

**THE ALCOHOL BEVERAGE BOARD
THURSDAY, FEBRUARY 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, February 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
Linda Palchinsky, Member
William R. Cullins III, Member
Joann Wood, Attorney
Tamara Hildebrand, Board Administrator
Tommy Thompson, Inspector
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 January 13, 2010. A motion was made by Member Currie to approve the minutes as submitted and it was seconded by Member Palchinsky. Motion carried.

1. Violations:

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

- 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.

Canopy Liquors – George Edward Bryant & Mukesh Kumar S. Patel

Shane Mattingly appeared with the license holders regarding this issue. The licensees did admit that the violation did occur and the Board proceeded on the penalty phase. Joann Wood read the facts of the case into the record. After discussions and due to the fact that there was a previous violation from 2008, Vice Chairman Sacks moved to impose a 30 day suspension of the license and it was seconded by Member Currie. The vote was tied with Member Cullins and Member Palchinsky voting nay. In the case of a tie, Chairman Saldaña votes on matters and his vote was in favor of the thirty day suspension. Motion carried 3-2 effective immediately.

Corner Liquors – Michael Francis Herbert & Shambhubhai Keshavial Patel

Shane Mattingly appeared with only one license holder and requested that the hearing be postponed until next month's meeting. Member Cullins made the motion to postpone the hearing until next month and it was seconded by Member Currie. Motion carried 3-1 with Vice Chairman Sacks opposing.

Hermanville C-Store – Mohammad Rahman Qureshi & Darlene Ann Newman

The licensees appeared before the Board 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 fine the licensees \$1000 and it was seconded by Member Palchinsky. Motion carried.

California Wine & Spirits – Michael E. Heimer & Bipinchandra Patel

The licensees appeared by the Board represented by Mike Davis. They did admit that the violation did occur. Joann Wood read the facts of the case into the record. After discussion, Member Currie moved to fine the licensees \$1000 and it was seconded by Member Cullins. Motion carried.

St. James Deli & Spirits – Sherry Lynn Thompson

The licensee appeared before the Board. They did admit that the violation did occur. Joann Wood read the facts of the case into the record. After discussion, Vice Chairman Sacks moved to fine the licensees \$1000 and it was seconded by Member Currie. Motion carried.

2. Other Business

- Guenther's Fine Wine & Spirits – Daniel J. Guenther
 - Requesting reduction of square footage of licensed premise upon the approval of the application for Guenther's Bistro

Mr. Guenther appeared before the Board and reminded them of his reasons to be there. This would be conditional on the approval of his wife's request for a restaurant within his store. Vice Chairman Sacks made the motion to approve the request and it was seconded by Member Currie. Motion carried.

3. Applications:

- Applebee's Neighborhood Grill & Bar
 - Application of Mark J. Kaiser & Cheryl K.S. Morris to transfer Applebee's Neighborhood Grill & Bar (Applebee's of St. Mary's County Licensing, LLC) Class B (Restaurant) BWL license and t/a Applebee's Neighborhood Grill & Bar (Potomac of St. Mary's, LLC), 45480 Miramar Way, California, MD 20619.

The applicants appeared before the Board with their attorney for the transfer of the license. After discussion, Vice Chairman Sacks made the motion to conditionally approve the request for 30 days or upon Fire Marshall approval and it was seconded by Member Currie. Motion carried.

- Guenther's Bistro
 - Application of SuanNie Guenther to purchase a Class B (Restaurant) BWL license and t/a Guenther's Bistro (Guenther's Bistro, LLC), 25470 B Point Lookout Rd., Leonardtown, MD 20650. And permission for extension of premise for outdoor service.

The applicant appeared before the Board with her spouse Daniel Guenther. After discussions, Member Cullins made the motion to conditionally approve the application for on sale only service for 90 days or upon evidence of the following: correction of lease to include dining area, kitchen, public restroom, & extended premise; Health Dept & Fire Marshall approval; Traders License & Occupancy Permit and it was seconded by Member Currie. Motion carried.

- Hula's Bungalow
 - Application of William Vincent Jarboe to purchase a Class D – BWL license and t/a Hula's Bungalow (Icandius Corp.), 23900 N. Patuxent Beach Rd., California, MD 20619. And permission for extra serving counter & extension of premise for east side of building.

The applicant appeared before the Board. Mrs. Hildebrand informed the Board that the Health Dept. stipulated maximum seating of 62 and nothing outside. After discussion, Member Cullins made the motion to grant a 60 day conditional approval upon Health & Fire Marshall approval as well as clearance from both the Comptroller & the Attorney for the Distributors and it was seconded by Member Palchinsky. Motion carried.

- Texas Roadhouse
 - Conditional application of Jeffrey A. Ziccardi, Donald Murray & Emily Valcarcel to purchase a Class B (Restaurant) BWL license and t/a Texas Roadhouse (Texas Roadhouse Holdings, LLC), 45255 Abell House Lane, California, MD 20619.

The applicants appeared before the Board. After discussion, Vice Chairman moved to grant a 180 day conditional approval and it was seconded by Member Currie. Motion carried.

4. Other Business:

- Officer Change – Chef's American Bistro

- Deleting: Francis W. Martin; Adding: Thomas T. Vandy

Member Currie made the motion to approve the change and it was seconded by Member Cullins.

Motion carried.

- Board Administrator – Tammy Hildebrand
 - Budget Approval

Ms Hildebrand gave the FY 12 proposed budget to the Board for approval which needs to be turned into the Finance Department on Feb 11, 2011. Member Currie moved to accept the Baseline Budget as presented and it was seconded by Member Palchinsky. Motion carried. Discussions for the 10% reduction followed. A motion to submit the budget as is without a 10% reduction that was prepared by Ms. Hildebrand per the BOCC request was made by Vice-Chairman Sacks. It was seconded by Member Currie. Motion carried.

- Alcohol Enforcement Coordinator – DFC James Stone
Deputy Stone gave his report for the month of January, 2011.
- Board Inspector – Tommy Thompson
Mr. Thompson gave his report for the month of January, 2011.

- Retail Beverage Association

Mr. Dent appeared before the Board to discuss the last RBA meeting, the new Legislation, and compliance checks that were done last month. He also discussed the underage drinking and Project Graduation.

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

Respectfully submitted

Fran Hammett
Recording Secretary

Moses Saldana
Chairman