

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, May 31, 2023, at 9:15 A.M.

**PRESENT:** Stephen Miller, Chairman  
Kristen Ortt, Commissioner  
Bernard Chiominto, Commissioner  
Lawrence Scott, Board Attorney  
Earl Bradford, Chief Alcoholic Beverage Inspector  
Sandra Cumm, Administrative Assistant  
Jeanea Gomez-Scott, 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:** Our first case on the docket is an application for transfer received from Dharmesh Patel, Surjit Singh, Brentwood Businesss LLC, T/A Brantwood Liquors at 1076 Augustine Herman Highway, Elkton, MD 21921. Can you please identify yourselves.

**Applicant:** I am Dharmesh Patel

**Attorney Scott:** Okay, you have made an application for transfer. Anything in your application changed since you submitted it?

**Mr Dharmesh Patel:** No

**Chairman Miller:** Would you like to tell us What Your Plan Is?

**Mr. Dharmesh Patel:** I have been in the liquor business in the county for almost 20 years, so as we took over Brantwood,, I am not trying to change anything. We are just going to run it and clean the place up. Take the business more forward than where it is.

**Chairman Miller:** Earl, Do you have anything?

**Chief Bradford:** No , I just know that there is a tax hold from the previous owner that will need to be taken care of before the license is issued. If, in fact the transfer is approved and we would need to receive the bulk sales transfer permit.

**Chairman Miller:** Ok, Mr Chiominto, Do you have any questions?

**Commissioner Chiominto:** They are aware of that? And the previous owner is aware as well?

**Chief Bradford:** Yes

**Commissioner Chiominto:** And no changes withing the business itself? It will remain the same like still serving sandwiches there?

**Mr. Dharmesh Patel:** Yes

**Commissioner Chiominto:** Okay, That is all for me

**Chairman Miller:** Miss Ortt, Do you have any questions?

**Commissioner Ortt:** I have no questions.

**Chairman Miller:** I have no questions.

**Attorney Scott:** Is there anyone from the audience who would like to speak on behalf of this transfer or against it? Seeing None, Lets turn it back to the Chairman

**Chairman Miller:** After seeing none, I will entertain a motion on the application

**Commissioner Chiominto:** I make a motion that we accept the application received from Dharmesh Patel, Surjit Singh,

Brantwood Business, LLC, T/A Brantwood Liquors, 1076 Augustine Herman Highway, Elkton, MD 21921, Class "B" Beer Wine & Liquor Alcoholic Beverages License no B-165 from Harvey A Jacobs, Andrew-Lynn Inc., T/A Brantwood Liquors & Country Store, 1076 Augustine Herman Highway, Elkton, MD 21921

**Chairman Miller:** Thank you sir, I have a motion made by Commissioner Chiominto. Do I have a second?

**Commissioner Ortt:** Second

**Chairman Miller:** I have a second from Ms Ortt. All in favor

**Commissioners:** Aye

**Chairman Miller:** Hearing no opposition, The Motion is approved.

**Attorney Scott:** Gentleman, just so you know, you still have to do the release of the tax hold and bring in the bulk sale permit.

**Mr. Dharmesh Patel:** That's correct

**Attorney Scott:** Congratulations,

**Commissioner Ortt:** Thank you

**Chairman Miller:** Our next case is an application for a new license from Joshua Shane Mayo, Jean Holcomb Shuttleworth, Ivelisse Contreas, CBOCS MD 1, LLC, T/A Cracker Barrel, 300 Belle Hill Road, Elkton, MD 21921 for issuance of a new Class "B" Beer, Wine and Liquor Alcoholic Beverage License. Would you please come forward. You may all have seats. Could you introduce everybody here?

**Attorney Carter:** Good morning, My name is Linda Carter, and I am the attorney for Cracker Barrel, this morning with me I have Jean, Josh, the manager of the Elkton Cracker Barrel location, and Ivelisse. Jean and Josh are both from Tennessee. They are the out-of-state applicants. Ivelisse Contrras is my office manager.

She is also my certified tips trainer and is responsible for training all of the employees at Cracker Barrel who will be taking the tips class. If I could please approach: (handing out presentation binders)

**Chairman Miller:** Please do

**Attorney Carter:** Cracker Barrel has long been a part of this community. In the last 5 years or so it has made a corporate decision to add very limited beer, wine, and liquor on a very limited selection of beer, wine and liquor to its menu. solely as an accommodation to the to public. The top producing store in the nation is at 3.5% alcohol. So, this is truly an accommodation. There is not going to be any change in the mode of operation of the Cracker Barrel as you all know it. In fact, you won't even see the liquor on display. There will be a little insert in the menu that tells what is available. Beer, wine, hard lemonade, Bloody Mary, and Mimosas. To assist the servers and the people that are making the drinks, everything is pre-measured, All the vodka, for instance, will be in the little miniatures, and one goes into a bloody Mary. All the champagne for the mimosas will be in the small, single-serve champagne bottles. No mixing, no measuring. Cracker Barrel takes the responsibility of serving alcohol very seriously. In this unit, like in every other unit in the State of Maryland, every person in a supervisory capacity will, in fact, be alcohol awareness certified by a state approved program. Currently its TIPS, that may change, but that is how we are doing it. Every employee will be trained in alcohol awareness. No vertical ID's will be accepted in the State of Maryland, and if you order a drink, If I order a drink, you will be carded every time you get a drink. No carry out of alcohol, no alcohol service on the outdoor patio. That is strictly a holding pattern for people waiting to be seated at a table. All alcohol will have to be consumed at the table period. There will be no other changes in the mode of operation whatsoever. This unit is 9,970 square feet, with 184 seats on a daily basis. They average between 500 to 600 customers at the weekends between 800 and 900. This unit has 99 employees with an annual payroll of almost 1.6 million dollars. Our hours will remain the same 7 to 9 except on Friday's and

Saturday's when they are 7 to 10. My clients have filed an application with this board, we would proffer that all the information contained in that application is true and accurate as they appear before you, and that if I were to ask each of the applicants the questions in regard to the proffer that I just made to the board, they would affirm that my proffer was accurate, and that would be our case Mr. Chairman.

**Attorney Scott:** Before we go on, Has anything changed in your application since you submitted it?

**Attorney Carter:** No sir

**Attorney Scott:** Okay, Thank you. Chairman, I have 2 questions, if I may

**Chairman Miller:** Mr Scott, go ahead

**Attorney Scott:** With only 3.5% of your revenue coming from alcohol, it is a big risk to the 96.5 of the rest of your revenue for the restaurant, because if you were to violate the Cecil County liquor laws, you potentially could be shut down for a period of time. That is never our goal. Our goal is to help you be successful and to help operate within the laws of the Cecil County Liquor Board. Just to make you aware, we try to make the corporate clients that have restaurants and serve liquor, very aware, that there are consequences, and we take those consequences very seriously, we do enforcement, active enforcement all year long. And with such a small amount of liquor being served, I would propose that there is a risk that your servers might forget, you know if they are serving liquor all the time, every time, then you have muscle memory as to what you are doing. If you only come on your shift, and you only serve one or none per shift, then you tend to forget, and don't follow the rules. So, I know you have done this throughout the country, but we do take our enforcement very seriously, and we try to give a warning. Our goal is to help you succeed, and we want people to be successful. But there is that risk. So, I wanted to make you aware of that.

**Attorney Carter:** We appreciate that. And Mr. Scott, because what you just said we had almost a verbatim discussion, you could have

been a fly on our wall and repeating it because we have discussed the importance of making sure that the employees recognize that every time a drink is ordered, there is a carding. And one of the things that we are looking into is a prompt system on the computer to remind people, so even if they walk away as soon as they put it into the system, the prompt comes up, so they have to go back.

**Attorney Scott:** And then my second question is: If the Board votes to allow you to get a liquor license, you have verbally stated that you are only going to offer very limited types of drinks, and it makes up a certain percentage. That's not a restriction on your liquor license. Would you come back to the board, if you decide to change your offering or it becomes a higher percentage?

**Attorney Carter:** Yes, absolutely. If there is a corporate decision to change the way in which alcohol is sold. We will absolutely notify the board before we would implement it at this particular unit. If our revenues exceed 5%. We also let the board know. But we just unfortunately don't anticipate that.

**Attorney Scott:** That's fine. We do not want to change your business model. I just want you to know that that is not a restriction. So, if it changes voluntarily, please let us know that.

**Attorney Carter:** Absolutely, Thank you.

**Attorney Scott:** That is all for me.

**Chairman Miller:** Thank you, Miss Ortt, do you have any questions?

**Commissioner Ortt:** My question is kind of 2 part So does Cracker Barrel have a bar where people sit or all table service? And is there a single person making all the drinks or does each waiter/waitress make the drink itself.

**Attorney Carter:** There are no bars. The alcohol, except for what is actually served to the table, is not visible to the customer. In most instances, the weight staff is responsible for mixing the

drink just like they would be for pouring the coffee or the ice tea. In those rare instances, where we have employees that are underage, they are always shadowed anyway, so that would not be an issue.

**Commissioner Ortt:** Thankyou

**Attorney Scott:** I/m sorry, that was my question. Another question was with the labor market the way it is, does the advent of serving liquor change the age of your staff? And therefore, is that going to make it harder for you to have enough staff to serve the customers in your restaurant?

**Attorney Carter:** So, the ages of the employees at this particular unit are between 17 and 69. 17 years old are not going to be involved in the service of alcohol, and we have plenty of other employees that can handle it, and the manager is here, and she can attest to that if you need specifics.

**Attorney Scott:** I am fine. Thank you.

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

**Chairman Chiominto:** I have none.

**Chairman Miller:** Mr. Bradley, any questions?

**Chief Bradley:** I have none.

**Chairman Miller:** I have none. Does anybody in the room wish to testify or speak against on or about this application? Seeing nobody, I will entertain a motion.

**Commissioner Ortt:** I move to approve the application received from Joshua Shane Mayo, Jean Holcomb Shuttleworth, Ivelisse Contreras, CBOCD MD 1, LLC, T/A Cracker Barrel, 300 Belle Hill Road, Elkton MD 21921 for issuance of a new Class "B" Beer, Wine, and Liquor alcoholic beverage license.

**Chairman Miller:** Having heard a motion by Miss Ortt, can I hear a second?

**Commissioner Chiominto:** Second.

**Chairman Miller:** Having a second from Mr. Chiominto, all in favor, Aye

**Board:** Aye

**Chairman Miller:** opposed (silence). Hearing no opposition, Congratulations, and good luck.

**Attorney Carter:** We appreciate it. And just for the record, I would like to publicly thank Earl and his staff who were just phenomenal in helping us to get here today. So, Thank you.

**Chief Bradford:** Thank you, Safe Travels.

**Chairman Miller:** The next application we have is for a new license continuation application received from Pravinaben Chandrakant Patel, Tosha Shailesh Patel, T/A North Bay Liquors, LLC, 480 N. Mauldin Avenue, North East, MD 21901 for a new Class "A" beer, Wine, and Liquor alcoholic beverage license. Ok, Will, would you like to introduce your clients?

**Attorney Riddle:** I am here on behalf of the applicants here to my right and behalf of the corporation as well as the individuals named on the application.

**Chairman Miller:** And Mr. Jones?

**Attorney Jones:** I represent Mr. Uppal and Singh Liquors in opposition.

**Chairman Miller:** Earl, are all the sign in sheets done?

**Chief Bradford:** Yes, I will pick them up.

**Attorney Scott:** While Earl is doing that, If I could, And the application that you submitted. Has anything changed in that between then and today?



**Chetan Patel:** No Sir

**Attorney Scott:** All Right, Thank you.

**Attorney Riddle:** I have provided everyone with essentially an outline of our presentation here today, so that you could see exactly what my client North Bay Liquors plans regarding the renovation of the store used to be known as Howard's Market. That property at 480 North Mauldin Avenue essentially has been a liquor store since 1965. We are here for a new application, due to my clients, essentially filing a renewal application, approximately a few days later, a month late, due to there was issues with the mail they represented, they sent it in. But nevertheless, we are here for a new application. The current ownership has been in existence since 1979 and essentially their mission at this time is to revamp that property to resolve all the issues that have been occurring over the years. They want to essentially rebrand and revitalize the store. So, it is tailored towards the community tourists and the traffic, mainly boaters and other people that enjoy the rivers there in the North East area. They want to make a transition from the store as it was before, with check cashing and miniatures and things of that nature to more of a wide selection of craft beers, wines, liquors cheeses and other accessories. Their focus essentially is on the service selection and the savings by competition in the community. They plan on having frequent tastings and collaboration of events with local restaurants. They have spoken with the neighbor Forge. In the event the application is granted, they are issued a license. They plan on having an opening with being able to use community vendors, community restaurants to assist with that. They want to remain connected with the community. I think, as you see, as we go through the presentation, how they incorporate themselves solely into Cecil County in this type of situation, because they want to have on-site concierge customer services, provide for customers, pairings, suggestions for gifts, suggestions for wine, liquor as well as beer. I think that's important. If you have driven by there recently, you will see that the exterior appears to be completely remodeled or being in the process of being remodeled. I can assure you that the interiors being

remodeled as well. You will see, at the end of the presentation that our clients are spending hundreds of thousands of dollars to revitalize the store and make the appropriate renovations. They want to improve the parking, have accommodation so boats can get in and out as well as improve the parking for their customers and clients. They are installing over 800 sq ft of walk-in cooler space. They are hoping to have the remodel completed by July 2023 of this year. What is important here is they are using all contractors that are Cecil County Contractors. In other words, they must be here in Cecil County. You will see later in the presentation, Crouse Brothers, Cecil County has been here a long time. The pavers for redoing the parking lot are Cecil County Individuals. I can tell you that my clients often struggled at times to get all the different subs that had to be Cecil County Residents, Cecil County Businesses. Those businesses had to be located here in Cecil County. They did not use Delaware, Pennsylvania or even Harford County contractors, they used solely Cecil County individuals, which is important to them. They want to show how they are giving back to the community. They plan on cleaning up the areas surrounding the property, whether it be the creek behind or the woods area. There is going to be a fence that is going to be around. I know previously the concerns of individuals that with transients would come and go and it would be accessible to individuals that we did not want to be hanging out there. It is not going to be a hangout situation. You are not going to be able to access it unless you are coming off Route 40 or the Maulden Avenue into the parking areas. There is not going to be the ability, of course You can walk in because North East put in nice new sidewalks. But what we are saying is there is not going to be a hangout situation where people are going to be there because of other issues that have gone on with the property. That will be cleaned up and will not be easy to access. It from any areas other than directly in front of the store. They have redone the parking area to make it more convenient for people going there. The store, while it has been vacant, has led to increased vandalism, theft, and other squatters, that's all because of the renovations being cured. A vacant building and the condition the building was in before was an eyesore to the community and threat area of North East or Cecil County. It is clearly revitalized

and has been revitalized based on the Mall that has gone in, the new library that is there as well as restaurants. You have the Anchor Boats there. You have other store fronts that are in the area. And they want that store to be brought up to the conditions or the face of what that area of the county has become. They want the store to no longer be the eyesore of that area in the county and that is what they are doing there. I can tell you, based on the substantial improvements and investments, that my clients are making to that store, it will be a shining star in that area, and they want to make it cosmetic appealing and make it in line with the surrounding buildings. We think essentially rebranding and revitalization will do that. You will see a picture of what they believe, what they are proposing, what the remodeled store will look like. You can see it's complete rehabilitation of the outside, from the ceiling down and the entire interior. Their position is that they believe North Bay Liquors, if granted a license, will be a valuable member of the community. They are going to seek to hire Cecil County Residents for all employees, This is their goal. In this transformation, they want to increase the safety in that area, and the welfare of that area. So there is no issues that maybe has been in the history of that location or that area over time. I think the county has done that and my clients would like to continue to do that as well in developing the community. They are reaching out for community sponsorship and events with other companies. Whether it be nonprofits or other businesses in the county. They believe that creating a license here is good for competition. In other words, I know we are going to have some surrounding liquor stores in opposition to that. But I would just recall, I said before this property was a liquor store before anyone else came in the surrounding area. And as you know, this competition is always food in the type of situation to keep the price mark down where the community benefits from that. My clients are offering discounts to veterans, first responders and teachers and again they want to help drive tourism and continue to have the events that allows the county to participate. My clients started accepting applications and conducting interviews. They want to have 12 to 16 part-time and full time employees with additions seasonal employees as needed. They are interviewing individuals for cashiers, managers, general managers, inventory management as well as concierge to

assist with the wine pairings, tastings, things of that nature. All of their managers are going to be certified. Alcohol awareness training, They will always have someone on site that has the proper training. They are looking to individuals that work for them and will go forward with it to have the appropriate training as well, so they can hopefully have a fully trained staff and be knowledgeable about the products. We believe that this store will improve the liquor store business in the sense that the closest liquor store that we did research on had a very low rating with several complaints. We don't want that here, we want to focus on having craft beers, wines, liquors, cheeses and other accessories and have an experience for when you the customer comes in by having all these different variables available to the client. We have the support of local businesses. The presentation I provided in the back shows hundreds of signatures of both business owners as well as residents in the community that are in support of this liquor store being in this location. Based on the presentations, my clients have made of how they are going to improve this particular location they have, and they want the support of the local community. There are several organizations that have discussed having the liquor store there, and how they can add to the community and support the community. You can see in the last part, the appendix, there is a model, my clients are spending anywhere from 600 to 900 thousand on this remodel, because it has to a complete remodel. What I am asking for is the board to grant us the liquor license. We went through the variance here, so we were able to obtain that we have the proper parties in place to be able to have the liquor license. We have set up the appropriate management to have the liquor license in place there, we have improved the premises in essentially getting a new building, a new situation for this new liquor license. And that is our goal. AS for the complaints that we have heard from the past, we think we are addressing all those complaints, and we think this would be a proper location to have our liquor license. It is clear, there is no issues with ingress and egress in and out of the area. We are addressing to try to improve the parking area. We are doing everything we can to show the Board that we are serious about this liquor license being at this location and we are

trying to solve all the concerns that the Liquor Board has concerning the license at this location.

**Chairman Miller:** Thank you sir. Mr. Scott

**Attorney Scott:** Thank you, just a few questions, I am sure the Board will have some other ones. You have 200 + names that have in support of the application. Can you tell me a little bit about how you were able to get those names? Just what the process was that you did first.

**Chet Patel:** Hi, my name is Chet Patel. So, we actually went on foot to all the nearby businesses and residents. My father and I went door to door, telling people about what we are doing and asking for their support and whether they would be able to attend in person or if they would sign the letter in support. Most people were working this morning that we were reaching out to, so, they were not able to join in person. But they were happy to see all the work we were doing and support us, so they were willing to sign the letter. I think some people, like Forge Restaurant next door, previously signed a letter in opposition because they see the state of the building and thought it was kind of a continuation of the Bodega that used to operate there. But when they saw what we were doing, and I had several conversations about what we were looking to do there, they felt bad about signing the opposition letter and signed our letter here. So that's what we have done is gone door to door on foot to inform the community about what we are doing and to get these signatures.

**Attorney Scott:** Thank you. A second question, kind of the white elephant in the room is that, There was an issue that the board has communicated openly and prior meetings about the ownership of the restaurant and the character of the person who the Boards had opinions on the character of the who owned the property. Do you own the property now, or just leasing? Can you tell me how that particular person is still involved in the Operation? Because I am sure that's important to the Board, and Will, if you want to step in, feel free to.

**Attorney Riddle:** The ownership essentially is North Bay Liquors LLC, and the ownership is 2 ladies here to our right. That's the ownership and that is who will be running the business at this time. We have the Maryland Resident Tasha. She is essentially the Maryland resident in the situation and then Miss Patel would also be the owner as well. So, we hopefully have addressed those issues. I can tell you at this time, their son has been intricately involved in the day-to-day activities of construction, as well as everything else, but he can explain more.

**Chet Patel:** The building is owned by Howard's Market Inc., a Maryland S Corporation, and that is wholly owned by Pravina Patel, my mother. Then we set up a separately owned North Bay Liquors LLC to operate the liquor business and purely from a legal perspective, we kept the 2 separate.

**Attorney Scott:** I understand the marriage of doing that.

**Chet Patel:** Like Will mentioned, I have been intricately involved in everything from taking applications and talking to potential employees. We have not hired anybody yet, because we were waiting on a potential license. I have been interviewing individuals speaking to them, making sure we can on day 1 be ready to go.

**Attorney Scott:** So, Is the prior owner of the facility not in the picture anymore?

**Chet Patel:** Howard's Market Inc and my mother have been owners since 1979. But the business was managed by somebody else who is no longer in the picture. So that is why we have a different vision of how we want to manage it, since it was previously managed by a different group.

**Attorney Scott:** Thank you .

**Chairman Miller:** But your mother is still on the application. Correct? Before I go any further, MR Scott, are you finished?

**Attorney Scott:** Yes, I am Thank you

**Chairman Miller:** I would like Mr. Bradford to give us a timeline of what you have done on your background follow ups.

**Chief Bradford:** My name is Earl Bradford. I am Chief Inspector for the Cecil County Liquor Board. Doing a brief history of the application and the process. There was an application filed with the Board of Appeals, It was filed June 23 2022. That application listed Miss Patel, Ms. Pravinaben Patel's address as 120 North Mail Street, North East, MD. The first alcoholic beverage license application was filed on or about November 1, 2022. It also should Ms. Pravinaben Patel address at 120 North Main Street, North East, MD and indicated the length of residency was 32 years. The Meeting was heard on November 30, 2022, during that meeting a motion was made to table the matter until Ms. Patel could produce documents to establish residency at 120 North Main Street, North East, MD. It was requested for me to do an investigation, to see if I can confirm, in fact that Ms. Patel did live at 120 North Main Street, North East. During that meeting she also indicated that she could produce documents that showed residency. On December 5, 2022, I spoke with Mr. Raymond Lee, who was the owner of 120 North Main Street, he had purchased that location on January 22, 2021. Mr. Lee informed me that Ms. Patel hadn't lived there since he bought the building, and she doesn't have a lease. He had been picking their mail up and forwarding it to Texas as he had become friendly with the family. On December 6, 2022, MR. Lee, in fact provided us in writing via email indicating that Ms. Pravinaben Patel had not rented from him or did not live at 120 North Main Street since he had purchased the building on January 22, 2021. I can go on with additional information that leads to the fact that she had not lived there, if necessary.

**Chairman Miller:** You have more information

**Chief Bradford:** Yes

**Attorney Scott:** Put it on record and mark it as Board Exhibit 1. What I tried to allude to earlier to give you an opportunity to discuss this is that the Board had an issue with the truthfulness and

honesty of one of the applicants, and therefore truthfulness is something that the Board considers greatly because of the seriousness of having a liquor license, and what that means to a community. And so, the law that we ascribe to for the Liquor Board give the Board Members the ability to consider the honesty of the applicant in making their decision, and something that this Board has shown in the past, that they take very seriously. So we want to give you an opportunity to address that here, because if it is not addressed. I will leave it at that, I think it's important. I am giving you advice, I think it is important that you address that issue.

**Chairman Miller:** Mr. Scott, I believe Mr. Bradford has more information on the new application, Am I Correct?

**Chief Bradford:** Correct, It would be the same, Ms. Patel is an applicant on the new application, she indicates now that she lives at an apartment at the bottom of the North Bay. It appears to us with photos we have taken that area is vacant at this time, and that is part of my packet that we introduced as exhibit 1.

**Chairman Miller:** Okay

**Attorney Scott:** So, you have not been able to confirm that one of the applicants actually lives where she states. Correct?

**Chief Bradford:** Correct

**Chairman Miller:** Okay, thank you, we will take your evidence, Thank you sir. Mr. Riddle, before you start, Mr. Chiominto, do you have any questions?

**Commissioner Chiominto:** I will wait for Mr. Riddle to speak.

**Chairman Miller:** Ms. Ortt, do you have any questions or would you like to wait until Mr. Riddle is done.

**Commissioner Ortt:** Yes, I will wait.



**Attorney Riddle:** Mr. Patel, if you could address the residency issue that the Board has requested information about.

**Chet Patel:** Sure, so we lived at 120 North Main Street up until we sold the property. My parents are in transition. During the pandemic, they sold their house and they are in transition trying to find something else. Because of all the supply issues, and pandemic issues they were struggling to find something else. I am in Houston, they were staying with me at that time, their residency had not changed. They were still coming back to vote, and their drivers all still based in Maryland. Still Maryland Tax Filing. We are all still here. It was until we could find a place in Cecil County to live again. So as English is not my mother's first language, I think there was some confusion. She is just struggling to understand how to respond to those questions. She was not prepared, as you can tell from her demeanor. She is uncertain of how to answer those questions. They are going to be living in the apartments underneath the store. There is a 3-bedroom apartment that we are actually renovating so they can stay there. It is not in the condition where they can live now due to renovations going on. When I asked what address would we use, This is their only residence right now. They are nomadic in the residence sense right now. They are temporarily staying with me, and staying with friends and family when they are here until the renovations are done, hopefully by end of July. Renovations are taking a little bit longer than expected due to the use of local contractors. Right now all of their stuff is in storage here, except for the suitcases that they keep here and in Houston. They travel back and forth every other month. They ask almost every few weeks, to find them a place, so I know they want to be back home. They have no desire to live in Houston,

**Chairman Miller:** Okay, so in fact she does not live at the address listed on the application?

**Chet Patel:** No, not yet. They will be there once the renovations are done. As of right now they have no true residence.

**Attorney Scott:** So, I will let you attorney clarify, if you would like, but a resident is not an intent of where you are going to live. That is as far as I am aware of the legal definition. And if so, what I am hearing you testify to, if I can summarize, she has an intent to live in Cecil County, to live under the liquor store when you finalize the renovations of the 3 bedrooms. That she had to move to Texas temporarily because of Covid, and now that covid is over, you are trying to get the liquor store up and running again and that her intent has been and always was to remain a resident of this area and this address. You cannot use the address under the store right now, because it is not built out yet, and so you have listed the place that you put on the liquor application as her address but she is not physically living there yet, but she has an intent to move in under the store. So, I guess the question is, When is she going to move here at the address that is on the application? Or do you wish to change that address before the Board considers its determination, and I will leave that up to you. You can talk freely with your attorney.

**Attorney Riddle:** I believe that are getting their mail, at least from me, at that address. She has always continued to be a Cecil County voter, hasn't really changed her license because they want to use that address here. So, when you are dealing with the residents, we can use, you use my office as a residence for mail and things like that. But it is clear to me by some of the testimonies, they are staying with friends, with the true intent that they remain in Cecil County, and they collect all their mail and anything that they receive at 480 Mauldin Avenue address, and that is their intention to move there. As they said, renovations should be July, August just to be sure everything is done so they can move to that location.

**At this time there was a disruption in connection**

**Chairman Miller:** Mr. Bradford, I think we have enough, I appreciate it. Mr. Chiominto, do you have any questions at this point?

**Commissioner Chiominto:** Yes, How did you come up with the ratings of the surrounding liquor stores?

**Chet Patel:** So, I went on Google Search, Google has reviews for different businesses and establishments. So, I just went to the closest one competitor was. There are other services like Yelp for example, but the commentary that I have on that presentation is from Google reviews. It had the most reviews.

**Commissioner Chiominto:** You are talking about boat parking, and how many parking spaces do you currently have?

**Chet Patel:** With the way the building and parking lot has been, there was never anything striped, nothing was marked. I think when I reach out to local people in the community asking for suggestions, one thing they want is boat parking. They also want parking for trucks, so we are going to have it stripped. I do not know what that is going to be because we are actually going to expand the parking lot a little bit, but it should be quite a few parking spaces. Nothing definitive right now. It is very chaotic and confusing the way it is now.

**Commissioner Chiominto:** Thank you.

**Chairman Miller:** Ms. Ortt

**Commissioner Ortt:** Did Howard's Market ever have a deli? Or are you offering one?

**Chet Patel:** It used to have a Deli back originally. But no, we won't be offering one any longer. Our goal is to make it where nobody under the age of 21 should enter the store. So it is really catered toward a mature audience, Fine wines, Cheeses pairings, but it has more pairing, craft beers and things of that nature, We are not looking to have a convenient store within the store.

**Commissioner Ortt:** Thank you.

**Chairman Miller:** Mr. Bradford, I have one more question, How many liquor stores are in the area.

**Chief Bradford:** I believe there is 19 liquor licenses in the area, 6 of those are liquor stores within a 2-mile radius.

**Attorney Scott:** And that does not include them Correct?

**Chief Bradford:** Correct

**Chairman Miller:** Mr. Riddle, if you and your people can have a seat in the back. Mr. Jones.

**Attorney Scott:** So, right now, for the record, we are calling to see if there is any opposition to this new license and Mr. Jones is coming up on behalf of some folks that he will introduce to us.

**Attorney Jones:** I also have a presentation. I would like to give you copies of them to be made into evidence, and also signatures that we have.

**Attorney Scott:** Mr. Jones, for the record, we are going to make the presentation exhibit 3 and the comments in opposition exhibit 4.

**Attorney Jones:** Yes sir, Good Morning Mr. Chairman and members of the Board, Mr. Scott, I am Robert Jones. Am attorney for Singhs Liquors in North East Maryland. My address is 157 East Main St, Elkton, MD 21921. These Gentleman are principles of Singhs Liquors. You gentlemen were sworn in. IS that correct?

**Singh Liquors:** Yes

**Attorney Jones:** State your full name and address

**Sing Liquor #1:** Nitin Singh Uppal, 451 w Claiborne Road, North East, MD 21901

**Sing Liquor #2:** Kewal Singh, 3703 Perryhall Rd, Perryhall MD, 21128

**Attorney Jones:** I would ask first that the Board also put onto evidence the prior application for the license by Mrs. Pravinaben Patel and William Riddle, and I have a question of Mr. Bradford. Mr. Bradford, at the hearing which you described using the 120 Main Street address, was that testimony under oath?

**Chief Bradford:** Correct

**Attorney Jones:** And is this application under oath?

**Chief Bradford:** Correct

**Attorney Scott:** Can we mark this as Exhibit 5

**Chief Bradford:** I actually have it as part of my packet.

**Attorney Scott:** ok, we will just go with that. That has already been introduced as Exhibit 2

**Attorney Jones:** So, the applicant has committed perjury. The applicant is certainly disqualified from holding a liquor license. Perjury in my recollection is a felony, Mr. Scott. Mr. Scott, she is not convicted of perjury, but Mr. Scott indicated how important it is to be honest on an application and perjury has been committed before the board.

**At this time there was a second disruption in connection**

**Attorney Jones:** When you look at the original application, it is interesting that Mr. Riddles appears on the application as owning 1% of interest in the business. That is because obviously he is intended to be the resident agent and I believe Mrs. Patel knew she was not a resident of Maryland at the time and if the question came up before the Board, they at least could cover that with a resident agent, which was Mr. Riddle. That now has been changed to Mrs. Tosha Patel with 1% again the 1% on application always indicates that person is a resident agent. So again, the resident agent issue is before the Board and this explanation that the resident agent, Mrs. Patel's Location, her location is a moving target. The purpose of the resident agent is this board needs to contact immediately some human representative of one of your licenses, in the event of emergency, a fire at the location in the middle of the night, you have hat to find out who you have to gain access to and get the resident agent here in Cecil County, so the Board can take whatever action is necessary. The 2<sup>nd</sup> point is, of course, she continues to misrepresent her location, and we were going to present photographs also. But I think Mr. Bradford has clearly established that is the case. In my exhibit I have the

S. page showing the ownership of 120 North Main and when it was transferred to the present owner, who is Mr. Raymond Lee. Our next point is license A-11 was voluntarily abandoned. The application before you say, well, this is kind of a renew of a license. We kind of missed a beat somehow. Mister C. K. Patel and his wife have been involved in the liquor business for over 50 years in this county. Longer than some of us have been here. They are experienced liquor license owners. They know the position of this board is, if a family-owned business has a problem, the Board is willing to do anything they can to help protect that business and not destroy that business. This Madison House is a perfect example. The Board has been very patient and cooperative with the attempt to keep that license in place. Whatever the internal problems were with the owners, they had the ability to come in before the board and ask the Board to give them some sort of a special dispensation to hold the license, whatever caused this problem to occur even if it was an internal problem, the Board could have addressed or they could have gone to court, and they could have had a court order holding the license in some sort of suspension until whatever the problem was resolved. So, the license was gone. This is not a renewal of that license, and you cannot consider that further. I also submit that whether they spend \$10 or a million dollars, that is a red herring that has nothing to do with your application of the rules as to whether an application is valid and should be honored. I have the S. page for North Bay Liquors. When they applied, that company was not in good standing. It is in good standing now, but also back to the resident agent, problem again. North Bay Liquor's LLC indicates Mrs. Pravinaben Patel is the resident agent at 120 North main Street.. So, there is a defect in the documentation of the LLC Applicant. In fact, there would be no resident agent. I guess because we do not know where she is right now. So, as this application is before the Board the LLC Applicant doesn't really have a resident agent. Now the next problem is Howard Market Inc. Which under oath, they say owns the property, Howard's Market does not won the property. The property is owned by C.K.B.L. and B.S. Patel. The deed is right there. Howard Market is no on the deed. The S. Page that indicates Howard's Market, but the deed is controlling, so you do

not even have the correct owner of the property on this application. And then, if you want to look again at the resident agent of Howard's Market Inc., IT is Mrs. Patel at 120 North Main Street. So, what they allege to be the owner of the property doesn't have any resident agent and is not the owner of the property. As for the proximity issue, we have submitted a chart that shows there are, within 2 miles, 6 existing liquor licenses. This board has a 2-mile rule. This is a new application, it is not a generation of the old application, You have got a 2 mile rule in place and there 6 busy active liquor stores in the 2 mile radius and within 3 miles there is another 2 licenses in the North East area. North East does not need another liquor store. There are 8 stores in the area that adequately serve all the needs of North East. I do not know that the Board has been receiving request from people in North East that they need more liquor stores. They can not get enough liquor. That is not the case here. There is more than enough liquor stores to serve the citizens of North East.(turning to Nitin Singh Uppal) Do you have any comment that you would like to make to the board regarding this? First of all Singh's Liquors is how large? and Where exactly do you operate? The Board knows this but just explain this.

**Nitin Singh Uppal:** Singh Liquors operates at 2540 Pulaski Highway in North East. It is 5000 Square Foot and before Howards Market closed I was running a 1,400 square foot liquor store. So, when they shut down I moved to a 5000 square foot liquor store because the big liquor store shut down. People wanted liquor. I had to grow up my store. I moved to bigger store in same shopping center just 2 doors down. And North East has enough Liquor stores for the consumption.

**Attorney Jones:** And what was the investment you made when Howard Market was not there to increase your store?

**Nitin Singh Uppal:** Well, just my cooler doors were \$200,000 so there are 36 cooler doors in there. So, all together with all the alcohol and all the construction, I spent almost 6 to \$700,000.00.

**Kewal Singh:** As Nitin stated we were operating the 1,400 sq ft liquor store. Only 5 door cooler was there. We tried to put 3 extra coolers, but it could not work. People were asking if we could have more varieties. We could not provide more varieties within 1,400 sq ft. So, we moved to bigger space in the shopping center. We moved 2 doors down and we renovated the whole 5,000 sq ft building from ceiling to floor. We Put in 36 Cooler doors costing more than \$200,000 and then we have an additional 12 to 15 single door coolers in front. So, we have more than 45 door coolers with a huge variety of craft beer. Then the wine, liquor, and all cocktails. Whatever the customer ask for, we still have place. If the customer asked for some more varieties, we can put that more varieties into that store because it is like a huge store, and even though we have to put like 2 lines of one item, because it is too many items we have. So as soon as people ask, we add it on. They say the variety you have, nobody has that variety in the nearby area. Customers tell us I should start coming here because you got all my choices here. Our store is all new. It is all shining. People love it when they come in. We have security cameras for the safety of our customers. We have wide spaces in the aisles, so they can walk through with the cart if the 2 carts for either side. They can still get through. We been in business for 15 years. So, 2 carts can pass and not touch each other for the safety of our customer. We have the carts they can put the stuff in, bring it to the counter and they can check out from there. We have employees from here. Some are sitting here. He and his wife work here. They are also residents of the Cecil County. If we need to do anything we call the local businesses also. And other thing, we also have ID check.

**Attorney Jones:** Thank you, I think you made the point. The point is the applicant is saying we have spent a lot of money so give us our license back. But other people have spent a lot of money relying on that license being gone.. That is our presentation, Mr. Chairman.

**Chairman Miller:** Thank you. Okay, do you have some other witnesses in the audience?



**Attorney Scott:** Before you go to that Chairman, Can I ask a point of clarification? Earl or Mr. Jones, when did your client spend the money, or begin the process of enlarging their store?

**Attorney Jones:** What year did you invest the money or change to the bigger store? When did you move?

**Singhs Liquors:** December 2022, January, maybe December 26 or 24, around Christmas

**Attorney Scott:** So just this last Christmas

**Singhs Liquors:** Yes

**Attorney Scott:** Earl, when did Howard Liquor store, even though they may have been closed when was the date that they abandoned their or no longer has a liquor license or the right to have a liquor license?

**Chief Bradford:** That would have been renewal 2 years ago. May of 2021.

**Attorney Scott:** so, May of 21 they no longer had the right to sell liquor at Howards Market. Thank you.

**Attorney Jones:** I would just ask for those hands which are in opposition to the application Mr. Chairman

**Chairman Miller:** That would be great. Anybody this is in opposition to the North Bay Liquor License, please raise your hand.

**Attorney Scott:** I would like to put on record that there are 17 hands that are in opposition in the audience.

**Chairman Miller:** Would you like to bring Chief Yates up?

**Attorney Jones:** The Chief? I did not plan to call him

**Chairman Miller:** No, That is fine

**Attorney Riddle:** You are going to testify about your policing? You give 3 minutes each side, and you gave them extra. Now they call a special witness who is not even in the jurisdiction. He is in the town not the county. We are located in the county jurisdiction.

**Chairman Miller:** You are not in the town?

**Attorney Scott:** The Board may consider any testimony because a liquor store, even though wherever it is located may have an impact across jurisdictional lines. So, you can weigh that. He is not from the jurisdiction where the liquor store is that is something that can be weighed as to the relevance or the importance of that witness.

**Chairman Miller:** But I believe they have jurisdiction outside of town in the county.

**Attorney Scott:** I am going to be very clear. I said yes that he has jurisdiction over people that come into his town that may have been impacted by the liquor store. That is what the yes is for. Chief, do you have an MOU to allow that your officers are allowed to do law enforcement duties outside your town with the Cecil County sheriff's office.

**Chief Yates:** Yes sir

**Attorney Scott:** Okay, when you say an emergency, and you are called in, do you have Primary? If you see a crime happening outside of your jurisdiction in the county, do you have the ability to effectuate law enforcement in that instance?

**Chief Yates:** Yes sir

**Attorney Scott:** Please come up.

**Chief Yates:** Good morning, Chairman of the Board, Steve Yates  
Chief of Police for North East

**Attorney Scott:** so, I just wanted to get clarification on the issue that was brought up by Attorney Riddle. Do you have the ability to do law enforcement within your town of someone who may have gone to the liquor store and acted in an inappropriate way within your jurisdiction of North East?

**Chief Yates:** Yes, it's not in town, but it is in town It is right there

**Attorney Scott:** How far is the property?

**Chief Yates:** Across the street is in town.

**Attorney Scott:** okay so it is on the border of the town. Do you have an MOU with the sheriff's office that if a crime took place outside your jurisdiction that you have the ability to effectuate law enforcement outside of your jurisdiction

**Chief Yates:** Yes

**Attorney Scott:** okay, I will open it up to Mr. Riddle. If you would like to ask him any questions. Certainly would be appropriated. Please come all the way up.

**Attorney Riddle:** You have no jurisdiction to go arrest somebody in Rising Sun? Correct

**Chief Yates:** We could if it was involved in a case that we were investigating, that is a wide question.

**Attorney Riddle:** Unless the Sheriff ask you to go and do it, you don't get to drive to Rising Sun in any laws unless the sheriff's office request your assistance. That is what the MOU says. You have to get the Sheriff or the State police to step in and assist you in that.

**Chief Yates:** If we were handling the case and it led us to a residence in Rising Sun we could write a search warrant and with the assistance of the sheriff office affect that.

**Attorney Riddle:** So, you have to get the Sheriffs office or someone else to assist you with that. You cannot go and enforce that without their assistance.

**Chief Yates:** I do not know what bearing that has?

**Attorney Riddle:** That is their question.

**Attorney Scott:** No, he answered my question, that was your question.

**Chairman Miller:** Mister Yates, I think we will hold off on your testimony. Okay thank you very much Mr. Riddle. I don't want to seem unfair. A lot of people on this side of the room were opposed but on this side. Do you have people here that are in favor of your application. I would love to see a show of hands.

**Attorney Scott:** By my count, I see 12 hands raised.

**Chairman Miller:** Chief Yates, could you come back up

**Commissioner Chiominto:** How long have you been with the North East Police Department?

**Chief Yates:** 19 years

**Commissioner Chiominto:** so, during those 19 years has there ever been a time where the sheriffs office had called you to assist in any incident in the Howard's Market

**Chief Yates:** Numerous times, The Sheriffs office and Ms. Patel have both asked us

**Commissioner Chiominto:** okay thank you, that is all I had Thank you Chief

**Chairman Miller:** Mr. Riddle, do You have a rebuttal question of the chief?

**Attorney Scott:** Would you like to have a chance to rebut the testimony you just heard from the opposition? We are giving you the mic. If you would to offer any additional testimony with anything that may have come up during the oppositions testimony

**Attorney Riddle:** Mr. Jones was correct, and he said essentially what Mr. Bradford had provided to you. I think our position is that based on the most recent application, we have explained the residence issue where Ms. Patel is going to reside and the true intentions of renovating and reforming this Howard's Market area. But Mr. Jones has provided it was correct other than the property is owned by Howard's Market. I just looked up on SDAT as I am sitting there and SDAT says Howard's Marker INC is owned by Howard's Market. It is the only discrepancy I have as Mr. Jones is provided by looking up other than that is what Mr. Bradford has said to you and we provided the information regarding the residence issue.

**Chairman Miller:** Thank you, at this time, I would entertain a motion to go into closed session to discuss legal advice on this issue

**Attorney Scott:** so, let me be very clear the proposal is to go into closed session to discuss the legal standards by which the Board can evaluate this application.

**Chairman Miller:** Do I hear a motion.

**Commissioner Chiominto:** I make a motion.

**Chairman Miller:** Do I hear a second.

**Commissioner Ortt:** Second

**Chairman Miller:** all in favor

**Board:** Aye

**Attorney Scott:** Everyone may stay here. This will not be a very long session. I want to put on the record that we left for closed

session at 10:34am and we have come back at 10:59am where we discussed the legal issues involving residency.

**Attorney Scott:** Chairman Miller would you like to gavel us back in session

**Chairman Miller:** The meeting is back in session.

**Attorney Scott:** Earlier we took a show of hands of opposition and proponents of the current application before the board. So, before we continue, we would like to give anybody who would like a chance to offer any testimony one on one. You don't have to, but we just wanted to make the offer. If anyone would like to offer any additional testimony that they don't think this captured their opinions, you may come up. The Board allows the public to testify for or against an application. We did a show of hands because we had so many people, but we wanted to make sure that if anyone really wanted to testify, they could. State your name and address for the record. You give you 3 minutes.

**Michael Klein:** My name is Michael Klien, I am the mayor of the town of North East, I am here today representing the mayor and commissioners on this property. The town received complaints for many many years on this property as you have heard today. They are outside of our jurisdiction or outside of our corporate limits. So we have no jurisdiction from a planning and zoning stand point, so there is nothing we do to force them into maintaining the property or following what the town zoning ordinance would require. So, the Howard's Market property as you are coming into North East is the first thing you see. Over the past few years, it has not been representative of what the rest of the town looks like. Again, we have had the complaints as I mentioned and as a board, we are supportive of business big time. But if past is prologue, even though they are fixing it up today, We are not convinced they will maintain the property going forward and so therefore, we basically do not support granting the license for this business.

**Chairman Miller:** Anyone Else?

**Chief Yates:** I am Steve Yates. Chief of Police at North East and of course it has obviously been stated we are not in the town limits, but they affect my police department and the officers there. For the Boards etiquette, I have gathered some calls to the establishment since January 1, 2021. So this information comes from Cecil County D.E.S. , for the sheriffs office, fires and Ems and North East Police department, because we are all dispatched by the county. In that time there was 67 calls that involve those agencies there. I also contacted the MSP and they ran their calls for me. They had 28 calls since January 1, 2021. That is a total of 95 calls for service for police, fire, and Ems. That is 7.8 calls a month, about 2 calls a week. That is a lot. It may not be town but as the mayor stated it affects what goes on in town and it affects everything. The North East Police department is often the first agency there because the sheriffs office calls us to ask us to assist them or MSP or vice versa. It is usually us or MSP that are the first ones there. That is just some stats I thought the Board might find interesting

**Attorney Scott:** Could I ask a question of the witness? So, were all of those call after the liquor store was closed?

**Chief Yates:** It was open during some time I do not think it closed until July

**Chief Bradford:** I think it was closed May of 2022 not May of 2021 like I had previously stated.

**Attorney Scott:** So, did you have an increase in call after they were closed or was it before they were closed?

**Chief Yates:** I would have to look through the specific calls to see. It has definitely gone down. I went back to 21 because they been closed for almost 6 months now.

**Commissioner Chiominto:** Is the property behind it out of town?

**Chief Yates:** Yes

**Commissioner Chiominto:** Any issues with indigenous homelessness still going on?

**Chief Yates:** That is probable half the calls.

**Attorney Scott:** So theoretically, if an ongoing open business was taking care of its property those issues would probable not be present in the future

**Chief Yates:** If they take care of the property. But I have concerns. It is the same ownership that you know. The applicants are nomads, and if the police, fire or Ems would need then then how are we going to get a hold of them?

**Attorney Scott:** Chet, if you would like to come up and testify, you may.

**Chet Patel:** So my name is Chet Patel. I grew up in Cecil County. I went to Perryville Elementary and Middle School and then graduated from North East High School in 2001. Went to college in Baltimore. I grew up in a liquor store technically because that was my parents' work. My Parents were immigrants, and I would watch and envision how the business ran and as a second generation, I have had this vision for a long time as how this can go much better. Something like living in Houston. You see a lot of nice establishments, liquor stores that are upscale, I don't see a lot of that in the area, and that is where I am bringing the vision, this vision is from my heart. The property needs a lot of tlc, a vacant building does not bring any value to the community. My family owns it out right. It has remained a vacant building for the last year, and I had to convince the family that there is a real opportunity and vision for the and part of it is installing hundreds of feet of fence behind the property on the surrounding sides. It is a big expense, and nobody wanted to incur the expense because they did not have that vision. I am installing 75 digital cameras inside and outside the building. So, you can grab license plates and things of that nature all around the backside because security is a key concern. You talked about needing somebody to call the middle of the night. I am here day to day, managing everything



right now. Every single day I am interviewing people, I talking to members, seeing the issues and know how to work around that. How do we make sure there is enough security because homelessness is an issue all around. If you go behind Walmart, Singh's there is a lot of homelessness there. They put fencing up and that does not necessarily solve it. When you sell a lot of products like little miniatures, bags of chips little dollar items, you are incentivizing those people to come to your establishment. It makes it unsafe for customers and employees. The biggest feedback I got was the do not feel safe leaving their car and going into the store with their child or leaving their car unlocked and quickly going in. I don't want that. Nobody wants that for their employees as a business owner. So, we are spending this money, not to impress anybody, but the town needs it. We have been revitalizing this property. We had squatters in it because it was closed. A lot of the calls being received were because it was vacant and closed and there was no security. People were bringing shopping carts from nearby stores and throwing them in the creek. I manually removed them from the creek. We tried to take them back to where they belong. They were so rusted nobody even the store owners did not want them. We are trying to fix the issues. Not just keep it the same. I am not spending hundreds and thousands of dollars for the building to go downhill, or to have somebody put graffiti all over the building or to extinguish their cigarette butts on the property. If you want good customers, we want to make sure it is maintained. So, I fully understand these issues and I do not disagree that historically that was the case. It was previously managed by over 25 years by somebody else. So, the new management does not want that. We want a well-established building. So, no one under the age of 21 should need to come to the store unless you are with a parent or something like that.

**Attorney Scott:** Your 3 minutes are up. I have a follow up question. Where are you intending to live? What is your residency?

**Chet Patel:** I was born and raised here. I have been living in Houston. I have not migrated my residency over yet until we get the liquor license.

**Attorney Scott:** Is it your intent to live here and run store?

**Chet Patel:** Yes, manage and oversee the store but I have not migrated anything.

**Attorney Scott:** Can you give the Board an estimate of when you think you will migrate.

**Chet Patel:** So, assuming we get the license approved and the renovation completed, I would physically be here starting August with my address.

**Attorney Scott:** Is it your mother who is the other applicant? Is that correct Earl?

**Chet Patel:** Yes, my mother is the co-applicant and owner of Howard's Market

**Attorney Scott:** There was some residency discussion earlier in the testimony. I just want to be very clear. It is her intent to live under the store starting. Can you give me a date? You can be generous

**Chet Patel:** I am going to say , September, I am hoping to be construction is done by July so they can be In there, but until all permits, and inspections it is her intent to live under the store. We will notify the Board of our change in that address

**Attorney Scott:** I just want to be very clear how important the honesty is on these application, because the Board relies on that information. That is what tripped your application up last time. And this the first time that the Board has heard about the reasons why she was spending time in Houston, Covid, and the story behind the lost liquor license. So, it is up to the board to review that evidence, but it is the first time we have actually hear the real reasons, and I just want to tell you it is very important to keep a dialogue with the liquor license, because as you are realizing without a liquor license there is no liquor store

**Chet Patel:** I agree, and I apologize for not communicating and conveying that earlier

**Chairman Miller:** Okay Your time is up.

**Attorney Scott:** That okay, that is good for my question. We have one more person in the audience who would like to come forward.

**Don Harmer:** Good Morning, I am a 43 year licensing in Cecil County, I am part owner of Weaver's Liquors. I reside at 39 Cynthia Court. So, listening to all the things that are going on I am really glad you are doing a lot of discovery, getting a lot of the paperwork, knowing what is going on. But running parallel to these application or the community need and impact situation and the affects. Chief already spoke about all the calls and such. We are looking at that two-mile circle. I believe Mr. Bradford stated 19 licenses 6 for package stores I am obviously one of them That is a really high density. Look at Harford County, You are probable all aware Harford County reallocated and retired their license and Cecil county has one of the most generous allocations in the state of Maryland. We need to look at the same issue here. On July 1<sup>st</sup> we get to add cannabis to the mix, so now we have alcohol commanders. Who is going to do enforcement? Is it going to eventually fall to this particular one. But look at the substance abuse and issues in the county. You know the enforcement the we do for underage drinking, over service and such liquor stores cooperate. And it is a pretty heavy lift to keep everybody in compliance. So, we need to look at those particular things. You have an unique ability in denying this license to adjust the landscape of Cecil County. So how many times does an entity like yourself have the ability to realize that we have an excess of license. We may have to many stores everywhere, and this particular is completely heavily densified that you have the power to change that for the community and for the town. You have heard testimony from the town and the effect that has on their people So I would like you to just consider all those other issues.

**Attorney Scott:** I saw one more hand. Yes Maam

**Tasha Patel:** Hello I know everybody is giving their opinions. I understand that you guys have the power to make the decision. But I have been involved with Cecil County. Specially with a lot of social service activity to help people that wherever we can place them to reduce the homelessness and all the background activity that happens. Starting with the dementia to other shelters and even under the bridge, The outcome that these communities grow wherever they can. So, I have been out there serving sandwiches and soups and stuff like that. We have also been behind this Howard place. The more I realized that everything that is abandoned this actually grows. More people are taking over here for their own gains, personal gains. Everybody is looking at their own businesses, but at the end of the day if a community grows and if we keep it well and maintained, we can help these people. Which is the best thing we can do for the community also.

**Attorney Scott:** So, as I do not see any other hands up, the Board is to discuss the matter on the merits. Eventually a motion will be made. I would like to remind the Board that prior to the vote they should put on the record reasons as to what motivated you to vote the way that you do. You have heard testimony from both sides. You heard about the number of liquor license present. You may consider the number of liquor license in an area. You may consider the existing liquor owner prior to this application was there for some 50 years since 1965. You heard testimony about the one liquor store that was able to enlarge because there was such a customer influx to a location further away when this store was closed. You heard testimony about residency. We discussed residency as an intent to where you live. We also discussed testimony about the veracity and the importance of veracity in the application process. We heard from the Chief of Police about the prior issues of crime and from the mayor and the importance of the store being located, even though it is outside the city, that is a kind of entry point into the city. And right now, it is not in a favorable condition. Testimony that it will be owner occupied. The person managing the store will be living in the area

as soon as September before they open and that could certainly be something the Board could put as a caveat on the license. We heard testimony that the co-applicant will be living underneath the liquor store itself. So, that is kind of a brief summary, but you may consider anything you have heard today in testimony both written and verbal and again I would just remind you that before you vote we would like to hear your thoughts on what is driving your decision. Now I will turn it back over to the Board members.

**Chairman Miller:** Mr. Chiominto, Would you like to start?

**Commissioner Chiominto:** Hearing all the testimony, where my concerns are is first of all, the beginning of the application. So many discrepancies were made by the applicant. I am not to convinced at this point. I know the intent of residency, what Mr. Scott has brought up on numerous occasions, there is no guarantee that the cosigner, the co-applicant will be moving to that address. I have concerns over that. Again, I do worry about, even though the reputation has occurred in the past, it is a possibility that the owner will take care of that situation and make it a thriving business. However, there is no guarantee. So, I do have concerns especially about the residency, the voting allegations, or the voting issues that were brought before the Board. That what I have to say.

**Chairman Miller:** Miss Ortt

**Commissioner Ortt:** Earl, there are other areas of the county that have more or less licenses in a certain area. Is that right.

**Chief Bradford:** That is correct.

**Commissioner Ortt:** I know I have been by Howard's Market a lot and it does have a pretty bad stigma for the past many years, but I have seen the progress and things do look good. I hope you have a good plan to keep it up. Keep it looking the way it is, and make it nice for the town of North East. Something that North East can be proud of.

**Chairman Miller:** I have one question. I have been thinking about most of the time.. What is Plan B

**Attorney Scott:** Are you sure you want to open back up to testimony?

**Chairman Miller:** Yes, Open back up. Do you have a Plan B?

**Chet Patel:** The investment right now that we are making is pending on the license. It is all predicated on getting a license, and if we do not get the license, it will probably just be a regular convenience store. So, Plan B is just a regular convenience store.

**Chairman Miller:** Okay, I feel like I am well aware of the reputation in the past. I feel like we are trying to get a new start in the business and that the county loves to support that. But I also am concerned about the residency requirements, and I would feel that if license were to be issued it would have a time limit somebody is actually in that building and then they would come back in to show proof that they are in the building and that they are going to clean up the property are my concerns

**Attorney Scott:** So, I don't' want to speak for you, we could vote to grant a license wit the caveat that the caveat is there is a proof of residency with owner, occupy with what they have testified that is going to happen. You could grant them the liquor license when conditions are met it would be issued. We can make a date and say it will be issued on this date provided the applicants come in and show that they have proof of residence. I think the 2 things we have heard testimony to is Chet and your spouse are going to be moving up here and have residency and then your mother, who is co-applicant will be living downstairs with her husband. You said September would be a more than enough room. When do you want them to come back? When do you want to open if you were to get a license?

**Chet Patel:** If the construction goes well my goal is to be ready to open no later that the end of July.

**Attorney Scott:** So, July 30<sup>th</sup>. So, we would have them come in the August meeting? So, if you were granted a license today, if your application was voted favorable, there would be a provision that you would have to come in and show proof that you were living here and that your mother and father, as co-applicant were living here prior to the issuance of that license. We are going by what you have said is going to happen. So, based on that, the Board would that be the motion?

**Chairman Miller:** Okay, at this time, I want to entertain a motion.

**Attorney Scott:** Steve, could you put on the record more of your reasoning before you give your vote?

**Chairman Miller:** I thought I gave my reasoning about residents.

**Attorney Scott:** So, you are satisfied with the residency issue at this point?

**Chairman Miller:** Yes, I would like to entertain a motion.

**Commissioner Ortt:** I move to approve the application received from Pravinaben Chandrakant Patel, Tosha Shailesh Patel, T/A North Bay Liquors, LLC, 480 N. Mauldin Avenue, North East, MD 21901 for a new Class "A" beer, Wine, and Liquor alcoholic beverage license. Pending a proof of residency and follow up at our July 26 meeting.

**Chairman Miller:** Having a motion made by Ms. Ortt, do I hear a second? Second All in Favor AYE

**Chairman Miller/Commissioner Ortt:** Aye

**Chairman Miller:** Opposed

**Commissioner Chiominto:** No

**Chairman Miller:** Have it noted that Ms. Ortt and Mr. Miller voted in favor and Mr. Chiominto voted against. Motion Carries Good Luck

**Attorney Scott:** So you will be put on the docket for the July meeting and at that point before a license could be issued you are going to have to show that you as applicant and co-applicant are living where you said you are going to live.

**Chairman Miller:** Any Questions or Public Comments? None at this time. General Business: Approve the minutes from March.

**Commissioner Chiominto:** I make a motion; we approve the minutes from March 2023 meeting.

**Chairman Miller:** Do I hear a second?

**Commissioner Ortt:** Second

**Chairman Miller:** All in favor

**Board:** All say AYE

**Chairman Miller:** Special?

**Chief Bradford:** Scottish Games, West View Shores, community party which may be held on July 1<sup>st</sup>, Octorara Ducks Unlimited and Tome School Fundraiser

**Chairman Miller:** Can I have a motion to adjourn?

**Kristen Ortt:** Motion to adjourn

**Bernie Chiominto:** Second

**Chairman Miller:** having a motion to adjourn and a second, all in favor say Aye

**Board:** Unanimously voted to adjourn the meeting

**Chairman Miller:** Motion carries, Meeting is adjourned.



BY:

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Stephen Miller, Chairman

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ATTEST:  
Sandra L. Cumm, Administrative Assistant



M - MOTION  
 2 - 2ND  
 Y - IN FAVOR  
 N - NOT FOR

P - PASS  
 F - FAIL

DATE 5.31.23  
 START TIME 9:15 AM

| Motion #           | Bernie | Critt |  | ALL | Pass/Fail                            |
|--------------------|--------|-------|--|-----|--------------------------------------|
| Brantwood Transfer | M      | 2nd   |  | Y   | Pass<br>must get Bulk & release tabs |

| Motion #                    | Critt | Bernie |  | ALL | Pass/Fail |
|-----------------------------|-------|--------|--|-----|-----------|
| Crocker Barrell New License | M     | 2nd    |  | Y   | Pass      |

| Motion #       | MILLER | BERNIE | CRITT | ALL | Pass/Fail |
|----------------|--------|--------|-------|-----|-----------|
| CLOSED SESSION |        | M      | 2     | Y   |           |

| Motion #   | CRITT | MILLER | CRITT/MILLER | BERNIE | Pass/Fail |
|--|-------|--------|--------------|--------|-----------|
| NORTH BAY LIQUORS<br>PENDING FOLLOWUP<br>JULY 26 RESIDENCY + | M     | 2      | Y            | N      | P         |

| Motion # | BERNIE | CRITT | ALL |  | Pass/Fail |
|----------|--------|-------|-----|--|-----------|
| MINUTES  | M      | 2     | Y   |  | P         |

| Motion # | CRITT | MILLER |  |  | Pass/Fail |
|----------|-------|--------|--|--|-----------|
| ADJURN   | M     | 2      |  |  |           |



**CLOSED MEETING WRITTEN STATEMENT**

Date: 5/31/23 Time: 10:34 AM Location: Elk Room, County Administration Building, 200 Chesapeake Blvd, Elkton MD

Council in Attendance: Miller Ortt Chiominto VACANT

10:59 AM BACK

ATTENDING SECRETARY

Others:

Motion made by \_\_\_\_\_, 2<sup>nd</sup>: \_\_\_\_\_, to move to closed session pursuant to the Annotated Code of MD, General Provisions, Title 3, Open Meetings Act, Subtitle 3, Open Meeting Requirements; Section 3-305 Closed Meetings

VOTE: \_\_\_\_\_ Miller \_\_\_\_\_ Ortt \_\_\_\_\_ Chiominto \_\_\_\_\_ VACANT

**STATUTORY AUTHORITY TO CLOSE SESSION, General Provisions Article, §3-305 (b) (check all that apply):**

- (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- (2) To protect the privacy or reputation of individuals with respect to a matter that is not related to public business;
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto;
- (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- (5) To consider the investment of public funds;
- (6) To consider the marketing of public securities;
- (7) To consult with counsel to obtain legal advice on a legal matter;
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation;
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire & police services and staff; and (ii) the development & implementation of emergency plans;
- (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination;
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- (13) To comply with specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- (14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process;
- (15) To discuss cybersecurity, if the public body determines that public discussion would constitute risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices.

**Reason for closing as per statutory authority listed above and topic to be discussed:**

- ( ) \_\_\_\_\_
- ( ) \_\_\_\_\_
- ( ) \_\_\_\_\_

**Action taken (if any) insert in next regular Board meeting minutes:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

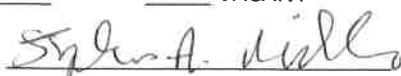
**Time closed session adjourned:** \_\_\_\_\_



Motion made by: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_

VOTE: \_\_\_\_\_ Miller \_\_\_\_\_ Ortt \_\_\_\_\_ Chiominto \_\_\_\_\_ VACANT

ATTEST: Steve Miller

  
Liquor Board Chairman

**For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.**

| Citation<br>(insert # from<br>above) | Topic | Reason for closed-session discussion of topic |
|--------------------------------------|-------|---|
| §3-305(b) ( )                        |       |   |
| §3-305(b) ( )                        |       |   |
| §3-305(b) ( )                        |       |   |
| §3-305(b) ( )                        |       |   |
| §3-305(b) ( )                        |       |   |

