

Minutes – June 9, 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: Thomasina Coates, Acting Chairman, Guy N. Black, Steve Lowe, and Linda J. Warren, were present. Also appearing in support of the Board were Associate County Attorney Matthew Clagett, and Lisa Bailey, Clerk/Recording Secretary. M/Cpl. Judith Thompson, Alcohol Enforcement Coordinator and Greg Kiesel, Inspector were also present.

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

Mattawoman Creek Art Center, by Mary Swann, Treasurer/Board of Directors, for a 1-day temporary alcoholic beverage license to sell/serve Beer, Wine & Liquor on Saturday, June 18, 2016 from 7-9 p.m., inside Mattawoman Creek Arts Center @ Smallwood State Park, for a fundraiser/concert with approximately 100 people expected to attend.

DC Air National Guard Top III Council, by Chief Thomas Katt, for a 1-day temporary alcoholic beverage license to sell/serve Beer Only, on Monday, August 15, 2016 from 7:30 a.m. to 2:30 p.m., at White Plains Golf Course, for a fundraiser with approximately 115 people expected to attend.

Charles Regional Medical Center Foundation, by Leigh Falkler/Susan Vogel. Appearing before the Board was Leigh Falkler, for a 1-day temporary alcoholic beverage license to sell/serve Beer, Wine & Liquor on Saturday, September 17, 2016 (rain date 9/24) from 5-10 p.m., outside the Port Tobacco Courthouse, for a fundraiser with approximately 1,100 people expected to attend throughout the day.

Education Association of Charles County, by Linda McLaughlin, President, for a 1-day temporary alcoholic beverage license to sell/serve Beer Only, on Friday, August 26, 2016 from 3-8 p.m., at the Charles County Fairgrounds, for their annual Welcome Back CCPS Employees event, with approximately 400 people expected to attend throughout the day.

2. Hector Flores (20% RA), La Hacienda II, LLC t/a **La Hacienda II**, 2796 Old Washington Road, Waldorf, Maryland 20601 for a new Class B/RB (Restaurant/Bar) Beer, Wine & Liquor (on sale only) alcoholic beverage license **w/entertainment**. Counsel to the applicant was Thomas DeCaro, Esq. Testifying on behalf of the applicant was Herculese Vargas, 40% stockholder of La Hacienda II, LLC and Walter Alvarez, 40% owner of La Hacienda II, LLC. The applicants testified as to certain aspects of the operation of the proposed business, however, the Board determined the application was incomplete and they failed to present a complete case and were unprepared to move forward. Therefore, upon a motion duly made, seconded and unanimously carried, the Board voted to continue this matter to the next hearing on July 14, 2016, with no re-posting/publishing required. The following items remain outstanding: alcohol awareness certification, Health permit, Use & Occupancy Permit, Maryland Sales Tax ID number, workers' compensation certification and affidavit of posting.

3. Show Cause in the matter of the Class B/BLX Luxury Restaurant – Beer, Wine & Liquor (on sale only) alcoholic beverage license issued to Melissa Gibson, Kevin Paul Hyland, Potomac Family Dining Group Operating Co., t/a **Applebee's - La Plata**, 10 Shining Willow Way, La Plata, Maryland 20646. This matter was continued from May 12, 2016 and alleges illegal service to a minor on February 19, 2016. The licensee appeared and was represented by Leanne Schrecengost, Esq. On behalf of her clients, Ms. Schrecengost acknowledged receipt of the Charges and Show Cause Order at least ten (10) days prior to the hearing, and admitted to the allegation contained in the Show Cause Order, as did the server Conner Keahi Croell. Also appearing on behalf of the licensee were witnesses: Chris Urso, General Manager; and Jim Ilaria, CEO. Testimony was presented by M/Cpl. Judith Thompson as to the contents of the police report. Further testimony by the licensee, witnesses and server, was presented as to the mitigating circumstances involved in this sale, their previous compliance records, and current training policies. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board moved that this violation of Article 2B, §12-108 of the Annotated Code of Maryland, constitutes a subsequent offense to a matter which was previously adjudicated by the Board of License Commissioners on May 14, 2015, at which time the Board ordered, in pertinent part, a 3-day suspension, with all 3 days held in abeyance for 3 years, contingent upon no further violation; and ordered that the alcoholic beverage license be suspended for a period of 4 additional days, with 3 of the 4 days held in abeyance for 3 years from the date of this hearing, contingent upon no further violation during that timeframe; and, that the 3 days held in abeyance at the May 14, 2015 hearing shall remain held in abeyance, contingent upon no further violation for the remaining assessed time. The Board further ordered that the 1-day suspension begin at opening hours on Monday, June 20, 2016 and end at close of business on Monday, June 20, 2016; that the licensee be fined \$2,000.00; and that the server, Conner Keahi Croell, be fined \$50.00, each made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 30 days of the date of the written Order.

4. Show Cause in the matter of the Class A - Beer, Wine & Liquor (off sale only) Package Goods alcoholic beverage license issued to Natverlal Hirabhai Patel, Kudrat Corporation, t/a Pinefield Liquors, 12545 Mattawoman Drive, Waldorf, Maryland 20601, alleging service to an underage person on March 4, 2016. Counsel to the licensee was David Martinez, Esq. The licensee and alleged server appeared and admitted to the allegations contained in the Show Cause Order dated April 21, 2016 and presented testimony and evidence for the Board to consider in mitigation of any penalty under consideration. 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 November 13, 2014, at which time the Board ordered, in pertinent part, a 3-day suspension, with 2 of the 3 days held in abeyance for 3 years contingent upon no further violation; and, that the alcoholic beverage license be suspended for total of 5 days, with 3 of the 5 days held in abeyance for 3 years from the date of this hearing, contingent upon no further violation during that timeframe; and that the 2-day suspension is to begin at opening hours on Monday, June 13, 2016; and end at close of business on Tuesday, June 14, 2016; and that the licensee be fined \$1,000.00; and that the server, Maheshkumar K. Patel, be fined \$50.00, each made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 30 days of the written Order.

5. Show Cause in the matter of the Class A - Beer, Wine & Liquor (off sale only) Package Goods alcoholic beverage license issued to Robert D. Ryan, Three Nines, Inc., t/a Willett's Discount Liquor & Deli, 10573 Theodore Green Blvd, White Plains, Maryland 20695. This matter was continued from May 12, 2016. Counsel to the licensee was David Martinez, Esq. In consideration of the testimony and evidence presented, and the licensee and clerk admitting to providing service to an Approved Underage Person on March 4, 2016, the Board ordered that this violation constitutes a subsequent offense; that the alcoholic beverage license be suspended for total of 3 days, with all 3 days held in abeyance, contingent upon the successful transfer of the alcoholic beverage license within 60 days of June 9, 2016; that if the licensee fails to successfully transfer the alcoholic beverage license within 60-days, the Clerk is to notify the Board and place this matter on the Board's Agenda for further consideration; and that the licensee be fined \$2,500.00; and that the server, Chiatanya Kumar Raju Kalidindi, be fined \$50.00, each made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 30 days of the date of the written Order.

6. Show Cause in the matter of the Class B/RB (Restaurant/Bar) Beer, Wine & Liquor (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. This matter was continued from May 12, 2016. Counsel to the licensee was Hammad Matin, Esq. Upon consideration of the testimony and evidence presented, and the licensee admitting to refilling, keeping and/or possessing containers that have been refilled, the Board ordered that this violation constitutes a subsequent offense to a matter which was adjudicated by the Board of License Commissioners on March 12, 2015, at which time the Board ordered, in pertinent part, a 3-day suspension, with all 3 days held in abeyance for 3 years contingent upon no further violation; that any considered suspension be waived as the licensee testified that he is closing his business and will relinquish his alcoholic beverage license on September 30, 2016; and that the licensee be fined \$500.00, made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 30 days of the date of the written order.

7. Show Cause in the matter of the Class B/RB (Restaurant/Bar) Beer, Wine & Liquor (on sale only) alcoholic beverage license issued to Yan Dan Li, Tak Yan Cheng, Kobe Seafood Hibachi, LLC, t/a Kobe Japanese Grill, 171 Smallwood Village Center, Waldorf, Maryland 20602. Upon consideration of the testimony and evidence presented and the licensee and clerk admitting to providing service to an Approved Underage Person on April 2, 2016, the Board ordered that this violation constitutes a subsequent offense to a matter which was adjudicated by the Board of License Commissioners on May 14, 2015, at which time the Board ordered, in pertinent part, a 3-day suspension, with 3 of the 3 days held in abeyance for 3 years contingent upon no further violation; that the alcoholic beverage license be suspended for an additional 3 days, with 5 of the 6 days held in abeyance for 3 years from the date of this hearing, contingent upon no further violation during that timeframe; that the 1-day suspension is to begin at opening hours on Tuesday, June 28, 2016; and end at close of business on Tuesday, June 28, 2016; and that the licensee be fined \$1,500.00, and that the server, Jian Wei Zhu, be fined \$50.00), each made payable to the Charles County Treasurer and delivered to the Board within 30 days of the written Order.

8. Show Cause in the matter of the Class D – Beer, Wine (On/off), Liquor (off sale only) alcoholic beverage license issued to James Michael Williams, My Bryantown Store, LLC, t/a **Bryantown Store**, 6435 Leonardtown Road, Bryantown, Maryland 20617. At the request of Counsel David Martinez, this matter was continued to July 14, 2016.

9. The clerk provided the Board members with a copy of a letter from Melissa Davis with re to “three addictions.” The Board members reviewed the letter and thanked Ms. Davis and further stated that the requests contained therein were not under their purview.

10. The clerk provided the Board members with a copy of the approved FY2017 Operating Budget.

11. The clerk provided the Board members with a copy of a Notice from Maryland State Licensed Beverage Association re New Driver’s License and ID card formats.

12. M/Cpl. Judith Thompson read into the record the March 2016 Compliance report, indicating the following 7 of 14 licensed premises having passed a compliance check:

Noodles & Company, Waldorf	Wine Cellar, Waldorf
Tinder Box, Waldorf	Plaza Liquors, Waldorf
Prime Street Grill, White Plains	The Wine Shoppe, Waldorf
Buffalo Wild Wings, Waldorf	

13. Upon a motion duly made, seconded and unanimously carried, the Board approved the Minutes of May 12, 2016.

With no further business the meeting adjourned at 2:10 p.m.