

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on August 2, 2012 at 9:00 AM. Present for the meeting was Chairperson Thomas Gearhart, Commissioner Bea Crosco, Commissioner Michael Fratz and Administrator to the Board Deborah R. Owston.

Commissioner Crosco called the meeting to order. The Board signed mileage sheets.

The Board reviewed the July 5, 2012 meeting minutes. Commissioner Crosco made a motion to approve the minutes as written and the motion was seconded by Chairperson Gearhart and unanimously approved by Commissioner Fratz.

There was no general discussion before the hearings.

A new license hearing was held at 9:20 AM for a Class "D" Beer On-Sale License, for Duffers, LLC operating as Duffers at Winnfield Golf with Cody Kamp as the applicant. The license premise is to be 214 Kamp Side Road, Lonaconing, MD 21539 (Garrett County). Present for the hearing was applicant, Cody Kamp and his fiancée Ashley Davis. Mr. Kamp said they plan a selling beer from the club house area where the customer will then take it outside on the golf course and drink it out there. Mr. Kamp said the clubhouse is a 12' x 70' building, however the area with beer sales will be very limited inside or possibly sold through a window from the outside. Ms. Owston explained that this area only would be licensed and that the golf course itself would not be part of the licensed premise area. Ms. Owston discussed the regulations on a Sunday and noted that no alcohol sales would be permitted on Sunday. Commissioner Crosco said this is a golf course / club house so then when are your hours and Mr. Kamp replied that they usually open around daylight whenever people come to start playing golf. Commissioner Crosco then said, but you are open to the public and not just for the golf course. Ms. Owston explained that anyone there will be golfing. Mr. Kamp said, if someone is not going to golf, then they are not going to sell to them. Ms. Owston said it is not a private golf club and Mr. Kamp said it is open to the public but if someone just comes in off the street, they probably won't sell to them. Commissioner Crosco then questioned if Mr. Kamp was saying it was a seasonal thing and Mr. Kamp replied yes. Commissioner Crosco then said, just during the golf season and Mr. Kamp said yes. Ms. Owston then questioned if we were to assume you are selling to dusk and Mr. Kamp said yes, but they do have night tournaments every once in a while with light up glow balls. Ms. Owston then explained that the approved hours for alcohol sales are from 6:00 AM until 2:00 AM. Ms. Owston informed the Board that both Ms. Davis and Mr. Kamp were recently trained in TAM certification. Ms. Owston said the purchase of beer must be from a licensed Maryland wholesaler and that the original or copies of all receipts must be kept on the licensed premise and be available for inspection. Ms. Owston reviewed a minor's driver's license and the vertical format and other indicators. Mr. Kamp said they are not going to accept vertical driver's licenses. Ms. Owston cautioned about the current fake ID's being used. Ms. Owston said that it is also illegal to serve a visibly intoxicated person in addition to selling to a minor being illegal. Ms. Owston told Mr. Kamp that they have every right to refuse service of alcohol. Ms. Owston presented Mr. Kamp with sample copies of driver's licenses for Maryland, Pennsylvania and West Virginia. Ms. Owston said that everyone ringing up the to-go sale

of alcohol must be at least twenty-one years of age. An employee must be at least eighteen years of age to stock the alcohol. Ms. Owston said that the practice of BYOB is not permitted on the licensed premise at any time. Commissioner Crosco questioned who owns the golf course and Mr. Kamp replied that his father owned the golf course. Ms. Owston said she received the lease agreement. Commissioner Crosco then stated, so you would have no reason to have this open if there is no golf season. Mr. Kamp replied no. Ms. Owston requested that when the season ends in late fall early winter to notify the office if he wants the Board to put the license on hold since technically if the business is closed for more than ten days, the license may be considered null and void. Mr. Kamp replied it all depends on the weather. Ms. Owston then requested that he notify her of the changes in hours or days of the week if applicable. Ms. Owston also at that time mentioned that if they decide they are going to sell to the public to notify the office. She said technically they are permitted if they choose. She then questioned how far off the main road was the club house located. Mr. Kamp said about 200 to 300 yards from the main road. Ms. Owston reviewed the outstanding administrative items which were due including the Sales & Use Tax Number, Trader's License and the corporate resolution for the LLC outlining the percent of membership. Ms. Owston mentioned to Mr. Kamp that he may want to place a sign up saying that it is illegal to furnish alcohol to a minor. Commissioner Crosco made a motion to approve the Class "D" Beer On-Sale License. The motion was seconded by Commissioner Fratz and unanimously approved by Chairperson Gearhart. After appropriate fees and administrative items were received the license was issued. Ms. Owston reviewed the renewal process with Mr. Kamp.

A new license hearing was held at 9:40 AM for a Class "D" Beer, Wine & Liquor Off-Sale License and Draft Beer License for Deep Creek Beverage, LLC operating as Deep Creek Beverage with Margaret Lascaris as the applicant. The license premise is to be 25297 Garrett Highway, McHenry, MD 21541. Present for the hearing was applicant, Margaret Lascaris and Jim Lascaris. Mrs. Lascaris said they plan on opening a drive-thru liquor store for convenience. They will be able to sell to the customer through the window. Chairperson Gearhart mentioned a similar set up in West Virginia and said he does not see any difference selling from the window compared to over a bar or counter. He said that is just the responsibility of the person selling it. Mrs. Lascaris said you can see visibly who is in the car and actually may be better to see who is with the person ordering the alcohol. Chairperson Gearhart questioned if they were selling anything other than alcohol and Mr. Lascaris said they were thinking of carrying breakfast stuff and think this will be good for those renters arriving late to be able to pick up some quick breakfast groceries. Chairperson Gearhart questioned if they would be selling these items through the window and they responded they would. Commissioner Crosco questioned the hours of operation since they mentioned the grocery stores would be closed and Mr. Lascaris stated they would be open until about 11:00 PM or midnight. Mrs. Lascaris said they would open around 9:00 AM. They will be closed on Sunday. Ms. Owston questioned if the premise was going to be limited to the interior of the building or would it also include any outside seating areas. Mrs. Lascaris acknowledge it would only be the inside of the building. Ms. Owston asked if they will have lottery sales and it was noted that they had applied for lottery sales, but had not heard back. Ms. Owston explained to the Board that the license would be approved pending an approved Use & Occupancy Permit that is expected to be issued within a month. Ms. Owston mentioned the other outstanding administrative items to include an executed copy of the lease, Health Department's review of the operations

and permit if applicable, favorable background check results as soon as LiveScan fingerprinting is available in Garrett County or sooner elsewhere, certificate of alcohol awareness training and copies of the Sales & Use Tax Number and Trader's License number which were both received today. Chairperson Gearhart questioned how many employees they think they will have and it was noted that probably around four to start with. Ms. Owston stated that since they are operating as a package store, anyone ringing up the sale of alcohol must be at least twenty-one years of age, an employee at least eighteen years of age can stock the shelves or sell lottery tickets and anyone under eighteen can clean or stock items other than alcohol. Ms. Owston informed the Board that the alcohol awareness classes are typically held less frequent in the fall and she would like for the Board to include a time frame to complete this requirement. Ms. Owston reviewed the fact that the fake ID's out there are beyond excellent and the importance of carding and asking for two forms of ID when in doubt. Mr. Lascaris questioned who was liable in a situation like that and Ms. Owston said they need to take all caution and verify that all of the indicators match such as comparing the photo to the purchaser and dates. Ms. Owston said you need to take the caution on it and not be like it could be fake but let's just sell it anyway cause it looks pretty real and Debbe said they look really real. Ms. Owston asked if any of the former law enforcement members at the meeting know anything on the subject. Ms. Owston said there is a form in Article 2B that the clerk can have the purchaser complete if they are uncertain and then basically they are stating they are of age and have them sign it. Ms. Owston said she would get them a copy. Chairperson Gearhart said if you do that, require the driver's license number so you can really track them down. Mr. Lascaris said that everything they have will be on camera and they will be able to see who is driving and will be able to see the employee card the person. Mr. Lascaris said if the police can't detect if the driver's license is fake or not and then Chairperson Gearhart said we would take that into consideration if something like that happened but you still have to do the best you can do. Commissioner Crosco then said to answer your question, the licensee is held responsible and Mr. Lascaris said ok. Ms. Owston said there would be a hearing to determine that. Ms. Owston explained that during a recent compliance check a clerk tried to keep the cadet's driver's license. She said that is the cadet's personal property and you can't keep it. Mrs. Lascaris said, oh you can't keep a license and Ms. Owston said no, not a valid ID. Mrs. Lascaris then questioned how you would know and Ms. Owston said if it is a cadet, the State Police are going to come right in after that. Ms. Owston said that is their job, they are sworn officers, they are not going to lie, and they will present their valid ID. They are not trying to trick you, that is their ID and if you fail the compliance check, the State Police come in behind. Ms. Owston said that the stores policy was to keep an ID of anyone under twenty-one trying to purchase alcohol. Mrs. Lascaris then said, so if you are pretty darn sure that it is fake, you can keep it or no. Ms. Owston said she would suggest that you say let me call down to the State Police Barracks to check it and then if it is real they are probably not going to argue with you. Commissioner Fratz said, but you would still give it back to them and Ms. Owston said if it was real, then Commissioner Fratz and Mrs. Lascaris said, no if it is fake. Ms. Owston then said you are going to have to double check or ask for a second form of ID or follow through on your call. Chairperson Gearhart said he knows of a place that when they suspect it to be fake, they say, let me go make a copy of it and then they are usually gone. Ms. Owston said you will probably hear everything and she cautions expired licenses since they can now be renewed through the mail. She said to check the three dates on a license; expiration date, birthdate and date of twenty-first birthday. You

have to be real careful because the tobacco age is on there as well. Chairperson Gearhart said very few people go over the license with their employees and really everything is in red that you need to know. It says not twenty-one until, the date they turn twenty-one and he cautioned that they have not eighteen until date for cigarettes, just don't get those two mixed up. He said really everything they need to know is in red and the vertical orientation which should be questioned right away. He also mentioned, they may have just turned twenty-one. He then said there a couple of establishments that will not accept that license, they just tell them since they are twenty-one, they need to go get there regular license with horizontal orientation. Mr. Lascaris questioned Pennsylvania licenses and Ms. Owston said the same thing; they have blue and yellow. She said she will provide them with a sample copy for Pennsylvania as well as West Virginia. Mrs. Lascaris questioned if you could get a book and Ms. Owston then provided her with an order form for the I.D. Checking Guide. Ms. Owston discussed the PA and WV driver's license . She suggested that they post the samples from the various states or have them close by. Ms. Owston said that they have every right to refuse service. Ms. Owston said it is illegal to serve a minor and it is illegal to serve a visibly intoxicated person. She then said the law doesn't say if they are a driver, the law says a visibly intoxicated person. Ms. Owston said she can't stress enough the importance of carding and the drive-thru window and like we said, you are going to be able to see more people in the car compared to one person coming into the store and she suggested even having a sign at the window stating prohibited practices or regulations of the Liquor Board and ask for two forms of ID. Ms. Owston acknowledged that we can't control it as much as we would like to, but every little step we take adds up. Ms. Owston questioned if they would have a POS system where they enter the DOB on all sales; she then said you are primarily selling all alcohol, so you would have to enter a birthdate each time you ring up a sale of alcohol. Mr. Lascaris said he does not think so. Ms. Owston said a lot of systems will ask for that and she wants to make sure they don't get in the habit of entering their own DOB. Chairperson Gearhart further explained that a lot systems work this way and sometimes the clerks get lazy and just put their own DOB in, he said he thinks it may even print on the register tape, so that you can check to see the same birthdate coming up often. Mr. Lascaris questioned if you just do it for someone that you think is young and Ms. Owston said automatically the register asks for the DOB on alcohol sales. Mr. Lascaris said they never mentioned that feature to him and Chairperson Gearhart said it is not required by law, but it is a good idea. Ms. Owston explained the procedures following a failed compliance check along with the District Court charges for the clerk and the administrative hearing for the licensee before the Board. She also mentioned the fine and suspension guidelines. Ms. Owston stated that in a business that primarily sells alcohol, most of the time the suspension is more severe than the fine. Once again, she stressed the importance of carding. Ms. Owston said that all alcohol must be purchased from a Maryland wholesaler and copies of all receipts or the original receipt must be on the premise available during an inspection. Ms. Owston stated that there are no sales on Sunday and that means no giving it away or consuming it on the premise. Ms. Owston said that if New Year's Eve falls on Sunday since they are a package store and New Year's Eve exceptions are only for on-premise sales, they are not permitted to sell alcohol. She explained the renewal process along with the deadlines and possible late fees. Chairperson Gearhart expressed the importance of meeting all deadlines and the fact that they can't operate without the license. Ms. Owston explained that a Class "D" BWL Off-Sale allows for 25 % consumption on the licensed premise and noted that if in the future there are any remodeling plans that the Board must be notified

and approve the changes to the licensed premise. Ms. Owston reviewed the possible options to the license including the Delivery Option and Tasting Option and explained that the Board must approve these options. There is an additional cost for these options. Ms. Owston said that if you think some else is doing it, you better check with the office to see if it is permitted. Ms. Owston said the tasting samples in a few of the package stores is a good example. She explained that the Board must receive notification from these establishments prior to conducting the tastings. Mrs. Lascaris questioned the process to request an option be added to the license and Ms. Owston said this could be approved over the phone by the Board and issued after the issuing and annual fees were paid. Ms. Owston said that the Delivery Option requires a form to be completed by the customer and driver. These forms are due into the office by the 10th day of the following month. Commissioner Fratz questioned what kind of POS system they will be using and Mr. Lascaris said it is a Xerox system. Commissioner Fratz said there will be an option to type in the DOB. Mr. Lascaris acknowledged that there may be. Chairperson Gearhart asked Ms. Owston when the first opportunity for them to take an alcohol awareness course and Ms. Owston replied that she does not know of any upcoming training dates but as soon as she finds out she will let Mrs. Lascaris know. Chairperson Gearhart said we would like for you to get that as soon as you could and Mrs. Lascaris acknowledged the request. Ms. Owston said she would like this completed within three months. Ms. Owston said for the record the business received a Special Exception Permit to allow a drive-thru window at a business other than a restaurant. Ms. Owston noted that there was no one in attendance to protest the license. Chairperson Gearhart questioned if that was through Zoning and Ms. Owston replied yes, it was approved last September. Ms. Owston said the Drug Free Communities Coalition had talked about it last fall when the Special Exception hearing was conducted but she said she does not see anyone representing the committee in attendance. Ms. Owston said we know their concerns along with MADD that this may enable and promote drinking and driving. Ms. Owston said she spoke with an inspector in Charles County where they have several licensed establishments with drive-thru facilities and they said they do the compliance checks through the window as well and they don't see any difference between the window and someone coming to the counter. Ms. Owston said we all acknowledge that if there is a car full of kids, you will be able to see all of them in there and she hopes the area is very well lit. Mrs. Lascaris said it is and there are cameras there. Ms. Owston suggested signage and any steps they can take to prevent sales to a minor is a step in a good direction. Commissioner Fratz made a motion to approve the Class "D" BWL Off-Sale License and Draft Beer License for Deep Creek Beverage pending receiving the outstanding administrative items and alcohol awareness certification within 90-days, the motion was seconded by Commissioner Crosco and unanimously approved. Ms. Owston presented Mrs. Lascaris with sample ID's as well as the Local Rules & Regulations.

A license hearing was held at 10:00 AM for a Special Class "C" BWL 2-Day License for the Allegany / Mineral County Crime Solvers. Present for the hearing was applicant James Meyers as well as Mr. & Mrs. Bernie Zlomek. The license is to be used on Sunday, August 26th at the McKenzie Pavilion on McKenzie Road in Avilton, MD. Mr. Meyers reported that it is their annual fundraiser and they will be selling 225 tickets at \$40/person. You have to be twenty-one or over to purchase the ticket. The ticket includes a raffle chance, a steak dinner and beer which is distributed by a bartender. To get into the event you must go by a table where they will check your ticket to make sure you purchased a ticket and that you

are old enough. Ms. Owston questioned if there will be a cash bar for wine and mixed drinks and Mr. Meyers replied no there will not. Ms. Owston questioned where the beer will be purchased from and Mr. Zlomek said from a local beer distributor in Frostburg. Ms. Owston said she just wants to make them aware that since it is a licensed event BYOB is prohibited, it is illegal to serve a visibly intoxicated person as well as minor. Ms. Owston said the license does not allow any off-premise sales of alcohol. The license is good starting the day before for delivery purposes. Ms. Owston distributed copies of articles on safe serving as well as samples of ID's, tips on carding and the local Rules & Regulations for Garrett County. Mr. Zlomek asked if it would be possible to get extra copies of the ID's since establishments contact him for this information. He noted that there used to be book. Ms. Owston said she could provide him with copies. Ms. Owston went over the article on cutting off service and said based on the event only being three hours she is not as concerned compared to raffles that go six or seven hours or more. Mr. Zlomek said they will start by 3:00 PM and it is usually over by 6:00 PM. A motion to approve the Special Class "C" BWL 2-Day License to be used on August 26th was made by Commissioner Crosco, seconded by Commissioner Fratz, and made unanimous by Chairperson Gearhart. All fees were paid and the license issued.

A license hearing was held at 10:20 AM for a Special Class "C" 2-day BWL License for Garrett Mentors. Present for the hearing was applicant, Edward Spurr. The license is to be used at the Ridgeview Valley Barn at 912 Gravelly Run Road in McHenry on September 15, 2012 during the fourth annual barn dance and silent auction fundraiser. The event will be held from 5:00 PM until 9:00 PM. Tickets are available for \$25 in advance or \$30 the evening of the event. Mr. Spurr said they will be getting their beer from Lohr Distributors and it has not been decided who they will buy the wine from. They will have guest bartenders, including Rob Michael and some other responsible persons who know what to look for. Mr. Spurr reported that Jearbryo's will be providing a catered dinner. Ms. Owston asked if there will be any minors present and Mr. Spurr replied none except for the Boy Scouts who will stay down below to park the vehicles. Ms. Owston said in the event there are any minors there with their parents, she presented Mr. Spurr with sample copies of ID's. Ms. Owston asked besides the guest bartenders, will there be anyone there as a bartender who has TIPS or TAM certification for alcohol awareness and Mr. Spurr said not that he knows of. Ms. Owston then said you want to caution those bartending that it is illegal to serve a minor and it is illegal to serve a visibly intoxicated person. Ms. Owston said the license does not permit any off-premise sales and the license has to be on the premise during the event. Ms. Owston suggested that they have a copy of their receipts there at the event. Ms. Owston asked if they would be selling any type of paper gaming or raffle tickets and Mr. Spurr said they will do some raffle fundraisers. Commissioner Fratz made a motion to approve the Special Class "C" BWL 2-Day License for September 15th, seconded by Commissioner Crosco and made unanimous by Chairperson Gearhart. Appropriate fees were paid and the license was issued.

After the hearings there was general discussion Ms. Owston informed the Board that Terry Fram of Deep Creek Sweets upgraded the license to include the Catering Option on July 11, 2012. Ms. Fram intends on catering food and wine to the Theatre On the Lake at the Ridgeview Valley Barn in McHenry. Ms. Owston reviewed the Delivery Forms and how long the Board would like to keep the forms which are submitted monthly. It was

determined to keep only the previous year. The Board determined that they would address a Class "B" B&B license and the new corkage requirements in the upcoming legislative session. Ms. Owston updated the Board on a letter submitted from Black Bear Tavern & Restaurant to Bill DeVore dated April 30, 2012. The Board agreed that the reporting period will end April 30, 2013 to show compliance to food sales exceeding alcohol sales. Ms. Owston mentioned Jan Russell from Savage River Lodge is seeking approval from the Board for a Corkage Permit and is aware that the forms and application would be approved at today's meeting. The Board reviewed the application and forms and approved them as drafted and discussed the 6 % sales tax applicable to the corkage service. The Board unanimously approved the Corkage Permit application submitted by Savage River Lodge.

There being no further business to discuss Chairperson Gearhart made a motion to adjourn the meeting. The motion was seconded by Commissioner Fratz and made unanimous by Commissioner Crosco.

The next regular meeting of the Board of License Commissioners is scheduled for September 6, 2012 pending any public hearings. Ms. Owston noted that there most likely will not be a meeting since no applications are expected.

Thomas A. Gearhart
Chairperson

September 6, 2012
Date