

MINUTES

The Garrett County Board of License Commissioners/Liquor Control Board held their regular meeting on September 4, 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 August 7, 2003 minutes and seconded by Commissioner Crosco with all in favor. The Board signed mileage sheets.

There was general discussion prior to the hearings in which Gary asked Chairperson Gearhart to be the opening welcoming speaker at the MALA Fall Conference scheduled to be held in Garrett County at the Wisp Resort, October 10-12, 2003. Chairperson Gearhart declined to accept due to prior commitments. Commissioner Crosco will be the welcoming speaker at the event. Mr. Mullich discussed the topics on the Agenda to the Board for the conference. A member of The Century Council will speak on underage drinking issues and Jerome Margrof, Legal Council of the Maryland Wholesalers, will speak on pecuniary interest in relationship to Article 2B. The Board discussed Matt Gibellino's residency issues and background check. Debbe Owston informed the Board that the Criminal Background Check was returned due to the quality of the prints. The CJIS form was returned to the mailing address given by Mr. Gibellino. There has been no response from Mr. Gibellino at this point. A letter of request was submitted by Jan Russell of the Savage River Lodge to allow the sale of wine for off-premise consumption. Commissioner Crosco made a motion to approve the request to allow off-sale wine sales for a Class "B" Beer & Wine or a Class "B" Beer, Wine & Liquor License, and the motion was seconded by Commissioner Fratz and unanimously approved. A letter was received from Lynn Kasik and Mark Duckworth stating that Mr. Duckworth would remain involved in On The Rox's, LLC with a 1% financial interest. Debbe Owston informed the Board that the Town Share total generated from the 2003-2004 renewal period was \$8,362.50.

A hearing was held at 9:30 AM for the issuance of a Special Class "C" BWL 2-Day License to be used on September 13th, 2003 at the McKenzie Pavilion by the Wilhelm Recreation Association. Applicant, Gilbert Wilhelm was present for the hearing. He explained that the license would be used at a Bull Roast fundraiser. They intend on selling 400 tickets at a cost of \$15 each. The hours would be from 4:00 PM till 12:00 AM rain or shine. Mr. Wilhelm said that the bartenders for the event would be checking ids of those wishing to obtain alcohol. Beer would be included in the ticket cost, while liquor drinks would be a separate charge. Mr. Mullich questioned who would benefit from the event and Mr. Wilhelm stated that the Wilhelm Recreation Association would benefit from the event. Mr. Wilhelm informed the Board that the alcoholic beverages would be purchased from Chestnut Ridge Gas & Liquors. Chairperson Gearhart said that baring there were no comments after the newspaper advertisement later that day that the license could be approved. Commissioner Crosco made a motion to approve the Special Class "C" 2-Day License to be used on September 13, 2003 and seconded by Commissioner Fratz and unanimously approved. After the appropriate fees were paid, the license was issued.

A violation hearing was scheduled for 9:30 AM for Point View Inn, license # 03-43, Class "B" Beer On-Sale License and license # 03-43D Draft Beer License for the sale of alcohol to a minor during a compliance check conducted on June 4, 2003 by the Maryland State Police. Kevin Potter, new owner of Point View Inn submitted the fine of \$100 at the August 7, 2003 meeting prior to the licenses being transferred from Beitzel Enterprises, Inc. to Maryland Hospitality Management Inc. 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 in the file of Beitzel Enterprises, Inc. along with a \$100 fine, seconded by Commissioner Crosco and unanimously approved.

A violation hearing was held at 9:45 AM for Engle's Longstretch Market, license # 03-28, Class "A" Beer Off-Sale License for the sale of alcohol to a minor during a compliance check conducted on May 20, 2003 by the Maryland State Police. Store employee, Walter Engle was present at the hearing. Mr. Engle stated that he did look at the Maryland Driver's license presented by Brandon Stein, and he thought the birth year was 1981 instead of 1982. Mr. Mullich explained to Mr. Engle that there are several indicators on a license issued to a minor in the State of Maryland. Mr. Gearhart questioned how many employees work at the store and Mr. Engle responded himself and his daughter, Leslie. Chairperson Gearhart asked how Mr. Engle has changed his carding procedure since the sale to Cadet Stein. Mr. Engle stated that he now has a magnifying glass at the register to better check ids prior to the sale. Commissioner Crosco questioned about alcohol awareness training and Mr. Engle stated that he and Leslie were both trained. 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. Mr. Engle paid the fine for the 1st sales to minor violation.

A violation hearing was held at 10:00 AM for BFS Foods, license # 03-16, Class "A" Beer Off-Sale License for the second sale of alcohol to a minor during a compliance check conducted on May 22, 2003 by the Maryland State Police. Licensee, Rex Hoalcraft, was present at the hearing in addition to District Sales Manager, Delores Becker. Delores Becker stated that store clerk Betty Rhodes was working alone at the time and that Ms. Rhodes stated to her that she did not check the month and just verified that the birth year was correct of Cadet Brandon Stein. Chairperson Gearhart questioned what has been done to the employee since the sale to a minor during a compliance check. Ms. Becker told the Board that she received a, "write-up" and that any employee receiving three "write-ups" would result in a discharge from employment from BFS. Debbe Owston informed the Board that Ms. Rhodes is not listed as being trained in an alcohol awareness program. A list of upcoming classes was given to Ms. Becker and suggested by the Board to enroll Ms. Rhodes. Commissioner Crosco made a motion that this being the second offense for sale of alcohol to minor, that there would be a two-day suspension of the license along with a \$500 fine, seconded by Commissioner Fratz and unanimously approved. Chairperson Gearhart explained that they have a right to appeal the Boards decision to the Circuit Court or waive this right and begin the suspension. Mr. Hoalcraft and Ms. Becker said they would waive the right and begin the suspension on Friday, September 5th and Saturday, September 6th, 2003.

A hearing was held at 10:15 AM for the issuance of a Special Class "C" BWL 2-Day License to be used on September 27th, 2003 at Broadford Lake Park, Pavilion # 5 by Garrett County Community Action. Applicant, Veronica Padmos was present for the hearing in addition to Adina Brode. Ms. Padmos explained that the license would be used as a pig roast fundraiser to benefit the Area On Aging Meals on Wheels program. They intend on selling 200 tickets at a cost of \$35 per couple. The hours would be from 12:00 PM till 5:00 PM. Commissioner Crosco made a motion to approve the Special Class "C" 2-Day BWL License and seconded by Commissioner Fratz and unanimously approved. After the appropriate fees were paid, the license was issued.

A hearing was held at 10:30 AM for a Special Class "C" 2-Day BWL License for the Garrett County Lodge #99, Fraternal Order of Police. Applicant, John L. Williams, was present for the hearing as well as Mike Bittinger. Mr. Williams said they would be using the special license on November 1st, 2003 at the Oakland Fire Hall for a pig roast fundraiser from 4:00 PM till 8:00 PM. Mr. Williams explained that the beer would be distributed from a central location. Lohr's would provide the beer in a keg trailer. Mr. Williams said that they would take great care in carding persons at the event. Wristbands would be given to be worn by people attending who were not twenty-one years of age. Commissioner Crosco made a motion to approve the Special Class "C" 2-Day BWL License and seconded by Commissioner Fratz and unanimously approved. After the appropriate fees were paid, the license was issued.

A discussion session was held at 10:45 AM with Elaine McDonald and Joe DeMucci of Anchor Mart store to discuss residency requirements. Ms. McDonald is the real estate agent selling the property to Mr. DeMucci and Mr. DeBaradinis who are not currently Garrett County residents; therefore, Ms. McDonald will become a member of the LLC with a financial interest and be on the license as the local applicant until Mr. DeMucci has established his two-year residency. The closing date is set for September 30th to purchase the business from Karl and Barbara Rath. Mr. DeMucci will set up his residency at this time and reside in the upstairs portion of the business located at 2610 North Glade Road. Mr. Mullich explained that a lease would need to be submitted between Deep Creek Vinelli, LLC which owns the business and Vinelli Management, LLC, which will operate the business. Debbe Owston told the applicants that the CJIS forms for background checks would need to be submitted and approved prior to the license being transferred. Also, the Bulk Transfer Permit would need to be completed by Karl and Barbara Rath and submitted to the Comptroller's Office for processing.

A discussion session was held at 11:00 AM with Ken Wishnick representing Deep Creek Liquors and McHenry Beverage. Deep Creek Liquors would like to downgrade their current Class "D" BWL Off-Sale license to a Class "D" Beer & Wine On-Sale for the sole use of Perkins Restaurant after Deep Creek Liquors and McHenry Beverage combine operations into one license, being the existing McHenry Beverage Class "D" BWL Off-Sale License with the Wine Tasting Option. It was discussed that the Comptroller's Office would have to approve a Bulk Transfer Permit to combine the inventory of the two businesses. Also, a letter stating when the downgrade is to take place must be submitted to the Board. Mr. Wishnick explained to the Board that the McHenry Beverage building would be temporarily shut down after October 13th, 2003 for remodeling and at this point the two stores would combine operations as McHenry Beverage out of the Deep Creek

Liquors facility located in the Foodland Fresh Plaza. Once the McHenry Beverage is complete, the Class "D" BWL Off-Sale license would be used at the McHenry Plaza location and then Deep Creek Liquors license would be down graded for Perkins's Restaurant. This transfer is scheduled to take place prior in the middle of December 2003. Commissioner Crosco made a motion to approve the temporary relocation of McHenry Beverage in the Deep Creek Liquors facility and seconded by Commissioner Fratz and unanimously approved. Commissioner Fratz made a motion to approve for temporary storage of inventory from McHenry Beverage at the Legacy Home Corporation office located in McHenry Plaza during the remodeling and the motion was seconded by Commissioner Crosco and unanimously approved.

There was general discussion after the agenda items in which Chairperson Gearhart told Gary that he had spoke to the Grantsville American Legion concerning their alleged purchases of alcoholic beverages from Grantsville Liquors. Chairperson Gearhart explained to the Legion that this was in violation of Article 2B, § 12-107 (a). The Board discussed Our Town Theatre's written request to allow the selling of unopened bottles of wine left over from their beer & wine tasting at the event to be held off-premise at the Chanteclair Farm. Commissioner Fratz made a motion to approve of the off-premise request for the event contingent on the approval from the State and County agencies on the site and seconded by Commissioner Crosco and unanimously approved. Commissioner Crosco made a motion to allow Special Class "C" license holders, on a case by case basis, to be allowed the privilege of off-premise sales of beer and wine in accordance to Article 2B § 9-212 (b), which "allows the Board to promulgate rules and regulations allowing any Class B, C, or D licensee to sell alcoholic beverages, as provided by their licenses, for off-sale consumption," and the motion was seconded by Commissioner Fratz and unanimously approved. Commissioner Fratz made a motion to approve Our Town Theatre's request to sell un-opened bottles of wine at their off-premise event on October 25th, 2003 at the Chanteclair Farm and the motion was seconded by Commissioner Crosco and unanimously approved.

After the general discussion, the next meeting date was scheduled for October 2, 2003. There being no further business, Chairperson Gearhart motioned the meeting be adjourned, and seconded by Commissioner Crosco.

Thomas A. Gearhart
Chairperson

October 2, 2003
Date