

BOARD OF LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY
DOCKET – THURSDAY, FEBRUARY 25, 2010
ROOM 215 - CITY HALL - 100 NORTH HOLLIDAY STREET

Please note: If you are interested in a particular case, please call 396-4377 the day before these hearings to verify that a particular case is still scheduled.

1:00 p.m. cases

Richard Pirone, John C. Elsby, II & Randall L. Stahl, Charles Street Restaurant, Inc. T/a Brass Elephant, 924 N. Charles Street – Class “B” Beer, Wine & Liquor License – Request for a hardship extension under the provisions of Article 2B §10-504(d)

DECISION:

Edwin S. Scherer, III & Thomas J. Looney, Helen’s Garden, Inc. T/a Helen’s Garden Restaurant – Class “B” Beer, Wine & Liquor License – Request for outdoor table service

DECISION:

Kevin M. Cooper & Kevin D. Thompson, DKJC, LLC T/a Porter’s Pub/Grill, 1030-32 Riverside Avenue – Class BD7 Beer, Wine & Liquor License – Application to transfer ownership

DECISION:

Sandrath Karasinski, Kay’s Entities, Inc. T/a Rainbow’s, 1173-75 Sargeant Street – Class BD7 Beer, Wine & Liquor License – Request for outdoor table service

DECISION:

Colleen Kline, Dwayne Wells & Scott McDonald, Baltimore’s Entertainment Group, LLC T/a The Nest, 200-02 W. Pratt Street – Class “B” Beer, Wine & Liquor license - Review of a transfer pending for more than 180 days under the provisions of Article 2B §10-503(d)(4) “A transfer of any license shall be completed not more than 180 days after the Board approves the transfer” (Re: Transfer of ownership approved on February 24, 2009)

DECISION:

Shelley Gordon & Dolores Reicher, Silverlud, Inc. T/a Circus Bar, 427 E. Baltimore Street – Class BD7 Beer, Wine & Liquor License - **Violation of Adult Entertainment Rule 5(b)** “No dancer may touch: (1)any other dancer’s...(i) breast or chest; (ii) genitals or genital area; or (iii) anus, anal area, or buttocks” on November 1, 2009 (Re: Dancer began licking and kissing on the buttocks and genital area of another dancer); **Violation of Adult Entertainment Rule 6** “An adult-entertainment business may not permit any of the following on the premises, whether by dancers, patrons, or otherwise: (1) any acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts that are prohibited by law and (2)caressing, fondling, or touching the breast or chest, genitals or genital area, or anus, anal area, or buttocks of any other person, whether clothed or unclothed” on November 1, 2009 (Re: Dancers simulated sex acts on each other and engaged in reciprocal manual genital stimulation); **Violation of Adult Entertainment Rule 8(a)** “An adult-entertainment business must keep on its premises records of the legal name, address, date of birth, and social security number of all persons employed by them or under contract with the business” and **Violation of Adult Entertainment Rule 8(c)** “These records must be available for inspection at all times by authorized representatives of the Board, the Police Department, or any other governmental agency” on November 1, 2009 and two other occasions (Re: Employee records not available); **Violation of Rule 4.18** “No licensee shall commit or allow the commission on his premises of any act which shall be contrary to any federal, state or local statute, law or ordinance or against the public peace, safety, health, welfare, quiet or morals” on November 1, 2009 (Re: Violation of Adult Entertainment Rules as adopted under the provisions of Baltimore City Code, Article 15 §1-3(a) and enforced under authority of Article 2B §12-203.1)

DECISION:

Paul A. Gordon, 419 E. Baltimore Street, Inc. T/a Jewel Box, 419 E. Baltimore Street – Class BD7 Beer, Wine & Liquor License - **Violation of Adult Entertainment Rule 5(b)(2)** “No dancer may touch (2)a patron’s:...(ii)genitals or genital area...” on July 12, 2009 (Re: Dancer seated on male patron’s lap with her hand inside the unzipped pants of the patron); **Violation of Adult Entertainment Rule 6** “An adult-entertainment business may not permit any of the following on the premises, whether by dancers, patrons, or otherwise ...2) caressing, fondling, or touching the breast or chest, genitals or genital area, or anus, anal area, or buttocks of any other person, whether clothed or unclothed” on July 12,

2009 (Re: Dancer's hand inside unzipped pants of a male patron); **Violation of Adult Entertainment Rule 8(a)** "An adult-entertainment business must keep on its premises records of the legal name, address, date of birth, and social security number of all persons employed by them or under contract with the business" and **Violation of Adult Entertainment Rule 8(c)** "These records must be available for inspection at all times by authorized representatives of the Board, the Police Department, or any other governmental agency" on July 12, 2009 and two other occasions (Re: Employee records not available); **Violation of Rule 4.18** "No licensee shall commit or allow the commission on his premises of any act which shall be contrary to any federal, state or local statute, law or ordinance or against the public peace, safety, health, welfare, quiet or morals" on July 12, 2009 (Re: Violation of Adult Entertainment Rules as adopted under the provisions of Baltimore City Code, Article 15 §1-3(a) and enforced under authority of Article 2B §12-203.1); **Violation of Article 2B, Section 10-505** "Every person receiving a license under the provisions of this article shall frame his license under glass and place the same so that it shall at all times be conspicuous and easily read in his place of business..." on July 12, 2009 (Re: Liquor license not displayed)

DECISION:

3:00 p.m. Case

Dwight McCurdy, Club 2000 Eastern Avenue, Inc. T/a Chubbies, 2000 Eastern Avenue – Class "D" Beer, Wine & Liquor License - **Public hearing under the provisions of Article 2B §10-403(a)(1)** "The Comptroller or the Board of License Commissioners for any county or Baltimore City, as the case may be, may on its own initiative or upon the written complaint of ten or more citizens, residents, real estate owners and voters of the precinct in which any licensed place of business is situated or upon the complaint of any deputy or inspector employed by the Comptroller in the administration of this law, or any peace officer, or if the licensee is located within the corporate limits of any municipality, which is within a county, upon complaint of the mayor and council of that municipality, after a hearing upon charges to be framed by the officer or Board, or upon the complaint, notice of which shall be given to the licensee at least ten days before the hearing, revoke or suspend any license issued under the provisions of this article" based on a petition signed by 48 individuals. A copy of the caption of the petition is attached.; **Violation of Article 2B §11-304(d)(2)**"In Baltimore City, a licensed premises shall cease all operations, including the serving of alcoholic beverages or food and providing entertainment, at the closing hour for that class of licensed premises specified in this article" and **Article 2B §11-303(d) (1)** "The hours during which the privileges conferred by a Class D beer, wine and liquor license may be exercised are from 6 a.m. to midnight **and (d)(2)** " Except as otherwise provided in subsections (e) and (f) of this section, in Baltimore City the hours are from 6 a.m. to 1 a.m." on July 5, 2009 (Re: Individuals on licensed premises after 1:00 a.m.); **Violation of Rule 4.05(a)** "No licensee shall permit any person to consume alcoholic beverages on the licensed premises during hours when such sales are prohibited by law" and/or **Rule 4.05(b)** "No alcoholic beverages shall be served, dispensed, furnished or given away in any part of the premises during the hours when such sales are prohibited by law" on July 5, 2009 (Re: Alcohol observed being served on licensed premises after 1:00 a.m.); **Violation of Article 2B §1-201(a) (1)** "Alcoholic beverages may not be bought, possessed, stored, imported, transported, kept or suffered to be bought, possessed, stored, imported, transported or kept in any vehicle, vessel or aircraft or on any premises or under the charge or control of any person except: (i) by a consumer, or (ii) by a licensee as provided in this article..." and/or **Violation of Article 2B §1-201(a)(2)** "A person may not sell, or suffer to be sold, or for the purpose of sale, transport, buy, possess, keep or suffer to be transported, bought, possessed or kept in any vehicle, vessel or aircraft or on any premises or under the person's charge or control any alcoholic beverages unless otherwise provided for in this article or the Tax - General Article" on July 5, 2009 (Re: Individuals consuming alcohol on a licensed premises when 2009 license fee had not been paid and licensee was not in charge or control)

DECISION: