

**THE ALCOHOL BEVERAGE BOARD
THURSDAY, JUNE 14, 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, June 14, 2018 at 1:00 P.M. in the County Commissioners Conference Room, Chesapeake Building, Leonardtown, Maryland.

Kevin Hall, Chair
Linda Palchinsky, Vice-Chair
Betty Currie, Member
Leonard Kohl, 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 1:04 p.m. Vice-Chair Palchinsky moved to approve the May 17, 2018 minutes. Motion was seconded by Member Currie. Motion carried.

Old Business

- **Postponed Violations**

Corner Liquors – Shambhubhai Keshavial Patel - On or about January 17, 2018, permitting a person to consume or open any alcoholic beverage on the licensed premises or any other portion of the property of the establishment, including parking areas adjacent to the licensed establishment, in violation of Section 5.04(g) of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.

Shambhubhai Patel and Vijaykumar Patel appeared before the Board and were sworn in. Attorney Shane Mattingly was present to represent the Patels. Attorney Mattingly denies the violation did occur. Cpl. William Ray appeared before the Board and was sworn in. Cpl. Ray stated that he was positioned at the SE corner of the Bay District Volunteer Fire Department on January 17, 2018 at approximately 4:30p.m., when he observed three people drinking alcoholic beverages in a wooded lot next to the establishment. Cpl. Ray then contacted Cpl. Beishline to make contact with the people in the wooded lot. Cpl. Al Beishline appeared before the Board and was sworn in. Cpl. Beishline stated that three people were in the wooded lot consuming alcohol. Cpl. Beishline issued civil citations to the three people for alcohol consumption in public. Cpl. Beishline stated that the owners of the establishment had been warned in the past of

the loitering and alcohol consumption. The Board inquired as to the ownership of the property the loiterers were drinking on. Mr. Patel could not answer. Cpl. Ray testified that the Patels had filed for No Trespass orders on that property in the past and could not do so if they were not the owners. No property records were available to the Board to prove ownership. Member Currie made a motion that the violation did not occur based on the testimony that there is no proof of ownership of the property. Motion was seconded by Member Kohl. Vote was 3:1 Vice-Chair Palchinsky opposed. Motion carried.

New Business

- **Violations**

Bob's Sunoco – Robert E. Belden - Commission of acts on licensed premises on March 18, 2018 contrary to State law in violation of Section 5.04(b) Acts Contrary to Law+of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County; to wit: Distribution of Tobacco Product or Paraphernalia to Minor in violation of Section 10-107 of the Criminal Law Section of the Maryland Annotated Code.

Bob Belden appeared before the Board and was sworn in. Mr. Belden admitted guilt to the violation. Bob's Sunoco had a previous violation within 3 years. Member Kohl made a motion of a fine of \$500.00, \$250.00 of which to be held in abeyance plus reactivation of the \$250 held in abeyance from the previous violation. All to be paid within 10 business days. Motion was seconded by Member Currie. Motion carried.

- **Application**

O.C.I. Pub & Pizza King - Application of Cheryl T. Holmes to transfer OCI/Pizza King Class D-BWL license from Cheryl Holmes & t/a O.C.I. Pub & Pizza King (O.C.I. Pub & Pizza King, LLC), 45413 Lighthouse Rd., Piney Point, MD 20674.

Cheryl Holmes appeared before the Board and was sworn in. Ms. Holmes request was to transfer business from sole proprietor to LLC. Member Currie made a motion for the 90 day conditional approval pending the clearance of the Retail Sales Tax, Fire Marshall and the Health Department. Motion was seconded by Member Kohl. Motion carried.

Stardust Lounge - Application for Philip I. Swales to purchase a Class D-BWL license & t/a Stardust Lounge, 26130 Three Notch Rd., Mechanicsville, MD 20659. And permission for extension of premise & extra serving counter for ballfield during games.

Mr. Philip Swales and Mr. Aloysius Bowman appeared before the Board and were sworn in. Mr. Bowman explained to the Board that he is helping Mr. Swales through the process to get his license reinstated. A letter of protest from Rodney Moore, a former employee, was submitted to the Board and Mr. Swales submitted a rebuttal letter to Mr. Moore's letter. Ms. Hildebrand had Mr. Swales make a correction to the application regarding his answers to the Workers Compensation questions. Vice-Chair Palchinsky made a motion for the 90 day conditional approval pending the clearance of Personal Property & Retail Sales Taxes, Traders License, Fire Marshall and proof of Workers Compensation insurance. Motion was seconded by Member Currie. Motion carried.

- **Premise Changes**

Bollywood- WITHDRAWN

Russell's Store – Janet L. Draper - requesting temporary extension of premise for five (5) outdoor wrestling shows on: 6/16, 7/14, 8/11, 9/8, & 10/6

Janet Draper and her grandson Roger Buckler appeared before the Board and were sworn in. Mr. Buckler stated that he will be using the same plan as they did last year. They will have to get Special Event permit from LUGM and a Health Permit from the Health Department for each day they are having an event .All alcohol will be sold inside the premise and all patrons over 21 will be given a wrist band. Member Kohl made a motion for the conditional approval pending the Special Events permits from LUGM and Health Department prior to the events. Motion was seconded by Member Currie. Motion carried.

Other Business

- **Board Administrator – Tammy Hildebrand**

Rules & Regulation changes-

Changes to 5.01 clarified language on types of penalties the Board could impose. Member Kohl made a motion for the approval. Motion was seconded by Vice-Chair Palchinsky. Motion carried.

Changes to 6.07 added language from State law regarding Boards power to fine up to \$1000 per offense. Member Kohl made a motion for the approval. Motion was seconded by Member Currie. Motion carried.

Addition of 7.03 added language to reflect the \$250.00 application fee, effective July 1, 2018. Member Kohl made a motion for the approval. Motion was seconded by Vice-Chair Palchinsky. Motion carried.

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

Sgt. Myers reported for the month of May that he worked Project Grad and did 8 compliance checks during that time. Project Grad was a success. Sgt. Myers also reported that street patrol conducted 22 compliance checks, had 11 DUI arrests, issued 2 drinking in public citations, had school Resource Officers serve 4 underage citations. Member Kohl requested Sgt. Myers to find out how many MSP DUI arrests are made in a month.

- **Board Inspector – Garland Thompson**

Mr. Thompson did 14 inspections for the month of May.

- **St. Mary's Licensed Beverage Association - Dave Dent - ABSENT**

- **Community Alcohol Coalition – Lauren Abell**

Ms. Abell explained that the focus for the CAC is underage access, continuing to perform compliance checks and over service in establishments.

Adjournment - Member Kohl made a motion to adjourn at 2:40 PM. Motion was seconded by Member Currie. Motion carried

Respectfully submitted,

Suzan Whilden, Recording Secretary

Kevin M. Hall, Chair