

**THE ALCOHOL BEVERAGE BOARD
THURSDAY, MARCH 10, 2016 @ 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, March 10, 2016 at 1:00 P.M. in the County Commissioners Conference Room, Chesapeake Building, Leonardtown, Maryland.

Moses Saldaña, Chair, -ABSENT
Linda Palchinsky, Vice-Chair
Aaron Mathis, Member
Betty Currie, Member
Kevin Hall, Member
James Tanavage, Attorney
Tamara Hildebrand, Board Administrator
Suzan Whilden, Administrative Assistant
Garland Thompson, Inspector
Cpl. James Stone, Alcohol Enforcement Officer
Deputy Greg Oresik, Alcohol Enforcement Officer

Vice-Chair Linda Palchinsky called the meeting to order at 1:00 p.m. and introduced the Board to the audience. Member Currie moved to approve the minutes of February 11, 2016 and it was seconded by Member Mathis. Motion carried.

New Business

- Violations

Anderson's Bar- Robert L. Anderson, Jr.

1. Commission of acts on licensed premises contrary to State law in violation of Section 4.03 of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.
2. Commission of acts on licensed premises contrary to State law in violation of Section 4.05 of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.
3. Commission of acts on licensed premises contrary to State law in violation of Section 5.04(b) of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.

Mr. Anderson appeared before the Board and was sworn in. Mr. Anderson pled guilty to all charges. The Board's attorney James Tanavage read the facts of the case for the record. Vice-Chair Palchinsky called for a motion on the penalty. Member Currie made motion for, a \$1000.00 fine, \$500.00 in abeyance for 3 yrs., the \$500.00 to be paid in 10 days or license will be suspended until the fine is paid and RAST training. Member Mathis seconded the motion. A vote was taken, 3-1 with Member Hall in opposition of the fine amount since this was Anderson's first violation. Other members felt that due to the safety and welfare of the patrons, this fine was appropriate. Motion carried.

Hollywood Shakers . Sean Earley and Donny Dunbar

1. Conduct contrary to the peace and 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 the Alcohol Enforcement Coordinator regarding maintaining security inside the business and outside in the parking lot and surrounding area of the business to prevent fights and disorderly conduct, in violation of Section 10-401(a)(2) of Article 2B of the Maryland Annotated Code and Section 5.01 of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.
2. Conduct contrary to the peace and safety of the community in which the place of the business is located, including, but not limited to: a disorderly crowd and physical altercation in the parking lot of the business, in violation of Section 10-401(a)(2) of Article 2B of the Maryland Annotated Code and Section 5.01 of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.
3. Conduct contrary to the peace and safety of the community in which the place of the business is located, including, but not limited to: a disorderly crowd and physical altercation inside the business, in violation of Section 10-401(a)(2) of Article 2B of the Maryland Annotated Code and Section 5.01 of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County

Mr. Earley and Mr. Dunbar appeared before the Board and were sworn in as were all witnesses that were going to testify. Mr. Earley spoke on behalf of Hollywood Shakers and pled not guilty to all charges.

The proceedings started by calling witness #1 Cpl. James Stone to testify. Cpl. Stone stated that on October 14, 2015 he had a meeting with Ms. Tamara Hildebrand, Mr. Earley, Terri, bar manager, and the receptionist for Earley Properties. The purpose of this meeting was to discuss best safety and security practices for the bar and parking areas.

The next person to be called to testify was witness #2 Deputy Bare, Patrol Officer, of the St. Mary's County Sheriff's Office. Deputy Bare stated that on the night of December 20, 2015, he and another officer answered a call at the Hollywood Shakers bar for a person with a gun. Upon arriving at the bar, the officers observed approximately 50-75 people outside of the front of the establishment. Upon entering the establishment, Officer Bare observed a male coming out of the restroom with a bloody face. Deputy Bare approached the male and the male pushed Deputy Bare in the chest. Meanwhile, the other officer was trying to locate security, a bartender or a manager to inquire about the call about the gun. Deputy Bare called for assistance to arrest the male (#1), when male (#2) came over and started fighting with both of the officers. Both deputies were trying to control the males (#1&2) and put them under arrest when another male (#3) approached the group to fight the deputies. At that time, the deputies called for more back up (signal 13). Finally, Deputies Bare and the assisting officer were able to place all males (# 1, 2 & 3) under arrest and take them outside to put into the patrol cars.

The next to testify was witness #3, Deputy Teague. Deputy Teague testified he had been trying to locate management, security or a bartender when he was called by Deputy Bare to come and assist with the arrest of the male (#1) and that he was assaulted by male (#2) and then another male(#3). It was then that the officers called for the signal 13 for more back up of more officers.

Next to testify was witness #4 Deputy Lacey Johnson. Deputy Johnson responded from the signal 13 call. Deputy Johnson walked up as Bare and Teague were bringing the suspects out of the establishment. Deputy Johnson stated that there about 100 people outside the establishment, in the roadway and in the parking lot. The crowd was very chaotic and out of control. No security from the bar was seen outside. Deputy Johnson responded to an altercation that had started in the parking lot between a male and a female. Deputy Johnson had to place the female under arrest and as she was taking the suspect to the patrol car, a car that was leaving the parking lot nearly ran her over.

Next to testify was witness #5 Deputy Gaskill who had come with Deputy Johnson on the signal 13 call. Deputy Gaskill testified that he had to throw Deputy Johnson down to keep her from being struck by the speeding car. Another signal 13 was called by Deputy Gaskill. At no point was there any security from the bar ever seen. Cars were driving erratically, people were in the roadway, and fights were breaking out. Officers from Calvert County Sheriff's Department, Maryland State Police, DOD officers and all available St. Mary's County Sheriff's Department, responded to the signal 13.

The next person called to testify was witness #6 Karen Lyons. Ms. Lyons lives next to Hollywood Shakers and rents her house from Earley Properties. On the night of the incident, Ms. Lyons stated that she heard a gunshot at about midnight that came from the direction on the other side of Hollywood Shakers where Toot's bar is located. At about 1:30 am, Ms. Lyons stated her dog started to bark and she saw police lights flashing. When she looked out of her bedroom window, she stated that there was a

crowd of about 30-40 people in front of Hollywood Shakers, the crowd was calm and that she saw 2 security people outside of the bar.

The last person to testify was witness # 7 Tim McLane. Mr. McLane was going to read into testimony a statement from a witness that was unable to attend. Attorney Tanavage told Mr. McLane that the statement was not allowed as evidence.

On December 26 into the 27th, Cpl. Stone set up surveillance from 8 pm to 2 am in the parking area across the road from Hollywood Shakers. Cpl. Stone observed many people in the parking area loitering and there was no security patrolling the parking area.

After all testimony was presented, Vice-Chair Palchinsky called for a vote on whether the violations did occur. On violation #1, Member Currie made a motion that the violation did occur, and was seconded by Member Hall. Motion carried. On violation # 2, Member Currie made a motion that the violation did occur, and was seconded by Member Mathis. Motion carried. On violation #3, Member Currie made a motion that the violation did occur, and was seconded by Member Hall. Motion carried. Attorney Tanavage stated for the record that the Board voted that all violations did occur. Vice-Chair Palchinsky called for a vote on the penalty phase for the violations. On violation #1, Member Hall made motion for, a \$500.00 fine to be paid in 10 days or license will be suspended until the fine is paid and was seconded by Member Currie. Motion carried. On violation #2, Member Hall made motion for, a \$500.00 fine to be paid in 10 days or license will be suspended until the fine is paid and was seconded by Member Mathis. Motion carried. On violation #3, Member Hall made a motion for a 250.00 fine to be paid in 10 days or license will be suspended until the fine is paid and was seconded by Member Mathis. Motion failed with a vote 0-4 with no one in favor after the discussion. Vice-Chair Palchinsky called for another vote on violation #3. Member Mathis made motion for a \$500.00 fine, \$250.00 in abeyance for 3 yrs., the \$250.00 to be paid in 10 days or license will be suspended until the fine is paid and mandatory RAST training. Member Currie seconded the motion. Motion carried.

- Applications

Bollywood Masala- -Application of Julia Rodulfo to transfer Bollywood Masala (JMD India, LLC), Class B (Restaurant) BWL license location from 22576 MacArthur Blvd. # 348, California, MD 20619 to 23418 Three Notch Rd., California, MD 20619. And requesting extension of premise for outside patio and Refillable Container Permit.

Ms. Julia Rodulfo, Mr. Sahil Malhotra and Mr. Rajneesh Kaushel appeared before the Board and were sworn in. Mr. Malhotra was the spokesperson and stated that they are requesting to transfer their establishment to a new location. The approval request is for

two phases of operation; first to open restaurant side of the business and then to do renovations to turn the banquet room into a tavern on the patio side of the business. The Board approved a 90 day conditional approval of the restaurant pending the approval of the Retail Sales, Fire Marshall, Health Department and Use and Occupancy permit. Member Mathis made the motion for approval and was seconded by Member Currie. Motion Carried. The Board also approved a 90 day conditional approval of the tavern and patio, extension of premise and the refillable container permit pending the approval of the Retail Sales, Fire Marshall, Health Department and Use and Occupancy permit. Member Mathis made the motion for approval and was seconded by Member Hall. Motion Carried.

- Premise Change

Bay Country Liquors . Hue Cha Missun, Kurt Missun & Brian H. Jones- Requesting extension of premise resulting from plans to raze current shopping center and rebuild. Requesting temporary closure during construction of new shopping center.

Mr. Kurt Missun appeared before the Board with his attorney Shane Mattingly and they were sworn in. Notarized letters were written from the other licensees for Mr. Kurt Missun to speak on their behalf. Attorney Mattingly stated that the business would be closed from April 30 until sometime in November for the new store to be built. The Board approved a 9 month conditional approval pending the new Use and Occupancy permit. Member Currie made the motion for approval and was seconded by Member Hall. Motion Carried.

- Officer/Member/Trade Name changes:

OCI Pub/Pizza King- Removal of Anthony R. Holmes

Member Currie made the motion for approval and was seconded by Member Mathis. Motion Carried.

Okada Japanese Seafood & Steakhouse Restaurant- Removal of Kevin H. Ma & Huynh Q. Le; Addition of Phuongdung T. Nguyen & Vinh V. Nguyen

Member Hall made the motion for approval and was seconded by Member Mathis. Motion Carried.

Wicomico Shores Municipal Golf Course - Addition of Brian M. Loewe

Member Currie made the motion for approval and was seconded by Member Hall. Motion Carried.

St. Mary's County Wine & Design- Removal of Michael T. Jordan

Member Mathis made the motion for approval and was seconded by Member Currie.
Motion Carried.

Breton Bay Golf & Country Club - Removal of Leonard M. Goddard Jr; Addition of David D. Darden

Member Currie made the motion for approval and was seconded by Member Hall.
Motion Carried.

Other Business

- 2016 Renewals- Approval of Renewals for 2016

Member Currie made the motion for approval and was seconded by Member Mathis.
Motion Carried.

- Board Administrator- Tammy Hildebrand- MALA Spring Meeting

Ms. Hildebrand discussed some topics that will most likely be brought up at the MALA meeting in May. Some of these topics being legislation, the revision to Article 2B, and the MVA changes from the vertical to the horizontal IDs.

- Alcohol Enforcement Coordinator . Cpl. James Stone/Dep. Gregory Oresik

Cpl. Stone stated that 10 people were cited for open containers in the Great Mills Road area with 18 DUI's. Cpl. Stone reported 31 bar /alcohol checks with 5 being possible violations that he will consult with the Board attorney about. The Lexington Park Town Hall had a tobacco use meeting which Cpl. Stone was a presenter. Member Mathis attended this meeting as well. Deputy Oresik and Cpl. Stone conducted a Cops and Shops at the ABC Liquors in California and checked 50 IDs. Deputy Oresik confiscated a fraudulent New Jersey ID during that check. Deputy Oresik and Cpl. Stone worked closely together the month of February going on inspections with Inspector Thompson and becoming familiar with the duties of the Alcohol Enforcement Coordinator since Cpl. Stone will be moving to another position soon.

- Board Inspector . Garland Thompson

Inspector Thompson conducted 13 inspections and 4 follow-ups for the month of February.

- St. Mary's Licensed Beverage Association- Gary Rogow

Mr. Gary Rogow updated the Board on the current alcohol bills in for legislation. Mr. Rogow thanked Cpl. Stone for his years of service with the ABB and wished him well in his new endeavor.

- Community Alcohol Coalition- ABSENT

Adjournment- Member Mathis made the motion for adjournment at 3:44 PM and Member Hall seconded. Motion carried

Respectfully submitted,

Suzan Whilden, Recording Secretary

Moses Saldaña, Chair