

MINUTES

The Garrett County Board of License Commissioners/Liquor Control Board held their regular meeting on August 1, 2002 at 9:00 AM. Present for the meeting were Commissioners Bea Crosco and Mike Fratz; 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 July 3, 2002 meeting minutes and seconded by Chairperson Gearhart and unanimously approved. The Board signed mileage sheets.

There was general discussion before the scheduled hearings in which Gary Mullich talked about Craig Ingram's "Missive" review of the application and paperwork submitted for Red Run Lodge by William Byrne and Kathy Gibson and suggests the Board inquire about the exact premise and request a copy of the Operating Agreement in reference to the LLC paperwork for R&R Lakeside, LLC. It was mentioned that Teresa Hamilton picked up the licenses for The Boardwalk on July 1, 2002. Ms. Hamilton requested that the Board accept the removal of Dennis Savage as a licensee on the licenses as well as removing him from Teed, LLC. She will submit new paperwork to reflect these changes and requested that the Board sign new licenses to do the same. The topic of two advertisements involving the verbiage of "free" was discussed. There was a radio advertisement for the Hen House West stating, "free beer & wine" and Black Bear Tavern had a newspaper ad stating, "Free Champaign Giveaways". Letters will be sent to them requesting their compliance with Article 2B, § 12-107 (b)(1).

A hearing was held at 9:30 A.M. for a Special 2-Day Class "C" BWL License for the State Trooper Lodge # 40 & Crime Solvers annual picnic. Applicant, James Meyers, was present for the hearing in addition to Ray Presley. James Meyers explained the license would be used for the steak dinner and raffle on August 17th, 2002 at the McKenzie Road Pavilion in which they intend to sell 225 tickets at a cost of \$30 per ticket. The event will be held from 3:00 PM to 6:00 PM. Ray Presley asked the Board as to whether they could hold the event on a Sunday due to the fact that the Pavilion is in an election district, which allows Sunday Sales. Gary Mullich told Mr. Presley that Sunday Sales are only allowed to Class "B" or Class "C" licensees in conjunction with serving a meal. Commissioner Crosco made a motion the license be approved and seconded by Commissioner Fratz and unanimously approved. After appropriate fees were paid, the license was issued.

A hearing was held at 9:45 AM for the transfer of license # 02-35 Class "B" BWL On-Sale License and license # 02-35D Draft Beer license from Kathy Gibson of McComas Beach, Inc. operating as Red Run Lodge to R&R Lakeside, LLC operating as Red Run Lodge & Restaurant with William Byrne and Kathy Gibson as the licensees. Both licensees were present for the hearing in addition to James Gibson. Mr. Byrne

explained that he planned to run the business the same with the exception closing the bar area earlier. Chairperson Gearhart asked that the licensed premise be described more specifically for the license file. Also, Chairperson Gearhart explained that everything that is consumed on the premise must be purchased on the premise and Gary further stated that when you define the premise that is the area where you sell alcohol. Commissioner Crosco asked Mr. Byrne if he and Kathy Gibson were the only persons involved with the establishment and Mr. Byrne responded, yes, to the question. Mr. Mullich asked Mr. Byrne as to whether he was clear on what constituted financial interest and Mr. Byrne responded that he was. Chairperson Gearhart made a motion to accept the transfer of the Class "B" BWL On-Sale & Draft Beer License contingent upon the receiving the described premise area, copies of both the Sales & Use Tax number and the Trader's License number, and the LLC Operating Agreement for R&R Lakeside, LLC and seconded by Commissioner Crosco and unanimously approved.

A hearing was held at 10:00 A.M. for a Special 2-Day Class "C" BWL License for the Saint Peter the Apostle Church 150th Anniversary celebration. Applicant, Guy Carola, was present for the hearing. Mr. Carola explained the license would be used for the shrimp and bull roast on August 23rd, 2002 at the Parish Hall. The ticket cost is \$20 per person for an all you can eat buffet. The event will be held from 4:00 PM to 9:00 PM. Commissioner Crosco made a motion the license be approved and seconded by Chairperson Gearhart and unanimously approved. After appropriate fees were paid, the license was issued.

The general discussion after the hearings included Gary telling the Board that Arrowhead had requested to upgrade their license to a Class "A" Beer & Wine Off-Sale license. Also, Gary explained that at this point the Resort License does not allow the sale of wine for off-premise consumption. A legislative change should be requested for the Class "B" license and Resort license of Article 2B, §6-201 (m) (2) (iii) to read, "the holder is authorized to sell brewed beverages and wine for off premise consumption". This would allow a restaurant to sell a bottle of wine to go as well as allow the customer to take a partial bottle of wine with them for off premise consumption. The Board further discussed the licenses for The Boardwalk. Gary mentioned that he had received an updated lease that had not been fully executed but it does remove Dennis Savage and included the storage area. Chairperson Gearhart made a motion to include the room that is mentioned in the lease as part of the premise of The Boardwalk and there was no second so the motion did not carry. Gary mentioned that the Board might want to visit the location between now and the next meeting on September 5, 2002 in order to make a decision. Debbie informed the Board that Backbone Mountain Inn's suspension will be over on August 2nd at 6:00 AM and Commissioner Gearhart will return the license for sales to resume. Slopeside Market has requested to appeal the Boards decision to Circuit Court on a motion to stay the Boards ruling. Mike Getty will handle this since Craig Ingram's unavailable due to his vacation. The fines for sales to minor violations are due to the Board Office on August 2, 2002 as a result of the violation hearings on July 3, 2002 for Anchor Mart, BFS Foods, Brodak's Discount Liquors and Slopeside Market. The total Town Share portion of the 2002-2003 renewal license fees totaled \$7,900. Gary mentioned that he received a copy of a lease agreement between Mr.

Reckart of Bud's Package Store and Mary and James Teets who will be running the establishment. It was noted that if the Teet's are from West Virginia then the license would need to be filed as a corporation or a Limited Liability Company. Gary spoke of a complaint by an anonymous caller concerning Precision Rafting of Friendsville having beer available to rafters who then walk around town consuming alcohol setting a bad example for children to see. Gary told the caller to notify the Town Council of Friendsville concerning the matter. Gary also told the Board that Bobby Lohr of Lohr Distributing called the Comptroller's Office about Deep Creek Brewing Company (DCBC) allegedly selling kegs retail to customers. The Comptroller's Office sent out a letter to both stating that they feel DCBC must sell their product to a wholesaler first or purchase another brewer's product from a wholesaler then they can turn around and sell brewed beverages to go. The Comptroller's Office said however that the holder of a micro-brewery license may also sell at retail beer brewed under that license to customers for consumption off the licensed premises in refillable containers that are sealed by the micro-brewery at the time of each refill.

After the general discussion, the next meeting day was set for Sept 5, 2002. There being no further business, Chairperson Gearhart motioned the meeting be adjourned, and seconded by Commissioner Crosco.

Thomas A. Gearhart
Chairperson

September 5, 2002
Date