

Minutes – August 14, 2014

The following members of the Board were present at the County Commissioners' Meeting Room, Charles County Government Building, for a regular hearing of the Board of License Commissioners: Pamela Smith, Chairwoman; Wayne Magoon, Vice Chairman; Guy N. Black, Thomasina Coates, and William B. Young. Alcohol Enforcement Coordinator Master Cpl. Judith Thompson and Inspector Greg Kiesel were excused. Also appearing in support of the Board were Associate County Attorney Matthew Clagett, and Lisa Bailey, Clerk/Recording Secretary.

1. Upon a motion made, duly seconded and unanimously carried, the following temporary alcoholic beverage license applications were approved:

La Plata Volunteer Fire Department, by Lynn D. Gilroy, for two (2) 1-day temporary ABL to sell/serve BWL, on Saturday, August 30, and Saturday, September 27; with each event scheduled from 7pm to 2 am, at the fire house for Texas Hold 'em tournament fundraisers with approx. 100-150 people expected to attend.

Bryans Road VFD & Rescue Squad, Inc., by: Paul Tackish, for a 1-day temporary alcoholic beverage license application to sell/serve BWL on September 13, beginning at 6 p.m. to 2 a.m., inside the Bryans Road VFD Activity Hall for a Texas Hold'em tournament fundraiser with approx. 50 people expected.

Charles Regional Medical Center Foundation, by Leigh Falkler, for a 1-day temporary alcoholic beverage license to sell/serve BWL from 5-10 p.m. on September 20, 2014 at the Port Tobacco Courthouse Grounds for their 17th annual Wine Tasting fundraiser with approx. 1200 people expected to attend.

Business Alliance of Charles County, by: Tracey L. Stinnett, for two (2) 1-day temporary alcoholic beverage license to sell/serve BWL on August 14, 2014 at County First Bank, Centennial Street, La Plata; and on September 11, 2014, at Spring Dell Center, both events from 5:30-7:30, for a business networking mixers with 40-60 people expected to attend.

DC Air National Guard Top 3 Council, by: Sgt. Thomas Katt, for a 1-day temporary alcoholic beverage license to sell/serve Beer only from 8 a.m to 4 p.m. on September 15, 2014 at White Plains Golf Course for a tournament with approx. 110 people expected to attend.

College of Southern Maryland, by: Shaunda Holt, for five (5) 1-day temporary alcoholic beverage licenses to sell/serve BWL from 6:30-9:30 p.m. on the following dates at CSM for the described class/occasion with approx. 16-20 people expected to attend each event:

- a. September 17 – BWL - Girls Night Out – Going Greek
- b. October 10 – Beer only - Birra Festival
- c. October 22 – BWL – Wine & Cheese 101
- d. November 7 – BWL – Fall in Tuscany
- e. November 12 – BWL – Girls Night Out – Going Greek

2. Anne M. Woodford, Woody's Tavern, LLC t/a Woody's Tavern, 4300 Hawthorne Road, Indian Head, Maryland 20640, appeared for a new Class B-N (Nightclub) – BWL (on sale only) alcoholic beverage license. Counsel to the applicant was Nathan Chapman, Esq. Testimony was presented by the applicant as to the facts contained in the application, including evidence that Anne M. Woodford serves as sole licensee and managing member and maintains a 100% interest in Woody's Tavern, LLC. The applicant also testified that they have no plans for live entertainment; that she formerly held an alcoholic beverage license at the premises trading as Halfway Liquors; proposed hours of operation; and, planned staffing. Further, the applicant had initially intended to apply for an outside special exception. However, based upon the "Nighclub" classification, an outside area is not possible. Appearing in opposition to the granting of the alcoholic beverage license was Daniel R. Dixon, landlord at her previous licensed establishment. Mr. Dixon's opposition centered around the vacation of the premises trading as Halfway Liquors and alleged property damage, as well as an alleged unpaid invoice to a distributor. The applicant strongly disputed all allegations of wrongdoing and is prepared to adjudicate the matter in a case currently pending before the District Court for Charles County. Any approval must be contingent upon the filing of satisfactory criminal history background reports (CJIS/FBI), Health permit, Use & Occupancy Permit & Deed. Upon a motion duly made, seconded and unanimously carried, the Board voted to leave the record open and conclude this matter at their next hearing date.

3. Carrie A. Wright, Jules Fagens, The Rivah, Inc., t/a The Rivah, 12364 Neale Sound Drive, Cobb Island, Maryland 20625 for a transfer of the Class B – BWL (on sale only) alcoholic beverage license from Jules Fajans, The Rivah, Inc., t/a The Rivah, 12364 Neale Sound Drive, Cobb Island, Maryland 20625. Counsel to the applicant was Robert Moreland, Esq. The Board approved the applicant's request that this matter be withdrawn with his intention to re-file an amended application.

4. Show Cause in the Matter of the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license issued to Swati Patel, Katherine S. Cooper, Big Mouth Club, LLC, t/a Big Mouth Beer, Wine & Spirits, 2175 Crain Highway, Waldorf, Maryland 20601 dated November 25, 2013. Associate County Attorney Adam Storch joined the meeting, as did attorney for the licensee David Martinez, Esq. This matter alleges a disturbance of the peace and safety of the community in which the above-captioned place of business is situated, place of business is situated, in violation of Art. 2B, Sec. 10-401 of the Annotated Code of Maryland. Associate County Attorney Adam Storch advised the Board that the licensee has been cooperating with the County, and have implemented remedial measures to address the noise complaints. Since the serving of the Show Cause Order, corroborated noise violations have been rare; and, in light of the cooperation of the licensee, the County requested that the Show Cause Order be dismissed. Therefore, upon a motion duly made seconded and unanimously carried the Board ordered that the Show Cause Order dated November 25, 2013, be dismissed.

5. The Board approved Sena Kim's resignation from Kodori, leaving that Class B - BWL (on sale only) alcoholic beverage held by Kyung Tae Kim, Kodori, Inc., t/a Kodori Korean & Japanese Restaurant, 2792 Crain Highway, Waldorf, Maryland 20601.

6. The Board approved a request from Swati Patel, Big Mouth Club, LLC, t/a Big Mouth Beer, Wine & Spirits, 2175 Crain Highway, Waldorf, Maryland 20601, to redefine the

licensed premises. Although the licensee will continue to maintain his Class D – BWL (on/off sale) alcoholic beverage licensee, the primary type of business practiced will be that of a liquor store. The remaining portion of the business will be a separate Class B-N (Nightclub) BWL (on sale only) business which is intended to be leased by the landlord to a separate entity. (See New License application - Beer 4 U Sports Bar).

7. Sena H. Kim, Beer 4U, Inc., t/a Beer 4 U Sports Bar, 2177 Crain Highway, Waldorf, Maryland 20601, for a new Class B-N (Nightclub) BWL (on sale only) alcoholic beverage license. Counsel to the applicant was David Martinez, Esq. This application also requested the use of an Open Air Exception area. As the “Nightclub” designation does not allow for an Open Air Exception, the Clerk returned the Legal Notice fee to counsel. Testimony was presented by the applicant as to the facts contained in the application, including evidence that this premises was formerly occupied by Big Mouth Beer, Wine & Spirits. Ms. Kim resigned as an officer of Kodori, Inc., t/a Kodori Korean & Japanese Restaurant, leaving Kyung Tae Kim as the sole officer and licensee at that establishment. Ms. Kim’s application provides for her to serve as sole owner of Beer 4U, Inc. Ms. Kim testified that she intends to conduct the business with a Sports Club type atmosphere. Entertainment will be limited to karaoke and instrumental type music only on occasion. The Class B/N (Nightclub) alcoholic beverage license does not provide for outside consumption of alcohol. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board ordered that the application is hereby approved contingent upon modification and redefinition of the licensed premises, and upon payment of the appropriate license fee, within 30 days.

8. Show Cause in the matter of the Class D – Beer, Wine & Liquor (on/off sale) alcoholic beverage license issued to Najib Nazmi Bakir, Preetanjan K. Grewal, Anup Portside, LLC, t/a Portside Liquors, 6967 Indian Head Highway, Bryans Road, Maryland 20616. This matter was initially scheduled to be heard in June, however, was continued at the request of the licensee. The licensee appeared and was represented by David Martinez, Esq. Mr. Martinez acknowledged receipt of the Charges and Show Cause Order at least ten (10) days prior to the hearing and on behalf of his clients admitted to the allegation contained in the Show Cause Order. The alleged server, Jasmine Kaur Brar, admitted to the allegations contained in the Show Cause Order by Affidavit. Associate County Attorney Matthew Clagett read M/Cpl. Judith Thompson’s police report into the record. Further testimony and exhibits were presented by the licensees as to the mitigating circumstances involved in this sale and improved procedures and training policies. In consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board ordered that the alcoholic beverage license be suspended for a period of 3 days, with one of the three days held in abeyance for three years. The suspension is to begin at opening of business on Monday, July 14 and end at close of business on Tuesday, August 19, 2014. It was further ordered that the licensees be fined Seven Hundred Fifty Dollars (\$750.00), made payable to the Charles County Treasurer and delivered to the Board of License Commissioners before reinstatement of the alcoholic beverage license.

9. James William Day, Graham Michael Day, Red Oak Bistro, LLC t/a Red Oak Bistro, 6390 Crain Highway, La Plata, Maryland 20646, for a Open Air Special Exception to serve and allow their patrons to consume alcoholic beverages in a defined outside area. The applicant(s) testified as to the outside "special exception" area, described as an approximately 1,000 square foot outdoor patio area in the rear of the licensed premises, not visible from the

front of the building, and facing a wooded area. The defined area will be accessible through a corridor in the main dining room in the restaurant and egress will be provided via two gates at either end of the area; however, these gates will not allow access into the area by the public. The defined area will be surrounded by an approximate 4 foot, iron rail fence. The licensees further testified that they intend to add security cameras to observe the area. It is the applicants intention to serve alcoholic beverages to their customers via the inside bar area only. The applicants further testified that there would be no live or amplified entertainment on the outside area, and this request is submitted as an accommodation to their patrons. The licensees agreed to obtain all required permits from the Town of La Plata, including with regard to any curbing and/or safety barriers. In consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the Outside Special Exception as presented and consented to in the Consent Order.

10. The clerk advised that she received an e-mail from Prime Street Grille advising that they "...suffered a kitchen fire on the afternoon of July 3 which has us temporarily closed for repairs. We hope to reopen in August."

11. The clerk advised that it is time for the County Commissioners' annual legislative hearing and work sessions. The Chair advised anyone with an interest in submitting a legislative proposal to have it ready for presentation at the next hearing.

The clerk presented a written proposal from Halimah Neal, 10651 Ashford Circle, Waldorf, MD 20603 to "Allow service, social and event oriented businesses, to bring your own bottle and complimentary drink services to their guests and patrons." This proposal will benefit "Service, social and event oriented businesses, such as art studios, galleries, spas and salons".

12. The clerk advised that licensee Carla Hunter, RPH, Inc., t/a The ICON, 2106 Crain Highway, Waldorf, Maryland 20601 on August 11, 2014, turned in her Class B – Beer, Wine & Liquor (on sale only) alcoholic beverage license as the business is closed.

13. With no further business the meeting adjourned at 12:30 p.m. The next meeting is scheduled for July 10, 2014.