

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held a special meeting for violation hearings on May 11, 2006 at 9:00 AM. Present for the meeting were Commissioners Bea Crosco and Mike Fratz, Chairperson Thomas Gearhart, Administrator to the Board, Deborah Owston, Administrative Assistant, Rebecca Glotfelty, and Advisor to the Board, F. Gary Mullich.

Chairperson Gearhart called the meeting to order. A motion was made by Commissioner Fratz to approve Commissioner Crosco's expense report for the MALA Spring Conference and the motion seconded by Chairperson Gearhart approved. The Board signed their mileage sheets.

Before the violation hearings, Duane Patton of Old Pike 2 requested from the Board permission to have an open bar night. He would like to charge a flat fee of \$15 or \$20 and be open from 10:30 PM until 1:30 AM with unlimited drink service. He will only allow one drink to be ordered at a time and there will be no one admitted under twenty-one years of age. He will be carding at the door and wristbands will be provided for those patrons purchasing the open bar option. He will also allow for customers to only purchase one drink at a time if desired. Debbe Owston informed Mr. Patton that he is not allowed to serve intoxicated persons.

Chairperson Gearhart informed the Board that there was a fire at the Hen House on May 8, 2006 and that the entire building was lost in fire. He also said that he spoke to Gary Warn, licensee of the establishment. Mr. Warn would like the Board's permission to allow the approved licensed pavilion for the summer dinner theater to now be the temporary licensed premise until the restaurant is rebuilt. Gary Mullich suggested that Mr. Warn submit this request in writing for the license file. Commissioner Crosco made a motion to approve the pavilion for the new temporary licensed premise until the restaurant can be rebuilt and the motion was seconded by Commissioner Fratz and unanimously approved pending a written request, Health Department Permit and Use & Occupancy Permit approval.

A violation hearing was held at 9:30 AM for Smiley's Pizzeria, license # 05-R1, Class "B" BWL On-Sale License and license # 05-R1D, Draft Beer License for the sale of alcohol to a minor during a compliance check conducted on February 2, 2006 by the Maryland State Police. Licensee, Jonathan Kessler was present for the hearing along with Mindy Teets, Food & Beverage Manager and Megan Reddinger, Assistant Manager. Mr. Kessler said that the violation has been a learning experience for his staff and they will make better of it as it relates to server training and responsibility. Mr. Kessler explained that the cadet entered the establishment and placed his order for a beer at the counter and then went to the restroom and returned to the table where the server had placed the beer. They felt that had the cadet been seated at the table when he ordered the beer the server would have then requested identification. Also, the server said that had the cadet been back to the table when she served the beer she probably would have asked for identification at that time. Ms. Teets presented the Board with copies of the businesses policy book and explained that the employee was temporarily taken off of the schedule. In addition, she indicated that they have reminder posters on various coolers throughout the restaurant informing the employees about carding procedures. Gary mentioned Article 2B § 12-302 (8) (iii) as it relates to the age of an employee being at least twenty-one years of age when serving alcohol without serving a meal. Debbe gave Ms. Teets information regarding upcoming alcohol awareness training, WeCard literature and a copy of the Board of License Commissioners of Garrett County Rules & Regulations. 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 Smiley's Pizzeria, along with a \$100 fine, seconded by Commissioner Fratz and unanimously approved. Mr. Kessler paid the \$100 fine.

A violation hearing was held at 9:45 AM for the Wisp Resort, license # 05-61, Class "B" BWL On-Sale License with Catering Option and license # 05-61D, Draft Beer License for the sale of alcohol to a minor during a compliance check conducted on March 21, 2006 by the Maryland State Police. Licensee, Karen Myers was present for the hearing along with Victoria Buckel, Restaurant & Bar Manager and Tim Prather, General Manager. Ms.

Buckel said that Justin Storey, an employee of DC's Bar at the Wisp, contacted her about the incident. He explained the bartender on duty at the time carded the cadet incorrectly and served the beer. Chairperson Gearhart questioned as to whether any disciplinary action was taken. Ms. Buckel responded that she was given an oral reprimand and put on probation. Ms. Buckel said that the very next day she contacted Cathy Lohr of Lohr Distributing to request an Age of Purchase calendar to be placed at the register to assist the bartenders with carding. Debbe gave Ms. Buckel information regarding upcoming alcohol awareness training, WeCard literature and a copy of the Board of License Commissioners of Garrett County Rules & Regulations. 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 The Wisp Resort, along with a \$100 fine, seconded by Commissioner Crosco and unanimously approved.

A violation hearing was held at 10:00 AM for Pizza Hut, license # 05-74, Class "D" Beer On-Sale License and license # 05-74D, Draft Beer License for the sale of alcohol to a minor during a compliance check conducted on March 21, 2006 by the Maryland State Police. Licensee, Anthony Lopez was present for the hearing. Mr. Lopez explained that his server did request identification, but incorrectly read the cadet's license and served him. Chairperson Gearhart questioned if the employee received any disciplinary action. Mr. Lopez said that she received a written reprimand / warning. Mr. Lopez said that he also now has an Age of Purchase calendar placed in the server area to assist the staff with carding. Commissioner Fratz showed Mr. Lopez the format of a Maryland driver's license for minors. Chairperson Gearhart went over the fine violations for the sale of alcohol to minors. Debbe gave Mr. Lopez information regarding upcoming alcohol awareness training, WeCard literature and a copy of the Board of License Commissioners of Garrett County Rules & Regulations. 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 Pizza Hut, along with a \$100 fine, seconded by Commissioner Crosco and unanimously approved.

A violation hearing was held at 10:15 AM for Par-Matt Lanes, license # 05-27, Class "D" Beer & Wine On-Sale License for the sale of alcohol to a minor during a compliance check conducted on March 21, 2006 by the Maryland State Police. Licensee, Curtis Glotfelty was present for the hearing. Mr. Glotfelty explained that they were really busy and a family member was helping bartend at the time of the compliance check. She did request identification, but incorrectly read the cadet's license by verifying the year and did not look at the month and date on the license and served the beer. Chairperson Gearhart questioned Mr. Glotfelty if he had any written policy for carding procedures. Mr. Glotfelty said no, but they do have a policy to card everyone. Mr. Glotfelty questioned where he could find an Age Verification scanner to assist the staff with carding. Debbe suggested checking the Beverage Journal. Chairperson Gearhart went over the fine violations for the sale of alcohol to minors. Debbe gave Mr. Glotfelty information regarding upcoming alcohol awareness training, WeCard literature and a copy of the Board of License Commissioners of Garrett County Rules & Regulations. 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 Par-Matt Lanes, along with a \$100 fine, seconded by Commissioner Fratz and unanimously approved. Mr. Glotfelty paid the \$100 fine.

A violation hearing was held at 10:30 AM for Swallow Falls Store, license # 05-28, Class "A" Beer & Wine Off-Sale License for the sale of alcohol to a minor during a compliance check conducted on April 4, 2006 by the Maryland State Police. Licensee, Robin Bittinger was present for the hearing. Ms. Bittinger explained that she was busy unloading an order when the cadet entered the store and the cadet was making small talk with her about how nice the store was and she just sold the beer without carding him. Ms. Bittinger said that she realized as soon as the cadet left the store that she should have carded him. Chairperson Gearhart went over the fine violations for the sale of alcohol to minors. Debbe gave Ms. Bittinger information regarding upcoming alcohol awareness training, WeCard literature and a copy of the Board of License Commissioners of Garrett County Rules & Regulations. Ms. Bittinger said that she would try to attend the next alcohol awareness training 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

license file of Swallow Falls Store, along with a \$100 fine, seconded by Commissioner Fratz and unanimously approved. Ms. Bittinger paid the \$100 fine.

The violation hearing scheduled for 10:45 AM for Oakland Exxon, license # 05-67, Class "A" Beer & Wine Off-Sale License for the sale of alcohol to a minor during a compliance check conducted on April 4, 2006 by the Maryland State Police was rescheduled for June 1, 2006.

A violation hearing was held at 11:00 AM for Kitzmiller Station, license # 05-71, Class "A" Beer Off-Sale License for the sale of alcohol to a minor during a compliance check conducted on April 4, 2006 by the Maryland State Police. Licensee, Louise DeMucci was present for the hearing along with Joseph DeMucci. Mr. DeMucci told the Board that there are a total of eight employees who run the registers and all are trained in alcohol awareness training. The employee at the time of the compliance check did ask for identification and just did not do the math correctly to verify his age as being twenty and sold the beer. Mr. DeMucci said that there are calendars, charts and various reference points to assist the employees in carding. They are even instructed to ask the age of the person trying to purchase alcohol. The employee was reprimanded and some of her job responsibilities were taken away. In addition, the store policy is that should you sell to a minor, the employee is responsible for paying any fines associated with the violation. Chairperson Gearhart went over the fine violations for the sale of alcohol to minors. Debbe gave Ms. DeMucci information regarding upcoming alcohol awareness training, WeCard literature and a copy of the Board of License Commissioners of Garrett County Rules & Regulations. 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 Kitzmiller Station, along with a \$100 fine, seconded by Commissioner Fratz and unanimously approved.

A violation hearing was held at 11:15 AM for Perkins Restaurant, license # 05-64, Class "D" Beer & Wine On-Sale License for the sale of alcohol to a minor during a compliance check conducted on April 11, 2006 by the Maryland State Police. Licensee, Sherry Gosnell was present for the hearing. Ms. Gosnell told the Board that at the time of the compliance check they only had one server working and the employee did ask for identification and just glanced at the ID and probably looked at the tobacco age and sold the beer. Ms. Gosnell said the last year all employees were trained by the General Manager of the restaurant who was a TIPS trainer. Chairperson Gearhart went over the fine violations for the sale of alcohol to minors. Debbe gave Ms. Gosnell information regarding upcoming alcohol awareness training, WeCard literature and a copy of the Board of License Commissioners of Garrett County Rules & Regulations. 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 Perkins Restaurant, along with a \$100 fine, seconded by Commissioner Fratz and unanimously approved. Ms. Gosnell paid the \$100 fine

After the violation hearings, the next meeting date was set for June 1, 2006. There being no further business, Commissioner Fratz motioned the meeting be adjourned, and the motion was seconded by Commissioner Crosco.

Thomas A. Gearhart
Chairperson

June 1, 2006
Date