

Minutes – May 8, 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, Alcohol Inspector Greg Kiesel, 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:

BRVFD & RS, by Paul M. Tackish, for 2 one-day temporary ABLs to sell/serve BWL on Saturday, May 10; and Saturday, June 14, 2014 from 6 p.m. to 2 a.m., at the fire house for a monthly Texas Hold'em fundraisers with approx. 50 people expected to attend each event.

Mechanicsville Moose Lodge #495, by William E. Males & Francis Dorwart, for a 1-day temporary alcoholic beverage license to sell/serve Beer, Wine & Liquor on Friday, June 13, 2014 from 7 a.m. to 3 p.m., at White Plains Golf Course for their 10th annual fundraiser to benefit John Hopkins Research, with approx. 80 people expected to attend.

St. Mary's Catholic Church, by Rudolf A. Carrico, Jr., for two (2) 1-day temporary alcoholic beverage licenses to sell/serve Beer, Wine & Liquor on Sunday, May 25, 2014 from 1-5 p.m., and on Sunday, June 29, 2014, for fundraisers with approximately 150 people expected to attend.

College of Southern Maryland, by Shaunda Holt, for three (3) 1-day temporary alcoholic beverage licenses to sell/serve Beer, Wine & Liquor on the following dates, for classes offered at the College of Southern Maryland with approx. 14 people to attend each event:

Thursday, June 5, 2014 – 6:30-9:30 PM – Girls Night Out

Thursday, June 12, 2014 – 6:30 – 9:30 PM – Summer Wines

Thursday, July 10, 2014 – 6:30 – 9:30 PM – Girls Night Out

Kids Fit Foundation, by: Mike Long, for a 1-day temporary alcoholic beverage license to sell/serve Beer only on Saturday, July 26, 2014 from 8:30 a.m. to 8:30 p.m. at 11110 Kingston Place, Charlotte Hall, MD, in a fenced-in "beer garden type" area with security, for a race/fundraiser with approximately 1,000 people expected to attend, contingent upon acquisition of all necessary permits.

Tom deSabra for Commissioner, by: Tom deSabra, for a 1-day temporary alcoholic beverage license to sell/serve Beer & Wine only on Saturday, May 17, 2014 from 4-9:00 p.m., on the front lawn at Linden Farm, 8530 Mitchell Road, La Plata, for a fundraiser with approx. 150 people expected to attend.

One Day Temporary Open Air Exception

The Board approved the request of James J. Gorney, Darren Scott Hubbard, Nicholas Biello, V.S.I. of Maryland, Inc., t/a Centerplate, (a/k/a Regency Furniture Stadium) 5375 Piney Church Road, Waldorf, Maryland 20602, to expand their licensed premises to a defined outside area on for an event scheduled for July 4, 2014, in accordance with Mr. Biello and Patrick Day's written request and presentation before the Board.

2. Raymond W. Curtis, George Jones, Brock Anderson, WD Steakhouse, LLC, t/a The All American Steakhouse & Sports Theater, 35 St. Patrick's Drive, Waldorf, Maryland 20602, appeared for a new Class B – Beer, Wine & Liquor (on sale only) alcoholic beverage license. Counsel to the applicants was Roger Lee Fink, Esq. Testimony was presented by the applicants as to the facts contained in the application, including evidence that Raymond W. Curtis, serves as resident licensee, managing member, and maintains a 20% interest in WD Steakhouse, LLC. Brock Anderson and George Jones each serve as managing members and each maintain a 26.67% interest in WD Steakhouse, LLC. The applicants also testified that there was no plan for an outside service area. Mr. Anderson did not appear, however counsel agreed to submit a signed Affidavit from Mr. Anderson attesting that the facts contained in the application are true. In consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the application contingent upon filing a Health Permit, Use & Occupancy permit, Maryland Sales Tax ID, Workers' Compensation certification, along with payment of the appropriate license fee, by August, 2014. If the applicants foresee a delay in the August opening/issuance date they agree to notify the Clerk.

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. In response to a request from counsel to the applicant, this matter was continued to June 12, 2014.

4. Ype Von Hengst, Georgios Ioannis Markomanolakis, Silver Diner Waldorf, LLC t/a Silver Diner, 3081 Festival Way, Waldorf, Maryland 20601, appeared for a new Class B – Beer, Wine & Liquor (on sale only) BLX Luxury Restaurant alcoholic beverage license. Counsel to the applicant was Linda Carter, Esq. Testimony was presented by the applicants as to the facts contained in the application, including evidence that Mr. Hengst and Mr. Markomanolakis are managing or authorized members of Silver Diner Waldorf, LLC, with Mr. Markomanolakis serving as resident licensee. Testimony was further offered that Mr. Markomanolakis that he also serves as resident licensee on the BLX alcoholic beverage license issued to Buffalo Wild Wings. The applicants testified as to the uniqueness of the product offered, utilizing local farm-fresh fare whenever possible and offering a menu of healthy alternatives to their customers. The premises are expected to open by June 15. In consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the application contingent upon filing a Health Permit, Use & Occupancy permit, Maryland Sales Tax ID, signed organizational minutes, and assignment of lease. If the applicants foresee a delay in the August opening/issuance date they

agree to notify the Clerk.

5. The clerk advised that Heidi Fick had completed the transfer process and picked up her Class D – Beer, Wine (on/off sale), Liquor (off sale only) alcoholic beverage license. Therefore, upon a motion duly made, seconded and unanimously carried, the Board withdrew the Protest to Renew the alcoholic beverage license issued to John R. Pickeral, trading as Ironsides Store, 6130 Port Tobacco Road, Ironsides, Maryland 20643.

6. The Clerk reiterated the Board's decision to continue the Protest hearing until the June hearing in the matter 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.

7. The clerk that in the matter of 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, although on April 10 the Board approved renewal/hold on license until September 2014, with an update in July, 2014, the licensee had not satisfied all outstanding items nor paid the renewal fee or the Publication fee to the Maryland Independent in re to the Protest to Renew. The Board approved the clerk's proposal to contact the licensee w/re to the above outstanding issues.

8. The clerk apologized and advised the Board that she had failed to properly post or publish the pending transfer application filed by William Grow, Halfway Liquors & Bar, Inc., t/a Halfway Liquors, which would have potentially impacted the Protest to Renew the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license issued to Anne Marie Woodford, Halfway Liquors & Bar, Inc., t/a Woody's Tavern, 6970 Hawthorne Road, La Plata, Maryland 20646. The Board graciously scheduled a special meeting for Thursday, May 9 at 9:00 a.m. to hear this application only.

9. Show Cause in the Matter of the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license issued to Swati Patel, Katherine S. Cooper, Big Mouth Club, LLC, t/a Big Mouth Beer, Wine & Spirits, 2175 Crain Highway, Waldorf, Maryland 20601. Associate County Attorney Adam Storch and counsel to the licensee, David Martinez, Esq., appeared and sought the Board's permission to continue the matter of the Show Cause hearing until the August hearing date. At that time they anticipate that enough data will have been collected after the remedial measures have been in place throughout the summer to determine whether or not they have been successful. Upon consideration of the testimony the Board agreed to recall the matter at their August hearing.

10. The clerk advised that Walter Lee Nash, Sr., Margaret Hodo Nash, Lefty's Barbeque Unlimited, Inc., t/a Lefty's Barbeque – 2064 Crain Highway, Waldorf, MD, has now paid for their renewal and will provide a further update as to their anticipated reopening date after the completion of their renovations due to a fire at the premises.

11. The clerk advised that the following licensees have failed to renew their alcoholic beverage licenses. Upon a motion duly made, seconded and unanimously carried, the Board moved to recall these matters at their next hearing if they remain pending.

- ~ Faustine Yvette Robinson, Awanda Michelle Williams, Robinson & Williams Enterprises, LLC, t/a Deja Blu, 9425 Berry Road, Waldorf, Maryland 20603, Class D – BWL (on/off sale); outstanding item with Comptroller; 6th E.D. HB 419/Chapt.402 signed – amends formula to determine Off-sale capacity in 6th e.d. 1/2700 people. Effective July 1, 2014 there will be no further capacity in 6th e.d.
- ~ Liyin Cheng, Great Wall of Waldorf Cheng Corporation, Inc., t/a Joe's Noodle House, 1302 Smallwood Drive, Waldorf, Maryland 20603; 2012, 2013 & 2014 Personal Property Tax Returns not filed. Class B – BWL (on sale only)
- ~ Eugene Johnson, t/a The Palador Store & Club, 3360 Livingston Road, Indian Head, Maryland 20640; outstanding issues w/Comptroller. Class D – BWL (on/off)

12. The clerk shared the comments/revisions proposed by Angela Sherard, Liaison, Westlake Advocates with regard to the proposed amendments to the Charles County Board of License Commissioners Rules and Regulations. In regard to item 1: the clerk provides a copy of the Agenda to the Public Information Officer to be posted on line, and publishes the Agenda to the Board of License Commissioners' website. Item no. 2, a copy of the Agenda is mailed to Charles County Public Schools and the Charles County Board of Education. In re to Item no. 3, the Board agreed to amend the proposed regulations to include the word RENOVATION.

13. Upon a motion duly made, seconded and unanimously carried, the Board approved the Minutes of the March 13, and April 10, 2014 hearings.

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

With no further business the meeting adjourned at noon. The next meeting is scheduled for June 12, 2014.