

## MINUTES

The Garrett County Board of License Commissioners/Liquor Control Board held their regular meeting on Wednesday, July 3, 2002 at 9:00 AM. Present for the meeting were Commissioner Bea Crosco; Chairperson Thomas Gearhart; Administrator to the Board, F. Gary Mullich, Deborah Owston, Administrative Assistant and Craig Ingram, Attorney to the Board.

Chairperson Gearhart called the meeting to order. A motion was made by Commissioner Crosco to approve the May 2, 2002 revised meeting minutes and seconded by Chairperson Gearhart. Chairperson Gearhart made a motion to approve the June 6, 2002 meeting minutes and seconded by Commissioner Crosco and approved. The Board signed mileage sheets. Chairperson Gearhart made a motion to accept the amended Rules & Regulations for Garrett County and the motion was second by Commissioner Crosco.

There was general discussion before the scheduled hearings in which it was mentioned that Lynn Kasik of On the Rox's Pizza Pub transferred her stock in Deep Creek Brewing Company to M. J. Gibellino, in order to be in compliance with having a financial interest in another alcoholic beverage license in Garrett County. Debbe Owston told the Board that Denny Skeweris had not picked up his license for the 2002-2003 license year and that the Comptroller's Office was still not releasing the license hold for the delinquent tax issues. The Board signed revised licenses for Anchor Mart who decided not to downgrade the license and keep the liquor option and also for the Boardwalk since Denny Savage will not be a licensee for the establishment for which the license was picked up on July 1, 2002. Also, the Board signed another license for Red Run Lodge due to the license being damaged. The license for Deep Creek Liquors, Inc. was picked up on June 26, 2002. It was noted that The Boardroom Family Restaurant would not be renewed due to the business closing. Gary told the Board that Deep Creek Brewing Company might be requesting to add the delivery option to their liquor license. Legislative changes were discussed for the Resort License to also allow the sale of wine off sale. Also to add a companion beer tasting option for Garrett County. Commissioner Crosco said that Bumble Q restaurant catered the food at the Mountain Fresh Pavilion on June 8, 2002 for the Democratic Club. Gary said he talked with Sandy Bello who said they realized that they needed a license and then did not have alcohol provided. Also, mentioned was an upcoming event to benefit the local high school bands called, "Chilli-Chilli-Chilli", in which Gary talked with a representative of the event and they will have Wisp Resort cater the event. It was mentioned that Brenda Rosenberger of Bernie's called to say that she will attend the July 9<sup>th</sup> TAM class in Cumberland and her check has cleared the bank at this time.

A hearing was held at 9:30 AM for the issuance of a Special Class "C" BWL 2-Day License. Applicant Senator Hafer was present for the hearing. Senator Hafer explained to the Board that the license would be used at his campaign fundraiser at the Happy Hills Farm. Chairperson Gearhart made a motion the license be approved to be used

on July 20<sup>th</sup>, 2002 and seconded by Commissioner Croscio and approved. After the appropriate fees were paid, the license was issued.

A hearing was held at 9:45 AM for the issuance of a Special Class "C" BWL 2-Day License. Applicant Gladys Virts was present for the hearing. Ms. Virts explained that the license would be used at the St. John's Episcopal Church on Maryland Highway. They have planned a pig roast fundraiser that would benefit the Garrett County Meals Program. Commissioner Croscio asked if the event was open to the public and Ms. Virts responded that yes it was and that they plan on selling about 200 tickets. Commissioner Croscio made a motion the license be approved to be used on August 10<sup>th</sup>, 2002 and seconded by Chairperson Gearhart and approved. After the appropriate fees were paid, the license was issued.

A violation hearing was held at 10:00 AM for Anchor Mart, license # 01-45, Class "D" BWL license for the sale of alcohol to a minor, as a result of a compliance check conducted on April 15, 2002 by the Maryland State Police. Licensees Barbara Rath and Karl Rath were present at the hearing in addition to store employee, Cheryl Winegardner. Cpl. Scott Anderson and Cadet Joshua Wengerd of the Maryland State Police were at the hearing to provide testimony concerning the sale. Cadet Wengerd explained that he entered the store and picked a six-pack of Coors Lite beer out of the cooler and put it on the counter along with his Maryland driver's license and that the clerk proceeded with the sale. Barbara Rath explained to the Board that all employees are supposed to id anyone that looks to be under 40 years of age. She also explained that the lottery was over 300 million and that Cheryl had just sold 300 \$1.00 tickets and was not totally focused. Karl Rath stated that Ms. Winegardner is a very well respected person and mother and she did not intentionally sell, she simply mixed up the smoking age with the drinking age and it was human error and will not happen again. Gary Mullich questioned the license format, which the cadet used. Cadet Wengerd showed his license, which was a side profile picture with "Under 21 Alcohol Restricted" written in red below the photo. Craig Ingram asked whether they turn down many people for the sale of alcohol and Barbara Rath said they do and earlier that evening they refused to serve a person who appeared to be intoxicated. The Board deliberated and determined that a violation had occurred. Chairperson Gearhart made a motion that this being the first offense for the sale of alcohol to a minor, a \$100 fine and a letter of reprimand for violating Article 2B, §12-108 and the motion was seconded by Commissioner Croscio and approved.

A violation hearing was held at 10:20 AM for BFS Foods, license # 01-16, Class "A" Beer Off-Sale License for the sale of alcohol to a minor during a compliance check conducted on April 15, 2002 by the Maryland State Police. Licensee Rex Hoalcraft was present at the hearing in addition to store employee, Betty Ann Maule and District Sales Manager, Delores Becker. Cpl. Scott Anderson and Cadet Joshua Wengerd of the Maryland State Police were at the hearing to provide testimony concerning the sale. Cadet Wengerd explained that he entered the store and picked a six-pack of Coors Lite beer out of the cooler and put it on the counter along with his Maryland driver's license and that the clerk proceeded with the sale after verifying the age with the tobacco

calendar instead of the alcohol calendar. Delores Becker stated that she saw the store video and the clerk did take time to look at the license. Chairperson Gearhart questioned Ms. Maule whether she had received any on-site training in regards to selling alcohol products. Ms. Maule stated that she had not received any on-site training but had been TIPS trained earlier that week but she was not aware of a side profile license issued to minors. Chairperson Gearhart made a motion that this being the first offense for sale of alcohol to minor, the Board will impose a letter of reprimand along with a \$100 fine, seconded by Commissioner Crosco and unanimously approved.

A violation hearing was held at 10:40 AM for Brodak's Discount Liquors, license # 01-46, Class "D" BWL Off-Sale License and 01-46D, Draft Beer license for the sale of alcohol to a minor during a compliance check conducted on April 15, 2002 by the Maryland State Police. Licensee George Brodak was present at the hearing in addition to store employee, Debra Bodalski. Cpl. Scott Anderson and Cadet Joshua Wengerd of the Maryland State Police were at the hearing to provide testimony concerning the sale. Cadet Wengerd explained that he entered the store and picked a six-pack of Coors Lite beer out of the cooler and put it on the counter along with his Maryland driver's license and that the clerk proceeded with the sale after looking at the license. Chairperson Gearhart asked Ms. Bodalski when she began her employment at Brodak's, was there any on-site training for selling alcohol or any alcohol awareness programs such as TAM or TIPS and where there any other types of aid to verify the age of the purchaser. Ms. Bodalski responded that she began employment on January 10<sup>th</sup>, 2002 and she did not have any on-site training nor has she attended an alcohol awareness program. She did state that they have a tobacco calendar and also an alcohol calendar but she simply misread the license. Commissioner Crosco asked Mr. Brodak if there were any disciplinary actions. Mr. Brodak said yes, two weeks off without pay for the first offense and the second time would result in being fired. Mr. Brodak stated that he has been in business 31 years and does not want to sell alcohol to minors. It was mentioned to the Board that Mr. Brodak came into the office the day after the sale to the cadet occurred to notify Mr. Mullich. The Board deliberated and determined that a violation had occurred. Commissioner Crosco made a motion that this being the second offense for the sale of alcohol to a minor, a \$500 fine and a two-day suspension of the license for violating Article 2B, §12-108 and the motion was seconded by Chairperson Gearhart and approved. It was explained to Mr. Brodak that he had 30-days to consider an appeal of the two-day suspension otherwise the suspension would be Monday, August 5, 2002 and Tuesday, August 6, 2002.

A violation hearing was held at 11:00 AM for Slopeside Market, license # 01-09, Class "A" Beer & Wine Off-Sale License for the sale of alcohol to a minor during a compliance check conducted on April 15, 2002 by the Maryland State Police. Licensee James Railey, Jr. was present at the hearing in addition to store manager, Tom Bulhak. Cpl. Scott Anderson and Cadet Joshua Wengerd of the Maryland State Police were at the hearing to provide testimony concerning the sale. Cadet Wengerd explained that he entered the store and picked a six-pack of Coors Lite beer out of the cooler and put it on the counter along with his Maryland driver's license and that the clerk, Denise Bowser proceeded with the sale. Chairperson Gearhart questioned Cadet Wengerd on how

busy the store was at the time of the purchase. Cadet Wengerd responded that the store was not busy. Tom Bulhak stated that the clerks said the store was very busy that day due to the high lottery jackpot. The store employee who sold the alcohol to the cadet was on her second day of employment at Slopeside Market. Mr. Bulhak stated that Denise Bowser was made aware to the stores alcohol policy and received one-week suspension from work as a result of the sale to a minor. Also, since the sale Denise completed the TIPS program on May 13, 2002. She had previously worked at a BFS convenience store in Pennsylvania but they did not sell alcohol so she was not familiar with the id-checking calendar. Mr. Railey said that the clerk simply made a mistake. Craig Ingram questioned how often do they refuse to serve due to the questionable age of the purchaser and Mr. Bulhak responded that they do turn down the sale of alcohol and have also contacted the State Police in the past. The Board deliberated and determined that a violation had occurred. Chairperson Gearhart made a motion that this being the third offense for the sale of alcohol to a minor, a \$1,000 fine and a thirty-day suspension of the license for violating Article 2B, §12-108 and the motion was seconded by Commissioner Crosco and approved. It was explained to Mr. Railey that he had 30-days to consider an appeal of the thirty-day suspension otherwise the suspension would be Saturday, August 3, 2002 thru Monday, September 2, 2002.

After the hearings, the next meeting day was set for August 1, 2002. There being no further business, Chairperson Gearhart motioned the meeting be adjourned, and seconded by Commissioner Crosco.

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Thomas A. Gearhart  
Chairperson

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August 1, 2002  
Date