

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on June 1, 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 the May 4, 2006 meeting minutes and seconded by Commissioner Crosco and unanimously approved. A motion was made by Commissioner Fratz to approve the May 11, 2006 meeting minutes as amended and seconded by Commissioner Fratz and unanimously approved.

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. The Board signed their mileage sheets.

Commissioner Crosco made a motion to approve the alcoholic beverage license renewals for the 2006-2007 license year as submitted and the motion was seconded by Commissioner Fratz and unanimously approved.

Before the hearings, Rolfe Saunders of The Oakland Golf Club discussed his renewal application with the Board. In addition, the Board reviewed a letter from Debbie Carpenter of the Department of Planning & Land Development approving the premise change for the Sugar Shack Tavern. Chairperson Gearhart gave an update on the Hen House. He said the licensees intend to be re-opened in their temporary premise by Father's Day weekend. The Board discussed the renewal applications for clubs with officer changes and determined that any new officer / member will need to submit fingerprints cards. It was also mentioned the Wisp Resort would be using their Catering Option to cater alcoholic beverages and food for the Highland Festival on June 3, 2006 at the Garrett County Fair Grounds.

The violation hearing scheduled for 9:30 AM for Brodak's Discount Liquors, license # 05-46, Class "D" Beer, Wine & Liquor Off-Sale License and #05-46D 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 will be rescheduled after Mr. Brodak's appearance in District Court.

A violation hearing was held at 10:00 AM for Red Run Inn, license # 05-35, Class "B" Beer, Wine & Liquor On-Sale License with Catering Option and # 05-35D Draft Beer License for the sale of alcohol to a minor during a compliance check conducted on April 4, 2006 by the Maryland State Police. Licensee, Louis W. Strosnider, III was present for the hearing as well as the restaurant manager Susanne Crosland and the bartender Gregory Nelson. Mr.

Strosnider told the Board that at the time of the sale he was not there. Susanne Crosland told the Board that she was the manager on duty at the time of the incident. Ms. Crosland said she advised Mr. Nelson to card anyone that he is not aware of as part of his training. Mr. Nelson did ask the cadet for identification; however, he did not take the ID out of the wallet and misread the license and proceeded with the sale. The Board asked Mr. Nelson how long he was employed with the Red Run Inn and if he was trained in an alcohol awareness course. Mr. Nelson responded that he has been employed for four months and that he was not trained in an alcohol awareness course. He said prior to his recent bartending experience, it had been over twenty-five years since he bartended. Ms. Crosland informed the Board that when the cadet returned with the police, she wanted to see the ID herself and wanted the license removed from the cadet's wallet. Since the incident had occurred, Fred Herath trained the staff of Red Run Inn in TIPS. Chairperson Gearhart questioned whether any disciplinary action was taken against Mr. Nelson. Mr. Nelson was immediately removed from work that day as was off work for two weeks and required to be trained in an alcohol awareness course. Commissioner Crosco inquired if any of the employees were less than twenty-one years of age. Ms. Crosland said that one of the servers was and that she would be twenty-one soon. Debbe Owston gave Ms. Crosland information regarding upcoming alcohol awareness training, WeCard literature and a copy of the Board of License Commissioners of Garrett County Rules & Regulations. In addition, it was explained that if in the future any additional occurrences happen on the licensed premise, they must inform the office of such. 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 considered that the previous offense occurred during the transfer process. Commissioner Crosco made a motion for a \$500 fine and a two-day license suspension beginning at 6:00 AM on June 5th, 2006 through 6:00 AM on June 7th, 2006 and Commissioner Fratz seconded the motion with all in favor of the motion. Louis Strosnider, III agreed and waived his right to appeal the Board's decision. Debbe Owston explained that during the suspension there is to be no selling, giving away, handling nor any purchasing of alcoholic beverages from any wholesaler. In addition, they must bring the licenses into the office on Monday and pick them back up on Wednesday.

A violation hearing was held at 10:30 AM for Curt's Corner, license # 05-45, Class "D" Beer, Wine & Liquor 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, Joseph DeMucci was present for the hearing. Mr. DeMucci informed the Board that he was not present at the time of the incident. Ms. Tichnell was the manager working that day with the clerk who sold the alcohol to the cadet. It was the clerk's first day of employment and she was in training. Ms. Tichnell did tell the employee to card the cadet. The clerk did ask for identification and sold the alcohol to the cadet. Mr. DeMucci told the Board that he does send all employees to be trained in an alcohol awareness course once they have been employed for more than two months. He has had group training sessions as well as sending individual employees for training. Mr. DeMucci asked the Board for leniency on the suspension due to his extensive staff training. He also said that his employees are instructed to ask the person purchasing alcohol how old they are as well as check the ID. He feels if an employee makes a mistake, he tries to help them correct the problem and learn from it. Chairperson Gearhart asked how many employees were currently trained. Mr. DeMucci said that he has eleven employees trained and two more will be trained at the

next session. He also said that he has the ID book available, a beer sign with no sale if born after today's date in 1985 and also hangs the employees TIPS diplomas in the store. 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 explained to Mr. DeMucci that they are taking into consideration the extensive training that the establishment has completed when setting the suspension. Commissioner Crosco made a motion for a \$500 fine and a two-day license suspension beginning at 6:00 AM on June 5th, 2006 through 6:00 AM on June 7th, 2006 and Commissioner Fratz seconded the motion with all in favor of the motion. Mr. DeMucci agreed and waived his right to appeal the Board's decision. Debbe Owston explained that during the suspension there is to be no selling, giving away, handling nor any purchasing of alcoholic beverages from any wholesaler. In addition, they must bring the licenses into the office on Monday and pick them back up on Wednesday.

A violation hearing was held at 11:00 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. Licensee, Richard Stuck was present for the hearing as well as the store manager Karen Whiteman, the store clerk Cynthia Lewis and the company's retail manager Steve Stuck. Ms. Whiteman informed the Board that she is TIPS trained and she trains all employees on carding procedures prior to operating the registers by themselves. The store's policy is to card anyone appearing younger than twenty-seven. If the clerk is in doubt, they are to ask for a picture ID. The register system requires a legal age be entered before the sale of alcohol can continue. She also instructs her employees not to sell to anyone who appears to be intoxicated. If there are two people together in the store and the clerk suspects the older person is purchasing the alcohol for the younger person, they are not to sell. Steve Stuck said they realized the clerk made a mistake by selling the alcohol to the cadet and she was given a written warning stating that should the same thing happen again, she would be terminated. The clerk said the cadet put the beer on the counter and he appeared to be over twenty-two and she over-rode the system and did not ask for an ID. She admitted to making a mistake by selling the beer. Commissioner Crosco asked how long she worked for the company. Ms. Lewis said she had been working for over two years with the company. Chairperson Gearhart went over the fine violations for the sale of alcohol to minors. Debbe Owston gave Ms. Whiteman 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 Oakland Exxon, along with a \$100 fine, seconded by Commissioner Fratz and unanimously approved.

A hearing was held at 11:15 AM for the issuance of a Class "D" BWL Off-Sale License with Beer & Wine Tasting Option and a Draft Beer License for Brosis, LLC operating as Emerald's. Applicants for the licenses are Gail Bosley and Daniel Bosley. Both applicants were present for the hearing. Ms. Bosley explained to the Board that the establishment is located at 17869 Garrett Highway, Oakland, Maryland. The license will be primarily used for Emerald's package store as well as on-premise consumption in the Sorelle's pizza shop. There will be a dividing section between the alcoholic beverages and the convenience items so that on Sunday the alcoholic beverage areas can be gated closed.

The pizza establishment will be approved for approximately 30 seats as allowed. The anticipated opening date is by September 1, 2006. The hours of operation will be from 6:00 AM till 12:00 AM Monday through Saturday and from 10:00 AM through 12:00 AM on Sunday. Commissioner Crosco inquired if they intend to deliver pizza. They responded that they would like to deliver pizza as well as convenience items and alcohol if allowed. It was explained to the licensees that they would need to submit a written request to deliver alcoholic beverages for the Boards approval. Debbe Owston noted that two employees recently received alcohol awareness training. Commissioner Crosco made a motion to approve the licenses pending all administrative requests including a copy of the Sales & Use Tax number, copies of the Trader's License and Health Permit, favorable background results, a complete copy of the Operating Agreement for Brosis LLC and the motion was second by Commissioner Fratz and unanimously approved.

After the hearings, the next meeting date was scheduled for July 6, 2006. There being no further business, Commissioner Crosco motioned the meeting be adjourned, and seconded by Commissioner Fratz.

Thomas A. Gearhart
Chairperson

July 6, 2006
Date