

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on September 2, 2004 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, Coordinator of Support Services.

Chairperson Gearhart called the meeting to order. A motion was made by Commissioner Fratz to approve the August 5, 2004 meeting minutes and the motion was seconded by Commissioner Crosco and unanimously approved. The Board signed mileage sheets.

Prior to the first hearing, Ed Beckman who resides on Glendale Road spoke with the Board concerning the approved Beer & Wine On-Sale License for Fireside Deli & Wine Shop located across the street from his residence. He stated that in addition to the two-week advertisement in The Republican newspaper that the Board should consider sending a certified letter to adjoining property owners for any new license application. Mr. Beckman also submitted a letter to the Board from various adjacent property owners who strongly oppose the issuance of an alcoholic beverage license for the purposes of the sale of beer and wine for consumption on and off the subject premises. It also references the business being located in a Lake Residential Zone and various contemplated uses. John Nelson, Director of Planning & Zoning explained the special exception approved use of the premise to the Board. He said that a convenience store is designated by the size and does not refer to on/off premise consumption of alcohol. The Fireside Deli & Wine Shop may not exceed 2000 square feet in size including any outside seating areas.

A hearing was scheduled for 9:30 AM for the issuance of a Special Class "C" BWL 2-Day alcoholic beverage license to be used on September 25, 2004 at the Saint Peter's Parish Hall from 1:00 PM until 6:00 PM by the Knights of Columbus #1771. Applicant, John Toston, was present for the hearing. Mr. Toston said the license would be used for a pit beef & shrimp bash buffet. They intend on selling 250 tickets at a cost of \$20 per ticket. 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 discussion session and violation hearing were held at 9:45 AM for Brodak's Discount Liquors, license # 04-46 & 04-46D; Class "D" BWL Off-Sale and Draft Beer License for the sale of alcohol to a minor during a compliance check conducted on May 20, 2004 at approximately 9:30 PM by the Maryland State Police. Licensee, George Brodak was present for the hearing. Mr. Brodak explained to the Board that he is the last person in the world who wants to sell alcohol to kids. He thinks that the clerk should be responsible for the fine and then they would probably be more concerned rather than just quitting the job when the sale to a minor occurs. Mr. Brodak agreed with the police report sent to him June 22, 2004 and submitted his \$100 fine on June 29, 2004. The Board discussed Mr. Brodak's inquiry of adding his 18-year-old son as a licensee and letting him run the business. Mr. Brodak stated that he would be willing to remain on the license until his son reached 21 years of age. The Board concurred that Craig Ingram should review the matter and offer advice on the issue.

A discussion session was held at 10:00 AM with BFS Foods, Inc., License # 04-16, Class "A" Beer Off-Sale License. Licensees, Howard Goodstein and Marshall Bishop were present for the meeting. The Board held the session to review with the licensees the background check results. The licensees presented the facts around the results and the Board accepted the explanation and the license will remain in the approved license holder names.

A discussion session was scheduled with Karen Walsh and Joe Walsh at 10:30 AM. However the interested license holders who own the previously licensed property at 200 Quarry Road, Oakland, Maryland did not show up at the meeting to discuss the possible transfer of the license issued to Keith Lucas of Lake View Pub.

A hearing was scheduled for 10:45 AM for a Special Class "C" BWL 2-Day license for the Wilhelm Recreation Association. Gilbert Wilhelm submitted the application, however, the final application was submitted late and incomplete. Debbe Owston left messages for Mr.

Wilhelm at the phone numbers listed on the application but there was no return call. It was explained that the hearing would be conducted and that the advertisement would state that written or verbal comments should be directed to the Board office by September 9th, 2004. Chairperson Gearhart attempted to contact the numbers to conduct the hearing over the phone once it appeared that the applicant did not show but there was no answer. Deb Stemple was able to attend on behalf of the association and present what she knew of the upcoming event to be held on September 11, 2004 for the Bull Roast. The Board informed Ms. Stemple to convey the message that they would not approve or accept any future license applications in which the application was not complete and on time. Commissioner Crosco made a motion to approve the Special Class "C" 2-Day BWL License to be used on September 11th, 2004 pending any verbal or written comments due to the hearing being held before the notice was advertised and seconded by Commissioner Fratz and unanimously approved. Ms. Stemple volunteered to get the payment from the Dallas Wilhelm and pick up the license on September 10th, 2004.

After the hearings there was general discussion concerning the Fall MALA conference in Frederick on October 15th & 16th, 2004. Commissioner Crosco, Gary Mullich and Debbe Owston will attend the conference. Reservations will be made for Friday night only due to the proximity of the event. Gary received a letter from the Comptroller's Office in reference to the Highland Festival, which stated that Stacy from Deep Creek Brewing Company said that they were catering at the fairgrounds.

After the general discussion, the next meeting day was set for October 7, 2004. There being no further business, Commissioner Crosco motioned the meeting be adjourned, and seconded by Commissioner Fratz.

Thomas A. Gearhart
Chairperson

October 7, 2004
Date