

**THE ALCOHOL BEVERAGE BOARD
THURSDAY, MAY 09, 2013 @ 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 09, 2013 at 1:00 P. M. in the County Commissioners Conference Room, Chesapeake Building, Leonardtown, Maryland.

Moses Saldaña, Chairman
Linda Palchinsky, Vice Chairman
Aaron Mathis, Member
Betty Currie, Member **ABSENT**
Kevin Hall, Member
Joanne Wood, Attorney
Tamara Hildebrand, Board Administrator
Garland Thompson, Inspector
Cpl. James Stone, Alcohol Enforcement Officer

Chairman Saldaña called the meeting to order and introduced the Board to the audience. Member Mathis moved to approve the minutes of April 11, 2013. Member Hall seconded and the motion carried. Motion carried.

➤ **Old Business:**

- Extensions of Conditional Approvals
 - Plaza Azteca* – Miguel A. Lopez, Ruben Leon, & Abrea Rodriguez - Requesting 60 day extension of conditional approval.
Abrea Rodriguez appeared before the Board on behalf of the other license holders and changed the request to 90 day extension. Member Hall made the motion to approve the request and it was seconded by Vice Chairman Palchinsky. Motion carried.
- Postponed premise changes
 - Expressions of St. Marys* – Deborah Hamann - Requesting extension of premise for alcohol storage.
After a visit from the Board Inspector, Ms. Hamann requested permission to house the alcohol in a separate building from where it was served. Member Mathis made the motion to approve the request and it was seconded by Member Hall. Motion carried.

➤ **New Business**

- Premise changes:
 - Ledo Pizza* – Cole Western & Larry Glaubitz - Requesting extension of premise to include new patio area for outside dining
Cole Western appeared on behalf of the licensees requesting 60 day conditional approval for an extension on the Route 5 side of the building with a 3 ft. fence holding approximately 5 tables. Vice Chairman Palchinsky made the motion to approve the request and it was seconded by Member Mathis. Motion carried.
 - Green Door Tavern* – Brian Tarleton - Requesting temporary extension of premise for ACS Relay for Life

Mr. Tarleton appeared before the Board. This is his sixth year of holding the American Cancer Society's Relay for Life Event. In the future, when Mr. Tarleton renews his license, there will be an inclusion on his license that states he will have the temporary extension of premises on the day of the Relay for Life event. Kevin made the motion to approve the request and it was seconded by Member Mathis. Motion carried.

- Violations

Chairman Saldaña explained the Board's procedures for handling violations to the audience.

Dew Drop Inn – Gordon Henry Ragan, Jr. & Judith Mae Ragan

- Furnishing alcohol to persons who, at the time of sale or delivery, were visibly under the influence of an alcoholic beverage in violation of Section 12-108(a)(1)(ii) of Article 2B of the Maryland Annotated Code and Section 5.04(i) of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.
- Consumption of alcoholic beverages not purchased from the license holder on the licensed premises in violation of Section 12-107(b) of Article 2B of the Annotated Code of Maryland.
- Consumption of alcoholic beverages outside the licensed premises (in the parking lot) in violation of Sections 2.01(g), 2.13, and 5.04(k) of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.
- Licensed establishment dispensing or selling alcoholic beverages or allowing clerks, agents, employees or servants to do so while said licensee, clerk, agent, employee or servant is intoxicated or under the influence of alcohol in violation of Section 5.04(r) of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.

Chairman Saldaña read the violations into the record. Mr. and Mrs. Ragan appeared before the Board and admitted that the four violations did occur. They stated that they were not at the establishment the night the violations occurred and that they had entrusted the security and bartenders to keep things in order. Ms. Wood read the statement of facts into record. On the Friday after the violation, Cpl. Stone came to the establishment and gave mini-RAST training to all the Staff. During discussion, it was noted that this was the second time since March of 2011 that the first violation occurred at this establishment and they were fined \$500 at that time.

For the first violation penalty, Vice Chairman Palchinsky made the motion for \$1,000 fine, payable within 10 days or the license will be suspended. Member Hall seconded the motion and it carried.

For the second violation penalty, Member Mathis made the motion for \$500 fine, payable within 10 days or the license will be suspended. Vice Chairman Palchinsky seconded and the motion carried.

For the third violation penalty, Member Hall made the motion for a \$500 fine, payable within 10 days or the license will be suspended. Member Mathis seconded and the motion carried.

For the fourth violation penalty, Member Mathis made the motion for \$500 fine, payable within 10 days or the license will be suspended. Member Hall seconded and the motion carried.

Loveville Tavern – Rochelle A. Jackson

- Apparent use of controlled dangerous substances on premises by patrons in plain view in violation of Section 4.03 of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.
- Consumption of alcoholic beverages not purchased from the license holder on the licensed premises in violation of Section 12-107(b) of Article 2B of the Annotated Code of Maryland.

- Consumption of alcoholic beverages outside the licensed premises (including in the parking lot) in violation of Sections 2.01(g), 2.13, and 5.04(k) of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.
- Failure to control extended premises, to wit: fenced area, to maintain individuals from entering without identification checks; in violation of Section 12-108 of Article 2B of the Annotated Code of Maryland.
- Acts which violate the peace and safety of the community in which the place of the business is located, including, but not limited to: failure to comply with agreed upon recommendations of Alcohol Enforcement Coordinator to curb history of incidents at premises, and a general failure to maintain and secure the premises during the period that the premises have been maintained by the licensee, to wit: with 54 calls for police service in a seven month period, allowing the Board to take action for the violation under Section 10-401(a)(2) of Article 2B of the Maryland Annotated Code and Section 5.01 of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County.

Chairman Saldaña read the violations into the record. Rochelle Jackson and the establishment's manager Ebon Jackson appeared before the Board and spoke on behalf of the licensee. Referencing each violation, Ms. Jackson stated that the first and fourth violation did not occur. Cpl. Stone testified to the events of the evening regarding those violations. Mr. Jackson asked Cpl. Stone questions for clarification on some of his statements. Ms. Wood read the statement of facts into record. Mr. Jackson stated that he had been trying to be proactive by calling the Sheriff's Office for help when he was closing to try to clear the parking lot and roadway. Vice Chairman Palchinsky informed Mr. Jackson that the Sheriff's Office should not be relied on for use as bouncers.

For the first violation, Chairman Saldaña made the motion that the violation did occur. Member Hall seconded and the motion carried.

For the fourth violation, Member Mathis made the motion that the violation did not occur. Member Hall seconded and the motion carried.

For the first violation penalty, Chairman Saldaña moved for \$1000 fine, suspended for three years. There was no second. The motion failed 3 to 1 with Chairman Saldaña being the only aye vote. Member Mathis moved for a \$250 fine, suspended for three years. The vote failed with Chairman Saldaña and Member Mathis voting aye and Member Hall and Vice Chairman Palchinsky voting nay. Member Hall moved to fine them \$1000 with \$500 suspended for three years and it was seconded by Chairman Saldaña. Member Mathis and Chairman Saldaña voted nay and Vice Chairman Palchinsky and Member Hall voted aye. Motion failed. Member Mathis moved for \$500 fine with \$250 suspended for three years, payable within 10 days or the license will be suspended. Chairman Saldaña seconded and the motion carried.

For the second violation penalty, Member Hall moved for \$500 fine, payable within 10 days or the license will be suspended. Vice Chairman Palchinsky seconded and the motion carried.

For the third violation penalty, Vice Chairman Palchinsky moved for \$500 fine with \$250 suspended for three years, payable within 10 days or the license will be suspended. Member Mathis seconded and the motion carried.

The Board took a five minute break and returned at 2:25.

For the fifth violation penalty, based on the facts and findings, Chairman Saldaña moved to suspend the license for 30 days effective immediately. Vice Chairman Palchinsky seconded and the motion carried.

➤ **Other Business:**

- **Board Administrator – Tammy Hildebrand**

Ms. Hildebrand will be sending out draft of changes to the Rules and Regs to the Board Members.

- **Alcohol Enforcement Coordinator – Cpl. James Stone**

There were 19 DUI's in April and one citation issued to a 15 yr old. There were 30 premise checks and one violation.

- **Board Inspector – Garland Thompson**

Mr. Thompson did 16 routine inspections and posted signs where needed.

- **Retail Beverage Association – Dave Dent**

Mr. Dent had nothing to report for the month of April.

- **Community Alcohol Coalition- Jenna Mulliken**

Unable to attend this meeting.

Vice Chairman Palchinsky made the motion to adjourn the meeting. Motion carried.

Respectfully submitted:

Fran Hammett
Recording Secretary

Moses Saldaña
Chair