

**THE ALCOHOL BEVERAGE BOARD
THURSDAY, MARCH 10, 2011 @ 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, 2011 at 1:00 P. M. in the County Commissioners Conference Room, Chesapeake Building, Leonardtown, Maryland.

Moses Saldaña, Chairman
Tom Sacks, Vice-Chairman
Betty Currie, Member *ABSENT*
Linda Palchinsky, Member
William R. Cullins III, 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 at 1: 00 p.m. He welcomed and introduced the Board to the audience. Chairman Saldana entertained a motion for approval of the minutes of the meeting of February 10, 2010. A motion was made by Vice Chairman Sacks to approve the minutes as submitted and it was seconded by Member Cullins. Motion carried.

Chairman Saldaña explained the procedure that the Board adheres to regarding violations and read the list of possible penalties that may apply.

Violations:

Corner Liquors - Michael Francis Herbert & Shambhubhai Keshavial Patel

- Sale of alcoholic beverages to a person under the age of twenty-one (21) in violation of Section 12-108(a) of Article 2B 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.

The licensees appeared before the Board with Attorney Shane Mattingly and admitted that the violation did occur. Joann Wood read the facts of the case into the record. After discussion, Vice Chairman Sacks moved to suspend the license for a period of 30 days. There was no second. As an alternative, Member Cullins moved to fine the license holder \$1000 and suspend the license for five days. There was no second. Vice Chairman Sacks then moved to fine the license holders \$1000 and suspend the license for 30 days. There was no second. Member Palchinsky moved to fine the licensee \$1000 and not impose any closing of the establishment. Member Cullins seconded. Motion carried by two to one with Vice Chairman Sacks opposing.

Dew Drop Inn – Judith Ragan & Gordon Ragan

- Allowing patrons on the premises in excess of the capacity established by the State Fire Marshall's Office in violation of Sections 3.02 and 4.03 of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.
- Furnishing alcohol to persons 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 and Section 5.04(i) of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.
- Generally committing acts which threaten the peace and safety in the community in which the place of business is situated; see Maryland Annotated Code Section 10-401(a)(2).

The licensees appeared before the Board with their Attorney Shane Mattingly and claimed that the violations did not occur. Joann Wood read the facts of the case into the record.

Testimony was heard from Deputy Stone regarding the violations in question. Deputy Hawks was also called in to testify as he was called to the establishment on the night in question. Mrs. Ragan testified regarding the violations. Mr. Mattingly called the bouncer from the establishment, Marcus Dorsey, and he gave his testimony and answered questions regarding the night in question.

Regarding the first charge of allowing patron on the premises in excess of the capacity established by the State Fire Marshall's Office, Member Cullins moved to fine the licensees \$500. Member Palchinsky seconded and the motion passed.

Regarding the second charge of furnishing alcohol to patrons who were visibly under the influence of an alcoholic beverage, Vice Chairman Sacks moved to fine the licensee \$500 fine. Member Palchinsky seconded and the motion carried.

Regarding the third charge of threatening the peace and safety in the community, Vice Chairman Sacks moved to fine the licensees \$250. Member Cullins seconded and the motion carried.

Applications:

- Leonard Copey Seafood Market
 - Application of Francis Victoria Gray to upgrade Leonard Copey Seafood Market's Class A Beer license to a Class A-1 Beer, Wine, and Liquor license and continue to t/a Leonard Copey Seafood Market, 29084 New Market Village Rd., Mechanicsville, MD 20659

Mrs. Gray appeared before the Board requesting to upgrade her license to include wine and liquor. Member Cullins moved to approve the request and it was seconded by Member Palchinsky. Motion carried.

Other Business:

- Creekside Pub – Marlene Donovan & Lindsay Canter Request extension of conditional approval was cancelled
- Officer Changes
 - Sign of the Whale – deleting Darlene T. Young
 - Corner Liquors – deleting Michael F. Herbert
 - Cooks Liquors – deleting David Harmon Cook
 - Wildewood Wine & Spirits – deleting Magdalena S. Cherra
 - Crabby Ricks Crab House & Restaurant – deleting Richard Francis Pilkerton; adding Thomas Leon Pilkerton
 - Breton Bay Golf & Country Club – deleting C. Dean Wilson & Thomas V. Chiomento Jr.; adding Kevin A. Kosack & Richard W. Pace
 - St. James Pub – deleting William B. Peterson III
 - Clarks Landing Restaurant – deleting Jack M. Shriver; adding Nicolas W. Shriver

Member Cullins moved to approve the officer changes and it was seconded by Member Palchinsky. Motion carried.

- Trade Name Changes
 - Crabby Ricks Crab House & Restaurant trade name change to Big T's Crab House & Restaurant
 - New Market Texaco trade name change to New Market Citgo

Vice Chairman Sacks moved to approve the name changes and it was seconded by Member Palchinsky. Motion carried.

- 2011 Renewals for Approval – There were 5 cancellations and 161 renewals. Member Cullins moved to approve the renewals and it was seconded by Member Palchinsky. Motion carried.
- Board Administrator –

Tammy Hildebrand discussed the ALERT training provided by Montgomery County and stated that it will be presented at the MALA conference. If any of the Members wish to attend, registration needs to be turned into her ASAP.

- MOU with Sheriff's Office for AEC

Chairman Saldaña signed the MOU with the Sheriff's Office for the Alcohol Enforcement Coordinator.

- Rules & Regs updates/changes were discussed
- Alcohol Enforcement Coordinator –
 DFC James Stone gave his monthly report for February.
- Board Inspector –
 Tommy Thompson was absent
- Retail Beverage Association

Mr. Dent appeared before the Board to discuss the last RBA meeting, the changes to the Rules and Regulations and the new Legislation. He also discussed the underage drinking and Project Graduation.

Member Cullins moved to adjourn the meeting and it was seconded by Member Palchinsky.

Respectfully submitted

Fran Hammett
Recording Secretary

Moses Saldaña
Chairman