

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on October 5 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, Advisor to the Board, F. Gary Mullich and Board Attorney, Craig Ingram

Chairperson Gearhart called the meeting to order. A motion was made by Commissioner Crosco to approve the September 7, 2006 meeting minutes as corrected and seconded by Commissioner Fratz and approved.

Before the hearings there was general discussion in which Debbe Owston distributed the agenda for the upcoming MALA Fall Conference at the Wisp Resort. Commissioners Mike Fratz and Bea Crosco, Debbe Owston, Becky Glotfelty and Gary Mullich will attend the conference October 27th and October 28th, 2006. The alcoholic beverage licenses for Pawn Run Saloon were transferred on September 8, 2006. The board members of the Oakland Golf Club inquired about having the licenses transferred into their names if necessary in the near future. Vianne Bell contacted the office in reference to the success of the Art & Wine Festival held on September 9, 2006. The Board decided it would not be necessary for the festival committee to attend a meeting to report on the event, as was requested last year. Nancy Eichorn and Denver Eichorn completed an application for the change of officers of Midway Discount Beverages, Inc. Debbe Owston updated the Board on the status of the pending approved application for Brosis, LLC trading as Emeralds / Sorelle's. No written explanation on the proposed premise change was received by the September 28, 2006 deadline as requested by the Board. Commissioner Crosco made a motion the pending alcoholic beverage license applications submitted by Brosis, LLC on June 1, 2006 to be null and void and seconded by Commissioner Fratz and unanimously approved. A letter will be sent informing the applicants they will need to reapply.

A Show Cause Continuance hearing was held at 9:30 AM for Black Bear Tavern, license #06-63 & 06-63D, Class "D" BWL On-Sale License and Draft Beer License as a result of a second noise violation. This office was informed of a zoning violation from Mr. William DeVore, Department of Planning & Land Development. The restricted outside music entertainment after 10:00 PM violation occurred Friday, July 21, 2006. Licensee, Keith Handyside was present at the hearing, as well as Kathy Hall, General Manager. Chairperson Gearhart presented Mr. Handyside with the letter that was received from Mr. Trepp for review. Chairperson Gearhart asked Mr. Handyside to give a brief description of what happened on July 21st when Mr. Trepp came over and the music was too loud. Mr. Handyside read the Board an e-mail that was sent to Mr. DeVore of the Planning & Land Development office on Sunday, July 23, 2006 at 1:00 describing the incident. Chairperson Gearhart confirmed with Mr. DeVore that he did receive the e-mail. Chairperson Gearhart questioned Mr. DeVore as to what kind of cooperation they received from Black Bear Tavern. Mr. DeVore responded that they were very responsive to the complaint. Chairperson Gearhart noted that the last violation was in 2004 and questioned if there has been any other violations since then? Mr. Handyside responded this was the first violation

since 2004, which was due to the windows being open past 7:00 p.m. Mr. Handyside informed the Board that they have subsequently put locks on the windows and signs as to not have any reoccurrences. There have not been any other episodes of violation to Mr. Handyside's knowledge. Chairperson Gearhart questioned if there has been any corrective action given to the manager in charge. Mr. Handyside responded that they had two managers on duty that night. Patty Taylor (as referenced in Mr. Trepp's letter) was responsible for the nightclub operation and Carla Rider for the tavern operation. Both managers were reprimanded for allowing the situation to happen. Carla received a letter in her file for the violation against the establishment. Chairperson Gearhart questioned if there were any adjustments to the time the band or music was to cease. Mr. Handyside responded that the next Saturday night he spoke personally with the early band and each subsequent band after that enforcing a new rule at 9:45 they are to finish their last song allowing them the opportunity to play an encore song as long as the music is complete by 10:00 p.m. Commissioner Crosco questioned if Mr. Trepp visited the establishment the night in question. Mr. Handyside said yes he did visit. Commissioner Crosco questioned what was said. Ms. Hall responded she thought the manager on duty told her that Mr. Trepp said, "you are violating" and the managers apologized. The Board went into Executive Session. Commissioner Crosco made a motion to impose a letter of reprimand in the file of Black Bear Tavern, seconded by Commissioner Fratz and unanimously approved.

A violation hearing was held at 9:45 AM for The Silver Tree Inn, license #06-11 & 06-11D, Class "B" BWL On-Sale License with Off-Premise Wine Sales Option and Draft Beer License to determine whether the licenses needed to be transferred to The Thirsty Crab, LLC. Licensee, Roger Cutright, and Licensee Samuel Housley were present at the hearing. The request was made prior to the meeting for the licensees to bring the alcoholic beverage licenses to the meeting in the event they were suspended or revoked. Mr. Cutright presented the Board with the past years expired licenses. Chairperson Gearhart asked who was running the Thirsty Crab. Mr. Cutright responded that back in the spring the Roundtable Management Group had expressed an interest in not running the restaurant. In July, they were looking for new management and came into a verbal agreement with a group to run the restaurant and he was told at this point John Ferrell and Matt Gibellino owned the Thirsty Crab. Chairperson Gearhart questioned what area of the establishment the Thirsty Crab was occupying. Mr. Cutright confirmed the outside bar, the downstairs, and the upstairs were being occupied. Mr. Cutright explained the terms to an agreement were wrote but never finalized, therefore since early July they have been working under a verbal management agreement that generally deferred the entire running of the business to John Ferrell and Matt Gibellino. They (Mr. Ferrell and Mr. Gibellino) assume all responsibilities of expenses, payroll, etc. with a little profit sharing at the end. Chairperson Gearhart asked if the verbal agreement is still in existence? Mr. Cutright responded that technically that would be so. Mr. Cutright explained to the Board he would like to have a management agreement drawn up and executed through December 2006 with the option the buy at that time or renegotiate the agreement. Chairperson Gearhart noted all three licensees have very little to do with the operations of the Thirsty Crab and questioned if they realized if anything happens, they would be responsible? Chairperson Gearhart also notified the licensees of some anonymous complaints that have been reported. If any of the complaints were to result in a violation or citation the current licensees would be held accountable. Mr. Cutright acknowledged. Chairperson Gearhart

noted the licenses should have been transferred a long time ago and questioned how the Thirsty Crab was getting stock if they do not have a license? Mr. Cutright responded he was not familiar enough with the business to be able to answer the question. He also responded that if they needed a liquor license in order to buy, the Thirsty Crab was buying under the alcoholic beverage licenses of the Silver Tree. Commissioner Crosco questioned if their alcoholic beverage licenses are still in good standing? Ms. Owston responded the gentlemen present from Silver Tree had the licenses not the Thirsty Crab. Ms. Owston also reported Samantha Glotfelty, bookkeeper for Thirsty Crab, came into the office on August 21st and obtained an alcoholic beverage transfer application package for the Thirsty Crab. Matt Gibellino called the office that same day and was advised that all applicants need to apply. Mr. Cutright informed the Board he does not have an operating agreement for Thirsty Crab at this time. Chairperson Gearhart questioned if he had asked for one and Mr. Cutright responded that he did. Ms. Owston notified Mr. Cutright that if Mr. Day is no longer an employee, he currently does not have anyone listed who is certified in alcohol awareness training, which is a requirement. Ms. Owston also notified the licensees that the Health Permit on file with the Health Department is still in The Silver Tree name, the Clerks Office has no one on file for a current Trader's License for The Silver Tree or Thirsty Crab and the Sales and Use Tax number that will be reported to the State would be The Silver Tree's. The licensees were informed of the necessary documentation needed in order to do a license transfer and how it can be a timely process. The licensees were also notified of the October 12, 2006 deadline for submitting a transfer application for the next meeting. Ms. Owston also notified the licensees she would like to have an executed lease or management agreement with the license transfer application, whichever applies. Ms. Owston informed the licensees they couldn't let their license be utilized by someone else. Mr. Mullich questioned the review that was made by Public Utilities in reference to the number of seats per ERU's. Mr. Cutright responded they would now only be occupying the upstairs to reduce the total seat count and meet the requirements from Public Utilities. Chairperson Gearhart questioned the outside entertainment violation, which occurred as mentioned in a violation letter received from the Planning and Land Development office. Mr. Cutright informed the Board there was a misunderstanding about one person playing a guitar in lieu of a band. Chairperson Gearhart asked Mr. DeVore, Planning and Land Development, who he dealt with in reference to complaint. Mr. DeVore explained that they received a fax in reference to live entertainment that was to take place, but never did according to his knowledge. No Live outdoor entertainment is part of the self-imposed restriction placed on the Harbor Bar and they are to abide by this. Mr. Mullich confirmed with Mr. Cutright that in negotiations with The Thirsty Crab and the management agreement, the Thirsty Crab would be operating the upstairs bar only. The Board discussed with the licensees the issues of ads that have been placed referring to entertainment that will be taking place and the requirements they have to abide by. The licensees would like to request the Thirsty Crab be permitted to operate under their alcoholic beverage licenses until a transfer takes place. The Board went into executive session. Chairperson Gearhart made a motion the licenses for the Silver Tree be suspended until the Board grants an approved alcoholic beverage license transfer or the current license holder agree to and actually take charge as the role of the license holder; which includes ordering of products, taking responsibility and bring all licenses and permits current in compliance and being the only persons with a pecuniary interest, Commissioner Crosco seconded the motion and was unanimously approved. The licensees informed the Board they would choose suspension. They will notify the Thirsty

Crab of the suspension and the Thirsty Crab needs to complete and have an approved license transfer. Ms. Owston informed the license holder there is not to be any handling, ordering or consumption of alcohol during this suspension.

The next meeting date was set for November 2, 2006. There being no further discussion, Commissioner Crosco motioned the meeting be adjourned, and seconded by Commissioner Fratz.

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Thomas A. Gearhart Chairperson	November 2, 2006 Date

MINUTES

The Garrett County Board of License Commissioners/Liquor Control Board held a special meeting for a violation hearing on October 26, 2006 at 9:00 A.M. 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. The Board signed mileage sheets.

Before the meeting there was general discussion on several topics. Debbe Owston distributed the Agenda and updated the Board on the MALA Fall Conference to be held October 27 – 29, 2006. A motion was made by Commissioner Crosco, seconded by Commissioner Fratz and unanimously approved for the New Year's Eve hours for Sunday, December 31, 2006. Debbe informed the Board she would be sending out postcards to the necessary establishments and would also like to make a note of the upcoming Public Hearing that will take place on the new Gaming Regulations. The new 2007 Liquor Control Board meeting dates were distributed to the Board for review and approval. Commissioner Crosco made a motion to approve the meeting dates; Commissioner Fratz seconded and was unanimously approved. Debbe Owston reviewed with the Board the Cabin Run Sunday Sports Club advertisement.

A violation hearing was held at 9:30 A.M. for Brodak's Discount Liquors, license #06-46, Class "D" Beer, Wine & Liquor Off-Sale License and #06-46D 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. Licensee, George Brodak, was present at the hearing. Chairperson Gearhart read the police report in reference to the violation. Mr. Brodak did not dispute the report. He informed the Board that he did ask the customer for their ID Card. Mr. Brodak gave further explanation indicating his eyeglasses were not next to the register. As he was trying to find his glasses so he could verify the age on the cadet's

license, the cadet said he was born on 10-13-1985. He quickly tried figuring his age and thought that he should be o.k. He has several "If you were born after this date" signs in his establishment and immediately after the person left he noticed the date and knew that he was wrong and went outside to catch the person. That is when the officers were there to arrest him. He has since realized he needed a refresher course and has been recertified in TIPS training. Ms. Owston informed the Board that Mr. Brodak did come into the office and got the information on the class. Mr. Brodak reiterated that there are several legal age reminders at the register and other locations in his establishment. He did not sell to a minor to make money; it was a mistake on his part. Ms. Owston informed the Board she did attend Mr. Brodak's District Court hearing and that he received Probation Before Judgment and a \$50.00 fine. The Board went into Executive Session. After reviewing the situation and past history, Commissioner Crosco made a motion to issue a \$500.00 fine with a 2-day suspension, beginning at 6:00 A.M. on October 30th through 6:00 A.M. on November 1, 2006, seconded by Commissioner Fratz and unanimously approved. Chairperson Gearhart discussed the various fines involved for sales to minors. Ms. Owston advised Mr. Brodak that there is to be no selling, giving away, handling nor any purchasing of alcoholic beverages from any wholesaler. She also informed him that she would be notifying the wholesalers. Mr. Brodak was told to bring his license in on Monday and he would be able to pick them back up after the suspension on Wednesday morning. He was informed that he has 30 days to pay his fine and if he would choose to do so he could appeal the Board decision. Mr. Brodak informed the Board that he chose not to do so.

There was general discussion after the hearing concerning the status of the Silver Tree's license transfers. Ms. Owston reviewed with the Board the pending information. She also advised them the Oakland Golf Club might be transferring their licenses possibly at the December meeting.

After the general discussion, the next meeting day was set for Thursday, November 2, 2006 at 9:00 A.M. There being no further business, Commissioner Fratz motioned the meeting be adjourned, and seconded by Commissioner Crosco.

Thomas A. Gearhart
Chairperson

November 2, 2006
Date