

**ALCOHOL BEVERAGE BOARD
THURSDAY, MAY 11, 2023 @ 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 11, 2023, 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
Tamara Hildebrand, Administrator
Chris Beaver, Attorney
Suzan Dean, Recording Secretary
Kevin Hall, Inspector
Dep. Steve Myers, Alcohol Enforcement Coordinator

Not Present:

Member Barbara Hill

APPROVAL OF THE AGENDA

Vice-Chair Watts moved to approve the agenda for May 11, 2023. Motion was seconded by Member Kohl. Motion carried.

APPROVAL OF MEETING MINUTES – April 13, 2023

Vice-Chair Watts moved to approve the minutes for April 13, 2023. Motion was seconded by Member Shin. Motion carried.

OLD BUSINESS

- **Extension of Conditional Approvals**

The Creek – Arthur C. Brinkley and Celeste C. Baird - Requesting 90-day extension of approval.

Chairman Willenborg moved to the next agenda items as the applicants were delayed and not yet present.

- **Tabled Applications**

Dave McKay Liquors - Application of Dave McKay to transfer Dave McKay Liquors Class A-1 BWL license location from 37670 Mohawk Dr., Charlotte Hall, MD 20622 to 30005 Three Notch Rd., Charlotte Hall, MD 20622.

Dave McKay appeared before the Board and was sworn in. Mr. McKay requested that the Board table his location transfer for 30 days because he had a new contract proposal for the property that he would like to explore and felt he would have the evidence the Board required to show that a liquor store was contracted to be built. Vice-Chair Watts made a motion to table the approval for 30 days until the next Board meeting as requested by Mr. McKay. The motion was seconded by Member Shin. Chairman Willenborg stated that he wanted to make clear to Mr. McKay that if there were no changes to what Mr. McKay had already presented to the Board, that he highly recommended he withdraw his application, as it did not appear he had the votes to approve it as currently presented. Motion carried 3:1; Vice-Chairman Watts opposed.

NEW BUSINESS

- **Violations**

Corner Liquors – Employee - Nikhil Jagadishkumar Patel

The above individual, Nikhil Jagadishkumar Patel, 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.

Nikhil Patel appeared before the Board and was sworn in. Mr. Patel admitted the violation did occur. Member Shin made a motion for a \$250.00 fine. Motion was seconded by Vice-Chair Watts. Motion carried.

Licensee - Shambhubhai Keshavial Patel

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.

Shambhubhai Patel appeared before the Board and was sworn in. Mr. Patel was accompanied by his manager Alpesh Patel and Mr. David Weigel, his attorney. Mr. Patel admitted the violation did occur. This is the second offense in 3 years. Vice-Chair Watts made a motion for the \$750.00 that was held in abeyance from the previous violation to be reinstated, \$1000.00 fine and RAST training. Motion was seconded by Member Shin. Motion carried.

- **Extension of Conditional Approvals**

The Creek – Arthur C. Brinkley and Celeste C. Baird - Requesting 90-day extension of approval.

Celeste Baird appeared before the Board and was sworn in. Ms. Baird stated that they had received their HAASP plan from the Health Dept. Vice-Chair Watts made a motion to approve a 90-day extension of conditional approval. The motion was seconded by Member Shin. Motion carried.

- **Applications**

Water View Inn - Application of Richard Dwayne Thomas, David Orlando Thomas and Yolanda Danette Butler to transfer Brambly Inn (Brambly Inn, LLC) Class D-BWL license from Ernest S. Carter and Martha J. Carter and t/a Water View Inn (Water View Inn, LLC), 23153 Pleasant Lane, Bushwood, MD 20618

Richard Dwayne Thomas, David Orlando Thomas and Yolanda Danette Butler appeared before the Board and were sworn in. John Quinn was present to represent the new licensees for their application. The applicants withdrew the extension of premises for the outdoor seating from their application. Vice-chair Watts made a motion for a 90-day conditional approval pending Fire Marshal approval, Trader's license, and the closing sale of the business. The motion was seconded by Member Shin. Motion carried.

Hacienda Los Guayabos - Application of Juan Carlos Herrera to transfer Hacienda Los Guayabos (Hacienda Los Guayabos, LLC) Class B (Restaurant) BWL license from Jose C. Herrera, Administrator for the Estate of Maria Olga Ruiz and continue to t/a Hacienda Los Guayabos (Hacienda Los Guayabos, LLC), 19661 Three Notch Rd., Lexington Park, MD 20653.

Juan Herrera appeared before the Board and was sworn in. Mr. Herrera stated that the establishment had been owned by his deceased mother and now his father wants Juan and his minor siblings to have the restaurant and for Juan to be the licensee. Member Shin made a motion for a 90-day conditional approval pending Fire Marshal approval and the Use and Occupancy permit. The motion was seconded by Member Kohl. Motion carried.

Merchants Lane Fine Wine & Spirits - Application for Ajit Singh and Rajni Kumar to purchase a Class A-1 BWL license and t/a Merchants Lane Fine Wine and Spirits (Merchants Lane Fine Wine and Spirits LLC), 40845 Merchants Lane, Leonardtown, MD 20650

Ajit Singh and Rajni Kumar appeared before the Board and were sworn in. Mr. Singh explained that he has been in the liquor business for 17 years, has TIPS certification and previous RAST training. Vice-chair Watts made a motion for a 90-day conditional approval

pending Fire Marshal, Trader's license, and Use and Occupancy permit. The motion was seconded by Member Shin. Motion carried.

Flour Donut & Bakery - Application for Elise E. Ryce to purchase a Class B(Restaurant) BWL license and t/a Flour Donut & Bakery (Flour Donut and Bakery, LLC), 22675 Washington St., Unit 102, Leonardtown, MD 20650

Elise Ryce, Candace Ryce and Ricky Ryce appeared before the Board and were sworn in. Mrs. Ryce explained that they would be a bakery as well as a café serving sandwiches and alcoholic beverages. Vice-chair Watts made a motion for a 90-day conditional approval pending Fire Marshal approval, Trader's license, Health Department approval and Use and Occupancy permit. The motion was seconded by Member Shin. Motion carried.

- **Officer/Member/Trade Name changes**

Lundeberg Port-O-Call Bar - Deleting Bart Rogers, Jr.; Adding Patrick Vandegrift

Member Kohl made a motion to approve the officer change. The motion was seconded by Member Shin. Motion carried.

BOARD ADMINISTRATOR'S REPORT

Mrs. Hildebrand explained that renewal period had concluded, and that Dep. Myers and Inspector Hall had posted notices on the businesses that had not yet picked up their licenses. Any licenses not picked up by May 30th will automatically expire. The ABB office had two (2) licensees that did not pick up by the deadline on April 28.

Mrs. Hildebrand also discussed the language in the Rules and Regulations pertaining to the 300-foot distance of a licensed premise from schools and churches. The language no longer reflected the language in the Alcoholic Beverages Article. Mrs. Hildebrand and Attorney Chris Beaver stated they would work on language for the Board to vote on next month.

CANNABIS ALCOHOL COALITION

Mrs. Hildebrand gave the report on behalf of the CAC, as they could not attend. The CAC has a grant for \$21,700 to continue the red card/green card program. Former director Chris Shea 's position has been filled.

ALCOHOL ENFORCEMENT COORDINATOR REPORT

For the month of April, Deputy Myers reported:

- 12 Covert Compliance checks / "Leonardtown Luau" 4/21/23 – 1 violation
- 18 DUI's
- 15 MSP DUI'S
- 24 notices posted.
- 4 Alcohol Violations Summons served.

- 2 stationary surveillance - no violations
- 5 State Park surveillance - no violations
- Attended CAC meeting and RAST training.

BOARD INSPECTOR REPORT

For the Month of April, Kevin Hall reported:

- 10 inspections,
- visited 3 businesses that did not renew to make sure all alcohol was removed.
- 25 notices posted.
- Attended CAC, virtual MALA meeting and RAST training.

ST MARY'S LICENSED BEVERAGE ASSOCIATION – Joe Kurley- ABSENT

ADJOURNMENT

Vice-chair Watts made a motion to adjourn at 2:51 pm. Motion was seconded by Member Shin. Motion carried.

Respectfully submitted,

Suzan Dean, Recording Secretary

David Willenborg, Chair