

MINUTES

The Garrett County Board of License Commissioners/Liquor Control Board held their regular meeting on February 6, 2003 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 Nikki Brown, General Services staff.

The meeting was called to order at 9:10 AM. On a motion by Bea Crosco, seconded by Mike Fratz, and made unanimous by Tom Gearhart, the minutes from the December 5, 2002, meeting was approved.

Tom Gearhart began the meeting by asking Roger Ruff and George Collins what concerns they had on the Rules and Regulations and the pending legislative issues. Roger Ruff asked whether the section on sales to minors was new or if they were just codifying past practice. Gary Mullich stated that the issue is already addressed in Article 2B but now would be included in County Rules and Regulations. Gary Mullich stated that the one addition (Section 1.4) not in Article 2B is the late application/late renewal penalty. The rationale for this addition is that a few licensees are late every year without valid reasons. Roger Ruff asked whether Section 3.8 regarding reporting to the police was an addition. Gary Mullich stated that it was only a change in name. Roger Ruff asked whether Section 3.15 on Beer Keg Registration was an addition. Gary Mullich stated that it was only a grammatical change. George Collins stated that he is concerned that bars around the lake area are selling "to go" to their employees. Tom Gearhart stated that perhaps a letter could be sent out to these establishments reminding them that this is not allowed. George Collins asked whether the "wine to go" bill had been Introduced? Gary Mullich stated that it had not and would not. Gary Mullich noted to the Board for future reference that they can set whatever rules they want for off sale so theoretically a Class C or Class D licensee could sell wine to go. Roger Ruff stated in closing that he is concerned there is not a good way to disseminate information such as pending legislation to licensees. Gary Mullich stated that approved meeting minutes will be placed on the County's website if that practice is not already in effect. Nikki Brown stated that the County's web address is "www.garrettcountry.org."

At 9:30 AM, the Board reviewed Len Kushner's application for Josie's Boardroom Restaurant. Gary Mullich stated that the only outstanding administrative issue was they were awaiting the background check. Len Kushner stated that he intends for his business to remain a family restaurant. He will extend his hours possibly to 11:00 PM on the weekends. He will not have any entertainment but may add television sets. On a motion by Bea Crosco, seconded by Mike Fratz, and made unanimous by Tom Gearhart, the Board agreed to approve the license contingent on return and approval of the background check. The Liquor Control Board will advise Mr. Kushner when he may pick up his license.

At 9:35 AM, Tom Gearhart asked if any members of the audience were there to discuss the Local Rules and Regulations. No one acknowledged that they were. On a motion

by Bea Crosco, seconded by Mike Fratz, and made unanimous by Tom Gearhart, the Local Rules and Regulations were approved as amended.

At 9:40 AM, the Board discussed legislative issues. Gary Mullich stated that he believed all the bills except wine to go and the 52-event Special Class C license had been introduced. He said that the most public interest was received on the retailer purchase from another retailer issue. Currently the bill does not state that the "seller" retailer must be from Garrett County, and state law only prohibits retailers from purchasing out of state. Tom Gearhart stated that the intent of the bill was to aide the retailer who was out of a product and did not have a legal means to obtain the product until the wholesale truck came again. Bob Lohr stated that he certainly does not want to put retailers at a hardship but it would be difficult for him to monitor freshness of his product and other retailers across the state are concerned that this would set a precedent that would spread across the state. He stated that he only has 72 accounts and never refuses to deliver. He always tries to work something out. In closing, he stated that sometime in the future he would like to come in and discuss the beer tax issue.

At 10:05 AM, the Board reviewed Les Bittinger's application for Oak Grove Tavern. Les Bittinger stated that it will be a tavern with a limited amount of catered food. He intends to clean the facility up and will offer no entertainment. Gary Mullich stated that the outstanding administrative issues are a Health Department Permit, Tax Number confirmation and the background check. On a motion by Mike Fratz, seconded by Tom Gearhart, and made unanimous by Bea Crosco, the Board agreed to approve the license contingent on return and approval of the background check and the Health Department permit.

Gary Mullich stated that one additional legislative issue is not being introduced which concerned exempting Garrett County for the section of Article 2B where a commercial tenant can act as a citizen/resident to protest a license renewal.

Gary Mullich stated that the Friendsville Fire Department did come in for their final license upgrade this month and that will take them until the end of March. He stated that he received an anonymous call that a 20-year-old male was served and that an underage girl bought wine coolers for her of age sister at one of the Friday night events.

Gary Mullich stated that he received an anonymous call that the Black Bear Tavern had an underage server selling shots off of a tray. He advised the Black Bear Tavern that this was illegal and then received another anonymous call stating that the Black Bear had discontinued the practice but the caller was disgruntled because they had not been cited. Matt Koch, Shift Leader of the Black Bear Tavern, stated the server had not been pouring the shots; only serving them. He had not known that it was illegal and she is no longer even serving them. However, the server will be turning 21 before her next scheduled shift.

Tom Gearhart and Mike Fratz agreed to amend the legislative bill on retailers to reflect only "Garrett County" retailers and eliminate beer from the bill so it will only affect wine and liquor.

Gary Mullich stated that the MALA Spring Conference will be held May 2nd thru May 4th at Carousel Resort in Ocean City, Maryland. Registration is due by Tuesday, March 25th. Gary advised the Board to RSVP to Debbe Owston.

Gary Mullich stated that most Liquor Control Board bills have an effective date of June 1, 2003.

Gary Mullich stated that On the Rox is open again as of last Friday. There maybe a license revocation hearing next month if they are not meeting the residency requirement for a licensee.

Gary Mullich stated that the Silver Tree Center is temporarily closed and a transfer of the LLC is pending. An application for transfer of the liquor license has been received.

Gary Mullich stated that American Legion Post 71 inquired about gaming. A letter was sent to Mr. Seeders stating that as long as the State's Attorney's Office has reviewed the issue, the Liquor Control Board would not take any action.

Gary Mullich stated that Red Run Inn has still not met all of their administrative issues dealing with Kathy Gibson's financial interest, a revocation hearing may be held at the March meeting.

Gary Mullich stated that there is a bill in for the State to increase their alcoholic beverage tax. The office will prepare something in the future to see the budgetary impact of a penny increase in the Garrett County tax.

After the general discussion, the next meeting day was set for March 6, 2003 On a motion by Bea Crosco, seconded by Mike Fratz, and made unanimous by Tom Gearhart, and the meeting was adjourned at 11:05 AM.

Thomas A. Gearhart
Chairperson

March 6, 2003
Date