

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on April 5, 2007 at 9:00 AM. Present for the meeting were Commissioners Bea Crosco and Mike Fratz, Chairperson Thomas Gearhart, Administrator to the Board, Deborah R. Owston, and Administrative Assistant, Rebecca Glotfelty.

The meeting was called to order by Commissioner Crosco. A motion was made by Commissioner Fratz to approve the minutes and seconded by Chairperson Gearhart and unanimously approved. The Board signed mileage sheets.

Before the meeting there was general discussion. Ms. Owston presented the Board a United Way article that was advertised in The Republican Newspaper for a cocktail party. Ms. Owston is to investigate this situation further and update the Board later. The Board was updated on the status of HB 1266 regarding Class BDR Deluxe Restaurant License. If passed, any necessary rules and regulations should be in place by July 1, 2007 when the new license class is effective. The MALA Spring Conference hotel reservations need to be made next week. Ms. Owston advised the Board that both Thirsty Crab and Red Run have closed and turned in their alcoholic beverage licenses. Mooney's Pub alcoholic beverage licenses were issued to John J. Kurilla on March 9, 2007. Fred Herath would like to have all Alcohol Awareness Instructors Permits on file with the Liquor Control Board office. Alcoholic beverage license renewals have started to come in. Ms. Owston is now requesting a copy of the establishments current Traders License. The Grantsville Comfort Inn will not be renewing their alcoholic beverage licenses. There are a few establishments in need of Alcohol Awareness training and the Comptroller's Office has requested license renewal holds for two establishments. These issues will need to be resolved prior to the renewal license application deadline of May 1, 2007. Ms. Owston informed the Board that Stonebow Inn would like to hold a cocktail reception on their premise this summer prior to the wedding reception at Penn Alps. The Maryland State Police have conducted compliance checks over the past several weeks on three occasions. The first episode of checks resulted in 2 establishments in violation. The second round of checks consisted of 3 establishments in violation and the third round of checks resulted in 2 establishments in violation. Certified letters have been sent to these establishments requesting them to attend the May meeting for their violation hearing.

A license hearing was held at 9:30 AM for the upgrade of license #06-58 from a Class "D" B & W On-Sale License to a Class "B" BWL On-Sale License with Catering Option issued to Gary Warn and Bill Warn of Hen House, Inc. operating as the Hen House. Licensee, Gary Warn, was present for the hearing. Ms. Owston informed the Board she has received a copy of the occupancy permit. Mr. Warn described the layout of the new license premise. They will also be building a gazebo out back. The Catering Option would be utilized for more flexibility for wedding receptions. Chairperson Gearhart questioned what the hours of operation would be. Mr. Warn responded 7AM to 10PM. They will now be open for breakfast in order to meet requirements set forth to list the business name on a highway amenity sign. Mr. Gearhart reminded Mr. Warn that all alcohol must be purchased from a Maryland Wholesaler. Ms. Owston explained the Catering Option, which requires food sales along with alcohol sales at a catered event off of the licensed premise. Ms. Owston questioned how many employees they would have this summer? Mr. Warn

responded they have approximately 35 servers, 30 kitchen employees, 4 steamers, 10 actors and 15 other servers. Commissioner Crosco made a motion to approve the upgrade of license 06-58 to a Class "B" BWL On-Sale License with Catering Option and the motion was seconded by Commissioner Fratz and unanimously approved. After the appropriate fees were paid, the license was issued. Ms. Owston requested that the old Class "D" Beer and Wine License be returned to VOID and put into file.

A transfer hearing was held at 9:45 AM for the transfer of license #06-40 Class "D" Beer & Wine On-Sale License with Tasting Option from Norma Beckman and Darlene Engel of MLD, LLC, operating as Deep Creek Gourmet to Arthur CapoBianco, Norma Beckman and Darlene Engel of MLD, LLC operating as Deep Creek Gourmet. Applicant, Arthur CapoBianco was present for the hearing. Ms. Owston informed the Board that Mr. CapoBianco is purchasing the business from the current owners; who are remaining on the license for the local resident requirements. Mr. CapoBianco told the Board that they intend to do some cosmetic changes to the interior and expand some lines of food and wine. They would be open from 11AM to 8PM in the summer and until 5PM in the winter. He was uncertain if they would be opening on Sundays. Ms. Owston reminded Mr. CapoBianco that there are no alcoholic beverage sales on Sundays in Garrett County except for in two approved election districts. Mr. CapoBianco attended the recent TAM alcohol awareness class. Ms. Owston is still pending the results from his fingerprints, but has all other necessary information. Ms. Owston explained to Mr. CapoBianco the Class "D" B&W On-Sale license privileges. If they are planning on using the Tasting Option, they need to notify the office at least seven days in advance. Mr. CapoBianco responded that they currently have on-going tastings and would like to continue this practice. Ms. Owston told Mr. CapoBianco that if a representative of a wholesaler or winery conducts the tasting, notification is required, but if an employee conducts the in store tasting, and the office is aware of the ongoing tastings, there is no additional need to notify the office. She also informed him that they are not allowed to conduct tastings during the Maryland Wine Festival. Mr. CapoBianco questioned if he could participate in the Garrett County Art & Wine Festival. Ms. Owston informed him that he could take his gourmet baskets, but could not sell alcohol. He also questioned the patio being part of the premise and advised that he may not want to keep that as part of the premise. The Board suggested that he notify the office in the event of the change. Ms. Owston presented Mr. CapoBianco with the Rules and Regulations of the Board of License Commissioners of Garrett County, Maryland pamphlet and explained the fines and suspension guidelines for sales to minors. Ms. Owston advised Mr. CapoBianco that all alcohol must be purchased from a wholesaler and the receipts must be kept on the premise. In addition, he was notified that guests cannot bring alcohol from another premise to his premise, the business license expires this month, and the Health Permit expires in February. Also, the submitted renewal application will be effective upon approval of the transfer. Commissioner Fratz made a motion to approve the transfer of license 06-40 Class "D" Beer & Wine On-Sale License with Tasting Option to Arthur CapoBianco, Norma Beckman and Darlene Engel of MLD, LLC and the motion was seconded by Commissioner Crosco and unanimously approved. After the appropriate fees were paid, the license was issued. Ms. Owston requested that the old license be returned to the office and informed Mr. CapoBianco that she would notify him of the results of his fingerprints when received.

A hearing was held at 10:00 AM for the issuance of a Special Class "C" BWL two-day License for Adventure Sports Center, Inc. Michael Shamblen, Business Manager and Nancy Beakes, Events Coordinator, were present for the hearing. Mr. Shamblen informed the Board that they would be having a one-day event. The conference would be held from 8AM to 6:30 PM and that they would be serving alcohol at the reception in the afternoon. Don Champion would be catering the reception. Chairperson Gearhart questioned what precautions would be taking to avoid underage drinking. Mr. Shamblen responded that the bartenders would be checking ages and intoxication level for cut off. Chairperson Gearhart questioned where this would take place. Mr. Shamblen responded that it would be held at the Adventure Sports Center at the top of Wisp Mountain in the retail space. At noon they would be having a dry walk through of the new white water course and at 2:00 PM they would have a wet run in order to show how the course runs. The invitations include one drink; additional alcoholic beverages could be purchased. There will be a maximum of 150 invitations sent. Ms. Owston questioned if they are planning to have Beer, Wine or Liquor? Mr. Shamblen responded that they may have some of each. Ms. Owston informed him that this license allows them to purchase from either a wholesaler or a retailer. The license has to be posted in the area where it is being used. The license holder is responsible if something happens. Ms. Owston also informed them that the bartenders have to be 21 to serve alcohol. Ms. Owston explained to them that this is a two-day license, which will allow them to purchase their alcohol the day before the event and that Adventure Sports is in charge of the alcohol. Commissioner Fratz made a motion the license be approved to be used on April 18, 2007 and seconded by Commissioner Crosco and unanimously approved. After appropriate fees were paid, the license was issued.

There was general discussion after the hearings concerning Old Pike 2. Mr. Patton informed the office of an incident that occurred on March 24, 2007 during a birthday party. There was an anonymous complaint reporting that Old Pike 2 had minors in the establishment after 10PM. A police report was given to the Board for review. The Board agreed that there should be no reason for a show cause hearing at this time. Ms. Owston informed the Board that Mr. Patton would like to see a copy of the police report. The Board agreed to provide him a copy of the report and notification of no further action to be taken. Ms. Owston showed the Board the list of compliance checks violation hearings to be held in May and also distributed a list of violation history.

After general discussion, the next meeting day was set for May 3, 2007. There being no further business, Commissioner Fratz motioned the meeting be adjourned and seconded by Commissioner Crosco.

Thomas A. Gearhart
Chairperson

May 3, 2007
Date