

PETITION TO FINE, SUSPEND OR * BEFORE THE ALCOHOLIC
 REVOKE THE ALCOHOLIC *
 BEVERAGE LICENSE HELD BY * BEVERAGE HEARING BOARD
 DAN HAMILTON ON BEHALF OF *
 VINOLAND, INC., t/a VINOLAND * FOR
 LIQUORS *
 * HOWARD COUNTY, MARYLAND

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 February 18, 2014, 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 A-1 Beer, Wine, and Liquor 7-day off- sale license held by Dan Hamilton (“Licensee”), on behalf of Vinoland, Inc., t/a Vinoland Liquors, located at 6524 Old Waterloo Road, Elkridge, Maryland 21075. The Petitioners were represented by David Moore, Senior Assistant County Solicitor. The Licensee was represented by Sang Oh, Esquire.

All the documents on file were incorporated into the record by reference. These include the following: a letter dated January 15, 2014, to Licensees, from the Liquor Board Administrator, advising them of the hearing date and enclosing the Petition to Fine, Suspend, or Revoke the alcoholic beverage license for Vinoland, Inc., t/a Vinoland Liquors; and an email dated January 30, 2014, from the Alcoholic Beverage Inspector stating that the property had been posted.

STIPULATIONS

The Licensee agreed to the following stipulations:

1. On or before May 1, 2013, the Licensee applied for and received a Class A-1 Beer, Wine, and Liquor 7-day off-sale license for Vinoland, Inc., t/a Vinoland Liquors, 6524 Old Waterloo Road, Elkridge, Maryland 21075.

Vinoland Liquors 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 Vinoland Liquors, and 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 November 6, 2013, at 8:04 P.M., a 19 year old male cadet was sent into Vinoland Liquors to purchase alcoholic beverages. He bought a six (6) pack of Bud Light beer bottles from the cashier, Scott Hefflon. Mr. Hefflon conducted the transaction without checking the cadet's driver's license, which would have shown that he was 19 years old.
4. Detective Baxter noted that the exterior sign on the building displayed a trade name of "Twisted Cork." Following this observation, Detective Baxter inquired of Mr. Hefflon as to this name change, and the employee indicated it occurred approximately one (1) week prior to this transaction.
5. The Licensee has committed the following violations:
 1. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
 2. Liquor Board Rule 4.07 – Trade Name
 3. Liquor Board Rule 5.01, and Annotated Code of Maryland, Article 2B Sec. 12-108 – Sale of Alcoholic Beverages to a Minor
 4. Liquor Board Rule 5.07 – Acts Contrary to Law

SUMMARY OF TESTIMONY

Dan Hamilton, Licensee, was sworn and testified that he is the owner and sole licensee of Vinoland Liquors. Mr. Hamilton testified that he had a family problem, which forced him to slow down and make a decision to sell his business. Mr. Hamilton testified that approximately one month after he purchased the store, he was approached by someone who was interested in purchasing the business. Mr. Hamilton testified that he determined it was a wise decision to sell the business, and that he entered into a management agreement with the buyer. That management agreement expired because the buyer was having a difficult time finding a resident agent. He then entered into a second management agreement, which was still in place when the

sale to the police cadet occurred. Mr. Hamilton testified that he does understand his responsibility, and the seriousness of the violation. Mr. Hamilton testified that after the violation, he developed a policy for all employees to sign, and made sure that everyone in the store had alcohol awareness certifications. Mr. Hamilton testified that since the buyers had prior restaurant experience, he thought they would operate the business effectively. Mr. Hamilton testified that he visited the store once per week for approximately twenty minutes each time. When asked whether he had changed his level of engagement since the violation, Mr. Hamilton stated "not really."

Ronald Kirstein, manager of Vinoland, was sworn and testified that he understands the seriousness of the violation. Mr. Kirstein testified that on the evening of the incident, he left the store for two hours, and an employee, Justin Hefflon, sold alcoholic beverages to a 19 year old police cadet without asking for identification. Although Mr. Kirstein felt Mr. Hefflon was a good employee, he fired him because of the sale of alcoholic beverages to the underage cadet.

Mr. Kirstein testified that he and his mother met to decide what they needed to do to prevent this type of incident from happening again. They developed a policy for the store, and required the employees to read and sign it. They also decided to require all staff to be certified in alcohol awareness. Mr. Kirstein testified that they have cameras in the store for observation.

Mr. Kirstein testified that he has prior experience, as his family owned a restaurant in Grasonville, Maryland, where he worked various roles. Mr. Kirstein testified that they entered into a management agreement with Mr. Hamilton, and were trying to get a qualified resident agent.

Mr. Kirstein testified that he changed the store's name, and failed to notify the Liquor Board. Mr. Kirstein testified that it was a mistake because he thought that since there was a transfer pending, it wouldn't be a problem.

The following Licensee Exhibits were entered into record:

Exhibit #1 – Rules/Policies for the Twisted Cork

Exhibit #2 – Resume for Scott Hefflon

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 Dan Hamilton is a Licensee on behalf of Vinoland, Inc., t/a Vinoland Liquors, a Class A-1 Beer, Wine and Liquor 7-day off-sale license located at 6524 Old Waterloo Road, Elkridge, Maryland 21075.
2. ~~The Hearing Board finds that the Licensee has admitted to violating the following provisions of the Rules and Regulations of the Liquor Board:~~
 - a. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
 - b. Liquor Board Rule 4.07 – Trade Name
 - c. Liquor Board Rule 5.01 - Sale of Alcoholic Beverages to a Minor, and Annotated Code of Maryland, Article 2B Sec. 12-108
 - d. Liquor Board Rule 5.07 – Acts Contrary to Law
3. The Hearing Board finds that the Licensee has violated the following provisions of the Rules and Regulations of the Liquor Board:
 - a. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
 - b. Liquor Board Rule 4.07 – Trade Name
 - c. Liquor Board Rule 5.01 - Sale of Alcoholic Beverages to a Minor, and Annotated Code of Maryland, Article 2B Sec. 12-108
 - d. Liquor Board Rule 5.07 – Acts Contrary to Law
4. The Hearing Board finds that it is not necessary to revoke the liquor 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 Seven Hundred Dollars, (\$700.00), 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 Nine Hundred Sixty Dollars (\$960.00).

CONCLUSIONS OF LAW

1. The Hearing Board concludes that Dan Hamilton is a Licensee on behalf of Vinoland, Inc., t/a Vinoland Liquors, a Class A-1 Beer, Wine and Liquor 7-day off-sale license located at 6524 Old Waterloo Road, Elkridge, Maryland 21075.
2. The Hearing Board concludes that the Licensee has violated the following provisions of the Liquor Board Rules and Regulations:
 - a. Liquor Board Rule 4.04 – Compliance with Laws and Regulations
 - b. Liquor Board Rule 4.07 – Trade Name

c. Liquor Board Rule 5.01, and Annotated Code of Maryland, Article 2B Sec. 12-108 – Sale of Alcoholic Beverages to a Minor

d. Liquor Board Rule 5.07 – Acts Contrary to Law

3. ~~The Hearing Board concludes that it is not necessary to revoke the liquor 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 Seven Hundred Dollars, (\$700.00), 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 Nine Hundred Sixty Dollars (\$960.00).

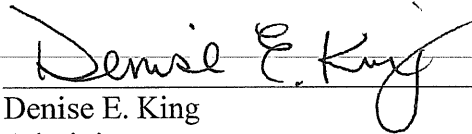
ORDER

For the foregoing reasons, and upon finding a violation of Article 2B Sec. 12-108, and Rules 4.04, 4.07, 5.07, and 5.01 of the Liquor Board Rules and Regulations, it is this 2nd day of May, 2014, by the Alcoholic Beverage Hearing Board for Howard County, Maryland, **ORDERED:**

That a **FINE** in the amount of **Seven Hundred Dollars, (\$700.00)**, for violation of Article 2B Sec. 12-108, and Rules 4.04, 4.07, 5.07, and 5.01 of the Liquor Board's Rules and Regulations, and a **Fee of Two Hundred Sixty Dollars (\$260.00)**, for a total of **Nine Hundred Sixty Dollars (\$960.00)**, is **HEREBY IMPOSED** upon Dan Hamilton, Licensee on behalf of Vinoland, Inc., t/a Vinoland Liquors, a Class A-1 Beer, Wine and Liquor 7-day off-sale license located at 6524 Old Waterloo Road, Elkridge, Maryland, and **SHALL BE PAID NO LATER THAN MAY 23, 2014.**

ATTEST:

ALCOHOLIC BEVERAGE HEARING
BOARD OF HOWARD COUNTY,
MARYLAND



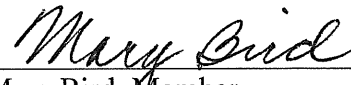
Denise E. King
Administrator



Harry Evans, III, Chairperson

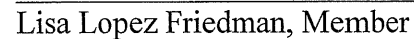


Charles C. Feaga, Vice-Chairperson

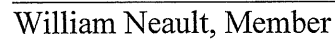


Mary Bird, Member

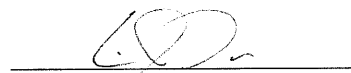
REVIEWED BY HOWARD COUNTY
OFFICE OF LAW
MARGARET ANN NOLAN
COUNTY SOLICITOR



Lisa Lopez Friedman, Member



William Neault, Member



Lewis Taylor, Esquire
Assistant County Solicitor

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.