

**THE ALCOHOL BEVERAGE BOARD
THURSDAY, FEBRUARY 8, 2018 @ 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, February 8, 2018 at 1:00 P.M. in the County Commissioners Conference Room, Chesapeake Building, Leonardtown, Maryland.

Linda Palchinsky, Acting Chair – ABSENT
Kevin Hall, Acting Vice-Chair
Betty Currie, Member
Leonard Kohl, Member
James Tanavage, Attorney
Tamara Hildebrand, Board Administrator
Suzan Whilden, Administrative Assistant
Garland Thompson, Inspector
Alcohol Enforcement Coordinator – VACANT

Acting Vice-Chair Hall called the meeting to order at 1:00 p.m. and introduced the Board to the audience. Member Currie moved to approve the January 11, 2018 minutes. Motion was seconded by Member Kohl. Motion carried.

Announcement

Sheriff Cameron presented Sgt. Stephen Myers to the Board as the new Alcohol Enforcement Coordinator (AEC).

New Business

- **Violations**

A&B Liquors – Lang Xu

Sale of alcoholic beverages to a person under the age of twenty-one (21) in violation of Section 6-304 of the Alcohol Beverages Article of the Annotated Code of Maryland and Section 5.04(j) of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.

Lang Xu appeared before the Board and was sworn in. Mr. Xu presented a letter to the Board explaining his English is not fluent and that on December 22, 2017 he admits to selling an alcoholic beverage to a patron that he did not ID. The patron was an underage CI. Mr. Xu explains he has now posted signs on the door and at the registers that state "no ID, no service". Board attorney James Tanavage read into record the charges of the events of December 22, 2017. Mr. Xu's letter was an admission of guilt

so the Board moved to the penalty phase. Member Currie made the motion for a \$1,000.00 fine, \$500.00 held in abeyance for 3 years and mandatory RAST training. The fine must be paid within 10 days or they may appeal within 30 days. Motion was seconded by Member Kohl. Motion carried.

Pax Lounge- Dimple Oberio

Acts which violate the peace and safety of the community in which the place of the business is located, including, but not limited to: patrons screaming and yelling in the parking lot and standing in the roadway while leaving the establishment; patrons committing parking violations by blocking travel lanes and blocking citizen's driveways; allowing the Board to take action "for any reason to promote the peace and safety of the community in which the premises are located" in violation of Section 4-604(A)(1) of The Alcohol Beverage Article of the Maryland Annotated Code and "for any cause which, in the judgment of the Board, is necessary to promote the peace and safety of the community in which the place of business is situated" in violation of Section 5.01 of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.

Dimple Oberio, Jamil Faruque and Zonayed Faruque appeared before the Board and were sworn in. Ms Oberio was asked if she admitted or denied the charges made against Pax Lounge. Ms. Oberio denied that the charges happened as stated. Attorney Tanavage called the first witness to come up, Deputy Kristi Nelson. Deputy Nelson was sworn in and testified that the police were called to the Pax Lounge for a fight and guns being present. Deputy Nelson observed that Pin Cushion Road and Route 5 were chaotic with patrons in the roadway as well as cars blocking the driveways on both roads. Other officers were already there trying to move patrons out of the roadway and off of the premise. Next to testify was Deputy Gerard Muschette. Deputy Muschette was sworn in and testified that there was no active disturbance at the time of his arrival. A patron stated to Deputy Muschette that the owner had flashed a gun at him but that no one else had witnessed it. The gun banishing was eventually to be unfounded. Final testimony was from Sgt. Todd Fleenor. Sgt. Fleenor was sworn in and stated the he had reviewed the tapes from the night in question. These tapes were from body worn cameras and car dash cameras from the deputies that had responded to the Pax Lounge. Sgt. Fleenor stated that the tapes revealed that the roads were completely full and that it was after 2:00 AM when patrons were leaving the premise. Sgt. Fleenor also stated that there was no disturbance from the patrons to the officers but most patrons were visibly intoxicated. No gun was to ever found on the premise. Sgt. Fleenor had received previous complaints from neighbors of the establishment for the problems of the parking and blocking driveways on Route 5 and Pin Cushion Road, loud noise and patrons lingering after 2:00 AM. Member Kohl made a motion that The Pax Lounge did violate the peace and safety of the community. Motion was seconded by Member Currie. Motion carried. Member Kohl made the motion for the penalty to be a \$1,000.00 fine, \$500.00 held in abeyance for 3 years. The fine must be paid within 10 days or they may appeal within 30 days. Motion was seconded by Member Currie. Motion carried.

- **Application**

Social Coffee House & Speakeasy - Application of Lisa Kotyk & Sean Coogan Jr. to transfer BTB Coffee Bar (BTB Coffee Bar, LLC) Class B-BWL license from Brad Brown & Penny Brown & t/a Social Coffee House & Speakeasy (Social Coffee House & Speakeasy LLC), 41658 Fenwick St., Leonardtown, MD 20650

Lisa Kotyk and Sean Coogan appeared before the Board and were sworn in. Ms. Kotyk stated to the Board that the business will be conducted much like the previous ownership did with the exception that they will be offering sale of local spirits and possibly craft beers for on/off sale. Member Currie made a motion for the approval pending the sale of business. Motion was seconded by Member Kohl. Motion carried.

Other Business

- **Board Administrator-** Tammy Hildebrand

Ms. Tammy Hildebrand stated renewals are in full motion, that legislation has started and there are a few alcohol bills that have been introduced. Ms. Hildebrand will have more to report on those bills at a later time. The 2017 Financial Disclosure forms must be filed by April 30, 2018. Ms. Hildebrand also explained that there will be a meeting on commercial signage but that it had been postponed due to the CSMC having the flu. That meeting will be rescheduled.

- **Alcohol Enforcement Coordinator – vacant**

Sgt. Todd Fleenor reported that the Sheriff's Office conducted an underage tobacco buy that included 6 establishments resulting in 1 violation. Sgt. Fleenor stated that the Sheriff's Office had received complaints for noise and outdoor drinking as well.

- **Board Inspector-** Garland Thompson

Inspector Garland Thompson reported he did 16 inspections for the month of January.

- **St. Mary's Licensed Beverage Association – David Dent**

Mr. David Dent stated that the Signage Law meeting will be on February 27, at 6:30 pm in the Commissioners meeting room. Mr. Dent spoke briefly on the legislative Bill 577 which has to do with the use of a scanner in verification of the authenticity of an ID. This bill is just another avenue of proof of whether an ID is fake but the other ways of verifying are important as well. Senator Waugh has presented a bill into legislation that would increase the number of permits for distilleries, wineries and breweries to expand to into more farmers markets throughout the State.

- **Community Alcohol Coalition – Absent**

Adjournment – Member Currie made a motion to adjourn at 2:45 PM. Motion was seconded by Member Kohl. Motion carried.

Respectfully submitted,

Suzan Whilden, Recording Secretary

Linda Palchinsky, Acting Chair