

**THE ALCOHOL BEVERAGE BOARD
THURSDAY, APRIL 11, 2019 @ 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, April 11, 2019 at 1:00 PM in the County Commissioners Conference Room, Chesapeake Building, Leonardtown, Maryland.

Kevin Hall, Chairman
Mark Denietolis, Vice - Chairman
Leonard Kohl, Member
April Trossbach, Member
David Willenborg, Member
James Tanavage, Attorney
Tamara Hildebrand, Board Administrator
Suzan Whilden, Administrative Assistant
Garland Thompson, Inspector
Sgt. Stephen Myers, Alcohol Enforcement Coordinator

Chairman Hall called the meeting to order at 1:00 pm and introduced the Board and staff.

Chairman Hall moved to approve the March 14, 2019 minutes. Motion was seconded by Member Willenborg. Motion carried.

New Business

- **Violations**

Big Dogs Paradise Bar & Liquors – Brian Adkins- An occurrence on January 1, 2019, at your establishment of the following: A violation of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County, Section 3.02 . Inspections, requiring that every license holder, his/her clerks, agents, employees or servants, shall cooperate with members of law enforcement agencies whenever any of these persons come to the licensed premises on official business. Each licensee, his/her clerks, agents, employees or servants, shall also comply with any reasonable order of such authorities or other public authority concerning the promotion of the health, safety and general welfare of the public at large.+

Brian Adkins appeared before the Board and was sworn in. Chairman Hall asked Mr. Adkins if the violation did occur and Mr. Adkins stated that he believed the violation did not occur. The Board then proceeded to hear testimony from their first witness, Deputy

Westphal. Deputy Westphal stated that he was doing a premise check and that he had his body cam activated and that body cam footage was played as evidence. After Deputy Westphal was questioned by the Board and Mr. Adkins, a motion was made to whether Mr. Adkins was guilty or not guilty of the violation. Member Willenborg made a motion that Mr. Adkins was guilty and was seconded by Vice . Chairman Denietolis. Motion carried. Chairman Hall moved the Board to the penalty phase of the violation. Member Willenborg made a motion for a fine of \$1,000.00 and a 30 day suspension of the license. No second; motion died. Chairman Hall called for another motion. Vice . Chairman Denietolis made a motion for a fine of \$1,000.00 and a 15 day suspension of the license and was seconded by Member Willenborg. At this time Mr. Adkins asked if he could speak. The Board granted his request. Mr. Adkins appealed to the Board to reconsider the suspension due to the financial impact on his business and possible loss of his lease. Attorney Tanavage asked that the Board stop and amend the finding of the violation so as to clarify why they found Mr. Adkins guilty of the violation. . Vice . Chairman Denietolis amended his motion that the violation did occur due to the evidence and testimony presented, showing Mr. Adkins did inhibit the deputy from conducting his premise check. Member Willenborg seconded the motion. Motion carried. Returning to the penalty motion on the table, Chairman Hall expressed his opinion that he thought the 15 day suspension was excessive, given this being the first time Mr. Adkins was brought before the Board. Member Kohl concurred. Vote was 4-1 against Member Willenborg voting in favor. Motion failed. Vice . Chairman Denietolis made a motion for a fine of \$1,000.00 and a 5 day suspension effective immediately; seconded by Member Kohl. Motion carried.

- **Applications**

Action Lounge and Billiards - Application of Jeannie M. Suite to purchase a Class B (Restaurant) BWL license & t/a Action Lounge and Billiards (Action Lounge and Billiards, LLC), 25470 Point Lookout Rd., Unit F, Leonardtown, MD 20650

Jeannie and Matthew Suite appeared before the Board and were sworn in. Mr. Suite explained to the Board that their business will provide pools tables, darts, shuffle board and sports and entertainment with full food service and family friendly atmosphere. Member Kohl made the motion for a 90 day conditional approval pending the Health Department, LUGM, Fire Marshal, Use and Occupancy and Traders license. Motion was seconded by Member Trossbach. Motion carried.

- **Premise Change**

The Rex – Joseph Kurley, Charles Breck and Daniel Norris - Requesting temporary extension of premise for liberal use to accommodate anticipated large crowd for Spring Bar Crawl on April 26th , 11:00 AM to April 27th , 2:00 AM.

Joseph Kurley, Charles Breck and Daniel Norris appeared before the Board and were sworn in. Mr. Kurley stated that he is requesting an extension of premise to have a

larger area to serve patrons for the Spring Bar Crawl. Chairman Hall made the motion for the approval. Motion was seconded by Vice . Chairman Denietolis. Motion carried.

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

Ridge Market - Deleting Kin Chan

Member Kohl made the motion for the approval . Motion was seconded by Member Trossbach. Motion carried.

Other Business

- **Board Administrator- Tammy Hildebrand**

Mrs. Hildebrand stated that all of the St. Mary's County legislative bills were passed. Mrs. Hildebrand explained that we will get updates on all State legislation at MALA in May. Mrs. Hildebrand also explained about the informational webinars that are available through the NABCA. Mrs. Hildebrand explained to the new Board members about any new legislative changes that will affect St. Mary's County and that those changes may need to be voted on and then put into the new 2019 Rules and Regulations in July.

- **Alcohol Enforcement Coordinator – Sgt. Steve Myers**

For the month of March, Sgt. Myers reported 12 compliance checks with no violations, 14 tobacco checks with 1 violation, 11 school tobacco violations, 12 DUI's from the Sheriff office and 3 COPS violations for alcohol.

- **Board Inspector – Garland Thompson**

For the month of March, Mr. Thompson did 14 inspections.

- **St. Mary's Licensed Beverage Association- David Dent**

Mr. Dent explained some of the updates on the 2019 legislative bills. Mr. Dent stated the Alcohol and Tobacco Commission bill passed but was vetoed by the Governor but the veto was overridden. By June 2020, the Commission will consist of a 5 person panel (health, alcohol, law enforcement and 2 financial persons) and the enforcement will be out of the Comptroller's office control but the taxes for alcohol and tobacco will remain with the Comptroller's office. Mr. Dent stated that neither the Scanner Bill nor the Alcohol Awareness bills passed but that the Minimum Wage bill did pass so by 2026, minimum wage will be \$15.00. Mrs. Hildebrand questioned Mr. Dent on the Brewery Modernization Act bill which should allow an establishment to also have a Class D Beer license only+as well.

- **Community Alcohol Coalition- Chris Shay**

Mr. Shae stated that the CAC will be having a conference on June 3, 2019 at the Forrest Technical Center in Leonardtown. Mr. Shae explained about the Social Host bill which did not pass on the state level so it will be re-introduced at next year's legislation for St. Mary's County legislation.

Member Kohl asked Mrs. Hildebrand when the next meeting was scheduled for which will be on May 16, 2019 after the MALA Conference.

Adjournment

Chairman Hall made a motion to adjourn at 2:50 pm. Motion was seconded by Vice Chairman Denietolis. Motion carried.

Respectfully submitted,

Suzan Whilden, Recording Secretary

Kevin M. Hall, Chair