

**THE ALCOHOL BEVERAGE BOARD  
THURSDAY, JUNE 14, 2012 @ 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, June 14, 2012 at 1:00 P. M. in the County Commissioners Conference Room, Chesapeake Building, Leonardtown, Maryland.

Moses Saldaña, Chairman  
William R. Cullins III, Vice-Chairman  
Aaron Mathis, Member  
Betty Currie, Member  
Linda Palchinsky, Member  
Joann Wood, Attorney  
Tamara Hildebrand, Board Administrator  
Chris Morley, Inspector (**ABSENT**)  
DFC James Stone, Alcohol Enforcement Officer

Chairman Saldaña called the meeting to order. Member Mathis moved to approve the minutes of May 10, 2012. It was seconded by Member Palchinsky. Motion carried. The Board was introduced to the audience.

**Old Business:**

**Extension of Conditional Approvals:**

Twist Wine & Spirits - requesting a 120 day extension of conditional approval  
The license holder was not present so this item was tabled until later.

**New Business:**

• **Applications:**

Capt. Leonards Seafood Restaurant

Application of Leonard E. Copsey Jr. & Mary E. Copsey to transfer Capt. Leonards Seafood Market Class B (rest) Beer, Wine & Liquor license from Leonard E. Copsey Jr. & Mary E. Copsey & t/a Capt. Leonards Seafood Restaurant (Capt. Leonards Seafood Restaurant, LLC), 27301 Three Notch Rd., Mechanicsville, MD 20659.

The applicants appeared before the Board for the license change. Chairman Saldaña recused himself from this item. Member Currie made the motion to approve the change on the condition that they get a copy of the traders' license to the Board Administrator within five days. Member Palchinsky seconded the motion and the motion carried.

Thai Inter Restaurant

Application of Ka Ming Ting, Thanyanan Jeammaneeprakit & Soonthon Jim Limpakan to transfer Thai Inter Restaurant (Thai Inter Inc.) Class B (rest) Beer, Wine & Liquor license from Soonthon Jim Limpakan & t/a Thai Inter Restaurant (PLT Inc.), 22622 MacArthur Blvd. #380, California, MD 20619.

The license holders appeared before the Board with Attorney Edward Kim Reynolds to transfer the license. After discussion, Member Palchinsky made the motion to approve the application and it was seconded by Member Mathis. Motion carried.

California's Place

Application of Patrick Kleinclaus & Anthony Ferraro to transfer La Tabella (Locals, Inc.) Class B (rest) Beer, Wine & Liquor license from Anthony Ferraro & Anthony Ferraro,

Personal Representative to the Estate of Armand Ferraro & t/a California's Place  
(California's Place, LLC), 23154 Wetstone Lane, California, MD 20619.

Member Currie made the motion for 90 day conditional approval based on the permits received from Health, Traders, U & O and TAM certification. Member Mathis seconded and the motion passed.

- **Premise changes:**

Vino 2 Wine & Liquor

Requesting extension of premise into adjacent unit, adding 1000 sq. ft. to premise.

Member Mathis made the motion for 90 day conditional approval based on the Fire Marshal permit and the U & O permit. Member Currie seconded and the motion carried.

- **Postponed premise changes**

Marilyn McKays Liquors

Requesting reduction of licensed premise, conditional on approval of application of Fresh Express, LLC.

Marilyn McKay appeared before the Board with Attorney Michael Davis. Mrs. Jan Norris testified that the McKay store had been in business and selling alcohol since before 1965. Mr. William Hebb also testified that he had worked at the store since 1962 and that alcohol was sold at that time also. Mrs. McKay testified that the liquor license was in her name and her husband's name prior to 1967. They are requesting the reduction of premises based on the conditional approval of the application of the Fresh Express LLC to obtain a Class B license. Vice Chairman Cullins made the motion to accept the applicants' statements that the license was grandfathered in since the license had been in effect since 1952 referencing Article 2B. Member Currie seconded the motion and motion carried. Vice Chairman Cullins made the motion to reduce the size of premises as requested conditional on the approval of application of Fresh Express, LLC. Member Palchinsky seconded and motion carried.

- **Postponed applications**

Fresh Express

Application of Laschelle E. McKay to purchase a Class B (rest) Beer & Wine license & t/a Fresh Express (Fresh Express, LLC), 23860 Hollywood Rd., Hollywood, MD 20636.

Lashelle McKay explained the concept of what they are proposing to do in the store. Food will be available to dine in or take out in. The new proposed area would be separated by a gondola from the Class A license side. The Board questioned the McKays about a wall to distinguish between the two businesses, and Mr. Thomas McKay stated that it just wouldn't be economically feasible to separate the building into two different entities. Mr. Dent from the License Beverage Association had submitted a letter of protest and spoke regarding the premises having two liquor licenses. He stated that the two businesses should be completely separated and should also have two physical addresses such as Suite A and Suite B. The McKays would not agree to allow separate registers to be used for the two licensed premises, but wanted to use the same registers for items purchased regardless of which licensed premise they were purchased from. Mr. Dent also questioned the storage of the alcohol in the back room, as the two businesses would have to separate and store the liquor in separate on-site locations. The Board took a 10 minute recess at this time. Upon return from the recess, Member Mathis, citing from Article 2B, section 9-102(a-1), moved that the application be denied based on the facts heard in discussions in the meeting. Member Mathis's motion included that although the Board found that Marilyn McKays Liquors was grandfathered in & therefore covered under the exemption from 9-102(a-1) which generally prohibits the issuance of a license in conjunction with a chain store or supermarket, Fresh Express does not fall under that exemption & is subject to that restriction as it is not a grandfathered license. Mr. Mathis also cited the facts that the applicant was not being able to meet the conditions set by the Board, did not show sufficient evidence that the two were separate businesses, and so would be in conflict with section 9-102(a) & (a-1) of Article 2B.

Vice Chairman Cullins seconded the motion. There were two ayes (Vice Chairman Cullins & Member Mathis) and two nays (Member Palchinsky & Member Currie). Chairman Saldaña broke the tie by voting for the motion

Twist Wine & Spirits - requesting a 120 day extension of conditional approval

Mr. Winters apologized for running so late and appeared before the Board requesting 120 day extension. Member Palchinsky made the motion to approve the extension and it was seconded by Member Currie. Motion carried.

#### **Other Business**

Rules & Regs changes were discussed and entered into the record. Mr. Dent requested a few clarifications on a few of the changes and what they meant.

§1.02 additions:

(a) Chairperson (b) Vice Chairperson & (c) Vice Chairperson Duties

§1.06 additions – current §1.06(j) renumbered to §1.06(k), in order to create new §1.06(j):

(j) Corkage license

§6.01 additions: conduct of meeting

Current §6.07 renumbered to §6.08, in order to create new §6.07:

§6.07 – Penalties/Payment of Fines

§7.02 additions:

Beer Festival License (On/off sale)

Class M-G – Municipal Golf Course (On-sale only)

Member Currie made the motion to approve the changes and it was seconded by Vice Chairman Cullins. Motion carried.

#### **Board Administrator**

Ms. Hildebrand and Deputy Stone attended the MALA conference. The May RAST training was held with good attendance. Grant funding was applied for next Fiscal Year.

#### **Alcohol Enforcement Coordinator**

Deputy Stone advised that there were 17 DUI's issued in May with only one to an underage person. He will be a speaker at a forum for the Community Alcohol Coalition regarding underage drinking. That will be held on June 26. Project Graduation was held in May.

Vice Chairman Cullins made the motion to adjourn the meeting and it was seconded by Member Currie. Motion carried.

Respectfully submitted

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Fran Hammett  
Recording Secretary

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Moses Saldaña  
Chairman