

**ALCOHOL BEVERAGE BOARD
THURSDAY, JUNE 9, 2022 @ 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 9, 2022, at 1:00 PM in the County Commissioners Conference Room, Chesapeake Building, Leonardtown, Maryland.

Chairman David Willenborg called the meeting to order at 1:00 pm.

ROLL CALL

Present:

Chairman David Willenborg
Vice-Chair Richard Watts
Member Leonard Kohl
Member Richard Shin
Member Barbara Hill
Tamara Hildebrand, Administrator
Chris Beaver, Attorney
Suzan Dean, Recording Secretary
Kevin Hall, Inspector
Steve Myers, Alcohol Enforcement Coordinator

APPROVAL OF THE AGENDA

Member Kohl moved to approve the agenda for June 9, 2022. Motion was seconded by Member Hill. Motion carried

APPROVAL OF MEETING MINUTES – May 12, 2022

Member Hill moved to approve the minutes for the May 12, 2022 meeting. Motion was seconded by Vice-Chair Watts. Motion carried.

OLD BUSINESS

- **Extension of Conditional Approvals**

Morris Point Restaurant – Christopher Soussanin and Debra A. Soussanin - requesting 90-day extension of conditional approval for outdoor seating.

Christopher Soussanin appeared before the Board and was sworn in. There was a letter presented to the Board allowing Mr. Soussanin to speak on behalf of Debra Soussanin.

Member Shin made a motion to approve a 90-day extension of conditional approval. The motion was seconded by Member Kohl. Motion carried.

NEW BUSINESS

- **Applications**

Opie & KD's Dockside Grill - Application of Rashard A. Jackson to transfer Quades Store (Quades Store, LLC) Class B (Restaurant) BWL license from Sally Jo Quade and t/a Opie & KD's Dockside Grill (7th District Investments, LLC), 36786 Bushwood Wharf Rd., Bushwood, MD 20618. And permission for extension of premise for outdoor seating.

Rashard Jackson appeared before the Board and was sworn in. Mr. Jackson explained the lay-out of the outdoor premise and the restaurant to the Board. Member Kohl made a motion for a 90-day conditional approval pending the out-going licensees' clearance from the Comptroller, Health Department, Fire Marshal, Trader's license and Use and Occupancy. The motion was seconded by Member Shin. Motion carried.

Bard's Bistro & High Tide Games - Application for Rebecca Ali to purchase a Class B (Restaurant) BWL license and t/a Bard's Bistro and High Tide Games, (Esperanza Entertainment, LLC), 22599 MacArthur Blvd., Ste 126, California, MD 20619.

Rebecca Ali appeared before the Board and was sworn in. Ms. Ali explained to the Board that she wants to add a liquor license to her new restaurant. Vice-chair Watts made a motion for a 90-day conditional approval pending personal property clearance, Trader's license, Use and Occupancy and Fire Marshal. The motion was seconded by Member Hill. Motion carried.

Lexington Exchange Movies 12 - Application for Scott R. Cohen, David Gorman Phillips, and David S. Campbell to purchase a Class B (restaurant) BWL on-sale only license and t/a Lexington Exchange Movies 12 (R/C Theatres Management, LLLP), 44800 Oak Crest Dr., California, MD 20619.

Scott Cohen, David Phillips, and David Campbell appeared before the Board and were sworn in. Mr. Campbell explained the training process for the employees and the security measures that will be taken to assure safe alcohol use. There were 22 letters of opposition presented to the Board office. Mrs. Marie Goldsmith spoke in opposition to the licensing of the Lexington Exchange Movies 12. Vice-chair Watts made a motion for a 90-day conditional approval pending Fire Marshal. The motion was seconded by Member Kohl. Motion carried.

- **Violations**

New Market Service Center- Employee: Olivia May Schmidt

The above individual, Olivia May Schmidt, was an employee of a license holder and sold or provided alcoholic beverages to an individual under the age of twenty-one years in

violation of §6-304 of the Alcoholic Beverages Article of the Annotated Code of Maryland and §5.04(j) of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.

Olivia Schmidt appeared before the Board and was sworn in. Ms. Schmidt admitted that the violation did occur. Vice-Chair Watts made a motion of a \$100.00 fine. Motion failed. Member Shin made a motion for a \$250.00 fine. Motion was seconded by Member Hill. Motion carried 4 to 1, Vice-Chair Watts against.

New Market Service Center Licensee(s): Sherri Lynn Bennett, Anita Garg, and Deepak Kumar Garg

Sale of alcoholic beverages to a person under the age of twenty-one (21) in violation of §6-304 of the Alcoholic Beverages Article of the Annotated Code of Maryland and §5.04(j) of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.

Sherri Lynn Bennett, Anita Garg and Deepak Kumar Garg appeared before the Board and were sworn in. Mr. Garg stated that the violation did occur. Attorney Daniel Slade was representing the licensees. Attorney Slade presented to the Board the licensees record of passing the many CAC red card/green card secret shopper checks. He also listed the actions they were taking to prevent another underage sale, including offering incentives to employees who pass a compliance check. Vice-Chair Watts made a motion for a \$1000.00 fine, \$500.00 held in abeyance for 3 years. Motion was seconded by Member Shin. Motion carried.

The Slice House - Employee: John Phillip Held IV

The above individual, John Phillip Held IV, was an employee of a license holder and sold or provided alcoholic beverages to an individual under the age of twenty-one years in violation of §6-304 of the Alcoholic Beverages Article of the Annotated Code of Maryland and §5.04(j) of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.

John Held appeared before the Board and was sworn in. Mr. Held admitted that the violation did occur. Member Shin made a motion for a \$250.00 fine. Motion was seconded by Vice-Chair Watts. Motion carried 4 to 1, Vice-Chair Watts against.

The Slice House Licensee(s): Kenneth Held

Sale of alcoholic beverages to a person under the age of twenty-one (21) in violation of §6-304 of the Alcoholic Beverages Article of the Annotated Code of Maryland and §5.04(j) of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.

Kenneth Held appeared before the Board and was sworn in. Mr. Held admitted that the violation did occur. Vice-chair Watts made a motion for a 1000.00 fine, \$500.00 held in abeyance for 3 years. Motion was seconded by Member Hill. Motion failed. Member Shin made a motion for a \$1000.00 fine, \$250.00 held in abeyance for 3 years. Motion was seconded by Member Kohl. Motion carried 3 to 2. Vice-chair Watts and Member Hill against

Brudergarten - Employee: Johnathan Mark Arakelian

The above individual, Johnathan Mark Arakelian, was an employee of a license holder and sold or provided alcoholic beverages to an individual under the age of twenty-one years in violation of §6-304 of the Alcoholic Beverages Article of the Annotated Code of Maryland and §5.04(j) of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.

Johnathan Arakelian appeared before the Board and was sworn in. Mr. Arakelian admitted that the violation did occur. Member Shin made a motion for a \$250.00 fine. Motion was seconded by Member Hill. Motion carried 4 to 1, Vice-Chair Watts against.

Brudergarten - Licensee(s): Geraldine A. L'Heureux

Sale of alcoholic beverages to a person under the age of twenty-one (21) in violation of §6-304 of the Alcoholic Beverages Article of the Annotated Code of Maryland and §5.04(j) of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.

Member Kohl recused himself from the case due to a personal friendship with Mrs. L'Heureux. Geraldine L'Heureux appeared before the Board and was sworn in. Mrs. L'Heureux admitted that the violation did occur. Member Shin made a motion for a \$1000.00 fine, \$250.00 held in abeyance for 3 years. Motion failed. Vice-chair Watts made a motion for a 1000.00 fine, \$500.00 held in abeyance for 3 years. Motion was seconded by Member Hill. Motion carried 3 to 1, Member Shin against.

BOARD ADMINISTRATOR'S REPORT

Mrs. Hildebrand stated that if any establishments want to send employees to RAST training, just call and sign them up. Following up with the Boards examining the need of continuing the extended hours permit for New Year's Eve, the Board decided that the New Year's Permits will remain status quo at this time. Mrs. Hildebrand explained that there will be no Rules and Regulations changes due to legislative changes, but she and Mr. Beaver plan on doing some language clean-up and will be bringing that to the Board when that is completed.

ALCOHOL ENFORCEMENT COORDINATOR REPORT

For the month of May, Deputy Myers reported:

- 16 Covert Compliance checks / 2 Violation
- 13 DUI's
- 29 MSP DUI'S
- 3 stationary surveillance- no violations
- State Park surveillance- no violations
- 10 Tobacco compliance checks

BOARD INSPECTOR REPORT

For the Month of May Kevin Hall reported:

- 11 inspections
- 2 establishment visits with Tammy
- RAST training
- CAC meeting

BOARD MEMBERS TIME

Chairman Willenborg discussed with the Board that license fees had been waived last year to assist the businesses with any hardships from COVID but now it's time to get back to normal business. The Chairman expressed that he wanted businesses to be successful. Member Shin requested having time to discuss the penalty matrix. The Chairman directed Mrs. Hildebrand to add that to the next agenda that had ample time to discuss.

ADJOURNMENT

Member Kohl made a motion to adjourn at 3:15 pm. Motion was seconded by Member Shin. Motion carried

Respectfully submitted,

Suzan Dean, Recording Secretary

David Willenborg, Chairman