

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on July 7, 2005 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 June 2, 2005 meeting minutes and seconded by Commissioner Crosco and unanimously approved. The Board signed mileage sheets.

There was general discussion prior to the hearings in which Debbe Owston updated the Board on the 2005-2006 alcoholic beverage license renewals. Scott's General Store and The Avilton Inn did not renew their licenses and Bernie's downgraded their license to Class "D" Beer On-Sale License. Chairperson Gearhart gave an update on the progress being made on the remodel of Ken's Tavern by the incoming licensees. Commissioner Crosco made a motion to approve the Tillerman's Pub request dated June 23, 2005, as written, for seasonal use of the picnic area for consumption of alcoholic beverages while pitching horseshoes, picnics and eating crabs and the motion was seconded by Commissioner Fratz and unanimously approved.

A hearing was held at 9:30 AM for the issuance of a Class "B" Bed & Breakfast On-Sale License for Good Timber B&B. Applicant Vianne Bell was present for the hearing. Ms. Bell explained to the Board that her bed & breakfast is located at 2159 Mayhew Inn Road and has three rooms available. She intends to use the license for her guests in the evenings so that she can serve hors d'oeuvre with a glass of wine. Debbe Owston informed Ms. Bell that she or a member of her staff would need to attend an upcoming alcohol awareness course offered for Garrett County. Commissioner Crosco approved the license pending favorable background results and the motion was seconded by Commissioner Fratz and unanimously approved. After the appropriate fees were paid, the license was issued.

A transfer hearing was held at 9:45 AM for the transfer of license # 05-71 Class "A" Beer On-Sale License from Mildred Lucas of Lucas Garage to Kitty Corner, LLC operating as Kitzmiller Station with Mildred Lucas and Louise DeMucci as the licensees. Mildred Lucas was present for the hearing as well as Joe DeMucci. The operation of the establishment will continue as a convenience store open Monday through Friday from 6:00 AM till 11:00 PM, Saturday from 7:00 AM till 11:00 PM and Sunday from 7:00 AM till 9:00 PM. Chairperson Gearhart questioned as to whether any of the staff was trained in an alcohol awareness course. Mr. DeMucci stated that four or five of the current 11 employees are trained in addition to Ms. Lucas being trained. Gary Mullich questioned the Health Permit being granted to Mr. Bob Lucas of Kitzmiller Station. Debbe Owston mentioned that both applicants fingerprint cards were returned and need to be retaken. Chairperson Gearhart made a motion to transfer the Class "A" Beer On-Sale license pending favorable background results and the motion was seconded by Commissioner Fratz and unanimously approved.

A transfer hearing was held at 10:00 AM for the transfer of license # 05-41 Class "D" Beer, Wine & Liquor On-Sale License from Ken Friend of Ken's Tavern to Sugar Shack Tavern, LLC operating as Sugar Shack Tavern with Patty Sines and Robert Sines as the licensees. Patty Sines was present for the hearing. Ms. Sines explained to the Board that she intends on being open in two weeks if possible. They had to replace several coolers and make some major repairs to the floor. The closing date with the bank for the purchase of the property should also be in about two weeks. The planned hours of operation are Monday through Thursday from 11:00 AM till 11:00 PM, Friday from 11:00 AM till 2:00 AM and Saturday from 9:00 AM till 2:00 AM. The main focus will be on the tavern with some food items served. Chairperson Gearhart questioned as to whether any of the staff was trained in an alcohol awareness course. Ms. Sines said that Mr. Sines had taken the TAM class on June 22, 2005 in Allegany County. She also told the Board that Mr. Sines will be the primary operator of the establishment and she will assist as needed. Commissioner Crosco made a motion to approve the license transfer pending all required administrative requests are made and the motion was seconded by Commissioner Fratz and unanimously approved.

A violation hearing was held at 10:15 AM for Traxside Restaurant, license # 05-47 & 47D, Class "B" BWL On-Sale and Draft Beer License for the sale of alcohol to a minor during a compliance check conducted on April 14, 2005 at approximately 7:15 PM by the Maryland State Police. Licensee, JoAnn Connell, was present for the hearing. Ms. Connell explained to the Board that she was not present at the time of the check but her husband was working and said that the employee carded the cadet and served him the beer then realized she read the date incorrectly. Chairperson Gearhart questioned as to whether the employee was trained in an alcohol awareness training course. Ms. Connell stated that she was not and that she did not show up for work two weeks after and she was given a verbal reprimand. 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 license file of Traxside Restaurant, along with a \$100 fine, seconded by Commissioner Fratz and unanimously approved. Ms. Connell paid the \$100 fine.

A violation hearing was held at 10:30 AM for Red Run Lodge, license # 05-35 & 35D, Class "B" BWL On-Sale License and Draft Beer License with Catering Option for the sale of alcohol to a minor during a compliance check conducted on April 28, 2005 at approximately 4:40 PM by the Maryland State Police. Licensee, Lou Strosnider, III was present for the hearing as well as incoming licensee, Joe Refosco. Mr. Refosco stated that he takes full responsibility for the occurrence that happened. Mr. Refosco stated that the employee did the card the cadet and that the ID was of vertical format. Chairperson Gearhart questioned as to whether any corrective actions have since been made. Mr. Refosco said he took the employee off of bartending duties and reassigned her to waiting tables for four weeks. Debbe Owston asked if the employee was trained in an alcohol awareness course and Joe said that she was trained on May 15, 2005. Chairperson Gearhart 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 license file of Red Run Lodge, along with a \$100 fine, seconded by Commissioner Fratz and unanimously approved. The Board discussed the slow license transfer process between Mr. Strosnider and Mr. Refosco. Mr. Strosnider said he had been in contact with the Comptroller's Office and that he had sent all required documents by express mail. Chairperson Gearhart said that he would allow two weeks to complete the transfer process based on the Comptroller's Office release on the licenses. In addition, they were told that the fine must be paid prior to the transfers.

A violation hearing was held at 10:45 AM for Old Pike 2, license # 05-36, Class "B" BWL On-Sale License for the sale of alcohol to a minor during a compliance check conducted on April 28, 2005 at approximately 6:15 PM by the Maryland State Police. Licensee, Duane C. Patton, Sr., was present for the hearing. Mr. Patton said that he was not at the establishment at the time of the compliance check. His employee did as for ID and thought that the ID was possibly a military ID and that she was focusing more on the picture since he was wearing a ball cap. Mr. Patton also said that the bar area was very busy since it was 'wing-night'. Mr. Patton told the Board that the employee was doing thirty hours community service. Chairperson Gearhart asked Mr. Patton if he had taken any corrective action against the employee. Mr. Patton responded by saying not really since she is currently his only employee beside himself. 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 license file of Old Pike 2, along with a \$100 fine, seconded by Commissioner Crosco and unanimously approved.

A hearing was held at 11:00 AM for the issuance of a Special Class "C" BWL two-day license for The Friends of John J. Hafer. Applicant, Senator John J. Hafer was unable to attend the hearing. A representative of his office said that the license would be used on July 16th, 2005 at the Happy Hills Farm for his annual campaign fundraiser. Commissioner Crosco made a motion to approve the Special Class "C" 2-Day BWL License and the motion was seconded by Commissioner Fratz and unanimously approved. After the appropriate fees were paid, the license was issued.

After the hearings, there was general discussion concerning the recent compliance checks. Gary Mullich asked the Board if they would like to do a press release on the checks. Commissioner Crosco made a motion to do a press release on the compliance checks and the motion was second by Commissioner Fratz and unanimously approved. Debbe Owston informed the Board that Nadine Fontaine of the Deer Park Inn had inquired

about the license fees of the initial application for the establishment issued in 1996. The license file was researched as well as the minutes for the license approved in August.

The Board discussed the Wine Festival License and established guidelines for the license. A one-week advertisement in The Republican prior to the hearing would be required. A list of the scheduled events along with a list of the wineries and vendors attending the venue must be submitted with the application. After the event a report needs to be sent with a breakdown on sales versus costs and the final amount the charity received from the proceeds. The cost of the license is \$50 payable at the hearing if approved.

After the general discussion, the next meeting day was set for August 4, 2005. There being no further business, Commissioner Fratz motioned the meeting be adjourned, and seconded by Chairperson Gearhart.

Thomas A. Gearhart
Chairperson

August 4, 2005
Date