

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, 2024, at 9:15 A.M.

PRESENT: Stephen Miller, Chairman
Kristen Ortt, Commissioner
Russ Johnson, Commissioner
Kevin Jenson, Assistant County Attorney
Earl Bradford, Chief Alcoholic Beverage Inspector
Sandra Cumm, Administrative Assistant
Kayla Maldeis, Paralegal
Caitlyn Reeves, Paralegal

Chairman Miller: called the Cecil County Board of License Commissioners meeting at order. He asked everyone to rise and say the Pledge of Allegiance to the Flag.

Chairman Miller: asked for everyone that was to testify at today's hearing to stand and be sworn in.

Administrative Assistant: sworn in Earl Bradford and audience members who were going to testify at this time.

Chairman Miller: We are going to change the agenda.

Chairman Miller: The first case we're going to take up this morning is going to be a violation Class "D"- BWL-No D108– Larry McElroy, Neil Rozek, The Golden Mule, LLC, T/A **The Golden Mule**, 1809 Conowingo Road, Rising Sun, MD 21911 Violation Date September 1, 2024, at 2:00pm and 5:20pm. Would you please come forward and have a seat. For the record, please identify yourself

Mr. McElroy: Good morning, I am Larry McElroy

Chairman Miller: Actually, I will defer to Mr. Bradford if that is okay with the Board?

Chief Bradford: I would like to start with the evidence today with the letter dated September 11, 2024, that was needed to be sent to the establishment 10 days prior to September 25th. The Board of License Commissioners of Cecil County has received report from the alcoholic beverage inspectors concerning alleged violations of the Maryland annotated beverage laws and local rules and regulations. Specifically, it is alleged that on September 1, 2024 at or about 2pm and again at approximately 05:20pm, your agents, employees were allowing alcohol beverages to be possessed, sold, furnished, or consumed without the current alcohol beverage license being issued and or properly displayed. There also was failure of the original restrictions of the class D license which was allowing alcoholic beverages to be taken off premise. Those are in violation of the local rules and regulations and the Annotated code of Maryland. And I would like to mark that letter as Board Exhibit 1. I would also like to go back to the original minutes of the meeting when the license was approved on April 25, 2018. At that time an establishment or a licensee from a nearby liquor store appeared to confirm that the license being issued was a class D license and that it was strictly for on-premises consumption, and that no one under the age of 21 would be allowed on the premise. That was in the Board meeting minutes of April 25, 2018, and voted on and approved by the Board of License Commissioners at that time. I would like to mark that as Board exhibit 2.

Attorney Jensen: So, marked.

Chief Bradford: On January 17, 2024, the Comptroller of Maryland sent a listing of licensees in Cecil County who had a tax issue with the State. There were a number of licensees. Those licenses were asked to be held and among that group of licensees was Golden Mule. Again, that letter was January 17, 2024, and mark that as Board Exhibit 3.

Attorney Jensen: So, marked.

Chief Bradford: On January 23, 2024, the Cecil County Board of License Commissioners sent a letter to the Golden Mule indicating that there was a request from the State to hold the license and that it would have to be renewed. Prior to April 30, 2024, and if any sales of alcohol happened after that time there would be an inspector there to pick up the license. Mark that as Board Exhibit 4.

Attorney Jensen: So, marked.

Chief Bradford: Prior to that date, April 18, 2024, the Board sent an additional letter to the licensees on the tax list, which included Golden Mule, after careful consideration, the Board of License Commissioners has conditionally issued your alcoholic beverage license for the year 2024. Please continue to work diligently to rectify your tax issue with the Comptroller of Maryland tax office. The Board of License Commissioners will reevaluate this matter on May 29, 2024, and follow up regarding this matter with you. Mark that as Board Exhibit 5.

Attorney Jensen: So, marked.

Chief Bradford: August 6, 2024, a letter was sent from the Board of License Commissioners of Cecil County stating as you are aware, the Board of License Commissioners conditionally issued your alcoholic beverage license for the year 2024 to give you additional time to rectify your 2024 tax issue with the State of Maryland. The Board of License Commissioners reevaluated this matter on July 31, 2024, and voted to allow your establishment until August 31, 2024, to resolve the matter. If the matter is not resolved by September 1, 2024, inspectors will be instructed to pick up your alcohol beverage license and no further sales of alcoholic beverages will be permitted until the matter is resolved. If the sale of alcoholic beverages continues after this date, a hearing will be scheduled for violation of alcohol beverage laws which could result in a fine or suspension of said license. Mark that as Board exhibit 6.

Attorney Jensen: So, marked

Chief Bradford: On Friday, August 30, 2024, an email was sent to the Golden Mule and other licensees still on the tax hold list and the email indicated as a reminder. We have not received a release from the State of Maryland regarding your tax issue. A release must be received by September 1, 2024, or inspectors will be instructed to pick up your alcohol beverage license, and no sales of alcoholic beverages can occur until the matter is resolved and the release is received. Mark that as Board Exhibit 7.

Attorney Jensen: So, marked

Chief Bradford: September 1, 2024, I arrived at the Golden Mule at approximately 2 o'clock and witnessed customers outback consuming alcoholic beverages. I spoke to the bartender and asked if we could speak upstairs. Informed her of the letter and the email that were sent earlier and told her they needed to close. We attempted to locate the alcohol beverage license. Unable to locate the license, we called another bartender on the phone by the name of Donna Bowman. Donna indicated she was there last time I did an inspection and Larry had to bring the license down from the upstairs apartment. He then took it back up right after I left from completing the inspection. I also provided a copy of the letter from 8/6/24. They told me I would be unable to pick up the license since it was locked upstairs in the apartment, and no one had access to that apartment. Both employees indicated he had received the letter and that they were going to close immediately. I indicated that was probably a good idea, and that another inspector would be back later in the day to make sure they were not selling any additional alcoholic beverages, and I left the scene. 2:43 pm, I received a text from Mr. McElroy, indicating that these tax issues were filed and resolved on Friday. He could provide a digital filing of proof. He asked me to give him a call at his number. I was able to talk to Mr. McElroy at 3:42 pm by phone and again Larry indicated that this was paid on Friday. I informed Larry that we had to receive a release from the Comptroller's office before we could release the license. Larry asked about the amount of the possible fine and if the fine if for

the day or each occurrence and the amount of the possible fine. I informed Mr. McElroy the fine was for each occurrence and the amount of the fine was for the Board to decide but could be up to \$1,000.00 and or a possible suspension. He indicated, he had been very busy and had not had a lot of time to work on this. I informed Larry I would have an inspector swing back to make sure they were not allowing the sale or consumption of alcohol. Mr. McElroy indicated he better call the establishment and have them close down. And again, since Mr. McElroy was away, we decided to meet sometime on Tuesday so I could pick up he license. Mark this as Board Exhibit 8. Three-page summary of my report. And if I could read the information from the report from Inspector Aro. At 3:10pm he returned to the Golden Mule. The upper bar roadside seemed to be closed, but signs were at both ends of the parking lot, telling patrons that the tiki bar was open. I drove around back and saw that the bar was open, and they appeared to be selling alcohol. There were 4 patrons sitting at the bar, and servers were on the others side. I did not get pictures at this time, so Earl asked me to go back and take pictures of the bar area and people consuming alcohol. At 5:15pm I returned one more time to the Golden Mule. It appeared that the signs in the parking lot had been moved to a less obvious location. As I drove to the back, I witnessed 2 patrons get into a black sports corvette car and the woman getting into the passenger seat had an open container, a Michelob Ultra. As she got into the care there were several patrons at the bar, with obvious signs of alcohol being consumed, open bottles, tins, and others with mixed drink glasses. Also, I turned around in the parking lot and was able to get a few pictures of the bar. The black corvette was waiting for me to leave, so they definitely had an open container and left the area. Mark this as Board Exhibit 9.

Attorney Jensen: So, marked.

Chief Bradford: September 6, 2024, in the morning we received a report from the Comptroller's office of Maryland that requests the renewal of the following liquor license be issued. Shortly thereafter, I went to The Golden Mule, and in did issue the current

license and alcohol was able to be sold at that time. Mark this as Board Exhibit 10.

Attorney Jensen: So, marked.

Chairman Miller: Thank you, Mr. Bradford. Mr. McElroy would you like to speak?

Larry McElroy: Yes, Commissioner, first of all I would like to apologize for the misunderstanding of everything that happened that day. It was Labor Day weekend. Some of us had scheduled vacations. I was away for that Sunday that this happened. I skipped down to Bethany Beach and spent some time with family. I got a call from the bartender that there was an issue with the liquor license. They were here to collect it. I informed her I was on my way; I was coming back now. Got back to the restaurant about midafternoon. And started the process of shutting the bar down. It was under my impression that we were still able to continue to sell food. We are a restaurant. That is the reason why I thought we would be okay to continue to do operations on that day. But the alcohol sales were supposed to come to an end. They were not supposed to continue. The bartender Dana that has been mentioned in Earl's information has been terminated from the Golden Mule. She had absolutely no care whatsoever what was going on back there. We decided to let her go after this all happened. The staffing in this area is really difficult. We are in a really challenged area. So that part of it I am really sorry. I was on your Maryland tax connect site on Thursday. I filed all this stuff with the back taxes. I brought it all up to date on August 30th. I have a print out of the screenshot with me. I guess it took approximately about a week to process with your new software. I do not understand that myself. You guys probably paid millions of dollars for this new tax exempt overhaul software, and you are telling me it still takes a week to process this stuff. We are in a digital age right now where if you make a transaction, it should be instantaneous processing. So that was where the disconnect was. And again, I am really sorry for everything. Again, I was under the impression we were okay to stay open to serve food. That is why we continued to operate.

Chairman Miller: So, my question for you, why did it take so long to settle the tax issue, why was it until we came knocking on the door?

Larry McElroy: It was kind of fiscally motivated. I would say we have not been doing well. We have been struggling badly. So, coming up on the month of August I was going to have to make a tough decision to whether we were going to continue to operate as a restaurant, or whether we were going to pay the taxes off and just close up. After careful consideration, I just hired a new manager. Her name is Heidi. She is motivated to get this place fixed and organized and clean up this nonsense. I am really excited for her to be here. I really want to continue with the Mule. I love what I am doing. Love the community, love the people in this area and really like to continue going. So, the only evidence I have to enter is the screenshots of the daytime stamps of when I filed this stuff. If I could enter it as defense exhibit 1. I did file this stuff in good faith, it is unfortunate that it did not come through immediately as I had hoped.

Chairman Miller: Is your partner on you liquor license aware of all this?

Larry McElroy: Neil is very aware of all of it. I wasn't under the impression he needed to be here today. He did ask if I needed him. I thought I would be okay by myself.

Chairman Miller: My concern is you were not the only establishment that had tax issues this year. That is why were very generous to give an extension, however everyone else got it straightened out.

Attorney Jensen: Mr. McElroy, I just wanted to make sure on the record if you contest any of the exhibits entered by Mr. Bradford.

Larry McElroy: Well, the open container it is what it is. I am probable guilty of that. Not personally guilty but my business is guilty. The liquor license expiration, it sounds like it is legitimate. I mean I did not get my liquor license back till September 6th or 7th, I am guessing. That is when my information was processed by the state. I am not disputing it though.

Chairman Miller: How about the license in your apartment?

Larry McElroy: I just had it up there, because I was working on stuff. It is currently displayed in the bar right now. I just pulled it off of where it was supposed to be. It is currently right under the liquor shelf.

Attorney Jensen: Is there a reason it was not displayed in that location previously.

Larry McElroy: It was just coincidental. I had it up in my office doing some work. Somebody asked for a liquor license copy. Someone like a representative and I just did not take it back down stairs and put it back on the wall. I had vacation plans and just forgot about it.

Attorney Jensen: So, can you give us an approximate length of time for how long perhaps it could have been up in the office.

Larry McElroy: maybe a couple of days.

Attorney Jensen: Okay, thank you

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

Commissioner Johnson: Yes, just for clarification, so Mr. Bradford, the period of time based on your testimony, in which alcohol sales was to be shut down was from September 1, 2024, till the 6th. Is that correct?

Chief Bradford: Correct.

Commissioner Johnson: With the Class D license that Mr. McElroy has are food sales permitted, when alcohol sales are not?

Chief Bradford: Yes, they are.

Commissioner Johnson: Thank you

Chairman Miller: Ms. Ortt

Commissioner Ortt: I have clarification, so no further questions.

Attorney Jensen: Did the bartender on duty that day have completed the Alcohol Awareness Training?

Larry McElroy: She was not. We have a high turnover of staff here. It is difficult to keep people on board. It is not unheard of that we lose people after a shift or 2, but once they are established, we do get them trained. Heidi is tips trained along with myself as well. Once we establish people are going to stick around, we do get them tips trained

Attorney Jensen: Okay, I understand.

Heidi: I do want to clarify, she was scheduled for tips training and did not show up for her training class.

Chairman Miller: Is there anything else you would like to add?

Larry McElroy: I just sincerely apologize for the inconvenience and confusion.

Chairman Miller: you are aware of how many violations you have?

Larry McElroy: I am not. I saw him read off a lot. How many are there total?

Chairman Miller: Well, there are several State violations and several County violations. Not just for expired liquor license, there are the serving when not supposed to on 2 occasions. The open container leaving the parking lot.

Larry McElroy: The alcohol container in the parking lot I understand. What are the other 2 violations?

Chairman Miller: for selling alcohol after you were told not to sell alcohol and the display of the license.

Larry McElroy: Okay

Chairman Miller: I just wanted to make sure you were aware. We are going to consider, and once we come to our decision at the end of this meeting you will be notified before anybody else.

Larry McElroy: Okay

Chairman Miller: Thank you and you will get a notification from Earl soon. We will convene and make a decision at the end of the meeting. It will not take long for you to know.

Larry McElroy: I do sincerely apologize and really hope you guys will consider giving us another chance to continue. We want to continue to serve the community of Rising Sun and Conowingo. So, thank you.

Chairman Miller: Okay, next up is an update progress report Class "B" BWL No B-19 – Joseph Magee, H. Ronald Dubree, Warwick Hospitality, Inc. T/A **Captain Ron's**, 565 Cecilton Warwick Road, Warwick, MD 21912. Come on up sir, and raise your right hand to be sworn in.

Joseph Magee is sworn in by the Administrative Assistant.

Chairman Miller: Please identify yourself.

Joseph Magee: I am Joseph Magee

Chairman Miller: Hae a seat and tell us what is going on.

Joseph Magee: Okay, we last met in March 27 where the Board of Commissioners approved the transfer of the license to my company, Warwick Hospitality Group. There were some issues with the Deed. Ehen the property was separated, and that parcel was purchased by the State of Maryland. Issues with the deed where the title company could not provide title. Took them roughly 2 months to figure that out. So, we did close and I

have a settlement date on May 24, 2024. Which was roughly a 2 month delay. We had a number of issues post-closing, a leaking roof, rotted floors in the kitchen, the fire system being out of compliance. Some inoperable kitchen equipment that was leaking and was made for natural gas but was connected to propane. A vandalized HVAC system, rodent infestation, and a number of smaller issues. Mostly all repairs were maintenance in nature. We were able to get fixed and straightened out. Other things include the floor was epoxy paint over plywood and obviously that is not going to work when grease is spilling on it, and things of that nature. So, when else would you have the ability given Cecil County's requirements to have an operating kitchen and a percentage of revenue based on food and be able to tile the entire kitchen floor and stuff like that. So, these are the type of things that we are working on. I was making a strong push to have the place ready for this weekend, and I asked Mr. Bradford if we could have a meet and just discuss briefly kind of where my thoughts were a couple of weeks back and I explained the most important things I feel the place really needs. As you know it has failed several times already as a business. There are a lot of economic issues, and I am dealing with staffing. However, one of the things that I want not to reopen and it feel like we have the same vibe, since the place has failed twice already. I have discussed with Mr. Bradford, that I would it to have the Chesapeake waterman's or water person feel, you know crab traps and décor and nets and sort of that vibe again. And I feel that I could get this all this done towards the end of November. But barring any issues with the health inspections definitely by the end of the year. I have learned a lot, especially the area where I am at is very seasonal. I joined the fire department and learned from them what a lot of the prior issues were. I think it would be a great opportunity to be open in a slower time, to figure out the menu, figure out the product and then when the busy season comes I will be ready to roll and I want nothing more than to bring revenue into the county. I do not want my employees sitting

around with no customers and then them quitting, or me not being able to offer them a proper wage.

Chairman Miller: So, at the latest by February 1st?

Joe McGee: I guess, having not done a business in the county, I am always worried about the unknowns. It may be something as simple as an Exit sign that was not there before and now it is required, and then that requires an electrical permit. I know these things take time.

Chairman Miller: Mr. Bradford, what would you recommend?

Chief Bradford: Well, he was approved in March, so he has plenty of time left, so February or March 1st.

Chairman Miller: March 1st?

Joe McGee: That would be wonderful

Chairman Miller: And if you want to open before that, you can do that.

Chief Bradford: If I may add, Mr. McGee has been in constant contact with me over the last several months to provide updates and talking about his concerns and problems he has been going through.

Chairman Miller: We certainly want to work with new businesses coming into the county, so we want to help you.

Attorney Jensen: I would just like to put on record described by Mr. McGee, the Board finds those to be a hardship sufficient to grant the extension.

Chairman Miller: Mr. Johnson any questions?

Commissioner Johnson: No Questions. I would just like to point out that I think that you have identified and put together a pretty good action plan to move through. And these items do happen in building acquirors and trying to get a business start up. So, I think that those are pretty legitimate and certainly fall into the hardship category.

Chairman Miller: Ms. Ortt?

Commissioner Ortt: I agree with everything the Commissioner just said and wish you the best.

Chairman Miller: At this point and time, I will entertain a motion on the extension

Commissioner Ortt: I move to approve the extension for Class "B" BWL No B-19 – Joseph Magee, H. Ronald Dubree, Warwick Hospitality, Inc. T/A **Captain Ron's**, 565 Cecilton Warwick Road, Warwick, MD 21912 for a 6 month extension and perhaps an update at our February meeting.

Chairman Miller: Do I hear a second?

Commissioner Johnson: Second

Chairman Miller: all in favor say Aye

Board: Aye

Chairman Miller: Motion approved.

Chairman Miller: has everyone had a chance to look at the minutes?

Chairman Miller: If there are no questions or amendments, I will consider a motion for approving the minutes.

Commissioner Johnson: I move that we approve the July 31, 2024 minutes

Commissioner Ortt: Second

Chairman Miller: Having a motion and a second, all in favor say Aye

Board: Aye

Chairman Miller: Opposed, hearing none, minutes are approved. Moving on to Specials

Chief Bradford: Yes, we had a number of specials: .Cecil College Foundation – Milburn Stone Theatre – 17 Events to be held August 2024 thru June 22, 2025 Cecil County FOP Lodge 2 – Ed Walls Center- September 7, 2024 Maryland 5Star at Fair Hill –

Fair Hill Special Event Zone – Oct 16 – Oct 20, 2024 5 days
Cecil County Chamber of Commerce- Milburn Orchards –
Business Networking – Oct 3, 2024 We Also had several
applications come in for catering and a special license for the
Maryland 5Star Fairhill on October 16, thru October 20th and we
had the Cecil county Chamber of Commerce Melbourne Orchards
business networking on October 3, 2024

Chairman Miller: Moving on to old business and new business?

Chief Bradford: The only new business I would indicate is the change in
the possible meeting date for December and November, where
we would like to combine the November and December meeting
for December 18th, if everyone is available that day.

Chairman Miller: everyone seems to be available that day.

Chairman Miller: I need a motion to go into closed session

Commissioner Ortt: I make a motion we go into closed session.

Attorney Jensen: And for the record this will be pursuant to section 3.3.5
subsection 12. Which is to conduct or discuss an investigating
proceeding on actual or possible criminal conduct and subsection
13, which is to comply with a specific constitutional, statutor or
judicially imposed requirement as the Board of Commissioners
rules and regulations require deliberations on possible violations
to be done in closed session, so pursuant to that, the statutory
exception we will continue with the motion and the vote please.

Commissioner Johnson: Second

Chairman Miller: All in favor say AYE

Board: Aye

Meeting goes to closed session at 9:58am on 9/25/24.

Chairman Miller: At this time, I entertain a motion to go back into open session.

Commissioner Johnson: So moved

Chairman Miller: Thank you sir, do I hear a second?

Commissioner Ortt: Second

Chairman Miller: Motion carries, we are now back into open session.

Chairman Miller: Very good, we move to adjourn the meeting. Can I have a motion?

Commissioner Ortt: I move to adjourn the meeting

Commissioner Johnson: Second

Chairman Miller: I have a motion and a second to adjourn. All in favor

Board: Aye

Meeting is Adjourned.

BY:



Stephen Miller, Chairman



ATTEST:

Sandra L. Cumm, Administrative Assistant

