are things a liquor store can do to minimize consumption outside the door or in the immediate neighborhood based on what you sell, based on how it's sold, based on what times it is sold, do you believe you have a responsibility to the community? In other words, wherever liquor stores are located, you can always dictate the community that is around you, but some communities are at higher risk for misuse than others and we, as an organization, it's our job, it's the Commissioners' job and their staff to take into consideration the community, I understand your position on competition you've made that very clear, but there is a responsibility that that this Board must take into account, as to your good citizenship and how you will treat the community around you, even if that might mean lost sales, but it means that you're making a higher you're taking a higher regard for the community around you. What is your position on that?

Mr. Patel: Definitely, you know every crowd is different? And the consumer that you are targeting those are different, the price points are different and pretty much, I believe that you should have a premium collection in order to eliminate some of these problems and again, I think one of the most important things that can be helpful, is marketing. I will make sure that we are not you know, promoting any under 21 sales in any of the marketing's

Mr. Scott: I understand that is a lot of the community concern, not all but some of the community concern is what took place prior in the big elk mall with their liquor store there was there previously and the clientele and the behavior that occurred outside the door, but yet in the immediate vicinity, that was not necessarily underage drinking, but it was drinking from people that had the legal right to buy, but then misused that alcohol in the immediate surrounding community I think that's a concern and I'd like to give you the chance to address that.

Mr. Patel: To prevent you know outside of my promises, it will be very difficult for us to stop that but if you find any of that repeat customer who is abusing the shopping center or surrounding areas, we will definitely eliminate those customers by simply saying no not to come in again or not true, they are not welcome at our purposes.

Mr. Scott: Because I just want to make it very clear I can't speak for what the Board is going to do or not do, but I want to just make sure you're aware that this Board has the ability to suspend and even take away a liquor license so you put all of this money and investment into your store and then to lose your liquor license this Board has that right to do that, based on what happens outside your door,

Mr. Patel: Yes, Sir

Mr. Scott: Okay, that's all my questions, thank you.

Chairman Miller: Mr. Bradford how long has Happy 40 been closed?

Chief Bradford: This past May. though they are an extension.

Chairman Miller: Extension good for six months.

Chief Bradford: So, they're good to be six months okay I'm sorry April 1.

April 1.

Chairman Miller: And that's because of being shut down correct.

Chairman Miller: Okay, that's all I have, thank you very much, thank you very much, and with that I'm going to ask for a motion, to go into executive session.

Commissioner Chiominto: I make a motion that the Board move into executive session do I have second

Commissioner Ortt: Second

Chairman Miller: All in favor?

Mr. Scott: So, we're going to go into executive session, that means we need to clear the room, there's no guarantee that the Commission will make a decision today. Everyone can stay here we're going to go back into a side room.

The Board returned to the Elk Room.

Chairman Miller called for a motion to return from the Executive Session.

Commissioner Chiominto: I make a motion to return from Executive Session.

Chairman Miller: Do I have a second?

Commissioner Ortt: Second

Chairman Miller: All in favor say aye.

Board: Aye

Chairman Miller: Mr. Scott

Mr. Scott: Sure, I have a question for the applicant, there are actually two motions in front of the Board today, one is to transfer the liquor license from one owner to another and then a second one is to seek permission to move the liquor license from one location to a second location. We would like to handle those in order, but my question to you is if the if you're not satisfied with the second one of the, in other words, if you do not get the transfer of

location, do you still want the transfer of ownership? We can't consider one without doing the other, so we can make a conditional one on the ownership one or does your client wish to discuss your will, you can take a minute to discuss this, yes, you understand what we're saying?

Mr. Emrey: Yes, I do okay. He's going to speak with the seller.

Mr. Emrey: I just have one item housecleaning when we submitted the architectural drawing for the 9728 square foot that would also amend the lease agreement, yes 9728 I have the first page, at least if you want that to

Mr. Scott: You may certainly submit that to Earl Thank you, I know we said that on the record, but it's certainly okay to have that.

Yes, okay thanks.

Mr. Emrey: Mr. Scott, after a buyer and seller conferenced for a while, he's concluded that the seller's intentions are to demolish the building on Route 40 and put some other use there, so we wouldn't have a location if it were transferred to Mr. Patel and his group and had to stay at the same location you wouldn't be able to do that okay

Mr. Scott: So, would you be satisfied if we if a motion was made that it was conditional on the sale of the building or the sale of the property? In other words, I'm trying to give a carve out so that, depending on what happens on the second motion if you're not satisfied with what happens on the second motion, you do not have you're not owning a liquor license if you don't choose, in other words, if this does not work out the way that you want. I'm what I'm hearing you say is there's no need to own the liquor license,

Mr. Emrey: I believe so that's correct isn't it yes that's correct so

Mr. Scott: Therefore, we could make it would be it's up to the Board, but it would be possible to make a motion on the ownership it's conditioned on a final settlement. With notification of final settlement, the final settlement if you're not happy with number two would never happen. And therefore, the liquor license would not, in fact, be transferred that is satisfactory to

Mr. Emrey: I think to you and your client has to have the location at the mall because he can't continue at the present location

Mr. Scott: I understand that Okay, thank you very much. Commissioners do you understand that, yes, yes okay.

Chairman Miller: So, the motion just test to contain and continue and continue on.

Mr. Scott: So, the first motion on the transfer the license from one owner to another owner would be conditioned on a notification of settlement, and if we never received that notification of settlement within 30 days let's say, then the motion before the Board would fail and there would be no transfer on the first one on the first motion so that would be the way toward that

Chairman Miller: that's for the ownership, yes okay.

Chairman Miller: Do I hear a motion?

Commissioner Chiominto: I make a motion that we grant the transfer the license conditional of the final settlement of the facility occurring within 30 days occurring within 30 days. Kirtan Gopal Patel, Managing Member; Hema Kirtan Patel, Member; Robin Lynn Nelson, Maryland Resident; Elkton Liquor Emporium LLC, T/A Elkton Liquor Emporium for transfer of Class "A" Beer, Wine & Liquor Alcoholic Beverages License No. A-54 from Naynika A. Patel, President; Sondra Larson, Cecil County Resident; Tech Pride of America, Inc. T/A Happy 40 Liquors, 600 E. Pulaski Highway, Elkton, MD 21921.

Chairman Miller: Okay, I have a motion, do I have a second?

Commissioner Ortt: Second.

Chairman Miller: All in favor say Aye.

Board: Aye

Chairman Miller: Opposed.

Chairman Miller: Having heard none, that motion carries

Mr. Scott: So, what just happened is the liquor license has been approved to be transferred from the Happy 40 owner to you conditioned upon you giving us evidence of the sale within 30 days

Mr. Emrey: Evidence of sale of what though in 30 days?

Mr. Scott: Evidence of the sale transfer of the of the premises?

Mr. Emrey: Happy 40 premises?

Mr. Scott: Yes, that was our understanding.

Mr. Scott: And, in other words, when you when you are transferring when you're purchasing the license from the other person with documentation, you'd have to provide documentation to us within 30 days at that occurred if it doesn't occur within 30 days and the transfer doesn't go through.

Mr. Emrey: Am I correct in assuming requiring to stay at the same location.

Mr. Scott: We haven't got there yet, that that that's now the second motion of whether or not the Board decides what they want to do with that, but I wanted to clear that up because we can't consider the second motion if we don't have a belief that you own the liquor license

Mr. Emrey: understood.

Mr. Scott: Yes, so that so I'm sorry for the awkwardness of that, understand now?

Mr. Emrey: Yes okay

Chairman Miller called for a motion.

Commissioner Ortt: In regards to the transfer of location, we as a Board have determined there is a negative effect on the surrounding licensees within a two-mile radius. There is a slight increase in density in licenses within a two-mile radius and the testified existing crime in and around the Big Elk Mall. Accordingly, I would like to make a motion to disprove the license transfer application received from Kirtan Gopal Patel, Managing Member; Hema Kirtan Patel, Member; Robin Lynn Nelson, Maryland Resident; Elkton Liquor Emporium LLC, T/A Elkton Liquor Emporium, 157 Big Elk Mall, Elkton, Maryland 21921 for transfer of Class "A" Beer, Wine & Liquor Alcoholic Beverages License No. A-54 from Naynika A. Patel, President; Sondra Larson, Cecil County Resident; Tech Pride of America, Inc. T/A Happy 40 Liquors, 600 E. Pulaski Highway, Elkton, MD 21921

Chairman Miller: Having heard a motion do I hear second?

Mr. Scott: before you, I just want to clean the motion up just a little bit. This motion is for the transfer from one property to the second property that was discussed by Commissioner Ortt.

Commissioner Chiominto: Second.

Chairman Miller: All in favor say Aye

Board: Aye.

Chairman Miller: Opposed?

Chairman Miller: Having heard no opposition the motion has failed or the motion to approve, but the transfer failed,

Mr. Scott: I'm sorry that the Board has decided, for the reasons stated that the transfer is failed from one property to the next. And I just need to clean this up or we may have to clarify the motion that the granting of the licensed not necessarily for the accommodation of the public. So can we have another vote to clarify that motion that the reason that it was denied was under number one that the granting of the license is not necessary for the accommodation of the public?

Commissioner Ortt: Based on our decision as a Board, we've determined that the granting of the license is not necessarily, necessary, excuse me, for the accommodation of the public, for the reasons, there is a negative effect on the surrounding licensees within a two-mile radius, there's a slight increase in density in licenses within a two-mile radius, and the testified existing crime in and around the Big Elk Mall.

Mr. Scott: I need a second for that

Commissioner Chiominto: I second it.

Chairman Miller: All in favor say Aye

Board: Aye

Chairman Miller: opposed.

Chairman Miller: Hearing none

Mr. Emrey: Can I hear that motion again

Mr. Scott: Sure, so the motion, the motion was under the under the Rules that the governance Board an application, maybe the application shall be disproved in the license which the application is made shall be refused if the Board determines that the granting of the license is not necessary for the accommodation of the public. The Board found that this license is not necessary for the accommodation of the public, based on that they have voted down the transfer of the license

Mr. Emrey: Will there be a written opinion, so we can find out what whatever it is the Board considered?

Mr. Scott: Yes, certainly, again, sorry, but that you know the Board has a discretion to make it to consider the evidence and they've listened to the evidence that was presented today both written and in verbal orally by the people that testified and based on that they've made their decision.

Mr. Scott: Steve this conclude, we can move on the agenda. We can move on the with the agenda, thank you bye girl.

Chairman Miller: Old business: Rules and Regulations, I understand there's a meeting scheduled for Friday, yes, did you get a time yet?

Chief Bradford: Yes, 11:00

Chairman Miller: Your office?

Chief Bradford: Yes.

Chief Miller: Any new business.

Chief Bradford: A couple things as you know, the end of the month Friday would be the last day for renewals this year, as of right now, we still have five license applications as we're aware that one on its way today, then when this coming Friday, technically, we have several licenses on the tax hold list, they have renewed when they have a tax. Maryland Comptroller's office that has to be addressed; we have the physical receive a release from that office.

Chairman Miller: Okay. Anymore new business?

Chief Bradford: One additional item under new business. We did receive an email for Mr. James Gorman just a few days ago, replacing that at the old We notify the licensee. He was concerned about the process we use by receiving an email, but we should do something more formal and that the week that we gave him was not enough time, we need to make a motion to accept the removal, Mr. Gorman.

Mr. Scott: As indicated in his email, so if he is making the request of the Liquor Board to change that then we would have we would be before the Board, we would have to make a determination.

Chairman Miller: Mr. Scott he's also the Maryland resident

Mr. Scott: I didn't want to digress so if they take off the Maryland resident, then they would be in violation and then a motion would have to be made, you'd have to bring it to the Board to either give them notice how much time do we normally give away when we receive the email, we want to make a change, so if they if that's what we normally done, then I would say, at that point we could vote now.

Mr. Scott: See it's not ripe until it's done.

Chairman Miller: What do you do, on Saturday.

Sorry, I probably will be going to a lot of different establishments, especially those with tax holds.

Mr. Scott: I mean if they're if they're in violation of their liquor license and they've been notified that they're in violation of lyrical license. And there and we have to suspend, in other words, we have to take some action is to send their license if they're in violation of their license so right now, they have a license and they've given us notification that one of their Maryland residents on their application is being removed as a Friday. Okay, so but we're not going to grant it until Friday. There was, they have until Friday to fix that once it went if it's not fixed and hey this person has been removed, so you, you have you know you would have permission to remove it on Friday. Then they are no longer compliant with the requirements of their liquor license, but this Board would be the ones who would have to take it away other words it wouldn't be taken away automatically is my understanding,

Chairman Miller: Can we make a motion that says on May 1 the five violators lose their license unless they come into compliance?

Mr. Scott: Say we've been notified, that they will be out of compliance on Friday, if they do not give you give administratively provide another Maryland resident do they normally they don't need Board permission to do a replacement do they change but that's not a Board we don't vote on that that's an administrative feature so therefore, we can also handle the other four that are going to be in violation.

Chief Bradford: Right that their license expires at midnight and will not issue a new license because the Comptroller's Office.

Mr. Scott: So, we have to take action to pull the license back so if they're administratively, in violation of their license. They still have a license so we have to pull it back, and we can say if they do not provide something by a certain date the licenses void. And, and we would make it would make a motion and vote on that, and then you would notify them that that because you have to give them notice will be there. I'm saying you have to give them notice today that, as of this certain date their license has been rescinded if they do not provide this information.

Chief Bradford: Actually, they already have received that notice

Mr. Scott: Okay, then I think everyone that we've talked about already received that notice well yeah then this Board simply needs to vote and say we're sick, we will be we are rescinding these licenses if this information is not provided anybody that compliant by my first yes.

And I would be specific to these at these.

Commissioner Chiominto: I make a motion that regarding the Golden Mule that if they do not have a resident agent on the liquor license by May 1 that their liquor license will be rescinded.

Chairman Miller: I have a motion do I hear a second

Commissioner Ortt: Second.

Chairman Miller: All in favor say Aye

Board: Aye

Chairman Miller: Opposed?

Chairman Miller: Hearing no opposition motion approved.

Chief Bradford: <reads list of tax issues> Union Hotel, Full Moon Saloon, Sweeney's Pub, Stuffers, North East Yacht Club, Backfin Blues and Minihanes and Valhalla Brewing

Commissioner Chiominto: I make a motion that you have the authority to rescind their license on April 1 regarding the tax issues or May 1 I'm sorry that's concerning the Union Hotel, Full Moon Saloon, Sweeney's Pub, Stuffers, North East Yacht Club, Backfin Blues and Minihanes and Valhalla Brewing

Chairman Miller: I have a motion do I hear a second?

Chairman Ortt: Second.

Chairman Miller: All in favor say Aye

Board: Aye

Chairman Miller: Opposed? Having heard no opposition, motion carries. Earl, you got anything else.

Chief Bradford: We have 146 or 147 of our new licenses sent out, a major undertaking this was year was we changed folders, so that's added to our workload, but no excuses.

Chairman Miller: Motion to adjourn

Commissioner Ortt: Motion to adjourn the meeting

Commissioner Chiominto: Second

Chairman Miller: All in favor say Aye

Board: Aye

Meeting was adjourned at 11:19 AM

BY:

Stephen Miller, Chairman

ATTEST:
Robin S. Trader, Administrative Assistant