

PETITION TO FINE, SUSPEND, OR * BEFORE THE ALCOHOLIC
 REVOKE THE ALCOHOLIC *
 BEVERAGE LICENSE HELD BY * BEVERAGE HEARING BOARD
 STANLEY NASIATKA, DAVID *
 SHACREAW AND CONSTANCE * FOR
 SLEZAK ON BEHALF OF NASIATKA, *
 INC., t/a TRIPLE NINES BAR AND * HOWARD COUNTY, MARYLAND
 BILLIARDS *
 * Case No. 15-41-V

DECISION AND ORDER

The Board of License Commissioners for Howard County, Maryland (the “Liquor Board”), pursuant to Rule 1.02(A) of the Liquor Board Rules and Regulations, has delegated the authority to hear and decide cases to the Alcoholic Beverage Hearing Board for Howard County, Maryland (the “Hearing Board”). This Proposed Decision and Order shall take effect immediately in accord with Rule 7.05(C), and shall become Final, as provided in Rule 6.13.

On July 28, 2015, the Hearing Board heard the Petition of Howard County, Maryland and Detective Mark Baxter, Alcoholic Beverage Inspector (collectively “Petitioners”), to Fine, Suspend, or Revoke the Class D Beer, Wine, and Liquor 7-day on/off-sale license held by Stanley Nasiatka, David Shacreaw, and Constance Slezak (“Licensees”), on behalf of Nasiatka, Inc., t/a Triple Nines Bar and Billiards, located at 7540-C Washington Boulevard, Elkridge, Maryland 21075. The Petitioners were represented by David Moore, Senior Assistant County Solicitor. The Licensees were represented by Thomas M. Meachum, Esquire.

All the documents on file were incorporated into the record by reference. These include the following: a letter dated June 3, 2015, to the Licensee from the Liquor Board Administrator, advising him of the hearing date of July 28, 2015, and enclosing the Petition to Fine, Suspend, or Revoke the alcoholic beverage license for Nasiatka, Inc., t/a Triple Nines Bar and Billiards; a letter dated July 7, 2015, from the attorney for the Licensees entering his appearance; and an email dated July 17, 2015, from the Alcoholic Beverage Inspector stating that the property had been posted.

SUMMARY OF TESTIMONY

David Moore, Petitioners' attorney, asked that the Petition be amended to remove the names of the juveniles and incorporated the allegations of the Petition into the record.

Thomas M. Meachum, Licensees' attorney, stated that the Licensees do not agree that minors were inside the establishment after 9:00 P.M., but do agree that prior to that time they were there, unsupervised and engaging in games of pool.

Stanley Nasiatka, Licensee, was sworn and testified that he has been the owner of Triple Nines Bar and Billiards for 25 years, and that they have been located at their current address for five and a half years. He testified that his role in the business is to control the day to day operations. Mr. Nasiatka testified that his establishment is large and wide. He has four English dart boards, three electric dart boards, ping pong tables, fuse ball tables, and pool tables. Mr. Nasiatka testified the establishment is similar to Dave & Busters.

Mr. Nasiatka testified that his establishment is a wide open room that can hold 158 customers. Mr. Nasiatka testified that on July 12, 2014, there were approximately 80 customers at the bar. Mr. Nasiatka testified that his hours of operation are Monday through Friday, 11:00 A.M. to 2:00 A.M., and Saturday and Sunday, 10:00 A.M. to 2:00 A.M. Mr. Nasiatka testified that he had three employees, and that he plans to have everyone alcohol awareness certified.

Mr. Nasiatka testified that on the day of the incident, he arrived at the bar at 6:30 P.M. and that the two juveniles were there when he arrived. Mr. Nasiatka testified that when he arrived, two customers approached him, and said that the two young boys had solicited them to play pool, and that they were flashing money. The customers stated that they were concerned for the safety of the boys. Mr. Nasiatka testified that, he thought no one under the age of twenty-one was allowed in the bar after 9:00 P.M.,¹ but he was not aware of Rule 5.03, which states no one under the age of 18 is allowed to engage in pool at a licensed establishment, unless they are accompanied by a parent or guardian.

Mr. Nasiatka testified that he approached the two juveniles, and they told him that they had come in the bar with their brother, and that their brother had left them. Mr. Nasiatka

¹ In fact, Rule 5.02 provides that individuals over the age of 18 may remain in a licensed establishment after 9 P.M.

testified that he told his employees to watch the two boys but he did not ask the boys to leave at that time. Mr. Nasiatka testified that he saw the juveniles trying to hustle other customers, and that he asked them to leave before 8:30 P.M. Mr. Nasiatka testified that he saw them leave, and that he knew it was before 9:00 P.M., because the D.J. starts to play music at 9:00 P.M.

Mr. Nasiatka testified that he had seen the juveniles twice before in the establishment with their family playing pool. Mr. Nasiatka testified that they had been in the week before with their older brother who is twenty-five.

Mr. Nasiatka testified that he went outside when he heard the police were there to find out what happened. Mr. Nasiatka testified that he saw one of his customers named Ernest, who he has known for thirty years, handcuffed. Mr. Nasiatka testified that the older brother came up and pointed to Ernest, and said that he was the person who robbed his brothers. Mr. Nasiatka testified that one of the brothers said he did not think it was him.

Mr. Nasiatka testified that he was told that the young boys had hustled other customers to play dice, and that they went outside, and were robbed.

Mr. Nasiatka testified that they have had violations for serving intoxicated patrons and for underage sales. He stated that after this incident, he has put signs up stating you have to be 18 years of age to play games. Mr. Nasiatka testified that he has talked to his employees about what is not allowed. He acknowledged that he should have been more aware of the Rules.

Linda Shea, a customer at the Triple Nines Bar and Billiards, was sworn and testified that she has been a customer for five and a half years, and that she goes there to teach and play pool. Ms. Shea testified that she feels they provide a positive recreational environment. Ms. Shea testified that she has never observed any inappropriate behavior.

Matthew Vandevender testified that he has been a customer for three years, and that he feels they provide a positive recreational outlet. Mr. Vandevender testified that he has never observed any poor conduct at the bar.

Detective First Class Mariachal, of the Howard County Police Department, was sworn and testified that he became involved in the investigation 17 days after it occurred. Detective Mariachal testified that the suspect had been arrested, and he was assisting Patrol by reviewing the case. Detective Mariachal testified that he interviewed Mr. Nasiatka, who advised him that the minors were in the tavern at 6:30 P.M. Detective Mariachal testified that Mr. Nasiatka

advised him that the minors left the tavern with individuals who had asked them to go out and play dice. Detective Mariachal testified that the robbery was dispatched at 11:43 P.M.

Howard County Police Officer First Class Morrison was sworn and testified that he was dispatched to the licensed establish on the night in question for a report of an armed robbery. Officer Morrison testified that he interviewed two minors who had been robbed. Officer Morrison testified that the two minors appeared to be approximately 12 to 13 years old, but he later found out that they were 13 and 14. Officer Morrison testified that after they were robbed, the juveniles called a family member, who called 911. Officer Morrison testified that their relatives arrived at the scene approximately five to ten minutes later.

Based on the evidence presented at the hearing, the Board of License Commissioners makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Hearing Board finds that Stanley Nasiatka, David Shacreaw, and Constance Slezakare the Licensees on behalf of Nasiatka, Inc., t/a Triple Nines Bar and Billiards, a Class D Beer, Wine, and Liquor 7-day on/off-sale license located at 7540-C Washington Boulevard, Elkridge, Maryland 21075.
2. The Hearing Board finds that the Licensees admit that they allowed persons under the age of 18 to participate in games of pool without a parent or guardian present.
3. The Hearing Board finds that the Licensees have admitted to violating the following provisions of the Liquor Board Rules and Regulations:
 - a. Liquor Board Rule 4.08 – Licensee's Responsibility
 - b. Liquor Board Rule 5.03 – Minor's Use of Gambling Devices
4. The Hearing Board finds that the Licensees have violated the following provisions of the Liquor Board Rules and Regulations:
 - a. Liquor Board Rule 4.08 – Licensee's Responsibility
 - b. Liquor Board Rule 5.03 – Minor's Use of Gambling Devices
5. The Hearing Board finds that it is not necessary to suspend or revoke the license, but because of the serious nature of these offenses, and in order to ensure compliance with the law and Rules and Regulations, and to promote the peace and safety of the community, it is necessary to impose a fine in the amount of One Thousand Two Hundred Fifty Dollars, (\$1,250.00), and a fee of Two Hundred Sixty Dollars (\$260.00),

for the cost of the hearing as provided by Rule 7.05(B), for a total of One Thousand Five Hundred Ten Dollars (\$1,510.00).

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Stanley Nasiatka, David Shacreaw, and Constance Slezak are the Licensees on behalf of Nasiatka, Inc., t/a Triple Nines Bar and Billiards, a Class D Beer, Wine, and Liquor 7-day on/off-sale license located at 7540-C Washington Boulevard, Elkridge, Maryland 21075.
2. The Hearing Board concludes that the Licensees have violated the following provisions of the Liquor Board Rules and Regulations:
 - a. Liquor Board Rule 4.08 – Licensee's Responsibility
 - b. Liquor Board Rule 5.03 – Minor's Use of Gambling Devices
3. The Hearing Board concludes that it is not necessary to suspend or revoke the license, but because of the serious nature of these offenses, and in order to ensure compliance with the law and Rules and Regulations, and to promote the peace and safety of the community, it is necessary to impose a fine in the amount of One Thousand Two Hundred Fifty Dollars, (\$1,250.00), and a fee of Two Hundred Sixty Dollars (\$260.00), for a total of One Thousand Five Hundred Ten Dollars (\$1,510.00).

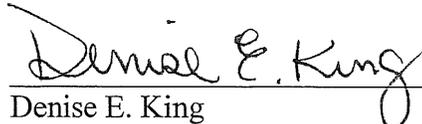
ORDER

For the foregoing reasons, and upon finding a violation of Rules 4.08 and 5.03 of the Liquor Board's Rules and Regulations, it is this 29th day of September, 2015, by the Alcoholic Beverage Hearing Board for Howard County, Maryland, **ORDERED:**

That a **FINE** in the amount of One Thousand Two Hundred Fifty Dollars, (\$1,250.00), and a fee of Two Hundred Sixty Dollars (\$260.00), for a total of One Thousand Five Hundred Ten Dollars (\$1,510.00), is imposed upon Stanley Nasiatka, David Shacreaw, and Constance Slezak of Nasiatka, Inc., t/a Triple Nines Bar and Billiards, and **SHALL BE PAID NO LATER THAN NOVEMBER 30, 2015.**

ATTEST:

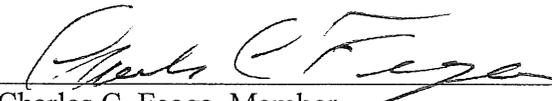
ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND

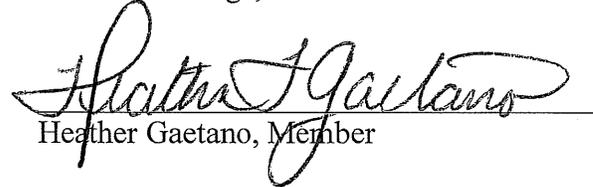

Denise E. King
Administrator

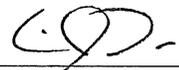
ABSENT
Mary Bird, Chairperson


Harry Evans, III Vice-Chairperson

REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
GARY W. KUC
COUNTY SOLICITOR


Charles C. Feaga, Member


Heather Gaetano, Member


Lewis Taylor, Esquire
Assistant County Solicitor

ABSENT
Charley C. Sung, Member

ANY PERSON AGGRIEVED BY THIS DECISION AND ORDER MAY APPEAL THE
DECISION TO THE LIQUOR BOARD WITHIN TEN DAYS OF THE DATE OF THE
DECISION, IN ACCORD WITH RULE 6.14 OF THE RULES AND REGULATIONS OF
THE LIQUOR BOARD.