

PETITION TO FINE, SUSPEND, OR	*	BEFORE THE ALCOHOLIC
REVOKE THE ALCOHOLIC	*	BEVERAGE HEARING BOARD
BEVERAGE LICENSE OF LAUREN	*	FOR
MCINTURFF AND WENDY BINDER	*	HOWARD COUNTY, MARYLAND
ON BEHALF OF WENDEC	*	
ENTERPRISES, LLC T/A SECOND	*	
CHANCE SALOON	*	CASE NO.: 19-20-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”).

On April 16, 2019, 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 B Beer, Wine, and Liquor 7-day on-sale license held by Lauren McInturff and Wendy Binder (“Licensees”), on behalf of Wendec Enterprises, LLC t/a Second Chance Saloon (“Second Chance Saloon”), located at 5888-A Robert Oliver Place, Columbia, Maryland 21045. The Licensees acknowledged that they have a right to an attorney but chose to continue without an attorney.

The hearing was properly advertised and the property posted pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland.

All the documents on file were incorporated into the record by reference.

STIPULATIONS

The parties agreed to stipulate to all of the allegations of the Petition, including the following:

1. Detective Mark Baxter, Petitioner, at the time of the Petition, was a sworn Howard County Police Officer, specially assigned and designated, pursuant to the applicable laws, as the Alcoholic Beverage Inspector for Howard County. In this capacity, he has the obligation, duty, and responsibility to investigate any licensed liquor establishment for any violations of the applicable liquor or other laws which may occur in the licensed establishment.
2. Howard County, Maryland, is a chartered county, organized pursuant to law, and has the authority, through the exercise of its police power, to enforce all of the laws relating to alcoholic beverages.
3. On or before May 1, 2018, the Licensees applied for and received a Class B-1, Beer, Wine, and Liquor, 7-Day, On-Sale License for Wendec Enterprises, LLC t/a Second Chance Saloon, 5888-A Robert Oliver Place, Columbia, Maryland 21045. Second Chance Saloon is located in Howard County and is subject to the jurisdiction of the Board of License Commissioners for Howard County.
4. At all times relevant to these proceedings, the Licensees were responsible for the operation of Second Chance Saloon, and were responsible for ensuring compliance with all local and State laws concerning the distribution, sale, and transfer of alcoholic beverages to members of the public.
5. On December 19, 2018, two female underage cadets were sent into Second

Chance Saloon to purchase alcoholic beverages.

6. One of the underage female cadets was able to purchase a Miller Lite bottle, an alcoholic beverage, while seated at the bar.

7. The bartender, Jessica Robertson, conducted the transaction without asking for the cadet's identification, which would have shown that she was under the age of twenty-one.

8. Detective Baxter photographed the evidence, entered the restaurant and advised the employee and the manager, Caroline Jacobsen, of the incident.

9. The Licensees have committed the following violations:

1. Liquor Board Rule 4.04 - Compliance with Laws and Regulations;
2. Liquor Board Rule 5.02 - Sales to Minors; and
3. Liquor Board Rule 5.08 - Acts Contrary to Law.

10. The Licensees and their agents have allowed Second Chance Saloon to be used for acts which are contrary to local ordinances and against the public peace, safety, health or welfare.

SUMMARY OF TESTIMONY

The Licensees stated that they have read and understand the allegations in the Petition and agree to them.

Wendy Binder, 90% shareholder of Wende Enterprises, LLC, t/a Second Chance Saloon, was sworn and testified that they have been open since 2009 and have never had an incident. She stated that she is very diligent with the staff in terms of alcohol awareness classes, policies about checking identification for anyone that appears to be under the age of 40 and making sure the managers are on site and that they are always on alert.

Ms. Binder testified that when this incident happened, the manager was on site and the bartender was dealing with a regular customer that was making a woman uncomfortable and that is when the two girls came in and the bartender served them without checking identification. Ms. Binder stated that the bartender is an excellent bartender and after this incident occurred, they have made some changes to their policies and procedures.

Ms. Binder testified that they have stepped up their meetings with staff from monthly to every two weeks, wait staff and bartenders are all alcohol awareness certified, and they have people come into the bar that are 21 but appear younger that order drinks as a test to make sure that the employees ask for identification. Mr. Binder also had seven more signs posted on the premises with the birth date that a customer must be in order to be served alcohol.

Ms. Binder testified that they feel terrible that this happened, are trying to do everything right going forward and asked the Board for any suggestions. Ms. Binder testified that neither of the licensees were on site when the violation occurred.

Ms. McInturff, Resident Agent licensee, was sworn and testified that after this incident, everyone was re-certified even if they were already certified as they wanted a refresher course for staff and that there was a meeting with staff to discuss policies. Ms. McInturff testified that she is now at the bar more often since this incident occurred and sits at the bar watching the bartenders and giving feedback. She stated that she is very sorry this happened.

Ms. McInturff testified that she is at the bar 4-5 times per week and works at least one shift a week from 6 to 12 hours. Ms. McInturff testified that there is a total of seven

bartenders and the establishment can seat 140 people, however, the bar area has limited seating. As a consequence of the violation, the bartender responsible was removed from the bar and suspended for a month, given a 90-day probationary period and reduced to one shift. The licensees also had long talks with all the bartenders.

Ms. McInturff stated that she moved her residence in August 2018, but did not notify the liquor board of her new address until the renewal application was filed. She remained in the County and understands that she needs to notify the board in the future of any changes.

FINDINGS OF FACT

1. The Hearing Board finds that Lauren McInturff and Wendy Binder are licensees on behalf of Wendec Enterprises, LLC t/a Second Chance Saloon, a Class B Beer, Wine, and Liquor 7-day on-sale license located at 5888-A Robert Oliver Place, Columbia, Maryland 21045.

2. The Hearing Board finds that the Licensees have admitted to violating Liquor Board Rule 4.04 – Compliance with Laws and Regulations; Rule 5.02 – Sales to Minors; and Rule 5.08 – Acts Contrary to Law.

3. The Hearing Board finds that the Licensees have violated Liquor Board Rule 4.04 – Compliance with Laws and Regulations; Rule 5.02 – Sales to Minors; and Rule 5.08 – Acts Contrary to Law.

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, and protect the public health and safety, it is necessary to impose a One-day Suspension and a fee of Two Hundred Seventy Dollars (\$270.00) for the cost of the hearing as provided by Rule 7.05(B).

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Lauren McInturff and Wendy Binder are licensees on behalf of Wendec Enterprises, LLC t/a Second Chance Saloon, a Class B, Beer, Wine, and Liquor 7-day on-sale license located at 5888-A Robert Oliver Place, Columbia, Maryland 21045.

2. The Hearing Board concludes that the Licensees have violated Liquor Board Rule 4.04 – Compliance with Laws and Regulations; Rule 5.02 – Sales to Minors; and Rule 5.08 – Acts Contrary to Law.

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, and protect the public health and safety, it is necessary to impose a One-day Suspension and a fee of Two Hundred Seventy Dollars (\$270.00) for the cost of the hearing as provided by Rule 7.05(B).

ORDER

For the foregoing reasons, and upon finding a violation of Liquor Board Rules 4.04, 5.02 and 5.08, it is this 30th day of May, 2019, by the Alcoholic Beverage Hearing Board of Howard County **ORDERED:**

1. That the Class B Beer, Wine, and Liquor 7-day on sale license held by Lauren McInturff and Wendy Binder on behalf of Wendec Enterprises, LLC t/a Second Chance Saloon, located at 5888-A Robert Oliver Place, Columbia, Maryland 21045, be and hereby is **SUSPENDED beginning at 6am on Saturday, June 22, 2019, through 2am on Sunday, June 23, 2019;** and further

2. That the Licensees shall **DISPLAY the attached SIGN** in color and in a prominent and clear manner, on the front door of the licensed premises beginning at the close of business the day prior to suspension and continuing until reopening for business the day after the suspension; and

3. That a **Fee of Two Hundred and Seventy Dollars (\$270.00)** is **HEREBY IMPOSED** upon Lauren McInturff and Wendy Binder and Wendec Enterprises, LLC t/a Second Chance Saloon, and **SHALL BE PAID NO LATER THAN** June 22, 2019.

ATTEST:


ALCOHOLIC BEVERAGE HEARING BOARD
OF HOWARD COUNTY, MARYLAND

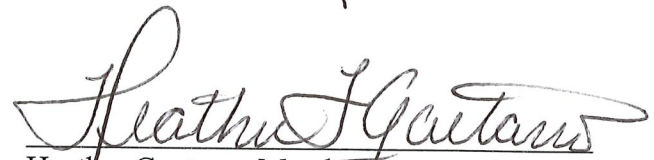

Robin Regner
Board Administrator



Gene Ryan, Chairperson



Mary Bird, Vice-Chairperson

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


Harry Evans, Member


Heather Gaetano, Member


Lewis Taylor, Esquire
Senior Assistant County Solicitor


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.

THE HOWARD COUNTY ALCOHOLIC BEVERAGE HEARING BOARD
HAS ORDERED THE LIQUOR LICENSE FOR
SECOND CHANCE SALOON

SUSPENDED

No alcoholic beverage may be sold or consumed at this location from:

6:00am on 6/22/2019 to 2:00am on 6/23/2019

This licensee was found to have violated:

Liquor Board Rule 4.04 – Failure to Comply with Laws and Regulations;
Liquor Board Rule 5.02 – Sales to Minors;
Liquor Board Rule 5.08 – Acts Contrary to Law

THIS SIGN SHALL BE PRINTED IN COLOR & CLEARLY DISPLAYED PROMINANTLY ON THE FRONT DOOR BEGINNING AT CLOSE OF BUSINESS THE DAY PRIOR TO SUSPENSION, AND CAN BE TAKEN DOWN ONLY UPON REOPENING FOR BUSINESS THE DAY AFTER SUSPENSION.

Any questions about this notice should be directed to the Howard County Alcoholic Beverage Administrator at 410-313-2395.