

MINUTES

The Garrett County Board of License Commissioners/Liquor Control Board held their regular meeting on March 7, 2002 at 9:00 A.M. Present for the meeting were Commissioners Bea Crosco and Bruce Opel; Chairperson Thomas Gearhart; Administrator to the Board, F. Gary Mullich and Deborah Owston, Administrative Assistant.

Chairperson Gearhart called the meeting to order. A motion was made by Commissioner Opel to approve the January 3, 2002 meeting minutes and seconded by Commissioner Crosco and unanimously approved. The February 6, 2002 scheduled meeting was canceled due to lack of an agenda. The Board signed mileage sheets.

There was general discussion before the hearings in which Debbe Owston informed the Board that Susan Wayt of the Stray Cat Wing Shack turned in license #01-48 Class "B" BWL On-Sale & #01-48D Draft Beer License on February 14, 2002. Gary Mullich mentioned that Gary Warn of The Hen House had requested to use the Pavilion on his lot in July & August from Thursday through Saturday for a dinner theater and provide wine and beer at the dinner show. Gary recommended that the new license issued in July should state the additional serving area under the special options. Chairperson Gearhart feels they need to increase their premise size. Commissioner Opel made a motion to approve the request by Gary Warn of The Hen House for the restricted dates and time to allow beer and wine to be served at the pavilion area, seconded by Commissioner Crosco and unanimously approved. Debbe Owston informed the Board that the licenses for the Holiday Inn, Grantsville might be transferred to new owners. Also, it was mentioned that Joe Howe picked up an application for the New Germany Store. Gary Mullich told the Board that Jonathan Kessler picked up applications to upgrade the license for Smiley's Pizzeria to a Class "B" BWL Resort license which would include the Pine Lodge Steakhouse being constructed where the Stray Cat Wing Shack was previously located at the Fort in McHenry. Gary also mentioned that the Comptroller's Office did an inspection at Oak Grove Tavern and found three bottles on the premise, which were purchased from a retailer instead of a wholesaler. Joe Healy of Oak Grove Tavern dropped of a copy of the violation issued by the Comptroller's to the office on February 2, 2002.

A hearing was held at 9:30 A. M. for the transfer of license 01-77, Class "D" Beer & Wine On-Sale License to be upgraded to a Class "B" BWL and license 00-77D, Draft Beer License from William Hughes operating as The Cinema Grill to Mighty Oaks Brewing, Inc. operating as Mighty Oaks Pub, with John Rolfe Saunders, Sean Sober and William Weeks as the licensees. All three licensees were present for the hearing. Rolfe explained that their primary focus was for a restaurant at this point and maybe in the future a brewery. They do not intend to open until mid-April. The business lease will begin April 1st in order to start a new quarter. Gary Mullich discussed the fact that Rolfe and Sean had ownership in the Deep Creek Brewing Company that was less than 1%. Gary questioned ownership of the Corporation and Rolfe responded that they each had one-third ownership. Gary told them that any

changes in ownership had to be forwarded to the Board. Debbe mentioned that there were administrative items that need to be submitted prior to receiving the licenses such as the background checks, copies of the Traders License and the Sales & Use Tax number and the Bulk Transfer Permit. Commissioner Opel made a motion the license transfers be approved pending the administrative requirements and seconded by Commissioner Crosco and unanimously approved.

After the hearings Roger Ruff of Mid-Way Discount Liquors, spoke with the Board explaining his new policy for purchases made by other retail licensees. He will have the licensee sign a form stating the purchases are for personal consumption and not for resale. He stated that he was willing to work with other license holders to propose legislative changes requiring wholesalers to deliver to all licensed establishments in Garrett County regardless of the quantity of an order to the distance to get to a particular establishment.

The Board discussed issues concerning the Backbone Mountain Inn license 01-75 and Phyllis Inglese in regards to charges of purchasing from a retailer, gambling and controlled dangerous substances. Commissioner Crosco made a motion to subpoena the Comptroller's Office inspectors who alleged the charges of being a retail license holder and unlawfully purchasing or keeping alcoholic beverages on a licensed premises which were purchased from other than a duly licensed manufacturer or wholesaler which was seconded and unanimously approved. Other violations of Article 2B to consider would be 10-401(2) which states, Any license or permit issued under the provisions of this article may be revoked or suspended by the issuing authority for any cause which in the judgment of the official, court or board is necessary to promote the peace or safety of the community in which the place of business is situated. In addition under the Rules and Regulations of the Board of License Commissioners of Garrett County, that all license holders must report on all violations of the criminal laws to the Board of License Commissioners.

After general discussion, the next meeting day was set for April 4th, 2002. There being no further business, Chairperson Gearhart motioned the meeting be adjourned, and seconded by Commissioner Opel.

Thomas A. Gearhart
Chairperson

April 4, 2002
Date