

**ALCOHOL BEVERAGE BOARD
THURSDAY, FEBRUARY 10, 2022 @ 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, February 10, 2022, 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 Richard Watts
Member Leonard Kohl
Member Richard Shin
Member Barbara Hill
Tamara Hildebrand, Administrator
Chris Beaver, Attorney
Suzan Dean, Recording Secretary
Kevin Hall, Inspector

APPROVAL OF THE AGENDA

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

APPROVAL OF MEETING MINUTES

Member Hill moved to approve the minutes for the January 13, 2022 meeting. Motion was seconded by Member Kohl. Member Kohl amended the minutes by stating that he had asked Vice-Chair Watts if he accepts the nomination of the Vice-Chair position by which he said yes. Then the Board voted yes for Vice-Chair Watts to become the new Vice-Chair. Mrs. Dean will amend January 13, 2022 minutes to reflect this change. Motion carried to approve the minutes.

NEW BUSINESS

- Violations

Bob's Sunoco - Licensee: Robert E. Belden: Sale of alcoholic beverages to a person under the age of twenty-one (21) in violation of §6-304 of the Alcoholic Beverages Article of the Annotated Code of Maryland and §5.04(j) of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.

Bob Belden appeared before the Board and was sworn in. Mr. Belden was asked if he was guilty, and he responded yes. Attorney Beaver read into the record the events of the violation from the Sheriff's report that happened on Friday, November 19, 2021 at 4:30 pm. Mrs. Hildebrand stated that the business had not had any violations in the last three (3) years. Mr. Belden has a no tolerance policy

with his employees so because of this violation, Mrs. Stritzel was terminated from Mr. Belden's employment. Vice-Chair Watts made the motion for a fine of \$1000.00; \$750.00 held in abeyance, pending no further violations in the next three (3) years; payment to be made within 10 days or the license will be suspended until the fine is paid. RAST training will also be required within 90 days. The motion was seconded by Member Kohl. Vote was 4 to 1; Chairman Willenborg against. Motion carried.

Employee: Catherine Mary Stritzel -The above individual, Catherine Mary Stritzel, was an employee of a license holder and sold or provided alcoholic beverages to an individual under the age of twenty-one years in violation of §28-2802(b) of the Alcoholic Beverages Article of the Annotated Code of Maryland.

Catherine Stritzel appeared before the Board and was sworn in. The Board asked Mrs. Stritzel if the violation of serving an underage patron did occur. Mrs. Stritzel stated that she had in fact served an underage patron. Vice-Chair Watts made the motion for a fine of \$500.00; \$450.00 held in abeyance, pending no further violations in the next three (3) years; payment to be made within 10 days. The motion was seconded by Member Kohl. Vote was 4 to 1; Chairman Willenborg against. Motion carried.

Patuxent Fine Wine and Spirits - Licensee: William C. Price: Sale of alcoholic beverages to a person under the age of twenty-one (21) in violation of §6-304 of the Alcoholic Beverages Article of the Annotated Code of Maryland and §5.04(j) of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County

William Price appeared before the Board and was sworn in. Mr. Price was asked if he was guilty, and he responded yes. Attorney Beaver read into the record the events of the violation from the Sheriff's report that happened on Friday, January 14, 2022 at 8:50 pm. Mr. Price stated that the employee somehow overrode the system that stops the sale on the cash register to put in the date of birth after an alcoholic beverage has been entered. Mr. Price stated that the employee has been terminated from his employment. Vice-Chair Watts made the motion for a fine of \$1000.00; \$750.00 held in abeyance, pending no further violations in the next three (3) years; payment to be made within 10 days or the license will be suspended until the fine is paid. RAST training will also be required which Mr. Price had already taken. The motion was seconded by Member Shin. Vote was 4 to 1; Chairman Willenborg against. Motion carried.

Employee: Tatiana Nicole Robinson - The above individual, Tatiana Nicole Robinson, was an employee of a license holder and sold or provided alcoholic beverages to an individual under the age of twenty-one years in violation of §28-2802(b) of the Alcoholic Beverages Article of the Annotated Code of Maryland.

Tatiana Nicole Robinson was absent for the hearing. The Board voted to petition the Circuit Court for her appearance. Vice-Chair Watts moves to approve the petition. Motion was seconded by Member Hill. Motion carried

- Applications

McKay's Market and Café - Application of Cherry E.M. Price to transfer McKay's Market and Café Class B (Restaurant) BWL license from Cherry E.M. Price, Administrator for the Estate of Marilyn A. McKay and t/a McKay's Market and Café (Hollywood Market & Café, LLC), 23860 Hollywood Road., Hollywood, MD 20636

Cherry Price appeared before the Board and was sworn in. Attorney Mike Davis represented Mrs. Price by explaining that Mrs. Price has been acting in the capacity of the licensee since the elder Mrs. McKay

passed away. Vice-Chair Watts asked for clarification of Fairland Market Inc. as the property owner and Attorney Davis explained that Hollywood Market and Café was the sole member and property owner. Vice-Chair Watts asked Attorney Beaver to clarify whether Mrs. Price is a licensee or is she also an owner? Attorney Beaver explained that Mrs. Price is the authorized person for the LLC and that this is appropriate and legal. Member Kohl made a motion to approve the application. Motion was seconded by Member Shin. Motion carried.

- Special Privilege Applications:

Willows Recreation Center – Trisha R. Post -Requesting Catering privilege

Mrs. Post did not appear.

BOARD ADMINISTRATOR'S REPORT

Mrs. Hildebrand explained that 98% of the scanners used do not work. Scanners should only be used as a tool, not fool proof. Mrs. Hildebrand explained that HB474 would exempt Class D licenses in the Corporate Town of Leonardtown from the within 300 feet of a church or school prohibition. This bill is being put in by the Town Commissioners. Mrs. Hildebrand also explained that HB506 was discussed by Jeff Kelley of the ATC and by our CSMC to see where the Board stands about the referendum to put this bill on the ballot in November. John Houser from the County Attorney's Office spoke to the Board in reference to the bill HB506 and stated that was asked by the CSMC what their expert opinion of this referendum was. Mrs. Hildebrand stated that HB858 is the "Chain Store" bill that would allow grocery stores and big box stores to sell beer and wine. Mrs. Hildebrand stated that the office is processing renewals and has started RAST training up again after being closed due to COVID and that trainers are back training for Alcohol Awareness.

BOARD INSPECTOR REPORT

Inspector Kevin Hall reported for the month of January:

- 6 inspections
- Intervention meeting with Tammy at an establishment.
- Assisted Tammy during RAST training

ST MARY'S LICENSED BEVERAGE ASSOCIATION

Dave Dent from the SMLBA and Ron Sharma from Wildwood Wine and Spirits, also a member of the SMLBA, came before the Board. Mr. Dent gave some history to the Board about the prohibition of chain stores and why they do not support that legislation. Mr. Dent stated that he opposes having alcohol in chain stores. Mr. Sharma explained the impact of alcohol in chains stores have on independent retailers and would put many businesses out of business. Attorney Beaver stated that 47 states in the USA have beer and wine in chains stores.

Chairman Willenborg asked to interrupt the meeting to address a former matter on the approval of the application of Cherry E.M. Price to transfer McKay's Market and Café Class B (Restaurant) BWL license from Cherry E.M. Price, Administrator for the Estate of Marilyn A. McKay. Chairman Willenborg asked Member Kohl to rescind the motion so it could be corrected. Member Kohl made a motion to rescind the approval of the application of Cherry E.M. Price to transfer McKay's Market and Café Class B (Restaurant) BWL license from Cherry E.M. Price, Administrator for the Estate of Marilyn A. McKay and t/a McKay's Market and Café (Hollywood Market & Café, LLC), 23860 Hollywood Road., Hollywood, MD 20636

Motion to rescind was seconded by Member Shin. Motion carried. Member Kohl made a motion to approve the application of Cherry E.M. Price to transfer McKay's Market and Café Class B (Restaurant) BWL license from Cherry E.M. Price, Administrator for the Estate of Marilyn A. McKay and t/a McKay's Market and Café (Hollywood Market & Café, LLC), 23860 Hollywood Road., Hollywood, MD 20636 on a 90-day conditional approval pending Personal Property Taxes, Traders License, Retail Sales Tax and Use and Occupancy Permit. Motion was seconded by Member Shin. Motion carried.

COMMUNITY ALCOHOL COALITION

Chris Shea came before the Board. Mr. Shea explained to the Board that along with alcohol bills in legislation there are several marijuana bills on the table as well. Chairman Willenborg asked Mr. Shea if the increase of alcohol use has caused an increase in alcoholism or mental health issues. Mr. Shea said he was not sure of the data on that, but he would look into it.

BOARD MEMBERS TIME

John Houser came before the Board to see if there was any information the Board would like to share with the CSMC on this subject. If there are any facts or recommendations? After hearing the comments from each of the Board members, Attorney Houser stated that he will take the information of a non-support back to the CSMC.

ADJOURNMENT

Vice-Chair Watts made a motion to adjourn at 3:15 pm. Motion was seconded by Member Hill. Motion carried.

Respectfully submitted,

Suzan Dean, Recording Secretary

David Willenborg, Chairman