

## MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on June 3, 2004 at 9:00 A.M. Present for the meeting were Commissioners Bea Crosco and Mike Fratz, Chairperson Thomas Gearhart; Administrator to the Board, F. Gary Mullich and Deborah Owston, Coordinator of Support Services.

Commissioner Crosco called the meeting to order. A motion was made by Commissioner Fratz to approve the May 6, 2004 meeting minutes and the motion was seconded by Commissioner Crosco and approved. The Board signed mileage sheets. Commissioner Fratz made a motion to approve the renewal licenses for the 2004-2005 license year as submitted and the motion was seconded by Commissioner Crosco and unanimously approved.

There was general discussion before the hearings in which, Debbie Owston informed the Board that Skeweris Tavern would not be renewing their license, in addition to Brenneman's Store. A letter was received from Governor Robert Ehrlich for the reappointment of Commissioner Crosco's term from June 1, 2004 till May 31, 2010. Gary Mullich updated the Board on a recent tobacco compliance check connected by the Health Department. Debbie informed the Board of inquiries on obtaining alcoholic beverage licenses from Robert Skeweris for the Table Rock Inn, Vangeli Kaseluris of Friendsville, Melissa Harvey of Kitzmiller and Judy Day of Long & Foster Resort Rentals.

A hearing was held at 9:30 AM for the issuance of a Class "D" BWL On-Sale License and Draft Beer License for Shangri-La-Tee-Da, Inc. operating as the Tillerman's Pub. Applicants Mary "Patty" Janson, Walter Janson and Douglas Halterman were all present for the hearing. Walter said the Tillerman's Pub would be a neighborhood establishment with a family atmosphere serving pub-style fare with a fireman décor. Chairperson Gearhart questioned whether any of the employees were trained in an alcohol awareness course. Walter presented his current TIPS card and told the Board that their employee, Kay McDonald was also recently certified through the TAM program. Patty's certification has expired and she will try to attend an upcoming course. Chairperson Gearhart asked about carding procedures and Walter said he would not take any chances and would be checking ID's. Commissioner Crosco mentioned that the success at that location has not been very good and questioned how they intend to make it better. Patty responded to the comment by saying that they intend on being open from 11:00 AM until midnight on Tuesday through Saturday and would not be running the place as a night club as was done in the past. Commissioner Crosco asked Patty what her role was in the corporation and she answered that she is the bookkeeper. She also questioned Mr. Halterman's position. Mr. Halterman will be in charge of the building maintenance and upkeep of the grounds as well as being the resident licensee at this time until the Janson's establish two-year residency. Gary Mullich asked who would be managing the establishment and Walter responded that he would be the general manager and told the Board that he had previously held a license in Baltimore on two separate occasions. Debbie Owston indicated several items that needed to be submitted or resolved prior to the licenses being issued. Those items included copies of the TIPS / TAM certificates, copies of their Maryland driver's licenses and the Health Permit. The Board also reviewed and approved the background checks for the applicants prior to the public hearing. Commissioner Crosco made a motion to approve the licenses contingent on receiving all requested documents and the motion was seconded by Commissioner Fratz and unanimously approved.

A violation hearing was held at 9:45 AM for BFS Foods, Inc., license # 03-16, Class "A" Beer Off-Sale license for the sale of alcohol to a minor during a compliance check conducted on May 14, 2004 at approximately 7:34 PM by the Maryland State Police. Licensee, Rex Hoalcraft was present for the hearing in addition store managers Delores Becker and Barbara Skipper. Chairperson Gearhart explained that this would be the second offense within a two-year period. He asked them how their carding procedure broke down and Delores said that it was the clerk's fault and that she did not look at the driver's license. Barbara Skipper mentioned that she told the clerk to be sure to check ID's that evening when she left the store. She also explained to the Board that the store does have a calendar for selling ages, the ID Guide and also a button on the register that the clerk must over-ride in order to ring up the sale of beer. Gary mentioned that this license is

in the process of being transferred from Rex Hoalcraft as an individual to a corporate license for BFS Foods, Inc. Gary also mentioned about the tobacco compliance checks and Barbara said they received a letter stating that they had passed the compliance check and did not sell tobacco to the minor. After the Board went into executive session and agreed on the outcome the meeting was reconvened. The Board discussed the various fines involved for sales to minors and how they had just had a previous offense expunged from their record during the month of April. Commissioner Crosco made a motion for a \$500 fine and a ten-day license suspension beginning at 12 noon on June 3<sup>rd</sup>, 2004 through 6:00 AM on June 14<sup>th</sup>, 2004 and Commissioner Fratz seconded the motion with all in favor of the motion. Delores Becker agreed and waived their right to appeal the Board's decision.

A violation hearing was held at 10:00 AM for Bud's Package Liquors, license # 03-14, Class "D" BWL Off-Sale License for the sale of alcohol to a minor during compliance check conducted on May 14, 2004 at approximately 4:45 PM by the Maryland State Police. Licensee, Thomas Hickey was present for the hearing. Mr. Hickey explained to the Board that he does not normally work the register and that the cadet entered the store and at the register they started talking and the cadet mentioned that he was going camping at Alpine Lake and then after they finished talking, he simply forgot to card him and agreed he was guilty of selling the beer to the minor. Commissioner Fratz made a motion that this being the first offense for the sale of alcohol to a minor, the Board would impose a letter of reprimand in the file of Bud's Package Liquors along with a \$100 fine, seconded by Commissioner Crosco and unanimously approved. Mr. Hickey said that he would pay the fine when he renewed the license later that month. The fines and suspension guidelines for the sale of alcohol to a minor for the various offenses was explained and given to Mr. Hickey along with a copy of the Maryland Driver's License format for a minor.

A violation hearing was held at 10:15 AM for Shorty's Bar & Grill, license # 03-39, Class "D" BWL On-Sale License for the sale of alcohol to a minor during a compliance check conducted on May 14, 2004 at approximately 6:57 PM by the Maryland State Police. Licensee, William Finch was present for the hearing. Mr. Finch explained that the lady working the bar register normally does not work the register, he does but was in the kitchen working and that he does check ID's when selling. Mr. Finch also stated that the cadet purchased a six-pack of Miller Lite, not Coors Lite as stated in the police report. Mr. Mullich asked how many employees Mr. Finch had and he stated, "really none, just himself but his girl friend was filling in." He said that he would not sell to a kid and that selling a six-pack does not make much profit for him to sell. Commissioner Fratz made a motion that this being the first offense for the sale of alcohol to a minor, the Board will impose a letter of reprimand in the file of Shorty's Bar & Grill, along with a \$100 fine, and the motion was seconded by Commissioner Crosco and unanimously approved. The fines and suspension guidelines for the sale of alcohol to a minor for the various offenses was explained and given to Mr. Finch along with a copy of the Maryland Driver's License format for a minor.

A violation hearing was held at 10:30 AM for Deep Creek Gourmet, license # 03-40, Class "D" B&W On-Sale License with Tasting Option for the sale of alcohol to a minor during a compliance check conducted on May 6, 2004 at approximately 7:50 PM by the Maryland State Police. Licensee, Norma Beckman was present for the hearing. She explained that the cadet came into the store right before she was closing and that she had already "Z" the register and that she looked at him and was simply careless and sold the beer to him. She was asked how many employees they had and how many were trained in an alcohol awareness class. She said that they had five employees and that she was the one trained in an alcohol awareness course. Commissioner Crosco made a motion that this being the first offense for the sale of alcohol to a minor, the Board will impose a letter of reprimand in the file of Deep Creek Gourmet, along with a \$100 fine, and the motion was seconded by Commissioner Fratz and unanimously approved. The fines and suspension guidelines for the sale of alcohol to a minor for the various offenses was explained and given to Ms. Beckman along with a copy of the Maryland Driver's License format for a minor.

A violation hearing was held at 10:45 AM for Anchor Mart, license # 03-45, Class "D" BWL Off-Sale License for the sale of alcohol to a minor during a compliance check conducted

on May 6, 2004 at approximately 7:05 PM by the Maryland State Police. Licensee, Joe DeMucci was present for the hearing. Mr. DeMucci said that they were guilty as charged. He explained to the Board that he has eight employees working the registers and that the clerk that sold the beer to the cadet was the only employee not trained in an alcohol awareness training course and that he would be trained at the next available class. Commissioner Crosco made a motion that this being the first offense for the sale of alcohol to a minor, the Board will impose a letter of reprimand in the file of Anchor Mart, along with a \$100 fine, and the motion was seconded by Commissioner Fratz and unanimously approved. The fines and suspension guidelines for the sale of alcohol to a minor for the various offenses was explained and given to Mr. DeMucci along with a copy of the Maryland Driver's License format for a minor. In addition the clerk was given the same information and phone numbers for alcohol awareness programs when he told the office of the incident the following day after the sale.

A violation hearing was held at 11:00 AM for New Germany Store, license # 03-76, Class "D" B & W On-Sale License for the sale of alcohol to a minor during a compliance check conducted on May 6, 2004 at approximately 4:30 PM by the Maryland State Police. Licensee, Joe Howe was present for the hearing as well as Andrea Howe who will be added to the license as a licensee at the renewal of the license. They explained that they had to take Andrea's daughter to the hospital and that a friend had filled in at the last minute to run the store in their absence. They said that the clerk remembered after the cadet left the store that she should have carded him but she felt he looked between 25 and 27 years of age. Commissioner Fratz made a motion that this being the first offense for the sale of alcohol to a minor, the Board would impose a letter of reprimand in the file of New Germany Store & Gas Stop along with a \$100 fine, seconded by Commissioner Crosco and unanimously approved. The fines and suspension guidelines for the sale of alcohol to a minor for the various offenses were explained and given to Mr. And Mrs. Howe along with a copy of the Maryland Driver's License format for a minor.

A violation hearing was held at 11:15 AM for McHenry Beverage, license # 03-31, Class "D" BWL Off-Sale License and # 03-31D Draft Beer License with Tasting Option for the sale of alcohol to a minor during a compliance check conducted on May 6, 2004 at approximately 7:31 PM by the Maryland State Police. Licensee, Debra Savage was present for the hearing. Ms. Savage explained that the clerk did card the cadet and misread the month as "01" instead of "10" which would have made the cadet 21 years of age. She also stated that they do have calendars at the registers and presented a form that the clerks completed if they questioned the ID presented. Chairperson Gearhart went over the fines & suspension guidelines for the sale of alcohol to a minor. Commissioner Crosco made a motion that this being the first offense for the sale of alcohol to a minor, the Board will impose a letter of reprimand in the file of McHenry Beverage, along with a \$100 fine and the motion was seconded by Commissioner Fratz and unanimously approved. Ms. Savage informed the Board that they intend to move into the renovated premise around July 4<sup>th</sup>, 2004. Ms. Savage was asked if the business entity had changed from Drinks, LLC to Drinks, Inc. as indicated on the renewal application, and she stated that it had and that she could forward a copy of the new entity paperwork.

A violation hearing was held at 11:30 AM for The Pop Shoppe, license # 03-57, Class "D" BWL Off-Sale License and # 03-57D Draft Beer License with Tasting Option for the sale of alcohol to a minor during a compliance check conducted on May 20, 2004 at approximately 9:10 PM by the Maryland State Police. Licensee, Sharon Markwood was present for the hearing. She stated that the clerk that sold the beer to the cadet had only been employed with Markwood Citgo for three months. The clerk asked for ID, however checked the age against the tobacco calendar instead of the alcohol calendar. Sharon said she advises all employees to card anyone who appears to be under 100 years of age. Sharon said that she would waive the right to appeal the incident and that the clerk simply made a mistake. Commissioner Crosco made a motion that this being the first offense for the sale of alcohol to a minor, the Board will impose a letter of reprimand in the file of The Pop Shoppe, along with a \$100 fine, and the motion was seconded by Commissioner Fratz and unanimously approved. The fines and suspension guidelines for the sale of alcohol to a minor for the various offenses was explained and given to Ms. Markwood along with a copy of the Maryland Driver's License format for a minor. Ms. Markwood paid the fine and said that she would send the employee to the next available alcohol awareness course in the area.

There was general discussion after the hearings in which the Board discussed a noise complaint made by William Trepp concerning the Black Bear Tavern. Gary said that a correspondence would be sent to both The Black Bear Tavern and Mr. Trepp. The proposed changes concerning Class "B" licenses and off-premise sales will be conducted at the next meeting.

After the general discussion, the next meeting day was set for July 1, 2004. There being no further business, Commissioner Crocco made a motion the meeting be adjourned, and seconded by Commissioner Fratz.

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Thomas A. Gearhart  
Chairperson

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July 1, 2004  
Date