

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on December 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 November 4, 2004 meeting minutes and the motion was seconded by Commissioner Crosco and unanimously approved. The Board signed mileage sheets.

Commissioner Fratz made a motion to approve the travel expense report for Commissioner Crosco, and the motion was seconded by Chairperson Gearhart and approved. Commissioner Crosco made a motion to approve the travel expense reports for Commissioner Fratz, and the motion was seconded by Chairperson Gearhart and approved. Commissioner Fratz made a motion to approve the travel expense reports for Chairperson Gearhart, and the motion was seconded by Commissioner Crosco and approved.

Commissioner Fratz made a motion to extend the hours of operation on New Year's Eve for establishments with a Class "B", "C" or "D" On-Sale privileges until 4:00 A.M. on January 1, 2005 and the motion was seconded by Commissioner Crosco and unanimously approved. The Board approved the 2005 meeting dates be held the first Thursday of each month as needed.

There was general discussion before the hearings in which the Board was updated on the transfer application for Ken's Tavern, which should be ready to advertise for the hearing in January. The alcoholic beverage licenses for Cornish Manor were transferred on November 22, 2004 upon receipt of the Bulk Transfer Permit and all requested administrative documents were received.

A show cause hearing was held at 9:30 AM for the violation of license privileges of Article 2B, §6-201 (m)(iv), of the Class "B" BWL On-Sale License with Catering Option and Draft Beer License held by Deep Creek Brewing Company during the McHenry Highland Festival held June 5, 2004 at the fairgrounds. Applicants Greg Mortimer and Sheri Mortimer were present for the hearing. Mr. Mortimer informed the Board that licensee, Lawrence Scislowicz would not be attending the hearing since he was out of the country. Mr. Mortimer explained that they are off-site owners for the license and that they have a management team to handle the day-to-day business operations. Darren Green had been the manager when the paperwork for the upcoming Highland Festival began and then he resigned and Stacey Godwin assumed the position and responsibility. As a result of the changes there was no contract for catering food to the function, which is a requirement when utilizing the catering option to provide alcoholic beverages to an unlicensed premise for a catered event. Deep Creek Brewing Company had a vendor site at the festival in which they sold beer along with a license wholesaler selling scotch. Mr. Mortimer said that they are no longer going to be a brewery and are removing all equipment and will increase the kitchen space and that they now have Greig Johnson as the new restaurant manager. The Board went into executive session and upon deliberation; they found the licensees to be credible in their explanation of the facts presented. Chairperson Gearhart made a motion that in lieu of a fine or suspension, and given that this was a first offense and that personnel changes have occurred, a letter of reprimand would be placed in the license file and the motion was seconded by Commissioner Crosco and unanimously approved.

The Board met with Fred Fulk of the North Glade Inn at 10:00 AM. Mr. Fulk explained to the Board that he would like to change his current Class "B" Bed & Breakfast BWL On-Sale License to a Class "D" Beer & Wine On-Sale License and restrict the license from having off-premise sales of alcoholic beverages. Mr. Fulk explained that he would like to be granted this upgrade request so that he could cater private functions at the Bed & Breakfast to persons who are not registered guests. He has a special exception hearing scheduled with the Planning and Land Development Office on December 16, 2004 to change his use permit for a banquet and catering facility. Mr. Fulk also told the Board that Tina Buckle of the Health Department has permitted him to be open to the public for catered functions and he already has approval from the Fire Marshall's Office. Chairperson Gearhart made a motion to approve the license class change from a Class

“B” Bed & Breakfast BWL License to a Class “D” Beer & Wine On-Sale License with On-Premise consumption only pending approval from Planning & Land Development; the motion was seconded by Commissioner Crosco and unanimously approved. Gary Mullich explained to Mr. Fulk that all beer and wine must be purchased from a licensed wholesaler and that the sales and consumption of alcoholic beverages may only be Monday through Saturday.

The Board met with Janet Cox of the Wisp Resort at 10:15 AM. The Wisp Resort would like to request that the Off-Premise Wine Sales Option be added to their current Class “B” BWL On-Sale License with Catering Option, license number 04-61. Ms. Cox who is the Food & Beverage Director for Recreational Industries, Inc., explained to the Board that they would like approval for this option so that they can sell bottles of wine to guests staying in the adjoining hotel who may not be ordering food, also they anticipate using the option at an upcoming wine and arts festival scheduled for the fall of 2005 at the resort. It was explained to Ms. Cox that if this option was granted that the sales could only be conducted Monday through Saturday. Commissioner Fratz made a motion to upgrade the current license with the Off-Premise Wine Sales Option, which allows up to two bottles of wine for sale off the licensed premise and the motion was seconded by Commissioner Crosco and unanimously approved. The option will be added onto the license upon receipt of payment from Recreational Industries, Inc.

There was general discussion after the hearings concerning a letter received from Long & Foster Realty regarding a legislative request to allow their Concierge Service to deliver wine and champagne baskets, as well as other alcoholic beverages at their guests request. Debbe Owston informed the Board that Dwayne Patton would like consideration from the Board on possibly allowing his existing license to be moved to a new location in the same election district if necessary.

After general discussion, the next meeting day was set for January 6, 2005. There being no further business, Chairperson Gearhart motioned the meeting be adjourned, and seconded by Commissioner Crosco.

Thomas A. Gearhart
Chairperson

January 6, 2005
Date