

MINUTES

The Garrett County Board of License Commissioners/Liquor Control Board held their regular meeting on March 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 Deborah Owston, Administrative Assistant.

Chairperson Gearhart called the meeting to order. A motion was made by Commissioner Crosco to approve the February 6, 2003 minutes and seconded by Commissioner Fratz with all in favor. The Board signed mileage sheets.

There was general discussion before the hearings in which Gary Mullich mentioned that the States Attorney Office and Family Violence Coalition contacted him about Arts Cab, owned by Curtis Pritts procuring alcoholic beverages from various licensed establishments for home bound customers and charging the equivalent of cab fare with no additional mark-up. A letter will be sent to the States Attorney Office and Family Violence Coalition and a copy sent to Mr. Pritts. Gary also mentioned that an anonymous caller alleged that alcohol may be being sold or given away on Sundays at Ken's Tavern in Friendsville; a letter will be sent to Mr. Friend in reference to Article 2B and Sunday Sales. Debbe Owston mentioned that Craig Marple and Bruce Swift were applying for a Class "D" BWL Off-Sale license for the former C.P. Martin Store location. Commissioner Crosco discussed a patriotic theme for the MALA Fall meeting which is scheduled to be held in Garrett County at the Wisp Resort in October.

A hearing was held at 9:30 AM for a Special 2-Day Class "C" BWL License for Garrett County Lodge #99, F.O.P., Inc. Applicant, John Williams, was present for the hearing. Mr. Williams explained the license would be used for a gun bash on April 5, 2003 from 1:00 PM to 6:00 PM at the Oakland Fire Hall. There would be food and beer provided at the event. Deputies will be checking for identification when entering the building and there would also be a deputy monitoring the kegs of beer. 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 a Special 2-Day Class "C" BWL License for Deer Park Community Volunteer Fire Department. Craig Collins was present for the hearing to represent the fire department. Mr. Collins explained the license would be used for a gun bash on May 17, 2003 from 12:00 PM to 7:00 PM at the Deer Park Fire Hall. Included in the \$25 all-inclusive price would be a BBQ meal provided by the Ladies Auxiliary and beer at the event. 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 10:00 AM for the continuance of license 02-66, Class "D" BWL On-Sale and license 02-66D, Draft Beer for On The Rox's located on Main Street in

Accident. The hearing was scheduled as a result of a letter to the Board received on January 5, 2003 from licensee, Carolyn Murray withdrawing herself from the license she held with Lynn Kasik. Lynn Kasik was present for the hearing as well as Mark Duckworth. Ms. Kasik explained to the Board that Mr. Duckworth joined the LLC as the qualifying resident. Chairperson Gearhart asked Ms. Kasik as to when she was aware Ms. Murray wanted to be off of the license and why it took so long for her to get the paperwork completed with a qualified licensee. Ms. Kasik responded that she was aware of Ms. Murray's decision in late December / early January and that she had been busy remodeling the establishment and had lost track of the time frame for submitting the new licensee information to the Board. The Board went into executive session to discuss the matter in detail with each other. Commissioner Crosco made a motion based on the information pertaining to the current licensee not meeting the license requirements that the license be revoked and seconded by Chairperson Gearhart with all in favor. Ms. Kasik asked if she could ask Ms. Murray to remain on the license and Chairperson Gearhart responded, no she has already withdrew herself as a licensee. Chairperson Gearhart explained to Ms. Kasik that the license is revoked and that she could re-apply for a license or appeal the Board's decision to Circuit Court.

A hearing was held at 10:15 AM for the transfer of license 02-11 Class "B" BWL with Catering Option and 02-11D Draft Beer License for Silver Tree Enterprises. Applicants Roger Cutright and Tom Anderson were present for the hearing. Mr. Cutright explained that DCL Properties, LLC is currently in a management agreement with Silver Tree Enterprises, LLC. DCL Properties will be purchasing Silver Tree Enterprises in March and they will be the sole members. Those members are Roger Cutright, Tom Anderson, Sam Housley, Michael Ware and James Lorenze. Gary Mullich stated that the license would be issued to Silver Tree Enterprises for the use of DCL Properties. Mr. Cutright told the Board that the former Harbor Building would eventually be dismantled. They would like to re-open The Harbor Bar in the lower level of the restaurant by June 1st, serving a lunch menu with drinks available into the late evening. Chairperson Gearhart made a motion to approve the transfer of the licenses contingent on receiving the changes for DCL Properties, LLC operating Silver Tree Enterprises, LLC, and seconded by Commissioner Crosco with all in favor. Chairperson Gearhart gave them till April 15th to submit the requested documents being that the sale is scheduled to take place on March 15th or possibly up to the 30th of the month.

A hearing was scheduled at 10:45 AM for the review of the background check for Les Bittinger who had a new license hearing on February 6, 2003, which was approved pending review of the background check being received from CJIS. The Board discussed with Mr. Bittinger the list of background check results and allowed him to give response. The Board then went into executive session to discuss the matter. Commissioner Crosco made a motion to deny this license based on the background check showing instances too current and seconded by Commissioner Fratz with all in favor of the motion.

After the hearings, the next meeting date was scheduled for April 3, 2003. There being no further business, Chairperson Gearhart motioned the meeting be adjourned, and seconded by Commissioner Crocco.

Thomas A. Gearhart
Chairperson

April 3, 2003
Date