

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

Kevin Hall, Chairman
Leonard Kohl, Member
Mark Denietolis, Member
David Willenborg, Member
James Tanavage, Attorney
Tamara Hildebrand, Board Administrator
Suzan Whilden, Administrative Assistant
Garland Thompson, Inspector
Sgt. Stephen Myers, Alcohol Enforcement Coordinator

Chairman Hall called the meeting to order at 1:00 p.m. The Chairman introduced the Board members. Member Kohl moved to approve the October 11, 2018 minutes. Motion was seconded by Member Denietolis. Motion carried.

Old Business

- **Extensions of Conditional Approvals**

Brudergarten – Geraldine A. L'Heureux - Requesting extension of conditional approval

Raphael L'Heureux appeared before the Board and was sworn in. A letter was sent from Geraldine L'Heureux for Raphael to speak on her behalf. Mr. L'Heureux explained that all the major construction has been completed but the electric still needs to be completed and signed off. The Health Department gave approval but will not be final until all other agencies sign off. Mr. L'Heureux stated that six (6) bartenders have taken Alcohol Awareness training as well as Ms. L'Heureux. Mr. L'Heureux explained he is requesting an extension of conditional approval for 90 days in order to finish the final construction of the business. Member Kohl made a motion for a 90 day approval for the extension of time for the final construction and agencies approvals. Motion was seconded by Member Denietolis. Motion carried.

Dave McKay's Liquors - Requesting extension of conditional approval

David McKay appeared before the Board and was sworn in. Mr. McKay stated he is requesting an extension of time of the conditional approval to continue the construction of the new grocery store complex. Mr. McKay explained that the State Highway construction is almost completed and that all the Metcom has been completed. Member Kohl made a motion for a 180 day approval for the extension of time for the continuous of construction. Motion was seconded by Member Denietolis. Motion carried.

New Business

- **Violations**

Lexington Village Wine & Spirits - Licensee: Hung Nguyen

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

Hung Nguyen appeared before the Board and was sworn in. Mr. Nguyen admitted that the violation did occur. Member Kohl made a motion that based on the fact that this was Mr. Nguyen's first offense, a fine of \$500.00 be imposed, with \$250.00 to be held in abeyance for 3 years, payable in 10 days and to attend the RAST training. Motion was seconded by Member Denietolis. Motion carried.

Lexington Village Wine & Spirits- Employee: Eddie Dejesus Roldan

The above individual, Eddie D. Roldan, was an employee of a license holder and sold or provided alcoholic beverages to an individual under the age of twenty-one years in violation of § 28-2802(b) of the Alcoholic Beverages Article of the Annotated Code of Maryland.

Eddie Roldan appeared before the Board and was sworn in. Mr. Roldan was the clerk that sold to an underage informant and did admit his guilt. Member Kohl made a motion based on the fact that this is Mr. Roldan first offense for a fine of \$500.00, \$250.00 to be held in abeyance for 3 years, payable in 10 days. This motion had to be amended due to clerks violations are only fines. Member Kohl made an amended motion based on the fact that this is Mr. Roldan first offense for a fine of 250.00, payable in 10 days. Motion was seconded by Member Denietolis. Motion carried.

- **Inquiry**

The Pax Lounge – Dimple Oberoi

Pursuant to § 6-204, The Alcoholic Beverages Article of the Annotated Code of Maryland, The Alcohol Beverage Board of St. Mary's County wishes to make inquiry into the following: The Board has been informed by the Health Department the above property has an on-site

sewage disposal system (septic) that has been determined to be in failure by the Health Department. Further, the Health Department may suspend or revoke their permit for the property if the violation is not corrected. If the Health Department suspends or revokes their permit for the property, the licensee will be in violation of the conditions for holding an alcohol license. The Board wishes to be updated regarding this matter.

Jay Faruque appeared before the Board and was sworn in. No letter had been presented to the Board for Mr. Faruque to speak on behalf of Ms. Oberio, the licensee. Mr. Tanavage, the Board attorney, advised Mr. Faruque that a letter is needed to speak on behalf of a licensee even if it is an inquiry. The Board decided to allow Mr. Faruque to speak. Mr. Faruque explained that the Health Department has closed the business due to failure of septic system. Mr. Faruque stated that in his lease the landlord is responsible for this replacement but nothing has been done so far. Mark Morris from the St. Mary's County Health Department was asked to answer some questions. Mr. Morris stated that a holding tank that would have a 2000 gallon capacity was what the Maryland Department of Environment had required to be installed. Mr. Morris explained that the drain fields had completely failed and that this septic system would also need to be pumped out as needed, just like the old system has had to be done. Attorney Tanavage brought to the attention of the Board that the Rules and Regulations clearly state **4.02 - Schedule of Operation-(d) Closing of Licensed Establishments. If for any reason, a licensed establishment is closed for a period of 20 days or more, the licensee shall advise the Board, in writing, immediately, of the reason for closing, the estimated time the business will not be operated, and future plans for the use of the license. Failure to comply with this section may result in the imposition of a fine and/or suspension or revocation of the license.** Attorney Tanavage stated that Mr. Faruque must present a letter to the Board office the next day with all the criteria and it be signed by the licensee. Member Kohl made a motion for a one day extension of Pax Lounge to present a letter to the Board to comply with 4.02 . (d) of the Rules and Regulations for the future of the business. Motion was seconded by Member Willenborg. Motion carried. Member Kohl made a motion to continue the inquiry at the December Board meeting for the status of the license with a sound plan from the landlord to the repairs needed to resume operations. Motion was seconded by Member Denietolis. Motion carried.

Other Business

- **Board Administrator- Tammy Hildebrand**

Ms. Hildebrand expressed her condolences while informing the Board that Mr. Leonard Copsey, the owner of the Drift Inn, had passed away the day before. Ms. Hildebrand explained that the Copsey family had several establishments in the County and that all of them had been licensees of the ABB for many years. Ms. Hildebrand stated that she and her assistant, Ms. Suzi Whilden, had attended a MALA workshop for administrators at the Montgomery County Beverage Board office the previous Friday. Ms. Hildebrand explained the Board about a comparative survey that was conducted and that local boards are imperative given the uniqueness of each county. Ms. Hildebrand also stated that the date of the Legislative Proposals presentation to the CSMC had been changed to November 27th.

She also discussed a special RAST for Class A licenses only that she and Inspector Thompson had conducted the last Tuesday of October, which was well received. The annual MALA conference will be held on the same date as the May ABB meeting, so she will have to reschedule the May ABB meeting.

- **Alcohol Enforcement Coordinator – Sgt. Steve Myers**

Sgt. Myers reported for the month of October: 8 compliance checks with no violations, 8 tobacco checks with no violations, 17 school tobacco no violations, 16 DUI arrests, 5 COPS violations (open containers, public intoxication), and attended 3 trainings. No MSP report.

- **Board Inspector – Garland Thompson**

Mr. Thompson reported for the month of October that he had inspected 14 establishments.

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

Mr. Dent presented the Board with a handout with information about the economic impact of alcohol sales in District 29 which covers St. Mary's County and a small part of Calvert County. Mr. Dent offered to answer any questions the Board may have after looking over this information.

- **Community Alcohol Coalition- Absent**

Ms. Hildebrand stated that CAC is in the interviewing process of hiring the replacement for Lauren Abell's position. Ms. Hildebrand also stated that other counties in Maryland are very interested in the red card/green card program that CAC has implemented in St. Mary's County.

Adjournment- Member Kohl made a motion to adjourn at 2:38 pm. Motion was seconded by Member Denietolis. Motion carried.

Respectfully submitted,

Suzan Whilden, Recording Secretary

Kevin M. Hall, Chair