

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, October 25, 2023, at 9:15 A.M.

PRESENT: Stephen Miller, Chairman
Kristen Ortt, Commissioner
Russ Johnson, Commissioner
Lawrence Scott, County Attorney
Earl Bradford, Chief Alcoholic Beverage Inspector
Sandra Cumm, Administrative Assistant

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: Thank you. The first case we're going to take up this morning is an Update. Follow-up request for extension of music hours. Class B., BWL. Number B-83. William Gravlee Triton Marina Services, LLC. Owner, John Bragg, Bampton, LLC. Lease, manager, T/A Unwined on the Water 285 Plum Point Road Elkton, Maryland.

Chairman Miller: Mr. Bragg. We are familiar with your request, and we would like to hear from Mr. Bradford on his experience in the last several months. I know he has been making several checks. So, Mr. Bradford?

Chief Bradford: Thank you, Mr. Chairman, just some brief history to recall to the Board, Mr. Bragg did appear on June 28, 2023, to ask for the restrictions to be removed. At that time Mr. Bragg

was told to come back at the end of October, and to again make that recommendation. Since that time, I have received just a few emails regarding concerns related to Unwined. One was dated August 8, 2023, from Mr. Mike White, Stated the volume is very loud and annoying tonight at 8:15pm. So now it continues, very disappointing. Second email from Mr. White, September 20, 2023, Again I know the weekend has just started, but the music is loud once again. I actually had the opportunity to visit the location several times, on August 8-28-23 at approximately 8:10pm and found the volume, in my opinion, to be acceptable. Again, on August 18, 2023, I again visited the location of Unwined on the Water at approximately 7:35pm, and during these visits I usually stay for about ½ hour and usually on my way in, I do a ride through the community area and sit at the location of the establishment for a while. And then again on my way out. I usually ride through the Community Park at the private boat ramp, walked down towards the water and again on August 18, 2023, I found the levels to to acceptable. I again visited the location on August 25, 2023, at approximately 9:10pm and August 26, 2023, at 9:20pm again found the levels to be acceptable in my opinion. I also received a complaint dated September 5, 2023, from a Mr. Gary Burke who actually lives across the river in the Locus Point area. Indicating that the sound since the stage had been turned was carrying across the river, and it is disturbing his peace and tranquility. On September 14, 2023, at approximately 7:30pm, I visited the area of 259 River Road where Mr. Burke resided, and I could hear nothing. I visited 259 River Road again on September 9, 2023, and could hear nothing at all. Again, on September 8, 2023, at approximately 7:55pm I visited 259 River Road and I could not hear any music coming from Unwined. I received an additional email from Mr. Burke on September 20, 2023, indicating that it was loud again. On that particular night, I informed Mr. Burke that I had visited that area on several occasions, and I actually could not hear the music at all, and he agreed that this was the first time he was able to hear the music since the first time he had emailed me. At that time, I called Mr. Bragg, he indicated to me that he was going to make adjustments. Within 15 to 20 minutes, I received another email from Mr. Burke, indicating he is not sure

what was done, but it solved the problem. I have had no additional communication from Mr. Burke since then. I have been there numerous times. Inspector Aro has been there several times, and he has indicated to me that he believes the level or the volume is acceptable. I have no concerns with Mr. Bragg's request.

Chairman Miller: Thank you. Is there anybody in attendance that wishes to speak for or against this application?

Chairman Miller:

Commissioner Ortt: I move to approve an extension for the class. B . BWL. Number B. 83. William Gravlee. Triton Marina Services. LLC., Owner, John Bragg, Bampton, L.LC. Lease Manager T/A Unwinded on the Water. 285, Plum Point Road, Elkton, Maryland, 21921. The extension through the end of October as is, coming back at the end of October for an update.

Attorney Scott: Chairman, could you or Mr. Bradford, for the record put on exactly what the request is? What would he like with the specific hours?

Chief Bradford: I am not sure if he actually made a request for specific hours? He wanted the restrictions removed that cut the music off at 10:00 o'clock on Friday and Saturday and holiday weekends and 9:00 o'clock Tuesday through Thursday removed from his license.

Attorney Scott: So, to do away with all the restrictions.

Chairman Miller: Thank you sir. Ms. Ortt, do you have any questions?

Commissioner Ortt: Mr. Bragg, have you received any complaints from the locals?

John Bragg: I received some of the same as Earl does. When Earl receives a complaint, I know about it, he will send me a text. We would do the same thing as we did for the gentleman across the water, we make adjustments. I have concluded that it is easier to

try to fix the problem and remedy it at the time, although it is not going to stop the complaints. Whether it is a bass to loud issue, or how can we adjust it? We try and make it right. But I have not received anything more than that. I have had ongoing communications with Mr. Bradford, because whether it is self-reporting or not, when someone gets in touch with me, I try to let him know. We had someone just last week who was complaining about music being played on a weekday at around 10:00 pm or 10:30 pm. We had been closed for 2 hours. We were done at 8:30 pm and we were gone. They sent me a complaint, and I just wanted to inform them that it was actually one of the boaters on the water that late, and they had music playing coming in. That was the resolution. I try to respond quickly. I think we have done a tremendous job trying to accommodate everyone. I know, and sure you all know too, that you cannot satisfy everybody all the time. Our busiest season, the entire summer, we had "0" complaints from April to September and that was after we met here. We have received only positive reviews from the previous President of the Homeowners association.

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

Attorney Scott: Before we go to questions, I would like to point out a couple of things on the record, for context and for the benefit of our new member. The Board received through Mr. Bradford's office an incredible amount of complaints and we had a very large in-person testimony approximately a year ago. The Board heard every side and made a decision to restrict the times over that year. At first it was a little rocky, but then to your organization's credit, the complaints went down noticeably. You made some investments in your infrastructure to help reduce and mitigate sound which you came and told us about and testified to. The neighborhood has testified. We have received letters of compliments and thanks on your behalf on your willingness to work with the community and I think the Liquor Board has lifted some of the restrictions and given you additional time for amplified or live music in the evenings, and we have also given some dispensation regarding certain holidays on days that would

been restricted, but because the holiday was in the middle of the week or did not involve a weekday. We tried to be as helpful as we could. The goal of the Liquor Board is to try to help all businesses be successful. But at the same time, we have an obligation to the community that goes with the responsibility of having a liquor license. So just as a reminder, the Board had letters of support from the community the last time we lifted restrictions. Mr. Bradford, do we have any letters of support from the community that would be open to lifting restrictions or advancing, making restrictions less onerous, if there was an agreement with the community. I do not believe any evidence has been presented at this time that the community would be in agreement with lifting all restrictions. Am I correct?

Chief Bradford: Not since the last meeting when the former president of the Home Owners Association testified in Mr. Bragg's behalf that things were going well.

Attorney Scott: Well yes, but we don't have any evidence that the community is willing to remove the restrictions period.

Chief Bradford: That is correct.

Attorney Scott: I think that the Board made this statement a year ago. Not sure of the exact meeting, but there is evidence of their openness to try to help. You have more hours, but the original agreement was that it would come with the agreement of the greater community. Sure, you are absolutely right, there is always going to be someone who is not happy. I speak on behalf of the Board; I think everyone is very pleasantly happy that your organization has been so receptive to the community since our original meetings a year ago. You should be applauded for that, but I just wanted to get that on the record for the benefit of the Board. Chairman

John Bragg: I do want to point out that I have submitted on 2 occasions petitions that did include individual supporting us that live in the community and also individuals from across the water, and throughout the County. My petition numbers far outweighed the

single community. I have taken into account those people from across the water. We have signatures from the exact street that Earl was on. So, I think there is a large portion of the community who have shown their support. Unfortunately, not everyone can make a 9:15am Meeting on a Wednesday, and I understand that. That is why the petitions mean the were able to show their support.. I know the current President of the Homeowners Association is in me establishment 2 to 3 times on a monthly basis. She has stated it is her opinion, as the President of the Homeowners Association, that the previous regime was overstepping their bounds by submitting that as an association conglomerate, and that she is now taking a position that they are not going to take sides one way or the other as an association.

Chairman Miller: Mr. Bradford, do you have copies of the petitions he is talking about?

Chief Bradford: They were submitted as evidence of the prior meetings.

Attorney Scott: I think to help put the bookends around where we were a year ago, it would be helpful if there was some direct petitioner evidence from the community saying that we support the lifting of the restrictions. Again, I think the Board is very impressed by the effort that you have made, and your organization over the past year. I say that very willingly and openly. We wish we had more folks in the county like you with this kind of willingness to work with the community and we very much appreciate and put on the record that we acknowledge the effort that you have made successful effort that you have made. I think because we made an agreement with the community that we need, and we will not get that from HOA, a letter.

John Bragg: Last meeting, we had the previous HOA President who came forth and his wife, they spend an hour testifying.

Attorney Scott: He and his wife came forth and testified that things were going well and you have been very responsive and they were

happy with your efforts. But what we don't have is somebody saying we agree to lift the restrictions period.

John Bragg: There were 1,100 signatures on my petition

Chairman Miller: Were all of these members of the community?

John Bragg: They were just not from Cecil County, some were out of state.

Attorney Scott: My concern is just that every time we have made the restrictions less onerous, it has been as a response of what has been clearly agreed upon. You have members of the community that have testified and members that have written letters. We have emails from people saying how great things were going. We have evidence from which the Board can base an opinion on right now. All we have is your testimony. Has anything else been added to the record for this particular request today? So it is up to the Board to make a decision.

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

Commissioner Johnson: So, what is it that you would want Mr. Bragg to produce from the community to accomplish that. I am just trying to understand.

John Bragg: I have been here, this is the 4th time and the restrictions that are there do not necessarily hinder what I do. I voluntarily stopped the music at 10:00 o'clock previously. The restrictions went to 9:00 o'clock and then extended back to 10:00 o'clock. Playing music on the weekdays I may want to go to 8:30. I may want to go to 9:00 o'clock with a solo or due artist. I do not have full banks during the week. My real purpose incoming and asking for those restrictions to be removed is because from a personal level, I do not like the fact that there is a blemish and I would like the satisfaction of being in the position where the Board now says, we see what you did. We understand it. We accept it. Mr. Bradford probably has been to my establishment more than any other location in the last 10 months, and I just feel like there is still something hanging over my head, and I would like to have

that removed. It is more of a personal satisfaction. We had a problem. We corrected it. We fixed it. I think I have moved mountains in some cases to get where we are. I do not know what else I can produce other than 1,100 signatures, I did not bring the petitions with me, but I can review them again, but the top clearly states they would like to have the restrictions removed from the music.

Attorney Scott: So, that is the first I am hearing that was the title of the document.

Chief Bradford: would you like me to take 5 minutes and see if I can locate the petition?

Chairman Miller: We can do that.

Attorney Scott: That would be helpful. You see, we are trying to be supportive, but we have to have the evidence that the community is in agreement with this.

Chairman Miller: The Board is going to go into a five (5) minute recess
You will be back at 9:45am.

We are back in and it is now 9:48

Attorney Scott: Mr. Bragg, I just want to put on record that Mr. Bradford has presented us a petition that was submitted back in the beginning of Summer. Not sure of exact date

John Bragg: There was one in June,

Attorney Scott: If you would like to show us what you have, that would be helpful. I am just going to read it out loud for the record. I was given Mr. Bragg's phone, and it has the petition on here, at the beginning it says Petition is support of Unwined on the Water. We the undersigned, do not feel the establishment known as Unwined on the Water, adversely affects the peace, safety, and tranquility of the neighborhood, and we wholly support their business, and their presence in the community. Does that

accurately reflect what was at the beginning of the physical petitions that Mr. Bradford gave us from the prior meetings.

Chief Bradford: Yes

Chairman Miller: Mr. Bradford, are this part of your case file?

Chief Bradord: Yes

Attorney Scott: So I will point out for the Boards that again, we are trying to be supportive, but we need to have our ducks in a row. That is not specific saying to remove all the restrictions. It is a very positive statement about Unwined on the Water, and certainly reflects the great improvements that they have made over the course of this last year.

John Bragg: Mr. Scott, what you were asking me to do was to come back with support from the community and I believe that I have presented that. The restrictions are minimally cumbersome for us to navigate, the purpose of coming back, if you can't remove the restrictions today, I understand that, but I don't know that I will be back to ask again.

Attorney Scott: let me just say, if you are not understanding or we are properly communicating. The Board is generally pleased by what has happened and what you have done, and what we are trying to do is make sure that this Board comes full circle. We made an agreement with the community a year ago that if it is to be removed, or whatever the agreement is, and it is a two-party agreement. Now who is the other party? From a legal perspective, the Board need to close the loop and have someone or enough people, whatever the Board decides, to their satisfaction, that there is a general agreement in the community of the people that came out and were naysayers at the beginning, that the restrictions can be lifted completely. At every other meeting that we have had with you, we have had evidence of each step, that they have gradually released the restrictions, but to release the complete restrictions, which you are here to ask for today, legally we have got a couple issues, and I don't mind sharing them with you. 1) the way that it is titled that it was

produced publicly, it does not give enough notice that today's goal was to remove all the restrictions. That is one legal barrier that we would need to overcome. 2) there is no additional evidence presented today by you or by the community that they are willing to acknowledge or support the removing of all the restrictions. I cannot speak for the Board; they are going to speak in a moment. The Board is not against removing all the restrictions. We need to have our ducks in a row so that we can do that in a way that will withstand muster. So, with that I will turn it back over to the Chairman.

John Bragg: I have difficulty understanding how now the fate of my business is put back in the hands of whether or not I get the right people in here to say the right things. I thought my fate of my business and my liquor license was in the hands of the Board.

Chairman Miller: Mr. Bragg, we did not say that you have to pack this room like they did the day they came in to fight you. That is not what we are saying. We are trying to meet an obligation that we made to the packed room that day, and you have said that it is not a big deal about the business. It is more about having it over your head and we appreciate that, but you have got to let us complete our legal obligations. That is what we are trying to do, to make sure you do not have that over your head, and you need to understand from us, we are trying to work with you, give us a chance. The last thing we want is another room full of people complaining about you. Everybody that has come in front of us has praised you and that is great, but we made a commitment way back then and we have to obligate our commitment. So let us have our discussion and we are going to let you know how to proceed.

Attorney Scott: Mr. Bradford has notified me that there is someone that may want to testify regarding this case, so before we proceed any further, I think we should hear from the audience.

Chairman Miller: Is there anybody here that want to testify on this matter? Have you been sworn in?

Administrative Assistant: swears in Don Harmer to testify for this case.

Don Harmer: My name is Don Harmer. I reside at 39 Cynthia Court, Woodcrest Shores. Mr. Bragg has done a good job in the neighborhood, but I agree with the Board, they need a statement to close the loop from the HOA. I do not believe in petitions, in the past they have always failed me. But I believe poling the neighborhood will get the result that Mr. Bragg is looking for. I cannot speak for all the people in the neighborhood, but that is how I feel about it. But being respectful of the agreement that you made with the neighborhood will solidify this situation so that it does not come back in the future. And allows him to conduct his business in a proper manner, subject to your inspections and things that make sense.

Chairman Miller: We agree.

Attorney Scott: Thank you, now it is time for some discussion about what we would like to see to move forward to lift all the restrictions.

Commissioner Johnson: So, as I know many members of the community of Woodcrest Shores complained initially. You had a packed house of complaints. And that is when the restrictions were put in place. So, communications lines were open between Mr. Bragg, the community, and Mr. Bradford, and that communication has been taken place ever since those initial complaints came to the Board. Then major adjustments were made by Mr. Bragg, Mr. Bradford testified to that. The major adjustments were made and it has moved to a phase where now minor adjustments are made on the fly based upon a specific situation on any given night, I think that's in the record as showing that it has moved forward from the initial complaints to a phase where we are now in an ongoing monitoring type scenario. Testimony was received at the last meeting that the member was in here and they spoke very highly of what was going on at Unwined on the Water. I live less than a mile away and go to Unwined myself and am very happy with the atmosphere and what has taken place there. So now we are asking Mr. Bragg to produce something. But what is that something? Does he need

51 % of the community to come in and say they agree? Does he need 100%? What it sounds like what we want is to put some type of additional requirement upon him, but he is not clear what that is/

Attorney Scott: There is no additional requirement. You asked a legal question; What evidence would inoculate this from an appeal we would need some evidence that represents the Board would have enough confidence that the community and Mr. Bragg has reached an agreement to eliminate the restrictions.

Chairman Miller: Mr. Johnson, my question to you is what would satisfy you as evidence to meet our obligation to the residents?

Commissioner Johnson: I am satisfied right now, that what has taken place, the lack of testimony of complaints coming in here, Mr. Bradford's 8 or 9 visits to the facility unannounced to try to determine what is going on. The fact that this was certainly announced. The fact that there has been no other complaints other than the 1 across the river, that and coupled with what we heard at the last meeting from residents of the community. I am satisfied that Mr. Bragg has gotten through this scenario, and if it worsens, complaints pick up, then there is always an option here to open it back up

Chairman Miller: So, we firmly stated that we wanted a letter of support from the association which they will not do. Now what evidence will we allow?

Commissioner Johnson: Well, I am asking you, What evidence? What is it that you want to require Mr. Bragg to produce in order for those restrictions to be released? You are saying we want something, but what is that something?

Chairman Miller: That is up for us to decide?

Attorney Scott: Each member has a decision to make as to what they believe is sufficient.

Chairman Miller: That represents promised a letter from the association that we are not going to get.

Attorney Scott: I do not know if we promised a letter or just asked for the community at the time.

Chairman Miller: He has tried, and they won't do it.

Attorney Scott: so, from a legal perspective it would be helpful if we has something, that if we were appealed, we had something the Board relied upon if further inoculates. We don't have to have it. You could say that there is enough evidence before we proceed. Mr. Bradford, can you review with us what the current rule is and what is being asked for?

Chief Bradford: Sunday through Thursday is 8:00 am 10:00 o clock on Friday and Saturday, unless it is a holiday.

Attorney Scott: So right now, there is a block of time that the community has not heard amplified music, that they did hear prior to the agreement. Has Mr. Bragg ever played past 10. Well, we did hear evidence, and it helped the Board make its initial decision to have a hard set time of 10pm. I do remember that from a year ago. That is why we picked a certain time. So, the restrictions now would be to allow whether or not Mr. Bragg chooses to have amplified music. He is asking for restrictions to be lifted. If the restriction is lifted, what times would he be allowed whether or not he does it or not is up to him.

Chief Bradford: Till 2:00am 7 days a week

Attorney Scott: And so, what you are asking is that the community right now is very happy with the current restrictions, there is clear evidence of that. We do not have evidence on the record that they would be happy with removing all their restrictions. So, to the Board members, we have heard evidence from Mr. Bragg that the community is okay with liftin the restrictions. We have not from a legal perspective, have any evidence that says the community would be okay with moving back to 2am. I have no evidence that the community has said that it is okay. So, to any

Board members, it is up to you to make a decision based on the evidence you have heard. Whatever your decision, I will do my best to support that.

Chief Bradford: We haven't received a letter of support from the community for Mr. Bragg, but we have not received any additional letter against since the last meeting.

Attorney Scott: Which would certainly support the current times are working very well. We took a chance, we bumped these hours us since the original restrictions, and we took it as baby steps. It was a chance on Mr. Bragg's testimony and some members of the community, and it has worked very well. I am pointing out very clearly the removal of the restrictions until 2 am as if the board is supportive of that there needs to be some evidence that you base your decision on, or you just say can we open this back up? But that is not for me to decide. So that is where we stand, and if I can go one step further, in the past the music stopped at 10pm they closed at 10pm It is not like they stay open till 1 or 2 o'clock in the morning like other establishments. Understand?

Chairman Miller: Ms. Ortt Have you got anything or something?

Commissioner Ortt: I am trying to decide what the supporting documentation from residents of the community would be.

Attorney Scott: So in the past, Ms. Ortt, we have received emails of support and emails against. We have had people come in and testify. We did not base the decision solely on whether the HOA was for or against, because it goes back to the very beginning. Certain members were much more energetic about their opposition or proponent of the restrictions.

Commissioner Ortt: I guess, I mean email, letter, text message. I don't care the format I guess I am thinking do we want 3? Is there a number?

Attorney Scott: again, if the Board wanted to take a number, they certainly have the ability to do that. But as the Chairman said

earlier, it is up to each member to either say we want to put forth a number, or what is sufficient for you to make your decision.

Chairman Miller: Mr. Bragg, you said you do not play past 10pm.

John Bragg: Correct

Chairman Miller: Do you envision playing past 10 pm

John Bragg: No sir

Chairman Miller: What is your goal here beside to get this restriction off your head? Do you want your hours increased Sunday through Thursday pass 8 pm?

John Bragg: No, I do not anticipate that either, it is just a personal issue from a business standpoint. We are operating under some guidelines that are not imposed on anyone else that I am aware of

Chairman Miller: my question, is it working.

John Bragg: it is functional, yes, it is

Chairman Miller: My question is what would change?

John Bragg: not a lot, no restrictions indoors, so it is now wintertime, and we are inside. Bands are finished by 10 pm even inside as Mr. Bradford has stated

Chairman Miller: We understand, I am trying to understand, except for this thing hanging over your head, what is going to change your business?

John Bragg: I think I want the freedom on a Sunday night to play music till 9pm at an acceptable volume is I choose to do so. I know I have sent different request to the Board. One was accepted and one was declined. No problem with either decision. My kitchen closes at 8pm.

Chairman Miller: Okay, Mr. Bragg, we are spending an awful lot of time here when basically all I get from you is that if we gave you Sunday nights till 9pm you would be happy and come back in and see us next season and get your letters from your neighbors. Any problem with getting the letters? It sounds like you have got support down there.

John Bragg: Yes, but it is still the personal thing, I have a black cloud hanging over my head and I would like the acknowledgement of the Board that I Received publicly here and I want the Cecil Whig publishing that the Board has done their due diligence and Mr. Bragg has done what he needs to do and there are no longer any restrictions. There were as many people here supporting Unwined and there were opposed.

Chairman Miller: okay, everyone but Mr. Johnson went through it. I need more discussion from the Board, or I need someone to come up with what we expect.

Attorney Scott: I believe there possibly could be 2 motions. Or a couple different paths the Board could, what was published for the meeting was a request for extension of music hours, so yes, we could within that say that we are going to extend it all the way until 2am. Which would effectively remove any restrictions, 7days a week. That is one for the Board to consider. You could consider something like we are going to extend Sunday hours till 9pm, but we have not heard any testimony from the community on that specific issue, or you can come up with your own motions that ask Mr. Bragg to come back with some letters, or evidence to show the community would support a removal of the restrictions at the next meeting, or the Board could make a motion to remove all restrictions right now, or anything in between that

Commissioner Johnson: Well, I think we are back where we started and that is Mr. Bragg would not be leaving here knowing what it is the Board is expecting him to come back with in 30 or 60 days. So, if we are going to put that type of requirement on him it has to be determined. Otherwise from my perspective, I think he has met

the requirements that are put on him. I do not have any indication that the community has an issue at this point. If we allow him to open till 2 am, there is going to be very few people who are going to come back and say, I am okay with that. I do not believe Mr. Bragg has any intention of doing that. Once he shuts his kitchen down, it is hard to keep the patrons there anyway. But we cannot have him leave here confused and keep going through every 30 or 60 days. There needs to be some define, release the restrictions or some type of something that he can put his hands on. His idea of having the black cloud over his head, not having restrictions, we might remove restrictions and he would never be open past 8pm on weekdays and 10 pm on weekends. I doubt very seriously he has any intentions of 2am. I can tell you that would create a major problem.

Chairman Miller: Mr. Bradford, how many people does it take in a community to make a complaint

Chief Bradford: 10

Chairman Miller: Okay, so if we lifted all the restriction, you would need a petition from 10 people in a community to bring him back in?

Chief Bradford: yes, or a report from the inspectors

Chairman Miller: Okay, having heard that, I would like to hear a motion.

Commissioner Ortt: I move to lift the restriction upon our next meeting for Class B., BWL. Number B-83. William Gravlee Triton Marina Services, LLC. Owner, John Bragg, Bampton, LLC. Lease, manager, T/A Unwined on the Water 285 Plum Point Road Elkton, Maryland 21921 with the provision that you will provide the Board with 10 supporting documents from the surrounding community

Chairman Miller: We have a motion by Ms. Ortt

Attorney Scott: and this would happen at the next meeting? I would just clarify before we go any further, your motion is saying, if he provides 10 supporting documents of removing the restrictions

entirely that at the next meeting they would not have a second vote in next month

Chief Bradford: so he would not have to appear?

Attorney Scott: What I am saying is if he provides 10 documents, if they satisfy the Board the Board would consider at their next meeting, the Board would have to look at those 10 documents and make sure they are sufficient. So, we cannot guarantee that the restrictions will be lifted on this motion. Say we were passing a motion or we are putting a motion to define that the agreement with the community to lift the restrictions can be satisfied by 10 sufficient documents.

Chairman Miller: So the motion is amended if you come in on December 13 with the 10 documents of residents in the community we will consider totally lifting the restrictions. Do I hear a second?

Commissioner Johnson: SO, what do we define as the community.

Attorney Scott: in the past that has been people that live there, that are affected by the music that live in the immediate community, an across the river because the counterpart argument is that if we receive 10 complaints, that is enough to start a proceeding

Chairman Miller: Do I Have a second?

Chief Bradford: email would be sufficient?

Attorney Scott: just whatever, as long as they can be documented and they are legitimate, Chairman is allowed to be a second

Chairman Miller: I second the motion Having a motion made by Ms. Ortt and a second by Mr. Miller, all in favor say aye.

Chairman Miller/Commissioner Ortt:: Aye

Chairman Miller: opposed

Commissioner Johnson: Nay

Chairman Miller: Motion carries See you on the 13th of December, Mr. Bragg

Chairman Miller: The next item of business is an application for a hardship extension, Class BWL, Number B-19, Howard Ronald Debris, Sr, Full Moon Saloon, LLC. Owner Licensee Debbie Stout power of Attorney, trading as Full Moon Salon, 565 Cecil Warwick Road, Warwick, MD 21912, please come forward.

Attorney Scott: Just introduce yourself and where you live.

Steven Stout: Mr. Chairman and Mr. Scott, my name is Steven Stout. I am Ronald Dubree's grandson and Power of Attorney Debbie Stout's son. I live in Newton Square, Pennsylvania.

Debbie Stout: Mr. Chairman and Mr. Scott, my name is Debbie Stout. I am Ronald Dubree's daughter. I am currently living at my father's house at 4604 Augustine Herman Highway, Earlvile, Maryland

Attorney Scott: And was this a formal application in an informal application?

Chief Bradford: informal

Chairman Miller: Mr. Bradford, would you like to go with this?

Chief Bradford: The establishment closed on or about 12/8/2022. As you are aware, an establishment must be open for 30 consecutive days in any rolling 12-month period which would be coming up very soon. I am very aware of this situation. Not sure how much detail you want me to go into. They have been in contact with me numerous times. They are here today to ask for a six-month hardship extension, and I am sure they will go into a little bit more of the personal reasons behind what has occurred at the Full Moon Saloon.

Steven Stout: Mr. Chairman, I would like to speak on behalf of our cause. For as long as I have known my grandfather, he has owned a bar establishment starting in Pennsylvania and moving to

Maryland and Delaware as I have grown up. He has always been active in the restaurant business. The reason why we need this hardship extension is starting in July of 2021, my grandfather Ronald Dubree decided to enter into a lease to buy contract with Jason Hamilton. That lease to buy contract was set to be completed in July 2023. Fast forward to July 2022, myself, my mother Debbie Stout Power of Attorney and my uncle Reg Dubree sat down with Jason Hamilton and discussed the status of the bar, because at that point in time there were some rent payments that were coming in a little bit slower than expected, and there was issues regarding property taxes and some payments that weren't being made in a timely fashion by Mr. Hamilton. We sat down with him on 7/6/2022, he assured us things would be taken care of. We put together a plan to have the bar successfully move forward with Mr. Hamilton continuing to run it. Late August 2022, Mr. Hamilton met with my mom and Reg Dubree and let them know that the rumors were true, he had purchased another property in Ocean City Maryland. This concerned us because we were wondering where his focus was going to be. At the meeting he assured them that he would uphold his responsibilities and was not in any way seeking to get out of the contract that he lawfully signed. Now into October 2022, after not receiving rent for 2 months and being unable to contact Mr. Hamilton, Debbie Stout and Reg Dubree placed locks on the doors at the Full Moon. That, all of a sudden made Mr. Hamilton quickly respond and said those locks needed to be off. He provided some explanations as to why he had been out of contact and was not receptive. The locks were removed immediately. Then in November he abandoned the bar with no warning. Leaving food in refrigerator, taking some equipment, and leaving financial affairs in a mess. Mr. Bradford has some intimate experience regarding some of those things that he just left completely up in the air for my mom and uncle to take care of. In regard to my grandfather, sadly in the spring of 2022, he had Covid that extended into long term Covid. That along with a bout of the flu caused him to take a bad fall and sent him to the hospital for 2 weeks. He was sent home in June 2022. Again, he was hospitalized and found to have sub dermal hematoma and a blood clot was located resulting in 2 to 3 more weeks

hospitalization followed by 2 weeks stay at a skilled nursing facility. Was discharged toward the end of July 2022 with a therapist coming to his location. At this point Debbie Stout has moved from North Carolina to Earlville to help with my grandfather. August 2022 he was readmitted to the hospital and again sent to a skilled nursing facility for another 2 to 3 weeks. He came home for a period of time in September 2022. December 2022, he contacted Covid again and was back in hospital and then back to skilled nursing facility. Finally, May 2023, we were able to get him into assisted living where he is living now and doing reasonably well but is in a wheelchair 90% of the time. He never returned to his pre July health at the time when he signed the lease with Jason Hamilton. So, a combination of my grandfather's health and the situation that Mr. Hamilton left us in is why we come here today pleading for you to give us a six-month extension so that we don't have to cobble together a plan to open the establishment.

Chairman Miller: explain to us a little bit about what you have done to lease the place or move on.

Steven Stout: Since then, our plan quickly shifted to sell the business. My Uncle has no desire to take over the Full Moon so we have switched to working to get the property ready to be sold. We do have 2 contracts that are highly interested and supposedly waiting on the status of what happens today. Obviously, the liquor license is a primary concern in their purchase of the property as a whole. So, the plan, if given the 6 month extension that Mr. Bradford mentioned would be to get the property sold as soon as possible, and get it into hands that can put it in the successful state that the Board expects.

Attorney Scott: I would like to make a statement: Mr. Bradford, this liquor license is in a area that is capped by the legislature, and so if they were to lose this liquor license, they would not be able or someone else who bought this building would not be able to come in and ask for another one. It is grandfathered in because it is over the cap. And Number 2, the Board in the past has been sympathetic to when these types of licenses change hands, they

cannot all be done overnight. However, you need to be very aware that this liquor license can be taken away. As of right now, under the law, if you do not open within 30 days, the license is gone and it will never be back which I am sure will have financial hardship to you and your family. I would caution you to not do this serially, because if the Board were to grant you additional time, not to come back and say, oh well that buyer did not work out. The Board has had similar situations, and after a period of time, it is over. I just want to give you that caution that the Board has not agreed to renew licenses that violate our rules, which is the thirty day rule and so I cannot emphasize that enough of how critical it is to use your time wisely.

Chairman Miller: Ms. Ortt, do you have any questions?

Commissioner Ortt: Earl, a 6-month extension would bring us to a renewal time?

Chief Bradford: Yes, if it started in November 1st, it would take us through April which is renewal time.

Attorney Scott: Mr. Bradford, in the past have we granted 6-month extensions in hardship cases like this?

Chief Bradford: Correct

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

Commissioner Johnson: Earl, the area is capped. If they were to sell the property, they can sell the liquor license with it?

Chief Bradford: It would be a transfer condition upon approval.

Commissioner Johnson: Do we have applications waiting for this area?

Chief Bradford: Not in that district.

Chairman Miller: Is there anybody in the room that is here to testify in this case for or against? Seeing none, I would like to entertain a motion

Commissioner Johnson: are we looking at giving a carte blanche 60 days or 6 months, or do we need some kind of update along the way at a certain point on progress of where this is heading?

Chairman Miller: I would think that if we give the 6 months, that would take them to the renewal period. And once renewal hit then it would be done. And if they sell it they will be back in for a transfer. Do I hear a motion?

Commissioner Ortt: I move to approve the application for hardship extension for, Class BWL, Number B-19, Howard Ronald Debris, Sr, Full Moon Saloon, LLC. Owner Licensee Debbie Stout power of Attorney, trading as Full Moon Salon, 565 Cecil Warwick Road, Warwick, MD 21912 for a 6 month extension

Commissioner Johnson: Second

Chairman Miller: Having a motion made by Ms. Ortt and a second by Mr. Johnson, all in favor say aye.

Board: Aye

Chairman Miller: Opposed? Hearing no opposition, Extension is granted.
Good Luck

Attorney Scott: Again, I cannot emphasize enough, please do not lose our 6 months.

Stephen Stout: Thank you, and could we just get for clarification, I know Mr. Bradford stated the extension would start November 1. When would it be 6 months from today?

Chief Bradford: the extension is through April 30, because the new renewal year is May 1 so you would have to renew the license in March. So, if you are planning on making that renewal in March you need to make sure you know that license needs to be active and sold. If you are not going to sell it, then I would not renew.

Attorney Scott: So, the extension is to April 30. So, amend the motion to say till April 30 as opposed to just a blank 6 month.

Commissioner Ortt: I would like to amend the motion to extend it to April 30, 2024.

Commissioner Johnson: Second

Chairman Miller: Having a motion made by Ms. Ortt, amended, and seconded by Mr. Johnson, all in favor say Aye.

Board: Aye

Chairman Miller: Opposed? Hearing no opposition, you are approved. Next item on the agenda: Application approved 5-31-23 for, Pravinaben Chandrakant Patel, Tosha Shailesh Patel, North Bay Liquors LLC, T/A **North Bay Liquors**, 480 N. Mauldin Avenue, North East, MD 21901 for a new Class "A" Beer, Wine & Liquor Alcoholic Beverages License, Board requested a follow-up on progress and Opening Date.

Chet Patel: My name is Chet Patel, and I am representing North Bay Liquors

Chairman Miller: so, explain to us what has been accomplished?

Chet Patel: Yes, so we are probably very close to all shelving being in. Electrical Inspection was finalized and approval about a week ago. HVAC and cooler refrigeration inspection is today. Then I am hoping to get the fire marshal out there for his inspection later this week or early next week. Assuming all of that goes smoothly, building inspection as soon as we can get that scheduled. We were told they need a 24-hour notice. The outside pylon sign is being replaced and updated. That is for the retail upstairs store. There are 5 signs going on the building. Permits have been approved.

Attorney Scott: Give us a timeframe of when it is happening.

Chet Patel: I have been told by the sign company they expect to install before Thanksgiving. It has been tentatively scheduled for November 22. Waiting on the fabricators to make the signs which will take a few weeks. Doing some minor touchups in the store.

After all inspections, it will get a deep clean. All cameras are in and active, internet active as of yesterday, plumbing is done, and the fencing has been put in as well to minimize one of the concerns that we previously had.

Attorney Scott: When did the fencing go in?

Chet Patel: about 3 weeks ago and we have made significant decrease in foot traffic. I can see on cameras people are still trying to sneak around and some damage has occurred to the fence already. We have talked with the fence contractor and are going to add some extensions and some reinforcements to help minimize that. Also trying to make gate electronic, but that has been backordered for 3 to 4 months.

Attorney Scott: When are you going to open? What is your opening date?

Chet Patel: so, Assuming the inspections all go as planned, we are thinking it is going to take us about 45 to 60 days to get everything ready. Cleaning, inventory, and training.

Attorney Scott: When do you plan on purchasing your allotment of liquor?

Chet Patel: I have reached out to the distributors and was told they need about 2 weeks notice. We have ordered our POS system already, and we can order through that. So, our initial order is set, but without the license in hand we haven't ordered it yet. Drafted but not submitted. I am budgeting about 15 days for training and all the inventory to get set up and priced. Electronic labels so that all has to get in the skew.

Attorney Scott: Earl, does his staff need to be trained at all with alcohol awareness?

Chief Bradford: Yes

Chet Patel: All of our managers will be trained.

Attorney Scott: How long does that take from when he tells you who they are and when it happens?

Chief Bradford: Depending on when there is a class scheduled. Once the class is scheduled, they go to class, and we usually get notified within a week who has taken the class and who passed.

Attorney Scott: I am just trying to understand your opening date?

Chet Patel: I was told to allow the 2 weeks from when inventory arrives, training starts, so staff is fully functional and ready to be up and running.

Attorney Scott: Are you trying to open before Christmas?

Chet Patel: Our goal is to open before Christmas. That would be idea for business. But hopefully before New Years at the latest.

Chairman Miller: Mr. Bradford could you give a report on what you have observed during the progress?

Chief Bradford: What I have observed is pretty much what Mr. Patel has indicated. I know they were initially going to open in July, then by the end of September. We have also made a couple of attempts to contact the licensees by mail, and those attempts were returned to us by mail services. Unable to deliver.

Chairman Miller: And what did you observe about the fence? Wasn't it originally testified that the back area was going to be fenced in?

Chief Bradford: That is my belief, yes and to this point I do not believe that has been done. There is some fencing along the side, a gate on the other side, but not sure if I saw any fencing along the back.

Attorney Scott: Please correct me if you disagree, there was transient traffic coming through the back and you told the Board that one of your priorities was to fence that and block the traffic from happening, to encourage them to take a different route.

Chet Patel: And we have seen that from the video footage. We closed it on the side so no one was coming up or down. The only way they are coming is if they try walking around the fence. We have even put barbed wire around portions. So, the fencing contractor has ordered additional material to try and close it.

Attorney Scott: I have not been there, but I am trying to clear it up for the Board. You originally stated that you would put a fence in the back, are you saying that the fencing you have done is effectively solving the problem as long as they do not break the fence down?

Chet Patel: Yes, absolutely, I do not see more than 2 people on any day trying to go around the fence because it is not convenient. They would have to go through the creek. I do not want people to see and do that, so we are adding onto the fence. But what we have done has significantly reduced the problem. Not sure if it will 100% eliminate the problem, because people always try and damage or get around the fence.

Attorney Scott: Mr. Bradford, can you explain the significance of the licensee? Who is the Licensee? And who did you attempt to mail? And where did you attempt to send the mail?

Chief Bradford: as part of the 1st request, we were given an address of 205 Chesapeake Ridge. That was Mr. & Mrs. Patel. Mrs. Patel is 99% shareholder. We sent letters to that address, and they were returned unable to serve

Attorney Scott: Are your parents or your mom living at that address?

Chet Patel: Yes, we receive mail there.

Attorney Scott: So, I just want to be very clear

Chet Patel: Yes 205 Chesapeake Ridge Apartment 2D, that is our address

Attorney Scott: I want to be very clear on this because we have had some issues in the past. We do not care what the address is. We have an honesty issue. The Board has an obligation to ascertain the character of the licensees when providing liquor license to the community. We tried to clear those up last time we met Everything got put on the table, and I think the Board was very impressed with you and your efforts and what you are doing. But your mom is the licensee, and we need to understand why that mail was returned, because that is now in evidence. So, it is your

testimony that your mom does live there? She is living there, not intent to live there, but physically living there?

Chet Patel: Yes, absolutely. We have our lease, she is living there. I do not know why the mail was returned. Our lease runs through January.

Attorney Scott: Mr. Bradford, how was the mail sent? By what class?

Chief Bradford: First class mail and returned: return to sender. Not deliverable as addressed. Unable to forward, it was addressed North Bay Liquors, 205 Chesapeake Blvd 2D, North East, MD 21901

Attorney Scott: Is that Correct, or just tell me what you think happened?

Chet Patel: No, I was actually thinking it was going to Mauldin Ave. It is Apartment 2d, so not sure what the confusion might be.

Attorney Scott: Have you ever received mail from the Liquor Board there.

Chet Patel: No, I was thinking it would be going to 40 N Mauldin Avenue.

Attorney Scott: My understanding is legally the Post Office after a certain amount of time, no longer able to forward.

Chet Patel: we had a forwarding order in place for 1 year.

Attorney Scott: so, what happens is the Post office doesn't know you live there, and you put a forwarding not to the post office after 6 months the post office has one of 2 issues, either they ignore that and just dump the mail there or they return it to sender. Saying forwarding order has expired. So, what I am trying to get to the bottom of is there is evidence that perhaps your mom does not live there. That is what we are getting from the post office. So, I need to understand where the error is? You are testifying that she lives there. I was wondering if the address was not listed correctly, maybe that is causing the issue?

Chief Bradford: I have made numerous attempts to serve the letter. I have knocked on the door and no one has answered

Attorney Scott: Can you put on record what days or approximately and what times?

Chief Bradford: 9/14/23 at 5 or 6, and 9/14/23 at 8 or 8:30, 9/15/23 at 8:20pm and also on that same day at 12:15pm, 9/27/23 at 10:15am at which time I actually went to the main office with Chief Yates. However, they would not provide any information at that time. Chief Arrow was there on 9/14/23 at 7pm

Attorney Scott: Our liquor license is a very big responsibility, and if we cannot get in touch with the licensee then we have a very real problem. Because who do we hold accountable if there is something going on? That is why we need to know. That is why the character of the owner is important and the ability to get a hold of them. So, we had prior issues that the Board was very Benevolent in moving forward with your application, knowing that, due to Covid and some other issues, the Board was able to overcome, but it was based on trust. So, the Board attempted to verify and you can see the predicament that the Board is in. We are going to need some sure testimony as to why we cannot get in touch with the licensee.

Chet Patel: My parents are out of the country in Egypt right now. I have itinerary for that. I am at the store the majority of the time. Not sure if Toshia Patel is receiving her mail or not. I just paid a utility bill for 2D last week.

Attorney Scott: So your testimony is you is on vacation and been out of the country. That is your testimony?

Chet Patel: Yes, she has been. They are still there. They are returning today

Attorney Scott: It is very critical that we know where the licensee lives. We do not need to know that they are on vacation. We have to be able to get in touch with the licensee with a degree of confidence because of issues regarding the responsibility of owning a liquor license. So, there have been some issues on that in the past in this particular case. And to the Board this is a very sensitive

issue, and should I want to prescriptively make you aware that this is an issue that should not be messed with.

Chet Patel: I promise you; I am at the store every single day. My parents are on vacation. I was not aware that she should not go on vacation because the store was not up and running yet. I am there every day. Our goal is to get the apartments done. But the store was my top priority. The plan is still to have them move into the apartment when they are finished, and have an apartment for a manager to stay there full time also

Attorney Scott: Can you tell the Board how much money the family has spent so far renovating and getting advancing on everything. What is your total investment? Ballpark?

Chet Patel: I probably be all in over half a million dollars. The building needed a lot of work to do it right.

Attorney Scott: Chairman, I will turn it back over to you. Mr. Bradford, so right now they currently have a liquor license,

Chief Bradford: it has been approved but not issued. It will not be issued until we receive the occupancy permit.

Chet Patel: I am hoping for that within the next 30 days.

Attorney Scott: So, within the next 30 days you will get your occupancy permit then you will come get your liquor license?

Chairman Miller I am passing the gavel to Miss Ortt, I am going to excuse myself for illness.

Attorney Scott: so, without a full board, do we have a motion to make on this Miss Ortt? Because he is allowed to ask for an extension if he does not want to move forward without a full board. Otherwise, this is just a status and we do not have to do anything.

Chief Bradford: a motion has to be made. The Board approved the extension through the end of September, so we need to approve the extension of the liquor license until 30, 60 90 days

Attorney Scott: So, you think you are going to have your occupancy permit. If it were 60 days, would that be enough time?

Chet Patel: Yes, I hope so.

Attorney Scott: So, when would the January meeting be January 31, or December 13th?

Chet Patel: I do not think December 13th would be enough time.

Attorney Scott: So, you are asking the Board to extend until January 31. So, Miss Ortt, that is the request from the applicant based on his progress. And you guys can ask questions and we need to hear from the audience.

Commissioner Ortt: Mr. Bradford, I want to go back to the address. Was there a lease for this address where they are living?

Chief Bradford: There is a lease, we do not have a signed copy of the lease.

Attorney Scott: Do you have a signed copy of the lease?

Chet Patel: I have a signed electronic copy on my phone.

Attorney Scott: yes, please share that with Mr. Bradford so he can testify that he has seen a signed copy. If you are having trouble finding it, once you find it, please send a copy to Mr. Bradford.

Commissioner Johnson: So back in May you indicated or had hoped to be open in July or August. And now we are into October. I understand with contractors and all of that, there has been conversations between you and Mr. Bradford and Liquor Board.

Chet Patel: Yes, we have communicated a couple of times trying to give updates on where we were. Unfortunately, each time I emailed; I was saying it is going to take till the end of September. Things did not happen. The electrical work done with my first electrician had to be all redone by another electrician.

Attorney Scott: He wants to know if you are communicating, do you have an ongoing conversation with Mr. Bradford?

Chet Patel: I believe I am.

Chief Bradford: I have received at least 2 emails for updates.

Commissioner Johnson: ok, that is all.

Commissioner Ortt: I don't think we have said this, but with the Chairman leaving, it is just myself and Mr. Johnson, so you can elect to be seen at another time.

Chet Patel: I am fine with 2.

Attorney Scott: so, you are agreeing to proceed with the 2 members here. If I may, Ms. Ortt. Is there anyone from the audience who would like to testify for or against this application for an extension? Seeing none, I will turn it back over to you.

Commissioner Ortt: I will hear a motion?

Commissioner Johnson: so, I would like to move that we extend the application for Pravinaben Chandrakant Patel, Tosha Shailesh Patel, North Bay Liquors LLC, T/A **North Bay Liquors**, 480 N. Mauldin Avenue, North East, MD 21901 for a new Class "A" Beer, Wine & Liquor Alcoholic Beverages License, until January 31, 2024

Commissioner Ortt: Second All in favor?

Board: Aye

Commissioner Ortt: Motion carries.

Chet Patel: Thank you very much, I will make sure I email the documents.

Attorney Scott: yes, please do. It is very sensitive and important on where your mom is.

Chet Patel: can I be listed as contact?

Attorney Scott: I will let you take that up with Mr. Bradford. I would make a suggestion that you become either the owner or your mom leases the license to you. And then you would become the contact. You would be the responsible person and we would approve that lease, which we routinely do. So Good luck

Commissioner Ortt: next up is Questions or Public comments from the audience.

Attorney Scott: seeing none,

Commissioner Ortt: we will move along to General Business. We need to approve the minutes from the June 29, 2023, meeting. I will hear a motion to approve the minutes.

Commissioner Johnson: Second

Commissioner Ortt: all in favor say Aye

Board: Aye

Commissioner Ortt: Specials

Chief Bradford: There have been a number of Specials since our last meeting: HDG Winter Celtic Festival – Cecil Summer Festival – August 5, 2023
VFW Post 8185 – Fundraiser – Sept 9, 2023
Cecil County FOP Lodge 2 – Crab Feast – Sept 9, 2023
Grounded Coffee, Perryville – Crab Feast – September 24, 2023
Cecil County Chamber of Commerce- Networking – 10/12/2023
Elkton Mem VFW 8175 – Fall Fest – September 15, 2023
Maryland 5 Star – Fair Hill – October 18, 19, 20, 21, 22 2023
Town of Port Deposit – Dinner/Donaldson Brown Ctr – 10/26/2023

Commissioner Ortt: I see, no old business. New Business is nomination for Chairman of the Board of License Commissioners:

Commissioner Johnson: I nominate Steve Miller to continue as Chairman.

Commissioner Ortt: I second that. All in favor say Aye.

Board: Aye

Commissioner Ortt: Also, we are combining November and December meeting to be held on December 13, 2023

Commissioner Johnson: I move that we adjourn.

Commissioner Ortt: I second. All in favor

Board: Aye

Meeting is Adjourned.

BY:



Stephen Miller, Chairman

ATTEST:

Sandra L. Cumm, Administrative Assistant