

Minutes – February 11, 2016

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 Volunteer Fire Department, Inc., by: Lynn D. Gilroy, for three 1-day temporary alcoholic beverage licenses to sell/serve Beer, Wine & Liquor, inside the La Plata VFD Activity Hall on from 7p.m. to 2 a.m. the following day, on March 26, April 30 & May 28, for Texas Hold'em fundraisers with 75-100 people expected to attend.

Grace Lutheran Church & School, by: Rebecca Lee Hoffman, for a 1-day temporary alcoholic beverage license to sell/serve Beer Wine & Liquor inside the GLCS Family Life Center on Saturday, March 12, 2016 from 7-11 p.m., for a fundraiser with approx. 350 people expected to attend.

St. Ignatius Church, by Rev. Robert Kosty. Appearing on behalf of the applicant was Mary Pat Dougherty, for a 1-day temporary alcoholic beverage license to sell/serve Beer Wine & Liquor inside the church hall on April 9, 2016, from 5-8 p.m., for a fundraiser with approx. 135 people expected to attend.

Newburg Volunteer Rescue Squad, by Andrew Spalding. Also appearing was Mike Abel, for a 1-day temporary alcoholic beverage license to sell/serve Beer Wine & Liquor inside the Newburg Volunteer Rescue Squad on Thursday, February 25, 2016 from 5-10 p.m., for a Wine & Design fundraiser with approx. 50 people expected to attend.

Bryans Road VFD & Rescue Squad, Inc., by Elvan Hedges. Appearing on behalf of the applicant was Brenda Erby and Paul Tackish, for a 1-day temporary alcoholic beverage license to sell/serve Beer Wine & Liquor inside the Bryans Road Fire Station on Friday, March 25, 2016 from 7-9 p.m., for a Wine & Design fundraiser with approx. 150 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 inside Crown Trophy of Waldorf, on Thursday, March 3, from 5:30 to 7:30 p.m., for the Chamber's monthly mixer fundraiser with 100 people expected to attend.

2. The clerk indicated that Riders IV Life Motorcycle Club, by Alicia Perkins had also submitted an application for a 1-day temporary alcoholic beverage license and she was working

with the applicant to determine whether or not they are a bona fide non-profit. If they meet the criteria to hold a temporary alcoholic beverage license they will re-submit next month.

3. Asimina Louise Gressis, Ouzo's Greek & Regional Cuisine, Inc., t/a Galazio Restaurant, 6223 Crain Highway, La Plata, MD 20646, for an Open Air Exception/Outside Service Area. Witness for the licensee was Dionisios Gressis. The applicant testified as to the outside "special exception" patio area, described as an approximately 60 x 25 square foot outdoor patio area adjacent to the south entrance of the licensed premises and depicted on the hand-drawn diagram and photographs submitted by the applicant; the defined area will only be accessible via the restaurant area. Emergency egress will be provided via an gate in the rear of the area; however, the gate will not allow access into the area by the public; the defined area will be surrounded by an appropriate fence at least 4 feet in height and will contain parking/curb barriers where required to block vehicular traffic; the applicant testified that it was his intention to serve alcoholic beverages to his customers by wait staff and that the area will be open only during the regular hours of the restaurant, and that no outside bar or service area is contemplated for the Open Air Exception area; that there would be no live or amplified entertainment on the outside area, and this request is submitted as an accommodation to their patrons. The licensees agreed to obtain all required State, County and Town permits, including with regard to any curbing and/or safety barriers.

Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the request as presented, and as follows:

1. The Open Air Exception area shall not exceed 50% of the inside licensed premises.
2. Live and/or amplified music or entertainment shall be prohibited in the Open Air Exception area.
3. The Open Air Exception area shall be enclosed in a manner to restrict access so that the sale and consumption of alcoholic beverages can be restricted and controlled – including specifically, that no open containers shall be carried outside the defined premises.
4. Ingress and Egress to the Open Air Exception area shall be through the licensed premises only.
5. The licensee will obtain all necessary permits for the Open Air Exception area.
6. Photographs depicting the above-listed criteria must be submitted to the Clerk before final approval of the Open Air Exception area is granted.
7. Bars or service areas within the confines of the Open Air Exception area shall be prohibited.
8. That the approval is conditioned upon the written request and testimony and evidence presented to the Board of License Commissioners on February 11, 2016, and submission of an architectural drawing to be submitted, and upon the restrictions consented to by the applicant including those contained herein.
9. That a violation of the terms of this Consent Order may lead to the Board of License Commissioners withdrawing its consent, rendering this Consent Order null and void.

4. The clerk called Gregory A. McGowan, Jr.(80%), Garry L. Little, Jr.,(20% Resident) The Social@228, LLC, t/a The Social@228, 9425 Berry Road, Waldorf, Maryland 20603, for a new Class B/RB (Restaurant Bar) Beer, Wine & Liquor (on sale only) alcoholic beverage license with entertainment. At the request of David Martinez, Esq., Counsel to the applicant, this matter was continued to March 10, 2016.

5. Philip Ronald Rossi, Paul Kemper Caraccioli, Jr., Georgios Ioanniis Markomanolakis, BWW Waldorf, LLC, t/a Buffalo Wild Wings, 11215 Mall Circle Drive, Waldorf, Maryland 20603, appeared for a transfer of the Class B/BLX (Luxury Restaurant) Beer, Wine & Liquor (on sale only) alcoholic beverage license issued to Donald J. Rizzie, Jr., Paul K. Caraccioli, Jr., Georgios I. Markomanolakis, BWW Waldorf, LLC, t/a Buffalo Wild Wings, 11215 Mall Circle Drive, Waldorf, Maryland 20603. Counsel to the applicant was Linda Carter, Esq. Testimony was presented by Mr. Rossi pertaining to the facts contained in the application which evidences Mr. Rossi replacing Mr. Rizzie as an officer of BWW Waldorf, LLC. Mr. Rossi also serves as Regional Manager for the parent company. The applicants anticipate no change in the type or operation of business to be conducted at the licensed premises. Mr. Markomanolakis continues as resident licensee. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the transfer as presented, contingent upon the payment of the appropriate transfer fee.

6. John P. Beckman, James Terry Lenchner, Scott M. Farren, Famous Dave's Ribs of Maryland, Inc., t/a Famous Dave's, 3046 Waldorf Market Place, Waldorf, MD 20603, appeared for a transfer of their Class B/BLX (Luxury Restaurant) – Beer, Wine & Liquor (on sale only) alcoholic beverage license issued to John P. Beckman, Brett P. Rainwater, Scott M. Farren, Famous Dave's Ribs of Maryland, Inc., t/a Famous Dave's, 3046 Waldorf Market Place, Waldorf, MD 20603. Counsel to the applicant was Linda Carter, Esq. Testimony was presented by Mr. Lenchner pertaining to the facts contained in the application which evidences Mr. Lenchner replacing Mr. Brett P. Rainwater as an officer of Famous Dave's Ribs of Maryland. Mr. Lenchner also serves as Area Director/Regional Manager for the parent company. The applicants anticipate no change in the type or operation of business to be conducted 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 transfer as presented, contingent upon the payment of the appropriate transfer fee.

7. 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. Counsel to the licensee and clerk was Hammad Matin, Esq. The licensee and clerk admitted to providing service to an Approved Underage Person on December 12, 2015. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board ordered, that the violation constitutes a subsequent offense to a matter which was adjudicated by the Board of License Commissioners on March, 12, 2015; and that the alcoholic beverage license be suspended for a period of three days, with one of the three days held in abeyance for three years from the date of this hearing, and that the suspension begin at opening of business on February 22, 2016, and end at close of business on February 23, 2016; and that the licensee be fined Two Thousand Dollars (\$2,000.00), made payable to the Charles County Treasurer and delivered to the Board of License

Commissioners before the reinstatement of the alcoholic beverage license; and it was finally ordered that the server, Brent James Murphy, be fined One Hundred Fifty Dollars (\$150.00), made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 14 days of the date of this Order.

8. Gerald D. Elliott, Ryan T. Elliott, Susan A. Barnes, Crown Beverages, LLC, t/a World Liquors and Fine Wines, 3244 Crain Highway, Waldorf, Maryland 20602, with a written request for a Letter of Authorization which would allow retail deliveries from its store in accordance with Article 2B, Section 12-301. Counsel to the licensee was David Martinez, Esquire. The clerk also provided the Board with a copy of Article 2B, Section 12-301(b) which states:

“(b) *Retail delivery – In general.* - Retail delivery to a purchaser of any alcoholic beverages is prohibited unless:

(1) The delivery is made from the retail licensed premises by the retail license holder or employee of the retail license holder authorized to sell and distribute alcoholic beverages by the local licensing authority in the jurisdiction where the delivery is made; and

(2) The retail license holder obtains a letter of authorization from the local licensing authority to make deliveries and complies with any regulations promulgated by the local licensing authority pertaining to those deliveries.”

Mr. Martinez, Esq., presented the proposed plan as submitted by Mr. Gerald Elliott, who also appeared and answered questions posed by the Board members in regard to his request, detailing the anticipated ordering, checkpoints, id checks, delivery, etc.

Upon a motion by Thomasina Coates to consult with legal counsel, seconded by Steve Lowe, and passing with all in favor, in accordance with State Government Article, Section 10-508(a)(7), the Board adjourned the regular meeting at 12:10 p.m. The Board reconvened at 12:30 p.m.

M/Cpl. Judith Thompson presented testimony with regard to her initial efforts to research other jurisdictions to determine whether or not any have adopted regulations to allow for deliveries. Montgomery, Garrett and Howard are specified in Article 2B to allow for deliveries and have contacted them w/regard to their regulations. St. Mary’s County does not permit deliveries, nor is does Baltimore City, nor Baltimore County, mentioned in Article 2B. The Board determined that this is not a request they would approve without more research into the matter. M/Cpl. Judith Thompson offered to survey Maryland Alcohol Licensing Association to determine if any other jurisdictions have any specific rules and regulations. The Board determined that they would continue with discovery/researching the matter and report back in a timely manner.

9. The Board called Wayne Hartridge, Angela Delores Gray, Georgene Meyers Thompson, Mattawoman Restaurant, Inc., t/a Mattawoman Restaurant, 5024 Hawthorne Road Indian Head, Maryland 20640, with regard to their request to amend their Consent Order with regard to the security provisions, limiting the requirement to Friday, Saturday and Sunday’s only. This matter initially came before the Board in August, wherein the Board ordered that it be placed

on hold for 6 months and then reevaluated. M/Cpl. Judith Thompson advised that she has a concern with whether or not they are currently in compliance with the original order with regard to security, and testified that on recent weekends she is aware that there may have incidents where no security was in place. The Board instructed the licensees to return to the Board next month with their current security plan and the matter would be continued.

10. The clerk notified the Board that the Class B/RB (Rest/Bar) BWL (on sale only) alcoholic beverage license issued to Michael John Borawski, BHR Waldorf, Inc., t/a Red Hot & Blue Memphis Pit BarBQ, 3350 Crain Highway, Waldorf, Maryland 20601 has been canceled as the premises is closed.

11. The Board directed that the clerk affect the change in accordance with a letter dated January 11, 2016, from Leanne Schrecengost, Esq., advising of the resignation of Matthew Wickesberg as a licensee for HOA Waldorf, LLC, t/a Hooter's, 3600 Crain Highway, Waldorf, Maryland 20602. This matter leaves Donald Scott Creelman (resident licensee) & Claudia Koepfel Levitas as the current licensees.

12. The clerk provided the Board members with a copy of H.B. 706 – Charles County – Alcoholic Beverages – Entertainment Concessionaire and Entertainment Facility Licenses, Proposed by: Delegates Jameson, Patterson, and C.Wilson.

13. The Board discussed a Maryland Motor Vehicle Administration (MVA) “change of policy” which may allow certain licensed drivers’ under the age of 21 years, to obtain a regular horizontal drivers’ license before their 21st birthday. M/Cpl. Judith Thompson presented documentation from MVA’s website stating that, effective February 1, 2016, an individual turning 21 years old may renew their drivers’ license up to 7 days before their actual birthday, and be issued a regular horizontal drivers’ license, before they are actually 21 years old. The Board directed that a letter be prepared to the Secretary of Transportation and/or MVA opposing the issuance of horizontal drivers’ licenses to those drivers under the age of 21.

14. The clerk provided the members with a listing of violations over the past 3 years.

With no further business the meeting adjourned at 1:00 p.m.