

**ALCOHOL BEVERAGE BOARD
THURSDAY, OCTOBER 14, 2021 @ 1:00 PM
COUNTY COMMISSIONERS CONFERENCE ROOM
CHESAPEAKE BUILDING
41770 BALDRIDGE STREET
LEONARDTOWN, MD 20650**

The meeting of the Alcohol Beverage Board of St. Mary's County was held on Thursday, October 14, 2021, at 1:00 PM in the County Commissioners Conference Room, Chesapeake Building, Leonardtown, Maryland.

Chairman David Willenborg called the meeting to order at 1:00 pm.

ROLL CALL

Present:

Chairman David Willenborg
Vice-Chair VACANT
Member Leonard Kohl
Member Richard Watts
Member Barbara Hill
Tamara Hildebrand, Administrator
Chris Beaver, Attorney
Suzan Dean, Recording Secretary
Sgt. Steve Myers, Alcohol Enforcement Coordinator

Absent:

Kevin Hall, Inspector

APPROVAL OF THE AGENDA

Member Hill moved to approve the agenda. Motion was seconded by Member Watts. Motion carried.

APPROVAL OF MEETING MINUTES

Member Watts moved to approve the minutes for the September 9, 2021 meeting. Motion was seconded by Member Hill. Motion carried.

NEW BUSINESS

- **Extension of Conditional Approvals**

St. James Deli & Spirits – Sherry Thompson - Requesting 90-day extension of conditional approval of renovation of building

Sherry and Dave Thompson appeared before the Board and were sworn in. Mr. and Mrs. Thompson explained that they will need additional time for the renovations and expansions for their store. Member Kohl made the motion for the 90-day extension for the

approval of the store's renovation and expansion. Motion was seconded by Member Watts. Motion carried.

Green Door – Brian Tarleton - Requesting 90-day extension of conditional approval of permanent outdoor seating.

Brian Tarleton appeared before the Board and was sworn in. Mr. Tarleton explained he will need additional time for the approval of his permanent outdoor seating. Member Watts made the motion for the 90-day extension pending the approval for the outdoor seating. Motion was seconded by Member Hill. Motion carried.

The Real Food Studio – Lisa Kelley - Requesting 90-day extension of conditional approval of new application.

Lisa Kelley appeared before the Board and was sworn in. Mrs. Kelly stated she has not received all her approvals, so she needs additional time. Member Watts made the motion for the 90-day extension of time for the approvals of the new application. Motion was seconded by Member Kohl. Motion carried.

Russell's Store – Janet Draper and Roger Buckler - Requesting 90-day extension of conditional approval of permanent outdoor seating and extra serving counter

Roger Buckler appeared before the Board and was sworn in. A letter was presented to the Board allowing Mr. Buckler to speak on behalf of Janet Draper. Mr. Buckler explained he had received approval from LUGM by email so hopefully it won't take 90 days but to be safe he is still requesting that much time. Member Kohl made the motion for the 90-day extension pending the approval for the outdoor seating and extra serving counter. Motion was seconded by Member Hill. Motion carried.

NEW BUSINESS

- **Special Privilege Applications**

Russell's Store – Janet Draper and Roger Buckler - Requesting Sale and Delivery for Off-Premise Consumption Permit

Roger Buckler remained sworn in and the letter still allowed him to speak on behalf of Janet Draper. Mr. Buckler explained that he understood the rules of this permit and that he will be following those rules. Member Kohl made a motion to approve the application for the Off-Premise Consumption Permit. Motion was seconded by Member Hill. Motion carried.

- **Premise Changes**

The Rex – Joseph Kurley, Charles Breck and Daniel Norris - Requesting temporary extension of premise into Washington St., for Concert on the Square on October 16, 2021, from noon to 10:00PM

Joseph Kurley, Charles Breck and Daniel Norris appeared before the Board and were sworn in. Mr. Kurley explained that he was requesting an extension of premise for a fund

raiser and that his extended area will be roped off. Mrs. Hildebrand stated she had not heard from the Health Department on this event. Member Watts made a motion to approve the request for temporary extension of premise for October 16. Motion was seconded by Member Hill. Member Watts amended the motion to add pending the Health Department approval. Motion was seconded by Member Hill. Motion carried.

Antoinette's Garden – Jonathan Boss - Requesting temporary extension of premise into Washington St., for Concert on the Square on October 16, 2021, from noon to 10:00PM

Jonathan Boss appeared before the Board and was sworn in. Mr. Boss explained that his establishment would be providing tables and chairs in the extended area. The Board has requested that his area be roped off like the Rex. Member Watts made a motion to approve the request of the temporary extension of premise for October 16 with the addition of the area being roped off. Motion was seconded by Member Hill. Motion carried.

- **Special Privilege Applications (cont'd)**

Social Coffeehouse & Speakeasy – Sean Coogan Jr. - Requesting Sale and Delivery for Off-Premise Consumption Permit

Sean Coogan appeared before the Board and was sworn in. The Board asked Mr. Coogan if he was clear on the rules of the permit; he was. Member Kohl made a motion to approve the application for the Off-Premise Consumption Permit. Motion was seconded by Member Watts. Motion carried.

Il Piccolo Morso - Silvia Canovas Chance - Requesting Corkage Permit

Silvia Chance appeared before the Board and was sworn in. Mrs. Chance explained the reason why she would like to add the corkage permit to her license and understood all the rules to follow. Member Watts made a motion to approve the application for the Corkage Permit. Motion was seconded by Member Hill. Motion carried.

- **Premise Changes**

Helen's Café & Catering – Helen Uhler - Requesting extension of premise for outdoor seating

Helen Uhler appeared before the Board and was sworn in. Mrs. Uhler provided a lease from her landlord covering this extension of premise, pictures showing the exact area of the premise and a letter from LUGM. Member Watts made a motion for a 90-day conditional approval pending LUGM and Fire Marshal. Motion was seconded by Member Hill. Motion carried.

Blue Wind Gourmet - Dana Rebarchick - Requesting extension of premise for outdoor seating

Dana Rebarchick appeared before the Board and was sworn in. Ms. Rebarchick stated that she was requesting only the four picnic tables next to the building not the additional ones in the grassy area. Member Kohl made a motion for a 90-day conditional approval pending LUGM. Motion was seconded by Member Watts. Motion carried.

The Slice House – Kenneth Held - Requesting extension of premise for additional outdoor seating

Kenneth held appeared before the Board and was sworn in. Mr. Held explained he had purchased additional property where his additional outdoor seating is located. Member Watts made a motion to approve the extension of premise for additional outdoor seating. Motion was seconded by Member Hill. Motion carried

- **Applications**

Thai Inter Restaurant - Application of Parit Yuwapanichsampan and Naruchol Ketmeteeakaroon to transfer Thai Inter Restaurant (PLT, Inc.) Class B (restaurant) BWL license location from 22622 MacArthur Blvd., Unit 380, California, MD 20619 to 22576 MacArthur Blvd., Unit 336, California, MD 20619.

Parit Yuwapanichsampan, Naruchol Ketmeteeakaroon and Brett Matthews appeared before the Board. Mr. Yuwapanichsampan explained that he is moving his business to a new location in the same shopping center. He will be decreasing his capacity as well. Mrs. Hildebrand stated there was a correction on the application that needed to be noted. #11 should be answered YES. Mrs. Hildebrand also stated that this move would not take place until December. Member Watts made a motion for a 90-day conditional approval pending LUGM, Fire Marshal and the Health Department approvals. Motion was seconded by Member Kohl. Motion carried.

Ridge Market and Liquors - Application of Amardeep Singh Malhi to transfer Ridge Market (Point Lookout, Inc.) Class A-1 BWL license from Hui Lin and t/a Ridge Market and Liquors (Jaiakkash, LLC) 13270 Point Lookout Rd., Ridge, MD 20680. And permission for a BWT 365 Permit.

Amardeep Malhi, Sundeep Malhi and Hui Lin appeared before the Board and were sworn in. Mrs. Hildebrand stated that there are conditions to the approval of the license that still need to be met. Member Watts made a motion for a 90-day conditional approval pending LUGM, Fire Marshal, Health Department, Trader license, Comptroller release for Hui Lin's taxes and the closing of the sale of the business and permission for a BWT 365 permit. Motion was seconded by Member Hill. Motion carried.

St. Mary's Landing Steak House - Application of Kim Poh Seow to transfer St. Mary's Landing (Hills Investment Group, Inc.) Class B (restaurant) BWL license from Kevin R. Hill and William D. Hill Jr. and t/a St. Mary's Landing Steak House, 29935 Three Notch Rd., Charlotte Hall, MD 20622.

Kim Seow and "Banks" appeared before the Board and were sworn in. Mrs. Hildebrand stated that there are conditions to the approval of the license that still need to be met. Member Kohl made a motion for a 90-day conditional approval pending LUGM, Fire Marshal, Trader license, Comptroller release from previous owners' taxes and the closing of the sale of the business. Motion was seconded by Member Watts. Motion carried.

Potomac Garden -Application of Angela Wathen to transfer Potomac Gardens Class D-BWL license from George L. Vallandingham and t/a Potomac Garden (Potomac Garden, LLC), 20254 Colton Point Rd., Colton Point, MD 20626

Angela Wathen appeared before the Board and was sworn in. Mrs. Wathen explained where she stored her alcohol and some of the demographics of the interior of the tavern. Member Watts made a motion for a 90-day conditional approval pending the change of occupancy and the Trader license. Motion was seconded by Member Hill. Motion carried.

- **Inquiry**

Patuxent Fine Wine & Spirits – William C. Price

Pursuant to Section 6-204 of the Alcoholic Beverages Article of the Annotated Code of Maryland, The Alcohol Beverage Board of St. Mary's County wishes to make inquiry into the following:

1. Clarification as to operations of licensed premises in conjunction with a chain store or supermarket in violation of Section 4-205 of the Maryland Alcoholic Beverages Article of the Annotated Code of Maryland and
2. Clarification as to testimony given and documentation provided by licensee to Alcohol Beverage Board of St. Mary's County in support of his application for Class A-1 BWL license.

William Price appeared before the Board and was sworn in. He was accompanied by his attorney Michael Davis.

Board Attorney Chris Beaver explained to Mr. Price the reason for the inquiry was to obtain information for clarification of the operations of the business based upon issues raised by recent inspections of the Board Inspector, and to determine if a violation hearing would be necessary in the future. He explained he would be asking Mr. Price questions, and once he finished, the Board members could also ask questions.

Mr. Beaver asked Mr. Price if the business was a sole proprietorship and if Mr. Price was the only owner. Mr. Price answered both in the affirmative. Mr. Beaver inquired as to Mr. Prices involvement in the buildout and setting up of the store, as well as who was responsible for the cost of the buildout. Mr. Price explained that he was involved, but the landlord, Fairland Market, was responsible for the cost.

Mr. Beaver inquired as to the store's employees and if Mr. Price also was an employee. Mr. Price responded that there were roughly four employees, but he was not at this time an employee himself. Mr. Beaver went on to ask if there were other managers in the store, other than Mr. Price. Mr. Price responded he lost his main manager and was training a few to see who would pan out, however he could not recall the name of the manager who had left. He stated the manager he was currently training was named Tamar. When asked how often he is in the store managing, Mr. Price replied that he was usually there 3-4 days a week.

Mr. Beaver made inquiry of Mr. Prices familiarity with several employees. Mr. Price was familiar with most, but none worked for the store any longer. He stated that one employee, Ed Girasole, was a manager. Mr. Beaver asked who hired Mr. Girasole, for which Mr. Price answered that he did.

Mr. Beaver went on to ask if Mr. Price was familiar with Tommy McKay and whether he was an employee. Mr. Price was familiar with Tommy McKay, as he was his brother-in-law, but he was not an employee. Mr. Price explained that Mr. McKay has been in the business longer than he has and he asks him for advice and that Mr. McKay will help him design displays. Mr. Beaver also inquired as to whether Mr. Price knew Laschelle McKay. Mr. Price responded he did, and Mrs. McKay helps with design and décor.

Mr. Beaver asked who was responsible for maintaining employee records, hiring, and training. Mr. Price stated that he was. Mr. Beaver requested copies of Mr. Price's employee records to be submitted to the Board, including W-4's and I-9's from June to the present. Mr. Beaver asked what methods Mr. Price uses in finding employees, for which Mr. Price answered through social media, word of mouth, signs in the store window.

Mr. Beaver asked if the store was open 7 days a week and who is responsible when Mr. Price is not there. Mr. Price responded that the store is open 7 days a week and the manager or clerk on duty is responsible when he is not there. Mr. Beaver asked if the store utilized employees from the McKay's supermarket next door and who pays them. Mr. Price responded that if someone doesn't come in or needs a break, they might use an employee from the supermarket and when they check in on the cash register it goes into the POS system of the liquor store to account for their time and are paid by Patuxent Fine Wine and Spirits. When Mr. Beaver asked if they fill out any paperwork like an I-9 or W-4, Mr. Price responded they did not. Mr. Beaver followed that they were not employees, more like independent contractors, for which Mr. Price agreed.

Mr. Beaver then inquired if the employee from the supermarket would fill in as a manager and accept a delivery. Mr. Price responded that on occasion a supermarket employee would cover for a manager, but only a clerk from his store would handle a delivery.

Mr. Beaver then asked about the ordering procedure: who does the ordering, who signs for the orders once delivered? Mr. Price explained that the salesman comes in weekly and assists in writing up the orders, which must be approved by either a manager or himself. He or a manager would sign for the order when delivered.

Mr. Beaver presented Mr. Price and the Board copies of documents acquired by the Board Inspector during inspections in June and July of 2021 (exhibits F, H, K, N & O). He asked Mr. Price to explain what the documents were and who signed them. Mr. Price stated they represented deliveries and they were signed by Tommy McKay, who was there as one of his family members helping him when he was opening. Mr. Beaver inquired about a handwritten notation on one that stated "Ck # 7384 TMcKay", whether that indicated that the delivery was paid with check number 7384 for which Mr. Price responded in the affirmative. Mr. Beaver inquired as to who wrote the check, Patuxent Fine Wine and Spirits or McKay's supermarket. Mr. Price stated Patuxent Fine Wine and Spirits. Mr. Price was asked if Mr. McKay could sign checks on behalf of Patuxent Fine Wine and Spirits and had there been any instances when McKay's supermarket would have written a check. Mr. Price answered no to both.

Mr. Beaver asked who is responsible for stocking the shelves and were they ever stocked by McKay's employees? Mr. Price stated he and his clerks were, but if Tommy McKay was in there, he might help set up a display.

Mr. Beaver asked who sets the prices for the liquor store. Mr. Price explained he relies on information from the Beverage Journal, his manager, the database, and he asks Tommy due to his experience.

Mr. Beaver asked who manages the inventory and how? Mr. Price explained that he and his manager by what's on the shelves and the information in the POS system gives him an idea of what sells good and what doesn't. Mr. Beaver asked who the software of the POS system is licensed to for which Mr. Price responded Patuxent Fine Wine and Spirits. Mr. Beaver requested that copies of the software license be brought to the Board.

Mr. Beaver inquired if the accounting is done by computer or a third-party accountant. Mr. Price stated by computer. Mr. Beaver stated that he presumed the software was licensed to Patuxent Fine Wine and Spirits and Mr. Price stated, yes, it's Turbo Tax.

Mr. Beaver inquired as to whether his store had an alarm system and if it worked independently or was tied into the McKay's. Mr. Price stated it was all one big system.

Mr. Beaver questioned Mr. Price on advertising. Mr. Price explained that he puts ads in the back of the County Times, an ad not a circular and that he prepares them. Mr. Beaver presented Mr. Price and the Board with photographs taken by the Board Inspector (exhibits A-E). Mr. Beaver asked Mr. Price if the photos looked familiar and could he explain what they depicted. Mr. Price admitted that the photos were of discount labels on the product shelving in his store with "McKay's Discount" on the labels. Mr. Price then explained that the labels he had ordered were back ordered due to COVID and that he was only using the McKay's Discount labels until his came in. He admitted this was a bad decision on his part. He presented Mr. Beaver the labels he had ordered and stated that he received them approximately 5-6 weeks ago and had since re-labeled everything. Mr. Beaver asked which business prepared the labels and were they prepared using a POS system. Mr. Price answered that Patuxent Fine Wine and Spirits and affirmed they were printed using the POS system. Mr. Beaver asked if the POS system was shared with McKay's. Mr. Price stated it was, but his database which generates the barcoding is separate. Mr. Beaver asked if the barcoding was for inventory control and Mr. Price affirmed that it was. Mr. Beaver asked since Mr. Price shares that POS system with McKay's, is that part of a larger inventory control system shared by both stores. At this point Mr. Price's attorney intervened to make sure that his client understood the question regarding the POS systems being shared. Mr. Beaver again asked if Mr. Price's POS system was tied to McKay's POS system. Mr. Price then answered it was not.

Mr. Beaver asked if the liquor store had a loyalty program and if it was separate from the McKay's loyalty program. Mr. Price answered they were separate. Mr. Beaver inquired about the "promo" listed on the labels, as it reflects that McKay's was responsible for the discount. Mr. Price's attorney requested his client to clarify the reason the McKay's labels were used due to his intended labels being backordered and his decision to use the McKay's labels in the interim. Mr. Price then answered Mr. Beaver, that the promotion was run by Patuxent Fine Wine and Spirits.

Mr. Beaver presented Mr. Price with two photos (exhibits P & Q). He asked if photo Q was the front door of Patuxent Fine Wine and Spirits. Mr. Price affirmed it was. Mr. Beaver asked Mr. Price to describe what he saw in the photo. Mr. Price stated it was a sign listing

the hours of McKay's and his liquor store. Mr. Beaver asked how the sign is titled. Mr. Price answered that the top of the sign says "McKay's" and stated that he posted the sign.

Attorney Beaver opened questioning up to the Board.

Chairman Willenborg asked Mr. Price why he wouldn't want to market his business under its own name – why would he want to use another businesses name on signage as depicted. Mr. Price responded that he and McKay's were trying to help each other out, giving the example that McKay's has a display of empty wine boxes with a sign that says, "Visit Patuxent Fine Wine and Spirits".

Chairman Willenborg reminded Mr. Price that during the application hearings the Board insisted that everything had to be separate from the McKay's supermarket and if he were the applicant, he would be worried about the illusions these items depict. Mr. Price responded he was worried but had to use what he had.

Chairman Willenborg inquired as to the check numbers being in the 7000's, asking Mr. Price if he had his bank issue checks starting at a higher number or had he written over 7000 checks. Mr. Price said he would have to look it up but had not written over 7000 checks. Mr. Beaver stated that they would mark the record that Mr. Price would provide that information at a later date. Member Watts asked if the Board could get copies of the checks written, specifically the ones presented today. Mr. Beaver stated that the Board could request financial records of the business.

Chairman Willenborg asked about shared advertising for employees for both the grocery store and Mr. Prices store, whether Mr. Price felt that was "separate"? Mr. Price did not understand why that would be a problem. Mr. Beaver followed up asking if Patuxent Fine Wine and Spirits and McKay's supermarket jointing solicited employees, either by posting a sign, in a newspaper or online. Mr. Price stated they posted signs in the grocery store doors and wherever he could post them. Mr. Price's attorney, asked Mr. Price if some of his employees are part time and thereby could work for both his store and another store, including the McKay's store. Mr. Price said yes, its common.

Mr. Kohl reviewed the timeline of Mr. Price's application process and opening of his store. He then stated that it bothered him that the Board Inspector, Kevin Hall was not present for the inquiry. Mr. Beaver explained to Mr. Kohl that this was only an inquiry and not a violation hearing, so the Inspectors testimony was not needed today. He stated that should the Board decide it needs to move forward with a violation, then Mr. Hall would be present.

With no further questions, Chairman Willenborg closed the inquiry.

BOARD ADMINISTRATOR'S REPORT- Tammy Hildebrand

Mrs. Hildebrand stated that she will be discussing the FY23 budget with the Board next month, with a large purchase of a vehicle for the Inspector. The current vehicle is the last of the loner vehicles and it is not in good shape. Since there are no more available loners available, Transportation has recommended the ABB purchase their own vehicle. Mrs. Hildebrand expressed condolences for two licensees that passed: Tony Baden who owned the Rod N Reel, he had just transferred the license so he could retire and Thelma

Sparks, sister of Dave Dent and co-owner of WJ Dent & Sons and our Inspector, who is out because his grandmother passed away earlier this morning.

ALCOHOL ENFORCEMENT COORDINATOR REPORT- Sgt. Steve Myers

Sgt. Steve Myers reported for the month of September:

- 9 Alcohol Compliance checks 0 Violations; expanded covert underage compliance
- 19 DUI Arrests
- 3 Meetings
- 1 Training

Sgt. Myers reported he will be very busy with the CAC grant as he will be doing covert checks with a CI every 2 weeks. Also, he will be doing tobacco checks with the tobacco grant.

Community Alcohol Coalition (CAC) – Chris Shea

Mr. Shea stated he had nothing to report on but if the Board had questions, he would be happy to answer them. Mrs. Hildebrand asked about the data on the “To-Go” bill and if any data has been gathered. Mr. Shea stated there were no changes and no clarifications on the data. Member Kohl had previously requested Mr. Shea (CAC) provide information on the MSP DUI counts for the month; however, Mr. Shea did not have that information with him, but he would remember to provide that next time.

ADJOURNMENT

Member Watts made a motion to adjourn at 3:40 pm. Motion was seconded by Member Hill. Motion carried.

Respectfully submitted,

Suzan Dean, Recording Secretary

David Willenborg, Chairman