

Minutes – October 8, 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 were present. Also appearing in support of the Board were M/Cpl. Judith Thompson, Alcohol Enforcement Coordinator; 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:

La Plata VFD, Inc., by: Lynn D. Gilroy, for two (2) 1-day temporary alcoholic beverage licenses to sell/serve BWL on October 31 and on November 21, 2015 from 7 p.m. to 2 a.m., inside the La Plata VFD Activity Hall for Texas Hold'em Tournament fundraisers with 75-100 people expected to attend.

Maryland Veterans Memorial Museum, Inc., by: Lawrence Abell, for a 1-day temporary alcoholic beverage license to sell/serve BWL on November 21 from 4-11 p.m. inside the Museum Auditorium for a fundraiser promoting the Museum with approx. 150 people expected to attend.

Indian Head Center for the Arts, Inc., by Evelyn Hungerford. Appearing on behalf of the applicant was John Hungerford, Esq., with an application for four (4) 1-day temporary alcoholic beverage licenses to sell/serve BWL on October 23, 24 & 25, from 7 p.m. to Midnight, and on October 30, 2015 from 6 p.m. to Midnight; inside the theatre for a fundraiser with approx. 50/85 people expected to attend.

Indian Head VFD & RS, Inc., by: Larry Johnson. Appearing on behalf of the applicant was Candy Debusk, for a 1-day temporary alcoholic beverage license to sell/serve Beer Only on November 7 from 10 a.m. to 9 p.m. inside the VFD/RS for a fundraiser with approximately 80 people expected to attend.

Wine Divas/FOP#24 by: Mary Jane Cupples. Appearing on behalf of the applicant was Terrance Brown, for a 1-day temporary alcoholic beverage license to sell/serve BWL on October 23 from Noon – 6 p.m. outside at White Plains Golf Course for a fundraiser with approx. 100 people expected to attend.

2. Charryka Singh, James Edward Penchion, PPP, LLC, t/a Society Lounge & Hookah Bar, 2704 Crain Highway, Waldorf, Maryland, 20601, appeared on October 8, 2015, for a new Class B/N (Nightclub) - Beer, Wine, Liquor (on sale only) alcoholic beverage license. Counsel to the applicant was David Martinez, Esq. Testimony was presented by the applicants as to the facts contained in the application. Charryka Singh holds an 80% interest, and James Edward Penchion holds a 20% interest in the LLC. Both members serve as authorized members, with Mr. Penchion serving as resident licensee. Mr. Singh will manage the day-to-day operation of

the business, however, the Board cautioned Mr. Penchion as to his responsibilities as resident licensee to be involved in the operation of the business. The Board further 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 also testified as to their intention to host live entertainment. Upon consideration of the testimony and evidence presented, and upon a motion made, seconded and unanimously carried, the Board ordered, that the application for a new Class B/N (Nightclub) - Beer, Wine, Liquor (on sale only) alcoholic beverage license, with Entertainment, for Charryka Singh, James Edward Penchion, PPP, LLC, t/a Society Lounge & Hookah Bar, 2704 Crain Highway, Waldorf, Maryland, 20601, be approved contingent upon filing of a Use & Occupancy Permit, and payment of the appropriate license fee within five (5) months from the date this hearing.

3. Melissa Gibson, Kevin Paul Hyland, Potomac Family Dining Group Operating Company, LLC, t/a Applebee's – Waldorf, 3610 Crain Highway, Waldorf, Maryland 20602, appeared for a transfer of the Class B - Beer, Wine & Liquor (on sale only) BLX Luxury Restaurant alcoholic beverage license from Melissa Gibson, Brian Lutton, Potomac Family Dining Group Operating Company, LLC, t/a Applebee's – Waldorf, 3610 Crain Highway, Waldorf, Maryland 20602. Counsel to the applicant was Leanne Schrecengost, Esquire. Testimony was presented by the applicants pertaining to the facts contained in the application which evidences Mr. Hyland replacing Mr. Lutton as an officer of Potomac Family Dining Group Operating Company. Ms. Gibson continues to meet the residency requirements. The applicants anticipate no change in the type of business to be conducted at the premises. Upon consideration of the testimony and evidence presented, and upon a motion made, seconded and unanimously carried, the Board ordered that the application filed on behalf of Melissa Gibson, Kevin Paul Hyland, Potomac Family Dining Group Operating Company, LLC, t/a Applebee's – Waldorf, 3610 Crain Highway, Waldorf, Maryland 20602, for a transfer of their Class B - Beer, Wine & Liquor (on sale only) BLX Luxury Restaurant alcoholic beverage license from Melissa Gibson, Brian Lutton, Potomac Family Dining Group, LLC, t/a Applebee's – Waldorf, be approved as presented, contingent upon the payment of the appropriate transfer fee.

4. Melissa Gibson, Kevin Paul Hyland, Potomac Family Dining Group Operating Company, LLC, t/a Applebee's, 10 Shining Willow Way, La Plata, Maryland 20646, appeared for a transfer of a Class B/BLX Luxury Restaurant Beer, Wine & Liquor (on sale only) alcoholic beverage license issued to Melissa Gibson, Brian Lutton, Potomac Family Dining Group Operating Co., t/a Applebee's – La Plata, 10 Shining Willow Way, Maryland 20646. Counsel to the applicant was Leanne Schrecengost, Esquire. Testimony was presented by the applicants pertaining to the facts contained in the application which evidences Mr. Hyland replacing Mr. Lutton as an officer of Potomac Family Dining Group Operating Company. Ms. Gibson continues to meet the residency requirements. The applicants anticipate no change in the type of business to be conducted at the premises. Upon consideration of the testimony and evidence presented, and upon a motion made, seconded and unanimously carried, the Board ordered that the application filed on behalf of Melissa Gibson, Kevin Paul Hyland, Potomac Family Dining Group Operating Company, LLC, t/a Applebee's – La Plata, 10 Shining Willow Way, La Plata, Maryland 20646, for a transfer of their Class B - Beer, Wine & Liquor (on sale only) BLX

Luxury Restaurant alcoholic beverage license from Melissa Gibson, Brian Lutton, Potomac Family Dining Group, LLC, t/a Applebee's – La Plata, be approved as presented, contingent upon the payment of the appropriate transfer fee.

5. Legislative Work Session – Rules and Regulations amendment

Rule 2.114 - Conduct and Order of Presentation - ~~in License Suspension and Revocation~~ SHOW CAUSE Hearings

(A) Show Cause Orders.

(1) IF YOU ARE CONTESTING THE CHARGE OR CHARGES SET OUT IN A SHOW CAUSE ORDER, YOU MUST NOTIFY THE CLERK TO THE BOARD OF LICENSE COMMISSIONERS IN WRITING PRIOR TO THE HEARING AND THE MATTER WILL BE AUTOMATICALLY CONTINUED UNTIL THE NEXT AVAILABLE HEARING DATE.

HOWEVER, IF YOU ADMIT THAT THE VIOLATION(S) ALLEGED IN A SHOW CAUSE ORDER DID OCCUR AND YOU ARE NOT CONTESTING THE CASE AND ARE AGREEABLE TO A SUSPENSION, AND/OR A MONETARY FINE, AND/OR A REVOCATION, THEN THE LICENSEE(S) NEED ONLY TO APPEAR IN PERSON ON THE DATE SCHEDULED.

(2) WITHIN 10 BUSINESS DAYS OF SERVICE OF A SHOW CAUSE ORDER UPON AN ALCOHOLIC BEVERAGE LICENSEE(S), SAID LICENSEE(S) MAY VOLUNTARILY SURRENDER AN ALCOHOLIC BEVERAGE LICENSE TO THE CLERK TO THE BOARD OF LICENSE COMMISSIONERS. SAID SURRENDER SHALL NULLIFY A PENDING SHOW CAUSE ORDER AND STAY A HEARING. HOWEVER, EVIDENCE OBTAINED IN SUPPORT OF THE SHOW CAUSE ORDER MAY BE UTILIZED TO DETERMINE THE FITNESS OF THE APPLICANT IN ANY FUTURE APPLICATIONS BEFORE THE BOARD OF LICENSE COMMISSIONERS.

(3) AFTER 10 BUSINESS DAYS OF SERVICE OF THE SHOW CAUSE ORDER UPON THE LICENSEE(S), THE VOLUNTARY SURRENDER OF AN ALCOHOLIC BEVERAGE LICENSE SHALL NOT NULLIFY A PENDING SHOW CAUSE ORDER WITHOUT THE CONSENT OF THE BOARD; SHALL NOT STAY A HEARING OF THE BOARD WITHOUT THE CONSENT OF THE BOARD; SHALL NOT NULLIFY A FINDING BY THE BOARD OF LICENSE COMMISSIONERS, AND/OR IMPOSITION OF A SUSPENSION, AND/OR IMPOSITION OF A MONETARY FINE, AND/OR IMPOSITION OF A REVOCATION BY THE BOARD OF LICENSE COMMISSIONERS.

M/Cpl. Judith Thompson, Alcohol Enforcement Officer and member of the MALA Executive

Committee agreed to contact Montgomery County to compile a Survey Monkey questionnaire and to present the findings at the next hearing.

6. On July 9, 2015, the Board approved a written request submitted by David Martinez, Esq., on behalf of his client, Cheung Fui Chan, Nicole D. Chen, Celeste Cunningham, 228 Market & Liquor, LLC, 10965 Berry Road, Waldorf, MD, to be closed for more than 10 consecutive days for renovations (approx. 120 days from issuance of Building Permits) through December 1, 2015, and to re-define their licensed premises to include the area formerly defined as living quarters, in accordance with their written request and submitted diagram. The Board ordered the licensee to turn-in their alcoholic beverage license to the clerk for safe keeping while the renovations are underway, which they did. Subsequent to that hearing M/Cpl. Judith Thompson prepared a Memorandum advising of her findings of an investigation, which evidenced, in general, that the building had been 99% demolished, that a stop work order had been issued by PGM, and that the licensee intended to obtain a construction permit for a new structure. The Board ordered that the licensee appear at the November hearing to advise as to the planned renovations and expected timeline.

7. Board member William B. Young and the remaining Board members welcomed member Thomasina Coates and M/Cpl. Judith Tompson back from their medical leave.

8. Upon a motion duly made, seconded and unanimously carried, the Board approved the September 10, 2015 Minutes.

With no further business the meeting adjourned at 11:25 a.m.