

**ALCOHOL BEVERAGE BOARD
THURSDAY, MAY 12, 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, May 12, 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
Steve Myers, Alcohol Enforcement Coordinator

APPROVAL OF THE AGENDA

Vice-Chair Watts moved to approve the amended agenda to move the violation of Korner Karryout before the application of the transfer of the license. Motion was seconded by Member Hill. Motion carried

APPROVAL OF MEETING MINUTES – April 14, 2022

Member Hill moved to approve the minutes for the April 14, 2022 meeting. Motion was seconded by Member Shin. Motion carried.

NEW BUSINESS

- Special Privilege Applications

St. James Deli & Spirits – Sherry Thompson -requesting Refillable Container Permit

Dave Thompson appeared before the Board and was sworn in. A letter was presented from Sherry Thompson for Mr. Thompson to speak on her behalf. Mr. Thompson explained that he was going to install a growler system into his already existing espresso bar and that he understood the rules and regulations that went along with operating this

type of system. Vice-Chair Watts moved to approve the Refillable Container Permit. Motion was seconded by Member Kohl. Motion carried.

- Applications

Ye Olde Towne Café, LLC - Application for Irene B. Parrish to purchase a Class B (Restaurant) Beer and Wine license and t/a Ye Olde Towne Café (Ye Olde Towne Café, LLC) 22685 Washington St., Leonardtown, MD 20650

Irene Parrish appeared before the Board and was sworn in. Ms. Parrish explained where the alcohol would be stored. Member Kohl made a motion for a 90-day conditional approval pending Trader's license and Use and Occupancy permit. Motion was seconded by Member Hill. Motion carried.

Bailey's Catering Inc. - Application of Donna L. Mattingly, William Edward Bailey, Jr., and Jacqueline Bailey Buckler to transfer Olde Breton Inn (Bailey's Catering, Inc.) Class B (restaurant) BWL license from Donna L. Mattingly, William Edward Bailey, Jr., and Jacqueline Bailey Buckler, Administrators of the Estate of William E. Bailey, Sr. and t/a Bailey's Catering (Bailey's Catering, Inc.), 21890 Society Hill Rd., Leonardtown, MD 20650. And permission for catering privilege and extension of premises.

Donna Mattingly, William Bailey, and Jacqueline Buckler appeared before the Board and were sworn in. Ms. Mattingly explained that the estate of their late father should be settled later in May so then they will be able to make all the final changes to the business. Vice-Chair Watts made a motion for a 90-day conditional approval pending Sales and Use Tax, Trader's license and Use and Occupancy permit. Motion was seconded by Member Hill. Motion carried.

Old Line Restaurant and Pub - Application of Warren Paul McClain and Michael Richard Venendaal to transfer Old Line Pub (LJD Consulting, LLC) Class B (restaurant) BWL license from Toni Lynn Boyd and Michael Boyd and t/a Old Line Restaurant and Pub (LRA Consulting, LLC), 30080 Three Notch Rd., Charlotte Hall, MD 20622

Warren McClain and Michael Venendaal appeared before the Board and were sworn in. Vice-Chair Watts made a motion for a 90-day conditional approval pending Comptroller clearance, Trader's license, Use and Occupancy permit, close of sale and Health Department approval. Motion was seconded by Member Kohl. Motion carried.

- Violations

Korner Karryout - Employee: Ian Robert McCloud

The above individual, Ian Robert McCloud, 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 §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

Ian McCloud appeared before the Board and was sworn in. Mr. McCloud explained that the violation did occur. Vice-Chair Watts made a motion of a \$100.00 fine. No second

offered, motion failed. Member Shin made a motion for a \$250.00 fine. Motion was seconded by Member Hill. Motion carried 4 to 1, Vice-Chair Watts against.

Korner Karryout - Licensee(s): F. Elliott Burch, Jr., Donald B. Burch, and Kelli D. Mattingly

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

Donald Burch and Kelli Mattingly appeared before the Board and were sworn in. Dave Weigel was in attendance to represent Mr. Burch and Mrs. Mattingly. A letter was presented to the Board to allow Donald Burch to speak on behalf of F. Elliott Burch. Mr. Burch and Mrs. Mattingly explained that the violation did occur. Linda Carter was in attendance to represent the new ownership of the establishment and explained all the new implementation of new policies and procedures regarding underage alcohol and tobacco sales have now been put into place since this violation has occurred. Member Shin made a motion for a \$1000.00 fine, \$250.00 held in abeyance for 3 years. Motion was seconded by Member Hill. Motion carried 4 to 1, Vice-Chair Watts against.

Korner Karryout Transfer Application - Application of Kelli D. Mattingly and Abid Chaudhry to transfer Korner Karryout (Burch Oil Co., Inc.) Class A-3 BW license from Donald B. Burch, F. Elliott Burch, Jr., and Kelli D. Mattingly and t/a Korner Karryout (Korner Karry, LLC)

Abid Chaudhry, Amara Chaudhry, Kelli Mattingly, Linda Carter, and Ben Carter appeared before the Board for the transfer of Korner Karryout. Mrs. Mattingly will remain on the license as the resident licensee. Member Kohl made a motion for a 90-day conditional approval pending Trader's license, Comptrollers clearance and Use and Occupancy permit. Motion was seconded by Vice-Chair Watts. Motion carried.

Buffalo Wild Wings Grill & Bar - Employee: Laura Michelle Tomor-Morales

The above individual, Laura Michelle Tomor-Morales, 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 §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.

The Alcohol Enforcement Coordinator has been unable to locate Ms. Morales to serve summons to appear before the Board for the violation.

Buffalo Wild Wings Grill & Bar - Licensee(s): Aimee Raley, Dennis Kanady, and Travis Dunn

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.

Aimee Raley and Travis Dunn appeared before the Board and were sworn in. Linda Carter is representing this establishment for the violation. Dennis Kanady was excused from the meeting due to illness and Ms. Carter will speak on his behalf. Ms. Carter explained the

violation did occur. Member Shin made a motion for a \$1000.00 fine, \$250.00 held in abeyance for 3 years. Motion was seconded by Member Kohl. Motion carried 4 to 1, Vice-Chair Watts against.

Outback Steakhouse - Employee: Erica Jennelle Brawley

The above individual, Erica Jennelle Brawley, 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 §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.

Erica Brawley appeared before the Board and was sworn in. Ms. Brawley explained that the violation did occur but had thought her manager had checked the cadets ID, as she took the order at the table for Ms. Brawley while Ms. Brawley was with another customer. Member Shin made a motion for a \$50.00 fine. Motion was seconded by Vice-Chair Watts. Motion carried.

BOARD ADMINISTRATOR'S REPORT

Mrs. Hildebrand stated that Patuxent Wine and Spirits closed, and Dave McKay Liquors filed a Bulk Transfer application to acquire their stock.

The annual (virtual) MALA conference will be on Thursday, May 19, 9 am- noon.

Rules and Regulations: changes- Mrs. Hildebrand reminded the Board that if the Board had any changes they would want to make to the Rules and Regs, to please forward to her.

ALCOHOL ENFORCEMENT COORDINATOR REPORT

For the month of April Deputy Myers reported:

- 0 Covert Compliance checks / 2 Violation
- 15 DUI's
- 17 MSP DUI'S
- 3 stationary surveillance- no violations
- 20 Renewal postings
- 11 Summons
- CAC meeting

BOARD INSPECTOR REPORT

For the Month of April Kevin Hall reported:

- 7 inspections
- 65 text messages for reminders for renewals
- 12 Renewal postings
- RAST training
- 2 MALA calls

ST MARY'S LICENSED BEVERAGE ASSOCIATION

New Year's Eve extended hours permits

Joe Kurley from the Rex came before the Board to represent the SMLBA to answer questions referring to whether the Board should keep the privilege of the New Years Eve permit. Mr. Kurley's response from the SMLBA was to keep the privilege even though there was not much participation in the event. Mr. Kurley also suggested for a reward program for establishments who stopped an underage sale during a compliance check. Mr. Kurley explained that his establishment is preparing to set up a plan for customers to have a designated driver to get them home at the end of the night.

COMMUNITY ALCOHOL COALITION

Chris Shea stated there was not much new at the CAC. Mr. Shea explained that the marijuana legislation would be up for vote so that will be the topic of discussion at upcoming meetings. Mr. Shea discussed some funding options that may help with incentive programs for retailers.

BOARD MEMBERS TIME

Discussion was had by the members regarding consistency and guidelines on penalties for violations. The Board Attorney stated that the Board consists of five members, not one, for a reason, and therefore not all members must agree. The Board takes the time to listen and discuss each case on its own merits. A motion can fail because the Board does not agree. If a motion is made and passes, then the Board has come to agreement and that is the right motion.

ADJOURNMENT

Vice-Chair Watts made a motion to adjourn at 3:45 pm. Motion was seconded by Member Hill. Motion carried

Respectfully submitted,

Suzan Dean, Recording Secretary

David Willenborg, Chairman