

November 5, 2014

County Service Building
Hyattsville, Maryland 20781

THE BOARD OF LICENSE COMMISSIONERS MET IN REGULAR SESSION:

PRESENT: Franklin D. Jackson, Chair
Shaihi Mwalimu, Vice Chair – arrived late
Earl Howard, Commissioner
Charles Caldwell, III, Commissioner
Edmond B. O’Connell, Counsel
Diane M. Bryant, Administrative Assistant
Kelly E. Markomanolakis, Administrative Assistant
Albert J. Fanelli, Chief
Cristian Mendoza, Deputy Chief

Time: 7:05 p.m.

In the matter of Patricia Perkins, President, **t/a Eaglewolf’s Sports Lounge**, Eaglewolf’s Sports Lounge, Inc., Class B (R) Beer, Wine and Liquor, 105 N. Crain Highway, Upper Marlboro, 20774 is summoned to show cause for alleged violations of Sections 10-401(g)(4) of Article 2B of the Annotated Code of Maryland and Rules 25, 33(A), 33(B), 26(A)(3), 26(A)(12), 26(B)(12), 29, 32, 46 of the local rules and regulations of the Board of License Commissioners to wit: That on January 28, 2014, the Board approved the transfer application contingent upon the Board approving renovation proposal to include the filing of a site plan and new elevation for the exterior of the licensed establishment; that an inspection of the establishment by Chief Inspector Albert J. Fanelli and Deputy Chief Cristian Mendoza-Munoz indicates that the renovations and upgrade modifications to the establishment as listed in the filings and site plans date-stamped June 6, 2014, are not consistent with what the Chief and Deputy Chief Inspectors observed, licensee and applicant represented by Russell Shipley, Counsel

- Statements were provided by:
Albert J. Fanelli (Chief Liquor Inspector)
Patricia Perkins (Licensee)
Paul McDonald (Applicant for establishment)
Russell Shipley (Attorney)
- Mr. Caldwell moved that based upon the testimony from the applicant and the proffers from the attorney that the following improvements be made to the licensed premises:
 - Renovate Men’s Restroom

- Installation of new Window (fronting on Route 301)
- Replace missing parts on the stove so that it will be safe and functional
- Landscape exterior of the licensed premise
- And that the applicant be given six months to complete the items; further, that a status report be submitted to the Board of License Commissioners within 90 days on the progress that is being done in regard to the above delineated work. Motion was seconded by Mr. Howard and made unanimous by Mr. Mwalimu and Mr. Jackson.
- Mr. Caldwell moved approval to the request, seconded by Mr. Howard and made unanimous by Mr. Mwalimu and Mr. Jackson.

In the matter of Joseph A. Giovannoni, President, Sherri Giovannoni, Vice President, Fish Market Restaurant of Maryland, Inc., **t/a Fish Market Restaurant**, Class B+, Beer, Wine and Liquor License, 7611 Old Branch Avenue, Clinton, Maryland 20735, is summonsed to show cause for alleged violations of Section 12-108(a), 12-108(d), 12-109 of Article 2B of the Annotated Code of Maryland and Rules 1(A), 1(B), 1(C), 2(B), 26(a)(3), 26(B)(3), 26(B)(4), 29 and 32 of the Rules and Regulations for Prince George's County, to wit: That on Friday, March 21, 2014 at approximately 6:45 p.m., Inspector James Golato and Ivan Estrada, Liquor Inspectors for Prince George's County Board of License Commissioners observed a minor who was working in an undercover capacity purchase and possess a twelve (12) ounce bottle of Corona Extra bottles; further that the licensee's agent was not cooperative with the Liquor Inspector; and the alcoholic beverage was furnished by an agent of the licensee, licensee represented by Regis Johnston, Counsel

- Statements were provided by:
Regis Johnston (Attorney)
Mr. Jones (Witness for establishment)
Sherri Giovannoni (Licensee for establishment)
- **Mr. Mwalimu moved that the licensee be found in violation of the charges and that a fine in the amount of \$5,000 be imposed, seconded by Mr. Caldwell and carried by Mr. Howard. Mr. Jackson votes no.**

In the matter of **R.R. NO.80 – REFILLABLE CONTAINERS PERMIT (GROWLER)**, the Commissioners discussed the proposed rule and regulation. Mr. Caldwell moved to approve Rule and Regulation #80 as amended by Edmond O'Connell, Counsel, seconded by Mr. Howard and made unanimous by Mr. Mwalimu and Mr. Jackson.

There is a Refillable Containers Permit (Growlers). This permit authorizes the holder to provide for sale draft beer in an approved refillable container to be consumed off the licensed premises. In order to apply for a Refillable Container Permit, a licensee shall file an application with the Board of License Commissioners. The term of the

refillable container permit and the hours are the same as that of the underlying alcoholic beverage license.

Licensed premises holding an off sale privilege may, at the discretion of the Board, be issued a license administratively upon payment of the Growler Permit Fee. Licensed premises without an off sale privilege are subject to a public hearing. An applicant shall file the application with the advertisement fee of \$250. Upon receipt of the application the Board will schedule a Public Hearing.

The annual fee for the permit is \$500. The fee shall not be pro-rated in the event its issuance is for less than a license year. The application for the refillable container permit will be accepted annually with the renewal of the alcoholic beverage license.

Draft beer shall be offered for sale in an approved container that meets the standards under Maryland Code, Article 2B, Section 21-107. The container for beer must be not less than 32 ounces and not more than 128 ounces.

The container shall:

- a. Be sealable;
- b. Include an identifying mark of the seller on the container;
- c. Bear the Federal Health Warning statement required for containers of alcoholic beverages, that warning currently states:

GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects.

(2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

- d. Display instruction for cleaning the container.
- e. Bear a label stating that:
 1. Cleaning the container is the responsibility of the consumer
 2. That the contents of the container is perishable; should be refrigerated immediately and consumed within 48 hours of purchase

The hours of sale shall begin at the same time as the hours permitted by the current alcoholic beverage license.

Respectfully Submitted,

Diane M. Bryant
Administrative Assistant

Adjourned: 8:35 p.m.