

## Minutes – March 13, 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. In addition, Alcohol Enforcement Coordinator Master Cpl. Judith Thompson, Alcohol Inspector Greg Kiesel, Associate County Attorney Matthew Clagett, and Lisa Bailey, Clerk/Recording Secretary, were in attendance.

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

Southern Maryland Youth Orchestra, by Julia M. Nichols. Also appearing was Jennifer Cooper, for two 1-day temporary alcoholic beverage licenses to sell/serve beer, wine & liquor on Saturday, March 29 from 7-10 p.m., and on Sunday, March 30, from 3-6 p.m., at the Family Life Center for a fundraiser with 200 people expected to attend each day. This application contemplates the serving of wine only at the vent and was approved contingent upon the application being amended to reflect a resident of Charles County serving as organizational officer.

La Plata Volunteer Fire Department, by Lynn D. Gilroy, for three (3) 1-day temporary alcoholic beverage licenses to sell/serve beer, wine & liquor, on Saturday, March 29, 2014, April 26, 2014; and May 31, 2014; each event from 7pm to 2 am, at the fire house for Texas Hold'em tournament fundraisers with approx. 100-150 people expected to attend.

Due to a conflict of interest, Vice Chairman Wayne Magoon recused himself from ruling on this application. John Trotter/Robert Stethem VFW Post 8810, by George A. Grimes, for a 1-day temporary alcoholic beverage license to sell/serve beer, wine & liquor on Friday, May 2, 2014, from 8 a.m. to 1 p.m., at Fun Haven Golf, Route 301, La Plata, for a fundraiser with approx 80 people expected to attend.

The application filed on behalf of Bryans Road Volunteer Fire Department & Rescue Squad by Paul M. Tackish, for 3 one-day temporary alcoholic beverage licenses to sell/serve beer, wine & liquor on Saturday, April 12; Saturday, May 10; and Saturday, June 14, 2014 from 6 p.m. to 2 a.m., at the fire house for a fundraiser with approx. 50 people expected to attend, was continued to the next hearing date.

2. Heidi Aldous Fick, t/a Ironsides Store, 6130 Port Tobacco Road, Ironsides, Maryland 20643, appeared for a transfer of the Class D – Beer & Wine (on/off sale), Liquor (off sale only) alcoholic beverage license from John R. Pickeral, t/a Ironsides Store, 6130 Port Tobacco Road, Ironsides, MD 20643. Counsel to the applicant was Hammad Matin, Esq. Due to a conflict of interest, Vice Chairman Wayne Magoon recused himself from ruling on this application. Testimony was presented by the applicant as to the facts contained in the application, including evidence that Heidi Fick is the sole licensee and meets the residency requirements to hold the license as an individual. The applicant proposed to operate as a carry-out / deli type business and - while still under renovation - has made a substantial

investment to bring the property into to Code compliance. The applicant anticipates final build out by April 25, 2014. It was acknowledged that a Protest to Renew this alcoholic beverage license currently held by John Pickeral, which alleges that the license is not necessary for the accommodation of the public as it has been closed or operating on very limited hours for the past few years. That matter will remain scheduled to be heard April 10, 2014. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the transfer contingent upon filing a Health Permit and Use & Occupancy permit, along with payment of the appropriate transfer fee.

3. Alison Darbie, Ape Hangers, LLC, t/a Ape Hanger Bar and Grill, 9100 Crain Highway, Bel Alton, Maryland 20611 for a transfer of the Class B – Beer, Wine & Liquor (on sale only) alcoholic beverage license issued to Beverly A. Howe, Howe, L.L.C., t/a Ape Hanger's Bar and Grill, 9100 Crain Highway, Bel Alton, Maryland 20611. Counsel to the applicant was David Hruda, Esq. Testimony was presented by the applicant as to the facts contained in the application, including evidence that Alison Darbie, is the sole officer, stockholder, and resident licensee, for Ape Hangers, LLC. The applicant also testified that no further change in the type of business is contemplated at this time. The licensee agreed that the Consent Order issued on September 3, 1998, which sets forth the conditions under which then licensee Beverly A. Howe, Howe, L.L.C., t/a Ape Hanger's Bar and Grill, at this same address, could operate an outside Special Exception Area, shall remain in full force and effect under the new licensee. Any deviation from the Consent Orders shall require an application to be brought before the Board of License Commissioners for their consideration and approval. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the transfer contingent upon filing a drawing/diagram of the outside area indicating seating/bar area, Health Permit, Use & Occupancy permit, along with payment of the appropriate transfer fee.

4. Robert T. Giaimo, Ype Von Hengst, Georgios Ioannis Markomanolakis, Silver Diner Waldorf, LLC, t/a Silver Diner, 3081 Festival Way, Waldorf, MD 20601, for a new Class B/BLX –Beer, Wine & Liquor (on sale only) Luxury Restaurant alcoholic beverage license. Counsel to the applicant Linda Carter, Esquire, withdrew the application and expects to re-file for May, 2014 hearing.

5. Suman Kumar, Scott Francis Gordon, Bryans Wine & Spirits, LLC, t/a Bryans Road Liquors, 3105 Marshall Hall Road, Bryans Road, Maryland, for a transfer in the Class D – Beer, Wine (on/off sale), Liquor (off sale only) alcoholic beverage license from Louis A. Miller, Arun Kumar, Bryans Wine & Spirits, LLC, t/a Bryans Road Liquors, 3105 Marshall Hall Road, Bryans Road, Maryland 20616. Counsel to the applicant was John F. Mudd, Esq. The Board offered condolences to the family of Arun Kumar. Testimony was presented by the applicant as to the facts contained in the application, including evidence that Suman Kumar holds an 80% interest and serves as a managing member of Bryans Wine & Spirits, LLC; and Scott Francis Gordon, holds a 20% interest and serves as co-managing member and holds a 20% interest in the LLC. The applicants anticipate no change in operation of the premises. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the transfer contingent upon filing certification that the applicant has successfully completed an alcoholic awareness training course, along with payment of the appropriate transfer fee.

6. Thomas Avallone, Bruce F. Hawkins, Mary Kathryn Faber, BUCA (SUGGROUP), LLC, t/a Buca di Beppo, 11110 Mall Circle, Room G01A, Waldorf, Maryland 20603 for a transfer of the Class B - BWL (on sale only) BLX Luxury Restaurant alcoholic beverage license from Thomas Avallone, Mary Kathryn Faber, Todd Chase, BUCA (SPGGROUP), LLC, a Florida LLC, t/a Buca Di Beppo, 11110 Mall Circle Drive, Room G01-A, Waldorf, Maryland 20603. The application for transfer was withdrawn, however, the licensee submitted the necessary paperwork to evidence the resignation of Todd Chase, leaving the remaining officers, Mary Kathryn Faber (resident licensee), and Thomas Avallone, as managing members of BUCA (SUGGROUP), LLC.

7. 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. David Martinez, Esquire, appeared with his clients, and acknowledged receipt of the Show Cause Hearing. Associate County Attorney Adam Storch appeared on behalf of the County and advised that he has been working with the licensee on a remediation plan and requested a continuance to the May hearing to determine whether or not the remedial measures afford a positive effect. The licensee also requested the removal of Katherine S. Cooper from the alcoholic beverage license, leaving Ms. Patel as the sole managing member and resident licensee. Upon a motion duly made, seconded and unanimously carried, the Board approved the continuance and the removal of Katherine S. Cooper from the alcoholic beverage license.

8. Work Session on Charles County Board of License Commissioners Rules and Regulations. The Board incorporated changes submitted by members and instructed the Clerk to post the Amended Regulations to their webpage soliciting review and comments from the public.

9. The Board directed the clerk to proceed with the Protest to Renew the alcoholic beverage licenses of John Katsouros, t/a Johnny Boy's; Carl R. Baldus, WIJV Restaurant, t/a Damon's; Anne Marie Woodford, Halfway Liquors & Bar, Inc., t/a Woody's Tavern; and John Pickeral, t/a Ironsides Store.

10. The Clerk requested that those members who wish to attend the Maryland Alcohol License Administrators' Conference, May 9 & 10, please let her know by 3/13 if you wish to attend and whether or not your spouse/guest will register.

11. The Board shared a letter from Celene Graves trading as Capt. Billy's, advising that they intend to reopen for the Season on March 7, 2014.

12. M/Cpl. Judith Thompson provided the Board with a copy of the Monthly Compliance Report, evidencing the following 5 out of 8 premises inspected having passed:

1. Absher Liquors, La Plata (Drive-In)
2. Korner Liquors, Waldorf (Drive-In)
3. Hooter's, Waldorf
4. Commerce Liquors, Waldorf (Drive-In)
5. Chili's Southwest Grill & Bar

13. With no further business, the meeting adjourned at 1:20 P.M. The next meeting is scheduled for April 10, 2014.