

## MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on May 3, 2007 at 9:00 AM. Present for the meeting were Commissioners Bea Crosco and Mike Fratz, Administrator to the Board, Deborah R. Owston, Administrative Assistant, Rebecca Glotfelty and Board Attorney, Craig Ingram.

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

Before the meeting there was general discussion. Ms. Owston informed the Board of the MALA Spring Conference and the presentation of hats to retiree, Mr. Greg Rickards. Ms. Owston updated the Board on the alcoholic beverage license renewals. The Comfort Inn notified the office that they may now like to renew their current alcoholic beverage license. North Glade Inn did not submit their renewal on time; however, they will be submitting it. There have been several corporate changes to the officers on some of the renewals and the Friendsville Fire Department has decided not to renew their license for the upcoming year. A letter was given to the Board from BJ's Camp Store addressing an issue with wholesalers delivering product that is close to the freshness date. The Board was informed of possible premises increasing for The Deer Park Sportsman Club and the Kitzmiller Station. Ms. Owston also informed the Board that Keyser's Ridge Trading Post will possibly be changing ownership and doing some modifications to the building.

A license hearing was held at 9:30 AM for a Class "D" Beer & Wine On-Sale & Draft Beer License issued to Dwight R. Squire, Barbara C. Marshall and Bruce Van Wagner of North Lake Café of Deep Creek, LLC operating as North Lake Café. Licensee, Bruce Van Wagner was present for the hearing in addition to Barbara Hall. Commissioner Crosco questioned their plans for the business and hours of operation and number of employees. Mr. Van Wagner responded that they would be serving breakfast, lunch and dinner. They have two minor operations, operating side-by-side under one business name. They have a dinner house called Bent Fork Bistro and a breakfast lunch area called North Lake Café. They will be doing a little on site catering on occasion. They will have 6 to 8 employees in the peak summer time and 2 to 3 employees during the winter season. Commissioner Crosco questioned Barbara Hall's relationship to the business. She responded that she is the fourth officer and they are all equal partners. A clarification was made to the percent of ownership. Dwight Squires and Barbara Marshall act as one, a married couple and one vote a 33.3% share. Mr. Van Wagner reported that everything in the building is brand new and they are tentatively approved for 80 seats. Ms. Owston questioned the status of the water issue and their perk test. Mr. Van Wagner reported that their water and sewer system is approved. Hours of operation will be 7:00 AM until 9:00 PM. The dinner house will open at 5:00 PM. Ms. Owston questioned if they will be open on Sundays. They will offer breakfast and lunch on Sundays. The dinner house will be closed on Sundays and Mondays. Commissioner Crosco questioned the Alcohol Awareness training and if anyone has attended. Barbara Hall has just finished her training and Mr. Van Wagner has been through training in the past. Ms. Owston questioned if they have the necessary paperwork for approval such as Sales and Use Tax Number, Trader's License, signed lease, etc. Mr. Van Wagner responded that they did have the necessary information and they have received a memo from the Health Department to proceed forward. Commissioner Crosco questioned the projected open date. Mr. Van Wagner anticipates opening around June 16<sup>th</sup> with a grand opening over the July 4<sup>th</sup> weekend. Ms. Owston notified Mr. Van Wagner that all alcohol must be purchased from a Maryland Wholesaler with receipts on premise available for inspections. She also notified him of all rules and regulations pertaining to having an alcoholic beverage license. The Board went into administrative session to review Criminal History Record Checks. Commissioner Crosco made a motion to approve the Class "D" B&W On-Sale License and Draft beer license pending Use & Occupancy Permit and Sales & Use Tax Number and the motion was seconded by Commissioner Fratz and unanimously approved.

A violation hearing was held at 9:45 AM for Slopeside Market, license # 06-09, Class "D" Beer & Wine Off-Sale License for the sale of alcohol to a minor during a compliance check conducted on March 13, 2007 by the Maryland State Police. Licensee, Lisa Sisler, was present at the hearing. Ms. Sisler explained that the report provided by the cadet was

correct. The employee looked at his ID, misread it and still sold. The occurrence was during shift change and it was very busy. Commissioner Crosco went over past history and requested what action would be taken to correct this type of occurrence. Ms. Sisler reported that they have bought an ID scanner. Commissioner Crosco questioned if there was any discipline to the employee. Ms. Sisler responded that the employee has to pay the fine and that was it. The employee has been there for almost a year and has been a good employee. Ms. Owston went over the sales to minor's fines and suspension guidelines. Ms. Owston questioned if the employee was trained in an alcohol awareness course? Ms. Sisler responded that she was not. Ms. Owston questioned if the employee read the license incorrectly? Ms. Sisler responded that the employee did. She was looking at the age to purchase cigarettes. Commissioner Fratz made a motion that this being the first offense for sales to minor, a letter of reprimand will be placed in the license file and impose a fine of \$100.00 due within 30 days from the hearing, seconded by Commissioner Crosco and unanimously approved. Ms. Sisler agreed and waived her right to appeal the Board's decision and the appropriate fine was paid.

A violation hearing was held at 10:00 AM for The Long Branch Saloon, license # 06-53 Class "D" BWL On-Sale License and # 06-53D Draft Beer License for the sale of alcohol to a minor during a compliance check conducted on February 27, 2007 by the Maryland State Police. Licensees, Rebecca Williams, Richard Williams and Autumn Williams, were present at the hearing. Commissioner Crosco requested that any additional information different from the report to be given. Mr. Williams reported that it has been 14 years without one violation and they have not been commended for doing right. He would like the Board to look at changes for some leniency for those establishments that have not had a blemish for a number of years. The employee that sold to the cadet was fired almost immediately. They had the employee for around one month. It is policy to let the employee go if they sell to a minor. They have an electronic calendar that automatically indicates the age verification date. Commissioner Crosco congratulated them on going this far without a record. Mr. Williams feels that this was a setup. Mr. Williams feels that you should have an ID every time that you want to buy a drink. If a young person tries to use a fake ID to buy a drink they should be allowed to keep the ID and mail it in to try to do something to scare the kids. Ms. Owston informed them that she would bring up the issue of confiscating ID's at the next Combating Underage Drinking meeting. Ms. Owston also informed the Board that Mrs. Williams did contact the office of the offense. Mrs. Williams informed the Board that she usually has Mr. Herath come in and train all employees at one time. Commissioner Fratz made a motion that this being the first offense for sales to minor, a letter of reprimand will be placed in the license file and impose a fine of \$100.00 due within 30 days from the hearing, seconded by Commissioner Crosco and unanimously approved. The licensees agreed and waived their right to appeal the Board's decision and the appropriate fine was paid.

A violation hearing was held at 10:15 AM for Winner's Circle Convenience Store; license #06-24 Class "D" BWL Off-Sale License for the sale of alcohol to a minor during a compliance check conducted on February 27, 2007 by the Maryland State Police. Licensees, Craig J. Marple and Bruce T. Swift, Jr., were present at the hearing in addition to store manager, Kim Hamilton. Commissioner Crosco asked if they had anything to add. Ms. Hamilton reported that she supports her girls. The employee that sold admitted that she was at fault and that she did not card. The employee went to District Court and received Probation Before Judgment and court costs. Ms. Hamilton stated that it is now in their rules and regulations that you will be suspended if you sell to a minor and the employees sign an agreement. The store clerk has been with them for four years. At the registers you have to put the date of birth in prior to finalizing the sale. All employees are TIPS certified and Chris was just recertified on April 19<sup>th</sup>. Chris is a valued employee and nighttime supervisor. Ms. Owston questioned if they have any calendars available near the register. Kim responded that she does have the paper showing what to look for on an ID card on the register along with a sign that says "No ID – No Service". Ms. Owston suggested that they have their employees read and go over the local rules and regulations and then went over the sales to minor's fines and suspension guidelines. Kim reported that they did have a meeting with their employees over the situation and feels that they do have a full understanding. Commissioner Fratz made a motion that this being the first offense for sales to minor, a letter of reprimand will be placed in the license file and impose a fine of \$100.00 due within 30 days from the hearing, seconded by Commissioner Crosco

and unanimously approved. The licensees waived their right to appeal the Board's decision and the appropriate fine was paid.

A violation hearing was held at 10:30 AM for Pizzeria Uno's Restaurant, license # 06-69, Class "B" BWL On-Sale License and # 06-69D Draft Beer License for the sale of alcohol to a minor during a compliance check conducted on March 6, 2007 by the Maryland State Police. Licensee, William Ingram, was present at the hearing. Commissioner Crosco requested Mr. Ingram to state what he knew about the incident. Mr. Ingram said he had a lengthy discussion with Mr. Elliott about the situation. He is TIPS certified; he asked for ID and made a miscalculation. Mr. Ingram reported that Mr. Elliott was suspended for a three-day weekend and communicated the seriousness of the event to him and that he will be terminated if another offense of this nature happens. Since this incident, they now have a date that they enter on their point of sale computer for age verification. Commissioner Crosco questioned how many years Mr. Elliott had been an employee and Mr. Ingram responded eleven years with no other offense of any nature. Ms. Owston questioned if they have noticed more carding and Mr. Ingram responded that he has. Ms. Owston reported that Pizzeria Uno's does have the ID checking guide that lists the different states driver's license. Commissioner Fratz made a motion that this being the first offense for sales to minor, a letter of reprimand will be placed in the license file and impose a fine of \$100.00 due within 30 days from the hearing, seconded by Commissioner Crosco and unanimously approved. Mr. Ingram agreed waived his right to appeal the Board's decision and the appropriate fine was paid.

A license hearing was held at 10:45 AM for a Class "B" BWL On-Sale License with Sunday Sales and Draft Beer License issued to James R. Robinson and Sherry L. Wiley of Robinson Family, Corp. operating as the Avilton Inn. Applicants, James R. Robinson and Sherry L. Wiley were present for the hearing. Commissioner Crosco requested that Mr. Robinson give an overview of how they are going to operate. Mr. Robinson reported that hours would be 3:00 PM to midnight Monday through Friday, until 1:00 AM on Saturdays and 1:00 PM to 8:00 PM on Sundays. They will have a limited staff of three employees. Commissioner Crosco questioned how many they could seat. Ms. Wiley responded that they could seat 72. Commissioner Crosco questioned if any of the staff has had alcohol awareness training. Mr. Robinson responded yes and informed the Board that he has held a liquor license previously. Ms. Owston updated Mr. Robinson on the restrictions of Sunday sales. Ms. Owston requested the additional paperwork needed for the license file. The corporate name is listed as forfeited and needs to be satisfied. Mr. Robinson reported that the tax license has been reissued and he has a fax from the Comptroller's Office stating such. Ms. Owston questioned the business entity paperwork referencing the shares of stock and question 10 in reference to financial interest. Mr. Robinson responded that no one else has financial interest. He holds 990 shares and Ms. Wiley has 10 shares. Ms. Wiley reported that there were six things that they had to touch base on and the Health Department was to come and check on those items. Ms. Owston informed them that the Board could approve pending Health Permit and Trader's License, but that Mr. Robinson would need to correspond with the Assessments office in reference to their corporation. Mr. Robinson provided Ms. Owston with his current Sales and Use tax license number. Ms. Owston confirmed their mailing address to be the P.O. Box address. Ms. Owston questioned if they would be serving breakfast, lunch and dinner. Mr. Robinson responded that would be serving dinner only. Ms. Owston also questioned catering and informed the licensees that there is a catering option available. Ms. Owston questioned the premise area and confirmed that 54x54 brick frame with 3.35 acres would be considered as premise. Mr. Robinson informed that Board that there is a two-bedroom house attached and if he would want to expand, he would probably convert the house. Ms. Owston reported to the Board that background checks are still pending along with Traders License, Health Permit, copy of Sales and Use Tax Certificate, the State acceptance to change and Workers Compensation; which are both required in order to obtain a Trader's License. Ms. Owston confirmed that Sherry Wiley is an employee of Mr. Robinson; therefore the deed to the property will work for verification. Ms. Owston also notified the licensees of all rules and regulations pertaining to having an alcoholic beverage license. Ms. Owston provided the licensees with a document showing a valid Maryland Drivers License and a copy of the Rules and Regulations for Garrett County. Commissioner Crosco made a motion to approve the Class "B" BWL On-Sale License with Sunday Sales and Draft Beer License pending receiving requested documents and the motion was seconded by Commissioner Fratz and unanimously approved.

A violation hearing was held at 11:00 AM for Pizza Hut license # 06-74 Class "D" Beer On-Sale License and #06-74D Draft Beer License for the sale of alcohol to a minor during a compliance check conducted on March 6, 2007 by the Maryland State Police. Licensee, Anthony Lopez and Larry Ellis, Area Manager were present. Commissioner Crosco requested that they give a description of what happened. Mr. Lopez reported that to his understanding of what he was told and read on the report, a cadet came in and the employee carded him and served him alcohol. Commissioner Crosco questioned how long the waitress had been employed. Mr. Lopez responded eight months. Commissioner Crosco informed Mr. Lopez of the fines and suspension that goes with a second offense. Ms. Owston informed the Board that Mr. Lopez is certified in TIPS and is the only employee currently certified. Ms. Owston questioned if there had been any corrective action taken against the employee that served. Mr. Lopez responded that the employee was terminated. Mr. Ellis added that they not only terminated the employee, but there has been disciplinary action written up on the shift manager that was in charge. Mr. Lopez, being the unit manager, has also been written up. Signs have been posted by all beer stations and waitress stations that say "Attention all employees alcohol cannot be served without a proper photo ID, any violation will result in disciplinary action up to including termination. Selling to a minor will result in termination". They have now incorporated as part of hiring practice a coaching/counseling form for all servers, notifying them that they are required to ID all individuals receiving alcoholic beverages. If they sell to a minor it is an automatic termination, if they sell to someone other than a minor and they do not ID then disciplinary action will be taken. They have come to zero tolerance. They want everyone to be carded regardless of age. They have also posted a sign for customers, notifying them that alcohol cannot be served without a proper/valid photo ID – no exceptions. They have a sign off sheet for employees that goes through actions that have been taken, they have an ID calendar at the waitress station with the month, date and year, a poster showing drivers licenses that are approved in the state of Maryland, notices to customers, poster to employees, all employees have received coaching/counseling – if they serve to a minor they will be terminated, pre-shift meetings reminding employees to ID, employee meeting with market manager, area manager and regional manager covering ID policy, will have a meeting once every four weeks with management going over policy again. They have hired an individual that is 21 years of age and individuals that are over 21 that will be conducting private sting operations for them. They have had employees sign documenting that they have reviewed over the policy. Ms. Owston questioned if they have their own training. Mr. Ellis responded that they have a training packet of material that they go through. Commissioner Crosco questioned if alcohol is a big part of their business. Mr. Ellis responded that it was not. Pizza Hut has very strict guidelines and is a family business. No one is allowed to consume more than one pitcher of beer at a setting. If people appear intoxicated they are cut off immediately. The Board went into Executive Session to discuss the suspension. Commissioner Crosco made a motion that due to this being a second offense within one year's time they will have a 5-day (alcohol selling days) suspension starting immediately at 6:00 AM on Friday, May 4<sup>th</sup>, 5<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, and resuming business at 6:00 AM on May 10<sup>th</sup> with a \$500.00 fine due within 30 days from the date of the hearing and the motion was seconded by Commissioner Fratz and unanimously approved. Mr. Lopez waived his right to appeal the Board's decision. Ms. Owston notified the licensee and Mr. Ellis that the license will need to be turned in during the suspension and that there can be no handling, selling, ordering, purchasing or delivering of alcohol during those days. The local and State Police and wholesalers will be notified of suspension.

A violation hearing was held at 11:15 AM for Smiley's Pizzeria license # 06-R1 Class "B" BWL On-Sale License and #06-R1D Draft Beer License for the sale of alcohol to a minor during a compliance check conducted on March 13, 2007 by the Maryland State Police. Licensee, Jonathan "Smiley" Kessler was present along with General Manager, Megan Redinger. Commissioner Crosco requested that they give a description of what happened. Mr. Kessler stated that they did not foresee the number of different licenses from different states being an issue until the ID presented by the cadet was a West Virginia license. They have since instituted a comprehensive training, but feel that they need to up that. Mr. Kessler would like to correct the cadet's statement. It says that he was not carded and that is not correct. When she received the ID from the cadet, she could not find where the date was and even asked him where the date was. They are not disputing that they served, because they did. Mr. Kessler is in the process of purchasing an electronic based

ID reading system. The waitress will swipe the ID and the computer will read it. It will also identify fake ID's. This sales system will not allow you to serve more drinks than authorized ID sources. Commissioner Crosco questioned when they would have the system in effect. Mr. Kessler feels that they should have the system within the next two months. They have an employee that will become TIPS certified as a trainer and will be setting down one on one with each employee. They have also put up posters at the point of service. Ashley Riggleman and Carrie Dolan were both present. Megan Redinger noted that Ashley had only been working as a server for two weeks prior to this incident. Ashley was written up and is now on probation. Since the last incident, they always put the date on the board. It was a math error. Commissioner Crosco questioned Ms. Riggleman if the cadet stated he was not 21. She responded that he did not; he just gave her his ID. Mr. Kessler noted that he did check the security cameras and Ms. Riggleman did take the ID card. Ms. Owston advised Mr. Kessler that he did not call the office notifying that the incident happened. Mr. Kessler responded that Mr. T.R. Janes advised the office on his behalf, he was out of town. Mr. Kessler noted that they do have several signed up for next TIPS training and Angela Been as their TIPS trainer. Mr. Kessler asked that since they do 75% of their business on the weekend and the occurrence happened on a Monday, and they have a delivery coming tomorrow; he would like to request that his suspension start on Monday. Commissioner Crosco would like to remain consistent. Commissioner Crosco made a motion that due to this being a second offense within one year's time they will have a 5-day (alcohol selling days) suspension starting immediately at 6:00 AM on Friday, May 4<sup>th</sup>, 5<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, and resuming business at 6:00 AM on May 10<sup>th</sup> with a \$500.00 fine due within 30 days from the hearing and the motion was seconded by Commissioner Fratz and unanimously approved. Mr. Kessler agreed and waived his right to appeal the Board's decision.

There was general discussion on the Stonebow Inn. Ms. Owston explained to the Board that they have a Bed and Breakfast License and would like to hold a wedding reception cocktail hour on premise. The wedding party rented the entire Inn. However, not all guests of the wedding reception are registered guests of the Bed and Breakfast. The Board recommends that they upgrade the license to Class "D" Beer and Wine On-Sale license if they wish to serve to non-registered guests. Ms. Owston is to send a letter stating that if Stonebow Inn would like to proceed forward, they need to upgrade their license. The Board discussed with their attorney, Craig Ingram, the Keyser's Ridge Trading Post. Mr. Perry would like to sell the establishment to Mr. Curt Woodford who owns the property where Luke's Liquors rents from him.

After general discussion, the next meeting day was set for June 7, 2007. There being no further business, Commissioner Fratz motioned the meeting be adjourned and seconded by Commissioner Crosco.

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Thomas A. Gearhart  
Chairperson

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June 7, 2007  
Date