

PETITION TO FINE, SUSPEND, OR	*	BEFORE THE ALCOHOLIC
REVOKE THE ALCOHOLIC	*	
BEVERAGE LICENSE OF WINFIELD	*	BEVERAGE HEARING BOARD
KELLY, III, t/a WOODBINE WINE &	*	
SPIRITS	*	FOR
	*	
	*	HOWARD COUNTY, MARYLAND
	*	
	*	Case No.: 17- 08-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 January 24, 2017, the Hearing Board heard the Petition of Howard County, Maryland and Detective Mark Baxter, the Alcoholic Beverage Inspector (collectively “Petitioners”), to Fine, Suspend, or Revoke the Class A-1 Beer, Wine, and Liquor 7-day off-sale license of Winfield Kelly, III (“Licensee”), held on behalf of Woodbine Wine & Spirits, Inc., t/a Woodbine Wine & Spirits, located at 703 Lisbon Center Drive, Woodbine, Maryland 21797. The Licensee was not represented by an attorney.

All of the documents on file were incorporated into the record by reference, including: the Petition to Fine, Suspend, or Revoke the alcoholic beverage license for Woodbine Wine & Spirits, Inc., t/a Woodbine Wine & Spirits; a letter dated October 25, 2016, from the Liquor Board Administrator to the Licensee, advising of the hearing date of January 24, 2017, and enclosing the Petition to Fine, Suspend, or Revoke the alcoholic beverage license for Woodbine

Wine & Spirits, Inc., t/a Woodbine Wine & Spirits, and an email from the Alcoholic Beverage Inspector dated January 12, 2017, stating the property had been posted.

STIPULATIONS

The Licensee agreed to a stipulation to the allegations of the Petition, including the following:

1. On or before May 1, 2016, the Licensee applied for and received a Class A-1 Beer, Wine, and Liquor 7-day off-sale license for Woodbine Wine & Spirits, Inc., t/a Woodbine Wine & Spirits, 703 Lisbon Center Drive Woodbine, Maryland 21797. Woodbine Wine & Spirits is located in Howard County, and is subject to the jurisdiction of the Board of License Commissioners for Howard County.
2. At all times relevant to these proceedings, the Licensee was responsible for the operation of Woodbine Wine & Spirits, and was responsible for ensuring compliance with all local and State laws concerning the distribution, sale, and transfer of alcoholic beverages to members of the public.
3. On August 2, 2016, Howard County police officer PFC Sean Kent conducted an underage alcohol compliance test with a teenage volunteer at Woodbine Wine & Spirits. The establishment did not sell an alcoholic beverage to the underage volunteer.
4. Immediately following the alcohol compliance test, PFC Kent entered the establishment to ensure that they had a valid liquor license and alcohol awareness certification.
5. Upon entry to Woodbine Wine & Spirits, PFC Kent met with an employee, Hunter James, and licensee, Winfield Kelly III, requesting proof of alcohol awareness certification.
6. The licensee, Winfield Kelly III, was unable to locate the alcohol awareness certification.

7. The Licensee has committed the following violations:
 - a. Liquor Board Rule 4.10 – Alcohol Awareness Program; and
 - b. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
8. The Licensee and his agents have allowed Woodbine Wine & Spirits to be used for acts which are contrary to local ordinances and against the public peace, safety, health or welfare.

SUMMARY OF TESTIMONY

The Licensee was advised of his right to counsel.

Winfield Kelly, III, was sworn and testified that he agrees with the conclusions and allegations in the petition. Mr. Kelly testified that he apologizes for the mistake. Mr. Kelly testified that his alcohol awareness certification expired because of his procrastination. Mr. Kelly testified that it will never happen again, and that all new employees will become alcohol awareness certified.

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

FINDINGS OF FACT

1. The Hearing Board finds that Winfield Kelly, III is a Licensee on behalf of Woodbine Wine & Spirits, Inc., t/a Woodbine Wine & Spirits, a Class A-1 Beer, Wine, and Liquor 7-day off-sale license located at 703 Lisbon Center Drive, Woodbine, Maryland 21797.
2. The Hearing Board finds that the Licensee has admitted to violating Liquor Board Rule 4.10 – Alcohol Awareness Program, and Liquor Board Rule 4.10 – Alcohol Awareness Program and Liquor Board Rule 4.04 – Compliance with Laws and Regulations.

3. The Hearing Board finds that the Licensee has violated Liquor Board Rule 4.10 – Alcohol Awareness Program, and Liquor Board Rule 4.10 – Alcohol Awareness Program and Liquor Board Rule 4.04 – Compliance with Laws and Regulations.
4. The Hearing Board finds that it is not necessary to revoke the License, but in order to ensure compliance with the law and Rules and Regulations, it is necessary to impose a fine in the amount of One Hundred Dollars, (\$100.00), 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 Three Hundred Sixty Dollars (\$360.00).

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Winfield Kelly, III is a Licensee on behalf of Woodbine Wine & Spirits, Inc., t/a Woodbine Wine & Spirits, a Class A-1 Beer, Wine, and Liquor 7-day off-sale license located at 703 Lisbon Center Drive, Woodbine, Maryland 21797.
2. The Hearing Board concludes that the Licensee has violated Liquor Board Rule 4.10 – Alcohol Awareness Program, and Liquor Board Rule 4.04 – Compliance with Laws and Regulations.
3. The Hearing Board concludes that it is not necessary to revoke the License, but in order to ensure compliance with the law and Rules and Regulations, it is necessary to impose a fine in the amount of One Hundred Dollars, (\$100.00), 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 Three Hundred Sixty Dollars (\$360.00).

ORDER

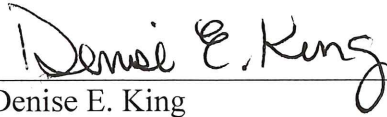
For the foregoing reasons, and upon finding a violation of Rule 4.04 and Rule 4.10 of the Liquor Board's Rules and Regulations, it is this 14th day of February, 2017, by the Alcoholic Beverage Hearing Board for Howard County, Maryland, **ORDERED:**

1. That a **FINE** in the amount of **One Hundred Dollars, (\$100.00)**, for violation of Rule 4.10 and Rule 4.04 of the Liquor Board's Rules and Regulations, and a **Fee** of **Two Hundred Sixty Dollars (\$260.00)**, for a total of **Three Hundred Sixty Dollars (\$360.00)**, is **HEREBY IMPOSED** upon Winfield Kelly, III, Licensee on behalf of Woodbine Wine & Spirits, t/a Woodbine Wine & Spirits, a Class A-1 Beer, Wine, and Liquor 7-day off-sale license located at 703 Lisbon Center Drive, Woodbine, Maryland 21797, and **SHALL BE PAID NO LATER THAN MARCH 31, 2017.**

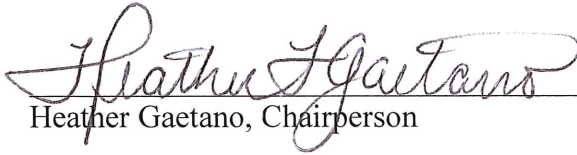
ATTEST:

ALCOHOLIC BEVERAGE HEARING

BOARD OF HOWARD COUNTY,
MARYLAND



Denise E. King
Administrator



Heather Gaetano, Chairperson



Mary Bird, Vice-Chairperson

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



Charles C. Feaga, Member



Lewis Taylor, Esquire
Assistant County Solicitor

ABSENT

Gene Ryan, Member



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.