

## Minutes – March 12, 2015

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, Chairman, William B. Young, Vice Chairman, Guy N. Black, Thomasina Coates and Steve Lowe. Also appearing in support of the Board were M/Cpl. Judith Thompson, Inspector Greg Kiesel, Associate County Attorney Matthew Clagett, and Lisa Bailey, Clerk/Recording Secretary.

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

Sigma Alpha Lambda Foundation, by Derrick D. Nunn, for a 1-day temporary alcoholic beverage license to sell/serve BWL (wine only), on Saturday, April 18, 2015 from 6:30-11:00 p.m. inside the La Plata Fire Station for an Annual Scholarship (Murder mystery) Fundraiser with approx. 176 people expected to attend.

Grace Lutheran Church and School, by: Rebecca Lee Hoffman, for a 1-day temporary alcoholic beverage license to sell/serve BWL on Saturday, April 11, 2015, from 7-11 p.m. inside the GLCS Family Life Center for a Big Band themed fundraiser with approx.. 200 people expected to attend.

La Plata Volunteer Fire Department Inc., by: Lynn D. Gilroy, for two (2) 1-day temporary alcoholic beverage licenses to sell/serve BWL on Saturday, April 25, 2015; and, Saturday, May 30, 2015; each from 7 PM to 2 AM, for Texas Hold'em tournaments with approx. 75-100 people expected to attend each event.

2. Paula Adriani Capoen, Kenneth Russo, Carrabba's of Waldorf, Inc. t/a Carrabba's Italian Grill, 3754 Crain Highway, Waldorf, Maryland 20602, appeared for a transfer of the Class B - BWL (on sale) BLX Luxury Restaurant alcoholic beverage license from Kenneth Russo, Deidre M. Barnett, Carrabba's of Waldorf, Inc. t/a Carrabba's Italian Grill, 3754 Crain Highway, Waldorf, Maryland 20602. Counsel to the applicant was Nicholas J. Kallis, Esq. Testimony was presented by the applicants as to the facts contained in the application, including evidence that this application constitutes a substitution of corporate officers, with Ms Capoen replacing Deidre M. Barnett, now serving as Resident Licensee. The Board cautioned the licensees as to compliance with alcoholic beverage laws and the Board's rules and regulations and recommended alcohol management certification for those employees involved in the sales/service of alcoholic beverages. No further change in the operation of the business is anticipated. This BLX Luxury Restaurant alcoholic beverage license is one of three held in Charles County by the parent company.

Upon consideration of the testimony and evidence presented and upon a motion duly made, seconded and unanimously carried, the Board approved the transfer contingent upon payment of the appropriate transfer fee.

3. Andre Joseph Capoen II, Stanley Minniefield, Outback of Waldorf, Inc. t/a Outback Steak House, 3020 Crain Highway, Waldorf, Maryland 20601, appeared for a transfer of the Class B - BWL (on sale only) BLX Luxury Restaurant alcoholic beverage license from Cornell Lincoln Barnett, Outback of Waldorf, Inc. t/a Outback Steak House, 3020 Crain Highway, Waldorf, Maryland 20601. Counsel to the applicant was Nicholas J. Kallis, Esq. Testimony was presented by the applicants that as to the facts contained in the application, including evidence that this application constitutes a substitution of corporate officers, with Mr. Capoen serving as Resident Licensee. The Board cautioned the licensees as to compliance with alcoholic beverage laws and the Board's rules and regulations and recommended alcohol management certification for those employees involved in the sales/service of alcoholic beverages. No further change in the operation of the business is anticipated. This BLX Luxury Restaurant alcoholic beverage license is one of three held in Charles County by the parent company.

Upon consideration of the testimony and evidence presented and upon a motion duly made, seconded and unanimously carried, the Board approved the transfer contingent upon payment of the appropriate transfer fee.

4. Andre Joseph Capoen II, Stanley Minniefield, Outback of La Plata, Inc. t/a Outback Steak House, 6649 Crain Highway, La Plata, Maryland 20646, appeared for a transfer of the Class B - BWL (on sale only) BLX Luxury Restaurant alcoholic beverage license from Cornell Lincoln Barnett, Outback of La Plata, Inc. t/a Outback Steak House, 6649 Crain Highway, La Plata, Maryland 20646. Counsel to the applicant was Nicholas J. Kallis, Esq. Testimony was presented by the applicants that as to the facts contained in the application, including evidence that this application constitutes a substitution of corporate officers, with Mr. Capoen serving as Resident Licensee. The Board cautioned the licensees as to compliance with alcoholic beverage laws and the Board's rules and regulations and recommended alcohol management certification for those employees involved in the sales/service of alcoholic beverages. No further change in the operation of the business is anticipated. This BLX Luxury Restaurant alcoholic beverage license is one of three held in Charles County by the parent company.

Upon consideration of the testimony and evidence presented and upon a motion duly made, seconded and unanimously carried, the Board approved the transfer contingent upon payment of the appropriate transfer fee.

5. Cheung Fui Chan (aka "George" Chan), Nicole D. Chen, Celeste Cunningham, 228 Market & Liquor, LLC, t/a 228 Market, 10965 Berry Road, Waldorf, Maryland 20603, appeared for a transfer of the Class A – Beer, Wine & Liquor (off sale only) Package Goods alcoholic beverage license from Kenneth M. Whyte, 228 Market, Inc., t/a 228 Market, 10965 Berry Road, Waldorf, Maryland 20603. Counsel to the applicant was David J. Martinez, Esquire. Testimony was presented by the applicants that as to the facts contained in the application. Each member of the LLC serves as an "Authorized Member," with Cheung Fui Chan holding a 55% interest, Nicole D. Chen holding a 25% interest, and Celeste Cunningham serving as Resident Licensee and holding a 20% interest. Also testifying on behalf of the applicant and serving as translator to Cheung Fui Chan was Mae Chan. Ms. Chan testified that she along with Mr. Chan will manage the day-to-day operation of the business. The Board cautioned the licensees as to compliance with alcoholic beverage laws and the Board's rules and

regulations and recommended alcohol management certification for those employees involved in the sales/service of alcoholic beverages. No further change in the operation of the business is anticipated. Settlement of the real property is anticipated by end of March.

Upon consideration of the testimony and evidence presented and upon a motion duly made, seconded and unanimously carried, the Board approved the transfer contingent upon a Use & Occupancy Permit, Maryland Tax ID#, Lease, and property settlement, along with payment of the appropriate transfer fee within 45 days.

6. Dongxing Chen, Hsu Dong Chen, 228 Liquors, LLC, t/a Bunker Hill Inn, 9800 Bunker Hill Road, Waldorf, Maryland 20603, appeared for a transfer of the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license issued to Dongxing Chen, Chong Yi Chen, 228 Liquors LLC, t/a Bunker Hill Inn, 9800 Bunker Hill Road, Waldorf, Maryland 20603. Counsel to the applicant was Nathan Chapman, Esquire. Testimony was presented by the applicants that as to the facts contained in the application, which constitutes a substitution of officers with Hsu Dong Chen replacing Chong Yi Chen as an Authorized Member of the LLC. Mr. Dongxing Chen continues to serve as Resident Licensee and holds a 50% interest, and Hsu Dong Chen will now hold the remaining 50% interest in the LLC. The Board cautioned the licensees as to compliance with alcoholic beverage laws and the Board's rules and regulations and recommended alcohol management certification for those employees involved in the sales/service of alcoholic beverages. No further change in the operation of the business is anticipated.

Upon consideration of the testimony and evidence presented and upon a motion duly made, seconded and unanimously carried, the Board approved the transfer contingent upon payment of the appropriate transfer fee.

7. Joseph J. Wisnewski, Sumit Gupta, Waldorf Cigar Bar and Lounge, LLC, t/a Tinder Box, 2754 Crain Highway, Waldorf, Maryland 20601, re-appeared after adjudication of the Show Cause Order issued to Jeffrey Lustig, Joseph J. Wisnewski, Von Lustig, Inc., t/a Tinder Box, 2754 Crain Highway, Waldorf, Maryland 20601. Counsel to the applicant was Robert Kim, Esquire. Testimony was previously presented on February 12, 2015, by the applicants as to the facts contained in the application, including evidence that Mr. Wisnewski will continue to serve as resident licensee under the new company. The applicants anticipate no change in operation of the premises. The Board cautioned the licensees as to compliance with alcoholic beverage laws and the Board's rules and regulations and recommended alcohol management certification for those employees involved in the sales/service of alcoholic beverages. The applicants further testified that they anticipate no formal entertainment at the premises.

Upon consideration of the testimony and evidence presented and upon a motion duly made, seconded and unanimously carried, the Board approved the transfer contingent upon payment of the appropriate transfer fee.

8. Mahesh M. Brahmhatt, Amit R. Savani, SSARP, LLC, t/a Big B Liquors, 7099 Indian Head Highway, Bryans Road, Md 20616, appeared for a transfer of the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license from Virginia Ann Crane, Dr. Vincent J. Bonini, Bonini Enterprises, Ltd. t/a Big B Liquors, 7099 Indian Head Highway, Bryans Road, Maryland 20616. Counsel to the applicant was Isaac J. McAdams, Esq. Testimony was

presented by the applicants as to the facts contained in the application, including evidence that the applicants are each authorized to do business on behalf of the LLC, with Mr. Savani holding an 80% interest, and Mr. Brahmhatt holding the remaining 20% interest and serving as resident licensee. Mr. Brahmhatt also testified that from 2008 through 2013, he held an alcoholic beverage license in Charles County trading as Rosewick Wine & Spirits. The applicants anticipate no change in the type of business to be conducted at the premises. The Board cautioned the licensees as to compliance with alcoholic beverage laws and the Board's rules and regulations and recommended alcohol management certification for those employees involved in the sales/service of alcoholic beverages. The applicants further testified that they anticipate no formal entertainment at the premises.

Upon consideration of the testimony and evidence presented and upon a motion duly made, seconded and unanimously carried, the Board approved the transfer contingent upon settlement and payment of the appropriate transfer fee.

9. Show Cause in the Matter of the Class B – Beer, Wine & Liquor (on sale only) alcoholic beverage license issued to Jeffrey Lustig, Joseph J. Wisnewski, Von Lustig, Inc., t/a Tinder Box, 2754 Crain Highway, Waldorf, Maryland 20601, alleging service to an Approved Underage Person on January 13, 2015. The licensee and clerk admitted to the allegation and offered testimony in mitigation of the Board's penalty. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board ordered that the licensee(s) be fined \$750.00; that the server, Ronald Eugene Linthicum, be fined \$150.00; and that the server, Cindi Michele McDaniel, be fined \$50.00, each made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 14-days of the date of this Order.

10. Show Cause in the Matter of the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license issued to Song S. Kim, INCO, Inc., t/a Hardesty's Inn, 12190 Crain Highway, Newburg, Maryland 20664, alleging service to an Approved Underage Person on January 13, 2015. The licensee and clerk admitted to the allegation and offered testimony in mitigation of the Board's penalty. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board ordered that the alcoholic beverage license be suspended for a period of three days, with three of the three days held in abeyance for three years from the date of this hearing; that the licensee be fined \$750.00; and that the server, David Soo Moon, be fined \$150.00; each made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 14 days of the date of the Order.

11. Show Cause in the Matter of the Class D - BWL (on/off sale) alcoholic beverage license issued to Pargat Singh Mand, PSL Brothers LLC, t/a Drive-In Liquors, 10620 Crain Highway, North Faulkner, Maryland 20632, alleging service to an Approved Underage Person on January 13, 2015. The licensee and clerk admitted to the allegation and offered testimony in mitigation of the Board's penalty. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board ordered that the alcoholic beverage license be suspended for a period of three days, with three of the three days held in abeyance for three years from the date of this hearing; and that the licensee be fined \$750.00; and, that the server, Satinder Pal Singh, be fined \$100.00, each fine made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 14 days

of the date of the Order.

12. Show Cause in the Matter of the Class B-BWL(on sale) alcoholic beverage license issued to Cherry Ann Mitchell Stackhouse, The Greene Turtle La Plata LLC, t/a The Greene Turtle, 6 St. Mary's Avenue, La Plata, Maryland 20646, alleging service to an Approved Underage Person on January 13, 2015. Counsel to the licensee was Sue A. Greer, Esq. Also appearing on behalf of the licensee were witnesses, Chris Reel and Michael Highland, Manager. The licensee and clerk admitted to the allegation and offered testimony in mitigation of the Board's penalty. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board ordered that the alcoholic beverage license be suspended for a period of three days, with three of the three days held in abeyance for three years from the date of this hearing; and that the licensee be fined \$750.00; and that the server, Emily Elizabeth Smith, be fined \$100.00; each made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 14 days of the date of the Order.

13. Show Cause in the Matter of the Class B - BWL (on sale only) alcoholic beverage license issued to Robert Allan Riccardo, Jr., Simon Aristides Gutierrez, El Dorado Restaurant, LLC, t/a El Dorado Restaurant, 316 E. Charles Street, La Plata, Maryland 20646, alleging service to an Approved Underage Person on January 13, 2015. The licensee and clerk admitted to the allegation and offered testimony in mitigation of the Board's penalty. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board ordered that the alcoholic beverage license be suspended for a period of three days, with three of the three days held in abeyance for three years from the date of this hearing; and, that the licensee be fined \$750.00, made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 14 days of the date of this Order; and, that the server, Michael Gomez, be fined \$100.00; each fine made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 14 days of the date of the Order.

14. Show Cause in the Matter of the Class D - BWL (on/off sale) alcoholic beverage license issued to Virginia Ann Crane, Dr. Vincent J. Bonini, Bonini Enterprises, Ltd., t/a Big B Liquors, 7099 Indian Head Highway, Bryans Road, Maryland 20616, alleging service to an Approved Underage Person on January 16, 2015. Counsel to the licensee was Hammad Matin, Esq. Also appearing as a witness for the licensee was Martha Artis, Manager/employee, as well as numerous staff members appearing in support of the licensee. The licensee and clerk admitted to the allegation and offered testimony in mitigation of the Board's penalty. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board ordered that the licensee(s) be fined \$1500.00; and, that the server(s), Rebecca Ann Darr, be fined \$300.00; each made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 30-days of the date of the Order.

15. Show Cause in the Matter of the Class D - BW (on/off) L (off sale only) alcoholic beverage license issued to Sondra M. Gray, Gray Brothers' Market, Inc., t/a Gray Brothers Store, 4000 Chicamuxen Road, Marbury, MD 20658, alleging service to an Approved Underage Person on January 16, 2015. The licensee and clerk admitted to the allegation and offered testimony in mitigation of the Board's penalty. Upon consideration of the testimony and

evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board ordered that the alcoholic beverage license be suspended for a period of three days, with three of the three days held in abeyance for three years from the date of this hearing; and, that the licensee be fined \$750.00; and that the server, Michele Marie Gill, be fined \$100.00); each made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 14 days of the date of the Order.

16. Show Cause in the Matter of the Class D - BWL (on/off sale) alcoholic beverage license issued to William B. Tisdell, IV, Jonathan R. Hash, Jr., Scott's II Welcome, LLC, t/a Scott's II, 7050 Port Tobacco Road, Welcome, Maryland 20693, alleging service to an Approved Underage Person on January 20, 2015. The licensee and clerk admitted to the allegation and offered testimony in mitigation of the Board's penalty. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board ordered that the alcoholic beverage license be suspended for a period of three days, with three of the three days held in abeyance for three years from the date of this hearing; and, that the licensee be fined Seven Hundred Fifty Dollars (\$750.00); and, that the server, Michael David Vogel, be fined One Hundred Dollars (\$100.00); each made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 14 days of the date of the Order.

17. The Clerk advised that based on an investigation by M/Cpl. Judith Thompson, David Andrew Munn, DC Management Group, LLC, t/a Brasas Rotisserie Chicken, 2716 Crain Highway, Waldorf, Maryland 20601, had vacated the licensed premises. Further, M/Cpl. Thompson advised that the licensee had suffered an eviction and has relocated out-of-state. Upon a motion duly made, seconded and unanimously carried the Board determined that the Class B – Beer, Wine & Liquor (on sale only) alcoholic beverage license is no longer valid.

18. The Clerk advised that based on an investigation by M/Cpl. Judith Thompson, and information provided to the Clerk, Faustine Yvette Robinson resigned from Robinson & Williams Enterprises, LLC. Further, Awanda Michelle Williams, Robinson & Williams Enterprises, LLC, t/a Deja Blu, 9425 Berry Road, Waldorf, Maryland 20603, vacated the licensed premises. A letter dated March 4, 2015, from Awanda Williams advised "...The business is closed and officially ceased operating on 4 November 2014." No application for transfer has been filed nor is pending. Therefore, upon a motion duly made, seconded and unanimously carried the Board determined that the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license is no longer valid.

19. The clerk advised that the ongoing issues with the 2014 Renewal for the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license issued to Eugene Johnson, t/a Palador Store & Club, remains unresolved. The licensee advised that they have a final inspection with the Fire Marshal and the Board determined that all matters must be resolved with both the 2014 and 2015 Renewals prior to the April 30, 2015 renewal deadline.

20. The Board withdrew their approval of the Class B – Beer, Wine & Liquor (on sale only) alcoholic beverage license, issued to Jerry Dianis, Judith Allean Browne Dianis, Jeremy A. Bull, Newburg Food, LLC t/a t/a Potomac Boathouse Grille, 601 Mattawoman Way, Accokeek, MD 20607. The applicant failed to provide proof of completion of the permitting process and the Board withdrew its contingent approval.

21. Capt. Billy's Crabhouse provided written correspondence advising that they will open for the season on March 12, 2015.

22. Deanna Gerhart, advised that they withdrew their application for two 1-day temporary alcoholic beverage licenses to sell/serve Beer, Wine & Liquor, inside the Capital Clubhouse, on Saturday, April 4, and Saturday, April 25, from 6:30 to 11:30 p.m., for Washington Golden Gloves Championship fights with approximately 800 people expected to attend, due to outstanding issues with the Fire Marshal involving capacity and space management.

23. The Clerk advised that the 2015 Alcoholic Beverage License Renewal packet was mailed to licensees on February 27, with a return date of March 31. The Clerk also provided the members with a sample renewal packet.

24. The Clerk distributed Confirmation numbers to MALA attendees, scheduled for May 8, 2015.

25. M/Cpl. Judith Thompson advised that twenty-four compliance checks were conducted since the last hearing, with the following 19 establishments having passed:

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| 1. Capt. John's Crabhouse         | 11. Thai Palace, Waldorf                    |
| 2. Riverboat on the Potomac       | 12. Bud's Liquors, Waldorf (Drive-In)       |
| 3. WOW Café & Wingery             | 13. Whitney's Liquors, Waldorf              |
| 4. Nicks of Clinton, Waldorf      | 14. Simpson's Store, Dentsville             |
| 5. Sakura Japanese Steakhouse     | 15. The Country Place, Bryans Rd (Drive In) |
| 6. World Liquors (Drive-In)       | 16. 228 Market                              |
| 7. Big Mouth Beer, Wine & Spirits | 17. Carrabba's Italian Grill                |
| 8. Outback Steakhouse, La Plata   | 18. Red, Hot & Blue Memphis BBQ             |
| 9. Ledo's Pizza, La Plata         | 19. Longhorn Steakhouse, Waldorf            |
| 10. Double Eagle Tavern, Waldorf  |   |

26. Upon a motion duly made, seconded and unanimously carried, the Board approved the February 12, 2015 Minutes as presented.