

THE ALCOHOL BEVERAGE BOARD
THURSDAY, JANUARY 12, 2012 @ 1:00 PM
COUNTY COMMISSIONERS CONFERENCE ROOM
CHESAPEAKE BUILDING
41770 BALDRIDGE STREET
LEONARDTOWN, MD 20650

The meeting of the Alcohol Beverage Board of St. Mary's County was held on Thursday, January 12, 2012 at 1:00 P. M. in the County Commissioners Conference Room, Chesapeake Building, Leonardtown, Maryland.

Moses Saldaña, Chairman
William R. Cullins III, Vice-Chairman
Aaron Mathis, Member
Betty Currie, Member
Linda Palchinsky, Member
Joann Wood, Attorney
Tamara Hildebrand, Board Administrator
Tommy Thompson, Inspector *ABSENT*
DFC James Stone, Alcohol Enforcement Officer

Chairman Saldaña called the meeting to order. Chairman Saldaña reported that he had been reappointed to the Chairman position for another 4 years, effective January, 2012. Member Currie moved to approve the minutes of December 8, 2011 and it was seconded by Member Mathis. Motion carried. The Board was introduced to the audience and Chairman Saldaña explained the process the Board follows regarding violations and read the possible penalties.

Violations:

The Board made the decision to allow Friendly's Sports Bar to go first due to the number of Deputy witnesses that were on the midnight shift, so they could go home. The violations were read into the record as follows:

Friendly's Sports Bar – Haskell N. Cambell Jr., Janice R. Head, & Tony J. Hill

- Consumers remaining on the premises of the establishment, including the establishment parking lot, after 2 a.m. in violation of Section 4.02 of the Rules & Regulations of the Alcohol Beverage Board of St. Mary's County
- Acts which violate the peace & safety of the community in which the place of the business is located, including, but not limited to: failure to comply with agreed upon recommendations of Alcohol Enforcement Coordinator to curb history of incidents at premises, failure to cooperate with police regarding assault on licensee's person, failure to provide security on premises pursuant to security plan (lighting, installing security cameras, admitting persons under age 21, etc.), allowing the Board to take action for the violation under Section 10-401 of Article 2B of the Maryland Annotated Code & Section 5.01 of the Rules & Regulations of the Alcohol Beverage Board of St. Mary's County.

The license holders admitted that violations 1 & 2 did not occur, with Tony J. Hill acting as the spokesperson for the license holders in lieu of an attorney. Mr. Hill then changed his statement and said regarding violation 1, admitted it did occur and pled guilty. On the second violation, Attorney Wood questioned DFC Stone regarding the night in question (Nov 12, 2011). Cpl. Milam was then questioned by Ms. Wood, and Mr. Hill. Mr. Hill then gave his explanation of the events that happened. Mr. Francis Guy testified that he has the neighboring business to Friendly's as does his cousin. He testified that they have to pick up the trash left behind by the patrons of Friendly's and that his family lives close by and is concerned with their safety during the hours of operation of the Bar. Chairman Saldaña called for a short recess, before proceeding any further. After the recess, Member Currie made the motion, based on the facts heard on record that Friendly's has a negative impact on the peace and safety of the community and they have not complied with camera and lighting measures to ensure the peace and safety of the community and that the

violations did occur. Member Mathis seconded the motion. Motion carried. On violation 1, Vice Chairman Cullins made the motion to fine the establishment Five Hundred Dollars. Member Palchinsky seconded and the motion carried. On violation 2, Member Palchinsky made the motion to close the business for 30 days effective immediately, giving the license holders time to set proper security measures in place before they reopen. Member Mathis seconded and the motion carried.

At this time, Chairman Saldaña asked to proceed to the Applications portion of the agenda before the rest of the violations.

Applications:

- Spinnakers Waterfront Restaurant – Mildred Kay Carter
 - Application of Mildred Kay Carter to transfer Spinnakers Restaurant (High Tide Ventures, LLC), Class B (Restaurant) Beer, Wine & Liquor license & t/a Spinnakers Waterfront Restaurant (MKC Enterprises, LLC) and permission to include extension of premise for deck, grassy area, & smoking and extra serving counter for cabana bar.

The license holder appeared before the Board with her request. She explained what she had planned for her establishment. Member Currie made the motion to approve the request and it was seconded by Member Palchinsky. Motion carried.

The Board then proceeded with the rest of the violations.

- The Green Door – Brian J. Tarleton
 - Serving alcohol after 2 a.m. or permitting consumption of alcohol after the hours of 2 a.m. in violation of the Maryland Annotated Code Article 2B Section 11-304 and Section 4.02 of the Rules & Regulations of the Alcohol Beverage Board of St. Mary's County.
 - Furnishing alcohol to person(s) who, at the time of sale or delivery, were visibly under the influence of an alcoholic beverage in violation of Section 12-108(a)(1)(ii) of Article 2B of the Maryland Annotated Code & Section 5.04(i) of the Rules & Regulations of the Alcohol Beverage Board of St. Mary's County.

The license holder appeared before the Board with his attorney and stated that the violations did not occur. Trooper Pitcher testified that he was called to the Green Door and found an individual in the parking lot that appeared to be intoxicated and had been assaulted. After his testimony, Member Palchinsky made the motion to dismiss the charges against the license holder due to a lack of evidence that the violations occurred. Member Mathis seconded the motion. Member Palchinsky then amended the motion to read "without prejudice" and Member Currie seconded. Motion carried. After some discussion, a short recess was called.

- Chef's American Bistro – Keith Francis, Rhonda Williams, & Thomas Vandy
 - Sale of alcoholic beverages after liquor license for the premises was seized by the Comptroller, said sale being in violation of the Maryland Annotated Code Article 2B Section 1-201 & Section 10-401(a)(3)(ii) & Section 5.02(g) of the Rules & Regulations of the Alcohol Beverage Board of St. Mary's County.
 - Failure to maintain records of employees who have attended the authorized alcohol awareness training course, said information to remain current & available for inspection by duly authorized representatives of the Board, said incident in violation of the Maryland Annotated Code Article 2B Section 13-101 & Section 4.01(b) of the Rules & Regulations of the Alcohol Beverage Board of St. Mary's County.
 - Failure to maintain invoices & tickets on premises of all purchases of the alcoholic beverages at the licensed establishment for a period of two years from the date of the purchase on the premises, said incident in violation of the Maryland Annotated Code Article 2B Section 14-201 & Section 4.01(a) & 4.08(b)(2) of the Rules & Regulations of the Alcohol Beverage Board of St. Mary's County.
 - Failure to maintain the current IRS Special Tax Stamp, current Health Department Permit, and current Alcohol Awareness Training certificate(s) on the premises, so they are conspicuous & easily read, said incident in violation of Section 4.08(a) of the Rules & Regulations of the Alcohol Beverage Board of St. Mary's County.

Member Mathis recused himself from this matter. The licensees, Thomas Vandy and Keith Francis could not attend. Mr. Vandy submitted a letter to the Board, giving Chef Ahmed Koroma permission to speak on his behalf. Mr. Francis submitted a letter giving Rhonda Williams permission to speak on his behalf. Mr. Koroma asked for a continuance of the hearing to give him time to retain an attorney. Vice Chairman Cullins made the motion to table the hearing of the violations for 30 days, and it was seconded by Member Palchinsky. Motion carried.

Other Business:

- Officer Change – Thai Inter Restaurant (Thai Inter, Inc.)
- Deleting Kitradom Sewell

Member Currie made the motion to approve the Officer change and it was seconded by Member Mathis. Motion carried.

- Retail Beverage Association – Dave Dent

Mr. Dent appeared before the Board and said that the Maryland Legislature went into session and he would keep the Board apprised of what was being done related to alcohol.

- Alcohol Enforcement Coordinator - DFC James Stone

Deputy Stone reported that due to birth of his twins, he had been on FMLA and there wasn't anything to report at this time.

Chairman Saldana requested the meeting be paused for Executive Session at 4:30pm and it was reconvened at 4:45pm.

- Board Administrator – Tammy Hildebrand

Ms. Hildebrand stated that the budget will need to be signed at the next meeting and turned into the Finance office. The \$4000 from the Grant was added to the budget as well as an increase of \$3000 for the retainer of the Board Attorney. Vice Chairman Cullins made the motion to increase the retainer to \$4000 and submit the budget. It was seconded by Member Currie and the motion carried.

The Board Inspector has had a stroke and his Doctor has restricted him from driving for six months. After discussion, Member Currie made the motion to replace Mr. Thompson and start the procedure to hire another one. It was seconded by Member Palchinsky and the motion carried.

Chairman Saldana wants to add to the next month's agenda regarding the Boards rules and regulations and to change the agenda administratively. In the MOU with the Sheriff's Office, a line needed to be changed and re submitted.

Vice Chairman Cullins made the motion to adjourn the meeting. It was seconded by Member Palchinsky. Motion carried.

Respectfully submitted

Fran Hammett
Recording Secretary

Moses Saldaña
Chairman