

Minutes – June 12, 2014

The following members of the Board were present at the County Commissioners' Meeting Room, Charles County Government Building, for a regular hearing of the Board of License Commissioners: Pamela Smith, Chairwoman; Wayne Magoon, Vice Chairman; Guy N. Black, Thomasina Coates, and William B. Young. In addition, Alcohol Enforcement Coordinator Master Cpl. Judith Thompson, Associate County Attorney Matthew Clagett, and Lisa Bailey, Clerk/Recording Secretary, were in attendance.

1. Upon a motion made, duly seconded and unanimously carried, the following temporary alcoholic beverage license applications were approved:

Education Association of Charles County, by: Elizabeth Brown, President, for a 1-day temporary alcoholic beverage license to sell/serve Beer Only on Friday, August 22, 2014 from 3-8 pm, at the Charles County Fairgrounds for their 10th Annual Back To School Crab feast with approx. 400 people expected to attend.

Charles County Chamber of Commerce by: Betsy Burian, Executive Director. Appearing on behalf of the applicant was Dee Hancock, for a 1-day temporary alcoholic beverage license to sell/serve Beer, Wine & Liquor, on July 10, 2014 from 5:30-7:30 p.m., at Ferguson Enterprises, Inc., for their monthly mixer with approx. 100 people expected to attend.

Rotary Club of Charles County (LaPlata), Md., by: Jim Cook, for a 1-day temporary alcoholic beverage license to sell/serve Beer only on September 28, 2014 from Noon – 6 p.m., at the Charles County Fairgrounds, for the Lobster Festival fundraiser with approximately 1,000 people expected to attend.

2. **One Day Temporary Open Air Exception**

The Board approved the request filed by Chong Yi Chen, Dongxing Chen, 228 Liquors Limited Liability, Co., t/a Bunker Hill Inn, 9800 Bunker Hill Road, Waldorf, Maryland 20603, to temporarily expand their licensed premises to include a defined outside area, on Saturday, June 21, from 1-10 p.m., in accordance with their written request. The expanded area is to be defined by ropes, approx. 50' x 65', with signage stating "no alcohol beyond this point." The applicant further states 100% ID check, wristbands, bar on inside only, and security checks by licensee.

The Board approved the request filed by Nancy D. Rice t/a The Scuttlebutt, 12320 Neale Sound Drive, Cobb Island, Maryland 20625, to temporarily expand their licensed premises to include a defined outside area, on Saturday, August 2, 2014, from 11 a.m. to 4 p.m., for an auto and motorcycle show fundraiser to benefit the Upward Sports League of Cobb Island, sponsored by the Cobb Island Baptist Church. Security will be provided, and the premises will be defined in accordance with proposed fencing as defined in the submitted drawing.

Both approvals were contingent upon compliance with all further permitting requirements, including those related to the issuance of a Temporary Use Permit, if required by Planning and Growth Management.

3. Harry J. Martin, Jr., Stuart K. Gee, Michael C. Abel, SWH Charles Maryland, Inc., t/a Mimi's Café, 3016 Waldorf Marketplace, Waldorf, MD 20603, for a transfer of the Class B – Beer, Wine & Liquor (on sale only) BLX Luxury Restaurant alcoholic beverage license from Holly Gustafson, David Hebb, James Kosakowski, SWH Charles Maryland, Inc., t/a Mimi's Café, 3016 Waldorf Marketplace, Waldorf, MD 20603. Counsel to the applicant was Leanne Schrecengost, Esquire. Also appearing as a witness on behalf of the licensee was David Swain, General Manager. Testimony was presented by the applicant as to the facts contained in the application, including evidence that Mr. Abel now serves as the resident licensee. The applicants testified that they anticipate no change in operation of the business at the licensed premises. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the application for transfer.

4. Jacob Grier, Ellenwood Investment, LLC, t/a The Scotch Room, Baldus Center, 101 Charles Street, La Plata, Maryland 20646, appeared for a transfer of the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license issued to John Katsouros, trading as Johnny Boy's Ribs, 7530 Crain Highway, La Plata, Maryland 20646. This application also contemplated a transfer to a different location in the 1st Election District of Charles County, Maryland. Counsel to the applicant was Nathan Chapman, Esquire. A Protest to Renew the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license issued to John Katsouros, trading as Johnny Boy's Ribs, 7530 Crain Highway, La Plata, Maryland 20646, is a pending matter before the Board of License Commissioners.

Testimony pertaining to the content of the application was presented by the applicant, including a drawing/diagram of the proposed premises on the 3rd floor of the Baldus building. M/Cpl. Judith Thompson offered testimony pertaining to the placement of the Public Notice poster advertising the date/location of the hearing, stating that in her opinion, the Notice was not placed in a conspicuous place in accordance with the posting requirements set forth in Article 2B, §10-202. Steve Wise, Esquire, spoke on behalf of his client La Plata Liquors, in opposition to the granting of this transfer, relaying their position that the license issued to John Katsouros, trading as Johnny Boy's Ribs, 7530 Crain Highway, La Plata, Maryland 20646, expired on April 30, 2014. Mr. Wise further offered exhibits from three wholesale distributors evidencing that there is no need established for the renewal of the license, as purchases had not been made from the distributor for resale for at least since 2011.

Upon a motion duly made, seconded and unanimously carried, the Board concluded that the applicant did not comply with the posting requirements set forth in Article 2B, Section 10-202, making any further deliberation or conclusions in this matter moot, and ordered that the applicant must comply with the posting requirements set forth in Article 2B, Section 10-202, before the they can consider the application.

5. Donald Scott Creelman, Matthew J. Wickesberg, Claudia Koeppel Levitas, Hooter's of Waldorf, LLC, t/a Hooter's, 3600 Crain Highway, Waldorf, Maryland 20602, for a transfer of the Class B-Beer, Wine & Liquor (on sale) BLX Luxury Restaurant alcoholic beverage license from Donald Scott Creelman, Matthew J. Wickesberg, Gretchen L. Drury, Hooter's of Waldorf, LLC, t/a Hooter's, 3600 Crain Highway, Waldorf, Maryland 20602.

Counsel to the applicant was Ms. Kosloski, Esq. Counsel to the applicant was Jean Kosloski, Esq. The attendance of the continuing officers, Donald Scott Creelman and Matthew J. Wickesberg, was waived by the Board. Claudia Koeppel Levitas appeared and testified to the facts contained in the application and her replacement of Gretchen L. Drury as a corporate officer of Hooter's of Waldorf, LLC. The licensees are contemplating no further change in the operation of the business. In consideration of the testimony and evidence presented and upon a motion duly made, seconded and unanimously carried the Board APPROVED the application of Donald Scott Creelman, Matthew J. Wickesberg, Claudia Koeppel Levitas, Hooter's of Waldorf, LLC, t/a Hooter's, 3600 Crain Highway, Waldorf, Maryland 20602, for a transfer of the Class B-Beer, Wine & Liquor (on sale) BLX Luxury Restaurant alcoholic beverage license from Donald Scott Creelman, Matthew J. Wickesberg, Gretchen L. Drury, Hooter's of Waldorf, LLC, contingent upon the filing of a satisfactory FBI criminal history background report and payment of the appropriate transfer fee.

6. Jeremy A. Bull, Jerry Dianis, Judith Allean Browne Dianis, Newburg Food, LLC, t/a Potomac Boathouse Grille, 11415 Pope's Creek Road, Newburg, Maryland, appeared for a new Class B – Beer, Wine & Liquor (on sale only) alcoholic beverage license. Counsel to the applicants was David Hruda, Esq. Testimony was presented by the applicants as to the facts contained in the application, including evidence that Jeremy A. Bull holds a 20% interest and serves as a managing member of Newburg Food, LLC; and that both Jerry Dianis and Judith Dianis each hold a 40% and serve as the remaining managing members of Newburg Food, LLC. This application contains a request to extend the licensed premises to include a defined outside area, which will be addressed in a separate Consent Order.

Upon a motion duly made, seconded and unanimously carried, the Board ORDERED, that the application for a new Class B – Beer, Wine & Liquor (on sale only) alcoholic beverage license Jeremy A. Bull, Jerry Dianis, Judith Allean Browne Dianis, Newburg Food, LLC, t/a Potomac Boathouse Grille, 11415 Pope's Creek Road, Newburg, Maryland 20664, is hereby approved contingent upon filing a satisfactory CJIS/FBI criminal history background check for Jeremy Bull, credit rating for all three applicants; alcohol awareness certification, Health permit, Use & Occupancy Permit, State of MD Sales Tax ID, Workers' Comp certification, along with payment of the appropriate license fee, by September 15, 2014.

7. Radha Chetry, Radha Properties, LLC, t/a Nanjemoy Country Store & Bar, 1979 Liverpool Point Road, Nanjemoy, Maryland 20662, for a transfer of the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license from Greg Beldon Agor, GNS, LLC, Nanjemoy Country Store & Bar, 1979 Liverpool Point Road, Nanjemoy, Maryland 20662. . Counsel to the applicant was Isaac J. McAddams, Esq. Radha Chetry appeared and testified to the facts contained in the application, including evidence that she and her husband are the property owners for the licensed premises, and formerly held the Class D alcoholic beverage license in her name. This transfer is contemplated as a result of the vacation of the premises by their tenants. The applicant is contemplating no further change in the operation of the business.

Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board ORDERED, that the application of Radha Chetry, Radha Properties, LLC, t/a Nanjemoy Country Store & Bar, 1979 Liverpool Point Road, Nanjemoy, Maryland 20662, for a transfer of the Class D – Beer, Wine & Liquor (on/off

sale) alcoholic beverage license from Greg Beldon Agor, GNS, LLC, Nanjemoy Country Store & Bar, 1979 Liverpool Point Road, Nanjemoy, Maryland 20662, is hereby APPROVED contingent upon certification of successful completion of an alcohol awareness training, and upon payment of the appropriate transfer fee.

7. Protest to Renew the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license issued to John Katsouros, trading as Johnny Boy’s Ribs, 7530 Crain Highway, La Plata, Maryland 20646. This matter initially came before the Board of License Commissioners on April 9, 2014. Mr. John Katsouros appeared then and was represented by John Mudd, Esq. Upon a motion duly made, seconded and unanimously carried, the Board granted the Request for a Continuance and postponed the hearing on the Protest until June 12, 2014.

On June 12, 2014, the Board recalled the Matter. Appearing on behalf of the licensee was Nathan Chapman, Esq. Steve Wise, Esquire, testified on behalf of La Plata Liquors, generally reiterating his previous testimony and position that the Class D alcoholic beverage license expired and supports the Board’s protest to renew. Also testifying in support of the Board’s protest was Charles Loscocco. The applicant/licensee, John Katsouros, failed to appear; and the Board refused a request to continue the matter to the August hearing. No application, evidence, testimony, or defense to the Protest to Renew was submitted by the applicant/licensee. Whereas, Article 2B, §10-301 requires that “[i]f the protest has been filed it shall be heard and determined as in the case of original applications,…” and consequently the Board must make certain findings before it may renew the license as set forth in Article 2B, §10-202. Therefore, upon a motion duly made, seconded and unanimously carried, the Board ordered that the Protest to Renew the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license issued to John Katsouros, trading as Johnny Boy’s Ribs, 7530 Crain Highway, La Plata, Maryland 20646, be upheld and the 2014 license renewal DENIED.

8. The clerk reiterated the Board’s decision to continue the Protest to Renew the Class B – Beer, Wine & Liquor (on sale only) alcoholic beverage license issued to Carl R. Baldus, Jr., WIJV Restaurant, LLC, trading as Damon’s - Holiday Inn, 45 St. Patrick's Drive, Waldorf, Maryland 20603, to their September hearing, with an update in July, 2014)

9. The clerk advised that Eugene Johnson, t/a The Palador Store & Club, 3360 Livingston Road, Indian Head, Maryland 20640, continues to have outstanding issues with the Comptroller in regard to their 2014 renewal application. Upon a motion duly made, seconded and unanimously carried, the license died for failure to file the appropriate documents to renew.

10. Show Cause in the matter of the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license issued to Najib Nazmi Bakir, Preetanjan K. Grewal, Anup Portside, LLC, t/a Portside Liquors, 6967 Indian Head Highway, Bryans Road, Maryland 20616. The Board approved a request to continue this matter to the next hearing date as attorney for the licensee, Hammad Matin, Esq., had a conflict with previously scheduled court appearances.

11. Show Cause in the matter of the Class B – Beer, Wine, Liquor (on sale only) BLX Luxury Restaurant alcoholic beverage license issued to Joseph G. Kern, Miranda O'Bryan Mudd Farren, Coleen M. Hunter, GMR Waldorf, Inc., t/a Red Lobster #557, 11035 Mall Circle, Waldorf, Maryland 20603. The Board approved a request to continue this matter to the next hearing

date as the resident licensee is serving jury duty.

12. Show Cause in the matter of the Class B – Beer, Wine, Liquor (on sale only) alcoholic beverage license issued to Demetres Georgos Goumis, Georgos Demetre Goumis, Robert E. Johnston, III, EDEM Ventures, LLC, t/a Mama Stella's Ristorante Italiano, 7075 Indian Head Hwy, Bryans Road, MD 20616. The Board approved a request to continue this matter to the next hearing date.

13. Show Cause in the matter of the Class D – Beer & Wine (on/off sale), Liquor (off sale only) alcoholic beverage license issued to Michael Lee Rison, Jagruti K. Kasvala, Murphy's Store, LLC, t/a Murphy's Store, 8505 Port Tobacco Road, Port Tobacco, Maryland 20677. The Board approved a request to continue this matter to the next hearing date as the licensee is out of the Country.

14. The Board accepted the resignation of Melissa Nicole Winters from the Class B-BWL (on sale only) alcoholic beverage license issued to Destine, Inc., t/a Hard Times Cafe & Cue, 1120 Smallwood Drive West, Waldorf, MD 20603, leaving the sole officers and resident license holders, John Constantin and Kathy Constantin.

15. The Board adopted the proposed amendments to the County Board of License Commissioners Rules and Regulations. A copy of which is attached to these Minutes.

16. M/Cpl. Judith Thompson, submitted the 1st Quarterly Report for 2014. In addition, her monthly report evidenced 21 compliance checks conducted, with only one failure. The following licensees passed:

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| 1. The Greens Wine & Spirits, Bel Alton | 11. Blue Dog Saloon, Port Tobacco |
| 2. Rosewick Wine & Spirits, La Plata | 12. Nanjemoy General Store, Nanjemoy |
| 3. Berry Country Market, Waldorf | 13. Lee's Market, Glymont |
| 4. Angelo's Liquors, Waldorf | 14. Golden Star Chinese Rest, Bryans Rd |
| 5. Berry Road Beer & Wine, Waldorf | 15. Mimi's Café, Waldorf |
| 6. Szechaun Garden Rest, Waldorf | 16. Joe's Noodle House, Waldorf |
| 7. Famous Dave's, Waldorf | 17. Shymansky's Restaurant & Marina |
| 8. Acton Liquor Store, Waldorf | 18. Cobb Island Market, Cobb Island |
| 9. 925 Liquors, Waldorf | 19. Huntt's Corner Tavern, Pomfret |
| 10. Village Liquors, Waldorf | 20. Waldorf Moose Lodge #1709, WPlains |

17. Upon a motion duly made, seconded and unanimously carried, the Board approved the Minutes of the April 10, 2014, May 8, 2014, and May 29, 2014 hearings.

18. The clerk provided the Board members with a copy of the MALA Conference Agenda.

With no further business the meeting adjourned at approximately 2:00 p.m. The next meeting is scheduled for July 10, 2014.