

MINUTES

The Garrett County Board of License Commissioners/Liquor Control Board held their regular meeting on April 4, 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 Crosco to approve the March 7, 2002 meeting minutes and seconded by Commissioner Opel and unanimously approved. The Board signed mileage sheets. Commissioner Crosco made a motion to approve the expense report for Bruce Opel's monthly travel and also for the MALA inspector's workshop on January 7th and seconded by Chairperson Gearhart and unanimously approved. Commissioner Crosco made a motion that there be a \$50 late fee per calendar day for renewal applications received after the May 1st deadline and seconded by Chairperson Gearhart with Commissioner Opel opposed to the motion. This motion will be put into effect starting with the 2003-2004 renewal license year after a notice is given to all licensees.

There was general discussion before the hearings in which Gary Mullich noted that the Local Rules & Regulations need to be updated with the current local laws regarding the wine tasting option and server age in relation to sales in a restaurant. The Board signed an additional license for Paul Roberts of Deep Creek Cellars upon request due to misplacing the initial liquor license. Gary updated the Board on legislative items that would affect Garrett County the first law that may pass allows citations to be issued for sales to underage or intoxicated persons and the second law deals with Personal Wine Import License that if passed will allow purchases of wine over the internet in Maryland. George Collins of McHenry Beverage sent a copy of a letter received from Tom White of National Distributing Company who states that his company would not be in favor of allowing a licensed retailer to purchase alcohol from another licensed retailer. Mr. White enclosed a copy of Article 2B, § 12-107, *Restrictions upon retail dealers*. Gary Mullich mentioned that there would be two upcoming hearings for purchasing violations for Joe Healy of Oak Grove Tavern and Phyllis Inglese of Backbone Mountain Inn. In addition, Phyllis Inglese will also be called in for a hearing for a violation of Article 2B, § 10-401(2) in reference to the promotion of peace or safety of the community in which the place of business is situated.

A hearing was held at 9:30 AM for a Special 2-Day Class "C" BWL License for the Garrett County Enforcement Officers P.A.C. Applicant, John L. Williams, was present for the hearing. Mr. Williams said they would be using the special license May 11th, 2002 at the Oakland Fire Hall for a gun bash dinner. Mr. Williams explained that the beer would be distributed from a central location and that there would be several people attending that would oversee the alcohol consumption. Commissioner Opel made a motion the license be approved and seconded by Commissioner Crosco and unanimously approved. After appropriate fees were paid, the license was issued.

A hearing was held at 9:45 AM to upgrade the current license for Smiley's Pizzeria to become a Class "B" Resort BWL On-Sale license with an additional licensed facility for Pine Lodge Steakhouse both located at the Fort in McHenry. Applicant, Jonathan P. Kessler, was present for the hearing. Mr. Kessler said he expects to have construction of the new facility complete at the end of May. Mr. Kessler described the new restaurant as having the seating capacity of 261 inside and close to 300 including outside deck seating. Gary requested a copy of the membership agreement from Mr. Kessler in the future. In addition Debbe Owston requested copies of the Sales & Use Tax number as well as the Trader's License number. Other administrative requirements that need to be submitted include a copy of the Health Permit and the Occupancy Permit. Gary informed Mr. Kessler of 2B, § 12-302(8)(i), which requires that servers in a Class "B" restaurant be at least 18 years or older in order to serve and sell alcohol in connection with serving or selling of a meal. Chairperson Gearhart made a motion the licenses be approved pending administrative requests and seconded by Commissioner Opel and unanimously approved.

A hearing was held at 10:00 AM for a Special 2-Day Class "C" BWL License for the Deer Park Community Volunteer Fire Department. Craig Collins was present for the hearing. Mr. Collins said they would be using the special license May 18th, 2002 at the Deer Park Fire Hall for a gun bash dinner. Mr. Collins explained that they were going to use wristbands to distinguish those in attendance that were not of age. The event will be from 1:00 PM to 7:00 PM. Commissioner Opel made a motion the license be approved and seconded by Chairperson Gearhart and unanimously approved. After appropriate fees were paid, the license was issued.

A hearing was held at 10:15 AM for a Special 2-Day Class "C" BWL License for the Grantsville Rotary. Applicant, Nathan Walker, was present for the hearing. Mr. Walker said they would be using the special license April 6th, 2002 at the Eastern Garrett Fire Hall for a dinner / dance to benefit the Grantsville Library fundraiser. Mr. Walker explained that he did not believe that there would be anyone attending the event that would be under twenty-one years of age. Commissioner Opel made a motion the license be approved and seconded by Commissioner Crosco and unanimously approved. After appropriate fees were paid, the license was issued.

After the hearings, the next meeting day was set for May 2nd, 2002. There being no further business, Chairperson Gearhart motioned the meeting be adjourned, and seconded by Commissioner Opel.

Thomas A. Gearhart
Chairperson

May 2, 2002
Date