

## MINUTES

The Garrett County Board of License Commissioners/Liquor Control Board held their regular meeting on August 7, 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 Debbe Owston, Administrative Assistant.

Chairperson Gearhart called the meeting to order. A motion was made by Commissioner Fratz to approve the July 3, 2003 minutes and seconded by Commissioner Crosco with all in favor. The Board signed mileage sheets.

A discussion session was held at 9:00 AM instead of the scheduled time of 10:00 AM with Matt Gibellino, applying applicant, for On The Rox's. Mr. Gibellino was to present to the Board proof of establishing Garrett County residency. Mr. Gibellino presented Federal Income Tax forms for the previous tax year showing zero income. Mr. Mullich questioned as to why the forms for the past two years were dated on August 6, 2003. Mr. Gibellino explained that he had not filed any tax reports since he had zero income to report. Chairperson Gearhart explained that the Board would need copies of his State income tax records to prove that Garrett County was his residing county. Mr. Gibellino explained to the Board that he did not have a Maryland driver's license as a result of the state of California holding his license for an insurance violation. Mr. Gibellino said that his attorney Arnold Phillips is working on getting his license back and if not, he could pay the \$1,000 fine and get the suspension lifted on his California license. Mr. Gibellino presented a Maryland Identification Card to the Board as proof of being a Maryland resident. The address on the ID card was Sale Barn Road. Mr. Gibellino stated that he resided there when he began work for Mr. Murray, former owner of Copy Catz. The Board said that if the Identification Card was issued correctly by the MVA, then they would accept it for proof of residency.

A transfer hearing was held at 9:30 AM for the transfer of the licenses for The Point View Inn from Wendell Beitzel of Beitzel Enterprises, Inc. to Samuel VanSickle and Kevin Potter of Maryland Hospitality Management, Inc. Applicant, Kevin Potter was present for the hearing and explained to the Board that it is his intention to establish a more family orientated place. The hours of operation will be shorter than before by closing at midnight on weekends. Commissioner Crosco made a motion to approve the transfer of license 03-43 Class "B" BWL On-Sale and license 03-43D Draft Beer license to Kevin Potter and Sam VanSickle and the motion was seconded by Commissioner Fratz and unanimously approved. After the appropriate fees were paid, the licenses were issued. Mr. Potter also submitted a check in the amount of \$100 to cover the fine for the sales to minor as a result of the compliance check conducted by the Maryland State Police on June 4, 2003.

A hearing was held at 9:45 AM for a Class "D" Beer On-Sale license for the Friendsville Volunteer Fire & Rescue Department. Applicants for the license are Terry Spear and Kenneth Harding. Applicant, Ken Harding was present for the hearing. He explained that it was the intention of the fire department to use the license on Friday nights for their wing-night fundraiser and also for events such as gun bashes. Chairperson Gearhart questioned if any member of the fire department was trained in an alcohol awareness program. Mr. Harding stated he did not think so but they could send someone to the next

class offered in the area. Debbe Owston told Mr. Harding that she would give him the information for any upcoming classes in the area. She also explained that since they were now applying for a full-time license that they now had to purchase all alcohol from a Maryland licensed wholesaler and that the alcohol could only be on the designated premise. Mr. Mullich explained that there could be no consumption of any kind on the license premise on Sunday's. Also, he explained that no alcohol could be brought onto the licensed premise by anyone at the fire hall. They would need designate the license premise to cover any areas in which alcohol would possibly be consumed. Chairperson Gearhart informed Mr. Harding that once they are a licensed premise that any member of the Liquor Control Board or that any member of the law enforcement could inspect the premise at anytime without notice. The Board further discussed the limitations of being a license premise versus having a multi-event license and Mr. Harding decided to go with a Special Multi-Event license. Commissioner Fratz made a motion to approve a Special Class "C" Beer, Wine & Liquor Multi-Event License for 24 events at a license cost of \$500 and the motion was seconded by Commissioner Crosco with all in favor. A check in the amount of \$350 was paid in addition to a prior check in the amount of \$150 being submitted for the Class "D" Beer On-Sale license which Mr. Harding would like to be applied to the 24-Event license due to the change in direction of type of license being applied for.

A discussion session was scheduled for 10:15 AM with JoAnn Connell and Sam Storey of Trakside restaurant but was held at 10:50 AM to discuss residency requirements. Ms. Connell purchased the business from Mr. Storey on July 30<sup>th</sup>, 2003. Mr. Storey will remain on the license as the local applicant until Ms. Connell has established her two-year residency. Mr. Mullich asked Ms. Connell how the business was structured and Ms. Connell responded by saying as a sole-proprietorship. Mr. Mullich explained that the license would need to be in both names and therefore the business would need to be structured as a Corporation or a LLC where Mr. Storey would need to hold a financial interest in the business.

General discussion was held after the hearings. The Board discussed the time frame for considering criminal background checks for former licensee reapplying for a new license. It was decided that any reapplying licensee would have to have a new criminal background history check conducted regardless of the last time that a check was performed. A letter was presented to the Board from Phyllis Inglese stating that she would not be renewing the license for Backbone Mountain Inn. Mark Duckworth, local resident licensee of On The Rox's submitted a letter to the Board to remove himself as licensee on the alcohol license 03-36 Class "D" BWL On-Sale license. In response, a letter was sent to Lynn Kasik in regards to adding a qualified resident licensee to the license by August 11<sup>th</sup> or a continuance show cause hearing would be scheduled for the September 4<sup>th</sup>, 2003 meeting. The police reports were presented to the Board on the compliance checks conducted. Jan Russell of Savage River Lodge sent a letter to the Board requesting consideration for allowing them to sell bottled wine for sale off-premise when they have wine tasting and also to consider allowing the off-premise sale of wine products Monday through Saturday. As a result the Board made two motions concerning this issue, the first being. Chairperson Gearhart made a motion to add an option for Class "B" BWL On-Sale Restaurant License. This option would allow the holder of a class "B" BWL On-Sale Restaurant License to sell wine products off-sale Monday through Saturday at a cost of

\$200 for the license upgrade and the motion was seconded by Commissioner Crosco with all in favor and unanimously approved. Chairperson Gearhart also made a motion that holders of a Class "B" BWL On-Sale License with the Wine-Tasting Option add-on could upgrade to allow the sale of wine products off-premise at the wine tasting event for an additional fee of \$100 and the motion was seconded by Commissioner Crosco with all in favor and unanimously approved. The Board also discussed the premise location for Special Class "C" Multi-Event license holders. It was requested that this type of license holder be allowed to hold an event at an un-licensed premise in addition to their licensed premise location. Chairperson Gearhart said that he was all right with the request as long and the premise meets all Health, Fire and Zoning requirements and that a written statement from the licensee requesting the premise change reflects the approval of the mentioned agencies and that the request take place at the meeting prior to the event.

After the general discussion, the next meeting date was scheduled for September 4, 2003. There being no further business, Commissioner Crosco motioned the meeting be adjourned, and seconded by Chairperson Gearhart.

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Thomas A. Gearhart  
Chairperson

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September 4, 2003  
Date