

WORCESTER COUNTY BOARD OF LICENSE COMMISSIONERS
MINUTES FOR BAY MONKEY WEST
NOVEMBER 19, 2018

Members Present:	William E. Esham, Jr., Chairman	X	R. Charles Nichols	<input type="checkbox"/>	Marty W. Pusey	X	
	Alternate Board Member: Name: Reese Cropper, III	X					
Staff Present:	April Payne, Administrator	X	Harold (Skip) Cook, Investigator			X	
	Thomas K. Coates, Esq., Board Attorney	X	Alternate Board Attorney: Name:			<input type="checkbox"/>	
	Carol Ross, Data Research Manager	X	Kelly Henry, Technical Services Manager			X	
			Dave Dawson, Court Reporter			X	
License #:		Hearing Date:	November 19, 2018		Time Hearing Started:	1:22 p.m.	
Class:	"B"	Type:	B/W/L		Day:	7-Day	
For:	OC Bar, LLC	T/A:	Bad Monkey West		Address: 12902 Ocean Gateway Ocean City, MD 21842		
New Application:	X Yes		Transfer:	<input type="checkbox"/> Yes		Meeting:	<input type="checkbox"/> Yes
Violation:	<input type="checkbox"/> Yes						
Items to be discussed:							
Application for a Class "B" B/W/L 7-Day License Request to Designate as Multiple License #2							
Applicants:	X	Licensees:	<input type="checkbox"/>		Representative:		
1. Kevin Christopher Myers					Joseph E. Moore, Esquire		
Witnesses:							
1.					Protestants:		
1.					1.		
Exhibits:							
1. Aerial Photograph					1.		
2. Photo of Site with Former Building					2.		
3. Elevation Photo					3.		
4. Two Menus					4.		
5. Site Plan					5.		
Hearing Minutes: The applicant along with his attorney, Joseph E Moore, Esquire, appeared before the Board with an application for a Class "B" B/W/L 7-Day license and a request to designate as Multiple License #2. The applicant was sworn. Mr. Moore stated that the Board has a copy of the Lease and Mr. Coates responded that the Lease is in order. Mr. Moore submitted (Applicant's Exhibit #1), Aerial Photograph, into evidence and explained the location of the premises to the Board noting the Marina View Townhouses, the Worcester County Park and Ride Center and the Applebee's restaurant which has just closed. Mr. Moore submitted (Applicant's Exhibit #2), Photo of Site Depicting Former Building, and (Applicant's Exhibit #3), Elevation Photo, into evidence. Continuing, Mr. Moore stated that he delivered the original license to Mrs. Payne for the Applebee's restaurant so with that restaurant now closed there is a public need for a full service restaurant in the area. Mr. Moore asked Mr. Myers to tell the Board about his plans for the Bad Monkey West. Mr. Myers stated that the location will be fashioned after the original Bad Monkey located on 58 th Street in Ocean City. Mr. Myers stated that the location in Ocean City is located very close to a residential condominium and many of his neighbors have become patrons. Mr. Moore submitted (Applicant's Exhibit #4), Two Menus, into evidence. Mr. Moore asked Mr. Myers about the menus. Mr. Myers answered that menus will be the same with the same service as the other restaurant serving breakfast, lunch and dinner. Mr. Moore stated that this location had been the old Marlin Club and also an Asian restaurant. Mr. Moore asked Mr. Myers if in his opinion that this restaurant is							

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necessary to accommodate the public. Mr. Myers answered "yes." Continuing, Mr. Moore asked Mr. Myers how many employees he will have and if all servers will be TAM certified. Mr. Myers responded that he anticipates 40-50 employees and all servers will be TAM certified. Mr. Moore asked Mr. Myers if he is TAM certified. Mr. Myers answered "yes." Mr. Moore asked Mr. Myers about his experience and a past violation. Mr. Myers responded that he has been TAM certified for 25-26 years and the only violation he had was very early on in his career.

Commissioner Esham asked the Board if there were any questions. Commissioner Pusey asked about the slider enclosures. Mr. Myers stated that the sliders would be glass and when open it would give an "open air" feeling to the restaurant which is on the second floor. Continuing, Mr. Myers stated that the sliders would provide a nice view for patrons. Mr. Moore asked Mr. Myers about the 1st floor of the building. Mr. Myers answered that the downstairs would be a bakery and retail store. Mr. John Fager is the landlord and he was in the audience.

Mr. Moore asked Mr. Myers about the entertainment and submitted (Applicant's Exhibit #5), Site Plan, into evidence. Commissioner Esham asked where the entertainment would be on the Site Plan as that would be important to the Board. Mr. Myers noted the area where the entertainment would be and stated that the speakers would be pointed away from the sliders. Commissioner Pusey asked if they are requesting a DJ. Mr. Myers answered "Yes." Commissioner Esham stated that the entertainment would be upstairs with the sliders closed. Mr. Myers asked if all sliders would have to be closed during entertainment. Commissioner Esham stated that "Yes, especially the sliders facing Route 50." Mr. Myers stated that he would like to close the sliders after 8:00 PM but he would close the sliders facing Route 50 at times when there was entertainment or a DJ. Commissioner Esham stated that entertainment or a DJ would be playing, but not at the same time. Mr. Myers answered "That is correct." Commissioner Esham stated that Mr. Myers runs a nice operation in Ocean City.

The Board tentatively approved the Application for a Class "B" B/W/L 7-Day License and the Request to Designate as Multiple License #2 with the following restrictions:

Motion	1 st	Cropper	2 nd	Pusey	Approved:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Restrictions:
 LIVE ENTERTAINMENT ALLOWED INSIDE UPSTAIRS WITH A MAXIMUM OF FIVE PIECES TWO DAYS PER WEEK FROM 12 NOON UNTIL 2 A.M. OR A DISC JOCKEY TWO DAYS PER WEEK FROM 12 NOON UNTIL 2 A.M. (BUT NOT AT THE SAME TIME), ALONG ROUTE 50 SLIDING DOORS MUST BE CLOSED DURING LIVE ENTERTAINMENT OR DISC JOCKEY AFTER 8 P.M., NO OFF SALE, NO POOL TABLES ALLOWED, NO GAMES ALLOWED

Time Hearing Ended:	1:36 p.m.
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WORCESTER COUNTY BOARD OF LICENSE COMMISSIONERS
MINUTES FOR OMEGA EATS
NOVEMBER 19, 2018

Members Present:	William E. Esham, Jr., Chairman	X	R. Charles Nichols	<input type="checkbox"/>	Marty W. Pusey	X	
	Alternate Board Member: Name: Reese Cropper, III	X					
Staff Present:	April Payne, Administrator	X	Harold (Skip) Cook, Investigator			X	
	Thomas K. Coates, Esq., Board Attorney	X	Alternate Board Attorney: Name:			<input type="checkbox"/>	
	Carol Ross, Data Research Manager	X	Kelly Henry, Technical Services Manager			X	
			Dave Dawson, Court Reporter			X	
License #:		Hearing Date:	November 19, 2018	Time Hearing Started:	1:00 p.m.		
Class:	"B"	Type:	B/W/L	Day:	7-Day		
For:	Omega OC, LLC	T/A:	Omega Eats	Address:	2606 Philadelphia Avenue Ocean City, MD 21842		
New Application:	X Yes	Transfer:	<input type="checkbox"/> Yes	Meeting:	<input type="checkbox"/> Yes	Violation:	<input type="checkbox"/> Yes
Items to be discussed: Application for a Class "B" B/W/L 7- Day License							
Applicants:	X	Licensees:	<input type="checkbox"/>	Representative:			
1.	Petraq Gjiguria			Christopher T. Woodley, Esquire			
2.	Kozma Gjiguria						
Witnesses:				Protestants:			
1.				1.			
Exhibits:				Exhibits:			
1.				1.			
<p>Hearing Minutes: The applicants along with their attorney, Christopher T. Woodley, Esquire, appeared before the Board with an application for a Class "B" B/W/L 7-Day license. The applicants were sworn. Mr. Woodley asked Mr. Petraq Gjiguria to tell the Board about himself. Mr. Petraq Gjiguria stated that he has over 27 years experience in the hotel and food service business and he will be the Resident Agent. Continuing, Mr. Petraq Gjiguria stated that he and his brother, Kozma, both have worked as chefs and in the Ocean City area. They will both work at the restaurant which will serve Mediterranean cuisine. Mr. Woodley submitted (Applicant's Exhibit #1), Site Plan, into evidence. Mr. Woodley asked the applicants to explain the exhibit to the Board. Mr. Petraz Gjiguria stated that they will not have outdoor seating. The restaurant will have a seating capacity of 145 seats at tables; however, the applicants will only utilize 86 seats at tables and 9 seats at the bar. Mr. Woodley asked the applicants about entertainment. Mr. Petraq Gjiguria answered that they would like up to four pieces per week, three times a week from 5:00 -9:00 PM. Mr. Woodley asked about the hours of operation. Mr. Petraq Gjiguria stated that they will be open for breakfast, lunch and dinner from 6:00 AM – 11:00 PM from May 1st through September 30th and Thursday through Sunday the rest of the year. Mr. Woodley asked the applicants about the employees and certification. Mr. Kozma Gjiguria stated that he is a cook and both of their wives will be working as servers and all servers will be TAM certified. Mr. Woodley stated that he gave the applicants a copy of the Rules and Regulations of the Board and both shook their heads and responded "yes." Mr. Woodley asked the applicants if they understand the Rules and Regulations of the Board and both responded that they understood. Mr. Woodley asked the applicants if they understand that if a violation should occur, they would be back in front of the Board. Both applicants responded that they understood.</p>							

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Commissioner Esham asked the Board if they had any questions. Commissioner Cropper asked the applicants what time will they close. The applicants responded 11:00 PM but the entertainment will be from 5:00 PM – 9:00 PM. Commissioner Cropper asked the applicants if they understood entertainment and special events. Mr. Woodley stated that there is plenty of room at the premises for entertainment. Mr. Kozma Gjiguria stated that they will move tables and make room for the entertainment for special events. The Board cautioned the applicants that they must have 70 seats at all times so if you take 16 seats out, you cannot take another 16 seats out. Mr. Woodley stated that he has discussed having a guitar playing in the background which would not be a special event. Mr. Petraq Gjiguria stated that if he had permission for three events a week, he would have weddings and baptisms. Mrs. Payne asked if the dance floor would be on a riser or would they dance on the carpet or tile? Mr. Petraq Gjiguria answered that they would dance on the carpet, not tile. Mrs. Payne wanted to confirm that there would not be a designated dance floor and the applicants agreed that there would not be. Commissioner Esham stated that all seating will be inside and the premises is large to accommodate the required seating and a dance floor for entertainment.

The Board tentatively approved the application for a Class “B” B/W/L 7-License with the following restrictions:

Motion	1 st	Pusey	2 nd	Cropper	Approved:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Restrictions:							
LIVE ENTERTAINMENT ALLOWED WITH A MAXIMUM OF FOUR PIECES THREE DAYS PER WEEK FROM 5 P.M. UNTIL 9 P.M., NO OFF SALE, NO DISC JOCKEY ALLOWED, NO DANCE FLOOR ALLOWED, NO POOL TABLES ALLOWED, NO GAMES ALLOWED, NO OUTSIDE SEATING							
Time Hearing Ended:		1:11 p.m.					

WORCESTER COUNTY BOARD OF LICENSE COMMISSIONERS
MINUTES FOR PINES PUBLIC HOUSE & EATERY
NOVEMBER 19, 2018

Members Present:	William E. Esham, Jr., Chairman	X	R. Charles Nichols	<input type="checkbox"/>	Marty W. Pusey	X	
	Alternate Board Member: Name: Reese Cropper, III	X					
Staff Present:	April Payne, Administrator	X	Harold (Skip) Cook, Investigator			X	
	Thomas K. Coates, Esq., Board Attorney	X	Alternate Board Attorney: Name:			<input type="checkbox"/>	
	Carol Ross, Data Research Manager	X	Kelly Henry, Technical Services Manager			X	
			Dave Dawson, Court Reporter			X	
License #:		Hearing Date:	November 19, 2018	Time Hearing Started:	1:37 p.m.		
Class:	"B"	Type:	B/W/L	Day:	7-Day		
For:	Pines Public House & Eatery Corp.	T/A:	Pines Public House & Eatery	Address:	11002 Nicholas Lane Berlin, MD 21811		
New Application:	<input checked="" type="checkbox"/> Yes	Transfer:	<input type="checkbox"/> Yes	Meeting:	<input type="checkbox"/> Yes	Violation:	<input type="checkbox"/> Yes
Items to be discussed:							
Application for a Class "B" B/W/L 7-Day license Request to Designate as Multiple License #2							
Applicants:	<input checked="" type="checkbox"/>	Licensees:	<input type="checkbox"/>	Representative:			
1.	Aleksejs Buinovskis	Joseph E. Moore, Esquire					
2.	Dzmitry Haltsou (not present)						
3.	Sviatlana Kazlova (not present)						
4.	Iryna Klimins						
5.	Deniss Klimins						
Witnesses:							
1.		Protestants:					
Exhibits:							
1.	Site Plan	1.					
2.	Floor Plan	2.					
3.	Aerial Photograph- Google Earth	3.					
4.	Area Photograph in Ocean Pines Southgate	4.					
5.	Menu	5.					
Hearing Minutes: The applicants along with their attorney, Joseph E. Moore, Esquire, appeared before the Board with an application for a Class B" B/W/L 7- Day license and a request to Designate as Multiple License #2. The applicants were sworn. Three applicants were present for the hearing. Mr. Moore stated that this request is for a second multiple license as the first license is for Fox's Pizza Den, located in the Ocean Landing II shopping center and has been open for 6 months. Mr. Moore asked Mr. Klimins about the DE locations. Mr. Klimins stated that he has 2 locations in DE and his wife, Iryna, will be the Resident Agent. Mr. Moore asked Mrs. Klimins if she secured the signatures. Mrs. Klimins responded "Yes." Mr. Moore added that Mrs. Klimins is a property owner and resident of Worcester County. Mr. Moore asked Mrs. Klimins if she understands the Rules and Regulations of the Board and that if a violation occurs, she will be back in front of the Board. Mrs. Klimins responded "I understand."							
Mr. Moore submitted (Applicant's Exhibit #1), Site Plan and (Applicant's Exhibit #2), Floor Plan, (Applicant's Exhibit #3),							

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Aerial Photograph - Google Earth, and (Applicant’s Exhibit #4), Area Photograph in Ocean Pines Southgate into evidence. Referring to the exhibits, Mr. Moore stated that the premises location is at the corner of Route 589 and Nicholas Lane in the Commercial area of the Ocean Pines subdivision in Berlin, MD. Continuing, Mr. Moore stated that the premises is the formally licensed Pizza Hut and added that the applicants are the owners of the property. Mr. Klimins added “That is correct.” Mr. Moore asked the applicants about the type of restaurant. Mr. Buinovskis stated that it will be a full-service restaurant. Mr. Moore asked about “off sale” and entertainment. Mr. Klimins responded that they do not want entertainment and no “off sale.” Continuing, Mr. Klimins stated that it will be similar to the other restaurant. Mr. Moore asked the applicants if they have had any violations. All responded “No.” Mr. Moore asked the applicants about being certified in DE. Mr. Klimins answered that he is certified. Mr. Moore asked if the servers will be certified. Mr. Klimins responded “Yes, all servers will be certified.” Mr. Moore gave Mr. Buinovskis a brochure on the upcoming TAM classes. Mr. Moore asked the applicants if they are open now. Mr. Klimins answered “No, we are still renovating.” Mr. Moore submitted (Applicant’s Exhibit #5), Menu, into evidence. Mr. Moore asked the applicants to tell the Board about the menu. Mr. Klimins stated that it will be different from the former Pizza Hut in that he and his chef made the menu and it is an “up-scale” menu. Mr. Moore asked the applicants when they expect to open. Mr. Klimins responded the end of January. Mr. Moore stated that the applicants opened the Fox’s Pizza Den in the off season. Mr. Klimins answered that they did open in the off season in order to get servers used to the menu before they got busy.

Commissioner Pusey asked if the premise was previously licensed. Mr. Moore answered “Yes” but added that the license was not pulled, the Pizza Hut closed and the license was turned in. Commissioner Esham added that they must have 125 seats. Mr. Moore responded that he has discussed that with the applicants.

The Board tentatively approved the application for a Class “B” B/W/L 7-Day License and a Request to Designate as Multiple License #2 with the following restrictions:

Motion	1 st	Pusey	2 nd	Cropper	Approved:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Restrictions:							
NO LIVE ENTERTAINMENT, NO DISC JOCKEY ALLOWED, NO OFF SALE, NO GAMES ALLOWED, NO POOL TABLES ALLOWED, NO OUTSIDE SEATING ALLOWED							
Time Hearing Ended:		1:50 p.m.					