

THE ALCOHOL BEVERAGE BOARD
THURSDAY, FEBRUARY 9, 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, February 9, 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
Inspector (vacant position)
DFC James Stone, Alcohol Enforcement Officer

Chairman Saldaña called the meeting to order. Member Currie moved to approve the minutes of January 12, 2011 and also for the Executive Session. It was seconded by Member Palchinsky. 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. He also stated that due to the length that some of the Old Business may take, to do the Other Business first.

Other Business:

- St. Inigoes General Store (Flying Loon Restaurant, LLC) – Nora Wichrowski
 - Requesting 90 day extension of conditional approval
Member Currie made the motion to approve the 90 day extension and Member Palchinsky seconded. Motion carried.
- Retriever's Grill (Pax River Management Services, LLC) – Jason Clark
 - Requesting 60 day extension of conditional approval
Vice Chairman Cullins made the motion to approve the 60 day extension and Member Palchinsky seconded. Motion carried.
- Centre Liquors (Leonardtown Centre Liquors, Inc) – Hardeep Kumar Ohri
 - Requesting extension of premise to expand into adjacent vacant unit
The license holder appeared before the Board with W M Davis and explained that he will be knocking out the wall and extend into the old Radio Shack area. It will be an additional 1200 sq ft. Vice Chairman Cullins made the motion to grant the 90 day conditional approval pending him getting all the permits. Member Palchinsky seconded and the motion carried.
- New Market Service Center (MSDN, Inc)- Deepak Garg, Anita Garg, Jessica Wells
 - Requesting extension of premise to expand into adjacent vacant auto repair shop
Mike Davis appeared with the license holder requesting a 90 day conditional approval to expand into the area of the store that was formally auto service bays. Member Mathis made the motion to grant the conditional approval, pending all permits are approved, and Member Currie seconded. Motion carried.
- Race-N-In (Stones Store, Inc) – Robert Bradley Brizzi
 - Requesting extension of premise to move walk out cooler box to exterior of premise with interior access
Mr. Brizzi wishes to move the walk-in refrigerator to the outside of the building. Mr. Brizzi is planning to open up a wall & place the door side of the cooler box flush with the planned opening, so the only access to the cooler will be from inside the building. Member Currie made the motion to

approve his request pending all the permits he needs on a 90 day conditional approval. Member Mathis seconded and motion carried.

- DB McMillans (DRE Restaurant Group LTD) – Dana & Robin Rebarchick
 - Requesting temporary extension of premise for March 17th St. Patricks Day festivities.
The license holders appeared before the Board and explained that they would be taking the first 8 parking spaces and put up a tent for the Youth Rugby League, where they will have a table set up. They got a special event permit for 300, but it was suggested they go back to LUGM and increase that number. Vice Chairman Cullins made the motion to approve the request pending the revised upgrade by LUGM and it was seconded by Member Palchinsky. Motion carried.
- Officer Change – Applebees Neighborhood Grill & Bar (Potomac of St. Mary’s, LLC)
 - Deleting Mark J. Kaiser & adding Brian A. Lutton
Member Currie made the motion to approve the Officer change and it was seconded by Member Palchinsky. Motion carried.
- Officer Change – Big T’s Crab Shack (ADF North, LLC)
 - Deleting Thomas Leon Pilkerton
Vice Chairman Cullins made the motion to approve the Officer change and it was seconded by Member Currie. Motion carried.

Old Business:

- Butler’s Place – Rufus I. Butler
 - The Alcohol Beverage Board of St. Mary’s County to present its factual findings on the record for the decision reached on September 10, 2009
Mr. Butler appeared before the Board with his Attorney. Chairman Saldana read the factual findings and conclusions of the law into the record. Member Palchinsky made the motion to adopt these findings of fact be approved as the official findings. Member Currie seconded and the motion carried.
- 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.
Mr. Vandy, Ahmed Koroma and Shane Mattingly appeared before the Board. Mr. Francis and Ms. Williams were not present. Member Mathis recused himself. Testimony was given by Sgt Schwab, DFC Stone of the Sheriff’s Office and Tamara Hildebrand, the Alcohol Board Administrator. A recess was called for at 3:17 and the meeting resumed at 3:32.
On count # 1, Vice Chairman Cullins made the motion to find the license holders guilty. Member Currie seconded and the motion carried.

On count # 2, Vice Chairman Cullins made the motion to find the license holders guilty. Member Currie seconded and the motion carried.

On count # 3, Vice Chairman Cullins made the motion to find the license holders guilty. Member Currie seconded and the motion carried.

On count # 4, Vice Chairman Cullins made the motion to find the license holders guilty. Member Currie seconded and the motion carried.

For count # 1, Member Currie made the motion for a \$500 fine and a three day suspension. Member Palchinsky seconded and the motion carried 2-1 with Vice Chairman Cullins opposing.

For count # 2, Vice Chairman Cullins made the motion for a \$250 fine. Member Palchinsky seconded and the motion carried 2-1 with Member Currie opposing.

For count # 3, Member Palchinsky made the motion for a \$250 fine. Vice Chairman Cullins seconded and the motion carried.

For count # 4, Member Palchinsky made the motion for a \$500 fine and it was seconded by Member Currie. After discussion, a vote was taken and motion failed 2-1 with Member Palchinsky and Member Currie opposing. Member Currie made a new motion to fine them \$500 and issue an additional three day suspension. Member Palchinsky seconded the motion and it carried 2-1 with Vice Chairman Cullins opposing. Mr. Mattingly requested that the suspension not take effect until after the Valentine Day. Member Palchinsky made the motion not to delay the suspension and Member Currie seconded. Motion carried.

Board Administrator

Ms. Hildebrand submitted the FY 2013 Budget to the Board for their approval. Member Currie made the motion to approve the Budget and submit to the County Commissioners. Vice Chairman Cullins seconded and the motion carried.

The position for the Inspector needs to be filled in light of Mr. Thompson's illness. The HR Dept said that because it was a TPT position, the Board could hire at will or advertise for the position. They have received two applications and are expecting a third one. The Board decided not to advertise and to look over the applications they have and schedule interviews.

DFC Stone has still been out on Family Leave and didn't have a report for January.

Retail Beverage Association

Mr. Dent stated that there are two State Bills that will affect the Alcohol Licensees. One is the corkage bill that was defeated last year. The other one is a bill to be able to bring in refillable containers and filled with beverage of choice, then it can be taken outside of the premises. Two local bills are being discussed, one for a winery license at the Farmers Market and one for a local distillery to sell directly to a retailer. He will keep the Board apprised of what happens with those Bills.

Vice Chairman Cullins made the motion to adjourn the meeting and it was seconded by Member Currie. Motion carried.

Respectfully submitted

Fran Hammett
Recording Secretary

Moses Saldaña
Chairman