

**THE ALCOHOL BEVERAGE BOARD  
WEDNESDAY, NOVEMBER 10, 2010 @ 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 Wednesday, November 10, 2010 at 1:00 P. M. in the County Commissioners Conference Room, Chesapeake Building, Leonardtown, Maryland. Please note: because of the Veterans Day Holiday, the November meeting is on a Wednesday.

Moses Saldaña, Chairman  
Tom Sacks, Vice-Chairman  
Betty Currie, Member  
Linda Palchinsky, Member  
Joann Wood, Attorney  
Tamara Hildebrand, Board Administrator  
Tommy Thompson, Inspector  
DFC James Stone, Alcohol Enforcement Officer - *absent*  
Fran Hammett, Recording Secretary

Chairman Saldaña called the meeting to order at 1: 00 p.m.

**APPROVAL OF MINUTES:**

Chairman Saldaña entertained a motion for approval of the minutes of the meeting of October 9, 2010. A motion was made by Member Currie to approve the minutes and it was seconded by Vice Chairman Sacks to approve the minutes. Motion carried.

**APPLICATIONS**

- WJ Dent & Sons/Chief's Bar
  - Application of William Andrew Dent, Thelma Kathleen Sparks, & David A. Dent to transfer WJ Dent & Sons/Chief's Bar Class D- BWL license from David A. Dent, Administrator to William J. Dent Estate and t/a WJ Dent & Sons/Chief's Bar (WJ Dent & Sons, LLC), 44584 Tall Timbers Rd., Tall Timbers, MD 20690. And requesting permission to include extension of premise for side porch, deck, & live music on deck.

David Dent, William Andrew Dent and Thelma Sparks appeared before the Board to transfer the license and to request an extension of premise for side porch, deck, & live music on deck. David gave the Board some history of the establishment, saying it had operated by his family since 1978. Both he and his brother are TAM certified, and extensions have been approved on the previous license. There is one objection to the live music, but Mr. Dent spoke with the objector that morning and assured him that there wouldn't be any loud rock music being played. There have been no violations or complaints in 32 years and they don't plan on changing the way they do business. For the record, Chairman Saldaña read a letter dated 11/4/2010 in reference to the extension request. The writers had no objection to the extension, only to the fact that loud live music would be played. That has been addressed by the Dents. They have taken out the horseshoe pits to put the deck in, but that is the only change. There is a question about the number of seats allowed; the Fire Marshall and the Health Department numbers are different. Mr. Dent is going to be in contact with Met Com and he will have them issue capacity and fax it to Ms. Hildebrand. Vice Chairman Sacks made the motion for a 60 day

conditional approval of the transfer of the license as submitted and it was seconded by Member Currie. Motion carried.

- Sake

- Application of Xiu Hui Liu to purchase a Class B (Restaurant) B&W license and t/a Sake (Hong Far, Inc.), 21719 Great Mills Rd., Unit 1, Lexington Park, MD 20653.

Xiu Liu appeared before the Board with his Attorney Mike Davis. Mr. Liu is 26 years old, lived in Lexington Park three years and has owned the restaurant one year. He is located in the old McDonalds on Great Mills Road. He has attended the TAM course and understands that he is the individual responsible if there are any problems. He's never held a liquor license before and has worked in a Chinese restaurant in Callaway. He will be open six days a week for lunch and dinner. There are only three other employees in the restaurant and the waiters/waitresses will be serving the drinks to the tables. There will be no bar, and only beer and wine will be served, no mixed drinks. All the servers understand that they have to ask for ID from the person ordering the alcohol. The Board Administrator hasn't received proof that the personal property return for 2010 that needs to be submitted. Mr. Davis explained that there was a mix up because the accountant is in Lanham and that address is what the business address was listed as and was sent to. Mr. Davis is going to look into that and make sure all the paperwork is sent. He is requesting a 90 day conditional approval. There being no protests from the audience, Vice Chairman Sacks made the motion for the 90 day conditional approval and it was seconded by Member Currie. Motion carried.

## **OTHER BUSINESS**

- Beacon Liquors – Eric Ford

- Requesting permission for extension of premise to increase square footage

Eric Ford appeared before the Board to request to expand his store by 500 sq feet for storage only at this time. He may use the area for display at a later date but will come back before the Board if that time comes. He explained that if he can buy beer and wine in bulk, there is a cost savings, so he needs the extra space for storage. Once he gets the approval, he'll get the permits to do the work. He is located in the Callaway Market Place next to Food Lion. Member Currie made the motion for 90 day conditional approval for storage only and it was seconded by Member Palchinsky. Motion carried.

- Dave McKays Liquor – David McKay

- Requesting permission for extension of premise to increase square footage

Mr. McKay appeared before the Board to increase his square footage display area because of the increase in all the different brands of beer and wine. This is for the Charlotte Hall location which he took over in 1991 adjacent to the McKays Grocery Store. Because of the local wineries and the increase in the types of beer being requested he needs approximately 120 square feet of extra space which will be on the opposite side of the grocery store. The liquor store is a separate leased premise from the grocery store, under a court order from Judge Raley, and the license was approved as a separate premise. Any alcohol purchased can be paid for at any of the cash registers in the store. It is rung up as separate and the register actually locks up and tells the cashier to check the ID of the purchaser. He is leasing the portion of the store that he is requesting the extension for. The new lease was submitted with the application. It is not feasible to add the space right next to the liquor store because of refrigeration units in the store. There are no cashiers that are under the age of 18. Mr. Sacks' concern was that the cashiers operating the registers would have underage friends coming in to purchase alcohol. Mr. McKay claimed that there have been no incidents of underage sales since 1983 except for one instance.

In 1993 the Alcohol Beverage Board denied David McKay a liquor license but on 9/14/93, Judge Raley reversed the license denial. Ms. Wood pulled the old file to look at it. The court ordered to

issue Mr. McKay his liquor license. The concern is that there is a law that a grocery store may not hold a liquor license. Mr. McKay is not a grocery store, but he is in a grocery store. Ms. Wood read the portion of Article 2B stating that any class license cannot be issued to a retail chain grocery store. This does not apply to any business already holding a license. As long as he has a lease that shows he is leasing that portion of the store, the court order gives him the right to do this. He is a separate entity from the grocery store. Member Palchinsky made the motion to approve the extension of premise and it was seconded by Member Currie. Motion carried.

- Bollywood Masala – Julia Rudolfo

- Requesting permission for extension of premise to include adjacent Unit # 350

Julia Rudolfo appeared before the Board to request to expand the premise to include Unit # 350. The original lease agreement was for units, 348 & 350, but Mr. Malhotra has never utilized unit 350 until now. He wishes to expand for food consumption, desert bar, offer a wider variety of teas, and for football games. It is a restaurant with servers for the bar but not a sit down bar. Starting off, it will only be for dinners. Once he has the money he will open up the kitchen for serving lunches also. He will not be competing with the Coffee Quarter with various coffees. Building Permit has been cleared and he is waiting on the Health Department and Fire Marshal approval. He has no intent of becoming a lounge. Vice Chairman Sacks made the motion to grant the 90 day conditional approval and Member Currie seconded. Motion carried.

- A & B Liquor – Lang Xu

- Requesting 60 day extension of conditional approval

Lan Xu and Cheng You and Michael Davis appeared before the Board to request extension of conditional approval. The Board granted conditional approval 90 days ago. All the inspections have been completed satisfactorily except for the Fire Marshall who came out yesterday. There are some requirements that need to be completed before he would approve. The exit doors need to be changed, fire proof the drywall in the stairwell, and the basement ceiling needs repairs. There are no kitchen approvals yet as there is not supposed to be a kitchen in the establishment. Things may be finished within two weeks, but sixty days would be more than enough time to complete the repairs if the Board is willing to approve that. Member Currie made the motion to approve the 60 conditional approval and it was seconded by Member Palchinsky. Motion carried.

- Guenther's Fine Wine & Spirits – Dan Guenther

- Requesting guidance from the Board regarding changing class of license from A-1 BWL to D-BWL

Daniel Guenther appeared before the Board just to request guidance from the Board regarding changing his class of license. No action will be taken today. His location is sometimes hard to get into and out of from Route 5, and he believes that if he could entice his customers to stay a little longer than ten minutes, they would be more inclined to frequent his establishment. At this time, he is allowed to hold 12 wine tastings a year. He would like to expand that to have a wine bar, to sip a glass of wine, put in a few tables mingled in with displays, and have some light faire, such as salads or a pate, or light wraps. He doesn't intend for it to be a restaurant or a tavern. He has already met with the Health Department and they are aware of what he wishes to do, and they are all on the same page. He has met with the Fire Marshall and he proposes possibly 8 or 10 tables, but the number of seats wouldn't change, there will be 24. There are a number of restrictions which they would impose on themselves. They in no way want it to look, sound or smell like a bar. No spirits will be sold. Nothing will be served later than 9:00pm, and on Sundays the cutoff time will be 7:00pm. He would like to come back to the board with the restrictions which he is proposing. He has met with the town and assumes the town will approve of what he has planned. He will not be in competition with the winery, they are actually pouring their wines at the wine tasting this weekend and he feels that the two

businesses compliment each other. The winery sends their wines to the store and he sells it. He wishes to upgrade from his Class A to Class D. In 2007 there was some issue of the restrictions to the 12 tastings a year, which the Board denied but this is a different type of request. He is proposing to sell wine by the glass or beer by the glass, not a six pack for consumption on premises. He is not expanding the premises at all and he doesn't want to compete with any of the eateries already in the area. He considers his establishment as a wine shop, not a liquor store. He wants to offer a salad or small cheese tray with a glass of Chardonnay for the experience of something nice and something different to the area. The Board told Mr. Guenther that they actually need an application before they can give any guidance. There are still questions that need to be answered when he makes his application. He hopes to hold Wine tasting classes in the future and educate the public about wine. His manager is his wife and has attended many wine classes which has benefited her and the establishment. He feels this is very unique idea and has never been done before. Mr. Guenther felt he has gotten some sense of how the Board feels and appreciates the time they have taken to hear him.

- *Officer Change – Big Dogs Paradise Postponed*  
- *Deleting James Gilbert Adkins Jr.*

## **BOARD ADMINISTRATOR**

Ms. Hildebrand doesn't have any budget information for the Board but when she does, she will keep the Board updated. There are some concerns about office assistance that should be addressed in the future budget preparations. MALA has asked all the Counties to look at Article 2B to offer changes so they can get them in the next Legislative package. All the requests for New Years were mailed out to establishments that requested them last year. If you didn't receive one, contact the office for one. The deadline is the Monday before the December Board meeting. The office will be closed on November 25 & 26, and she will be out of the office on the prior Tuesday and Wednesday. She will drop off the one day permits at the Treasurers Office if anyone needs one.

Chairman Saldaña asked Ms. Hildebrand to prepare a certificate of appreciation for Adam Morgan who is no longer serving on the Board. She will contact him to see if he can attend one of the meetings, or if not, will mail it to him.

Mr. Thompson reported that so far this year, he has done 140 inspections and spot checks. There were no violations to report.

## **RETAIL BEVERAGE ASSOCIATION**

Mr. Dent appeared on behalf of the Retail Beverage Association and stated that there is nothing new to report. He'll be happy to let all the establishments know about the New Years Eve Requests.

Mr. Saldaña wished Ms Currie a very Happy Birthday. Vice Chairman Sacks made the motion to adjourn and it was seconded by Member Currie. Motion carried.

Respectfully submitted

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Fran Hammett  
Recording Secretary

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Moses Saldaña  
Chairman