

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on June 7, 2007 at 9:00 AM. Present for the meeting were Commissioners Bea Crosco and Mike Fratz, Administrator to the Board, Deborah R. Owston and Administrative Assistant, Rebecca Glotfelty.

The meeting was called to order by Commissioner Crosco. A decision was made to review the May 3, 2007 minutes and postpone approval until the next monthly meeting. The Board signed mileage sheets. Commissioner Fratz made a motion to approve the travel expense reports for Chairperson Gearhart and Commissioner Crosco. Commissioner Crosco made a motion to approve the travel expense report for Commissioner Fratz.

Before the meeting there was general discussion. Ms. Owston updated the Board on several issues. She discussed Chairperson Gearhart's medical improvements. Updated the Board on the status of the Avilton Inn's alcoholic beverage license. Informed the Board that there are three businesses that do not have a current Trader's License. Updated the Board on license renewals and notified them that the Comfort Inn and the Friendsville Fire Department did not renew for the upcoming year and informed that Board of a couple of licensee changes on renewal applications and the possibility of a couple of new applications. After the update and discussion of changes, Commissioner Fratz made a motion to approve the alcoholic beverage license renewals as submitted with necessary changes for the 2007-2008 license year seconded by Commissioner Crosco and unanimously approved. Licenses will be available to be picked up between the dates of June 15 and June 29, 2007.

A violation hearing was held at 9:30 AM for Oakland Exxon, license # 06-67, Class "A" Beer & Wine Off-Sale License for the sale of alcohol to a minor during a compliance check conducted on March 6, 2007 by the Maryland State Police. Licensee, Richard Stuck, was present at the hearing in addition to the new store manager, Cheryl Litten and four Health Department Employees from the Combating Underage Drinking Committee. Mr. Stuck stated that they were guilty; a six-pack was sold to the cadet. There was no Identification check made. The employee that made the sale was the daughter of the manager on duty. Mr. Stuck reported that both employees were terminated. He felt they both were trained properly and there was no excuse. They have since hired a new manager and have sent three people through alcohol awareness training. They now intend to ID every customer and have since installed a new camera system to monitor day-to-day transactions. Ms. Litten informed the Board that some of the current employees were not employed when the previous alcohol awareness training class was held and would like to have all employees trained in alcohol awareness. She stated that if a customer does not have the proper ID, the clerk is not to sell regardless of age. They have posters in two places with the age to sell date. Ms. Owston questioned if they have to enter the date of birth in a point of sale system? Yes, the point of sale does require the date of birth prior to the sale of alcohol per Ms. Litten. Commissioner Crosco questioned how long Ms. Cogley had worked for them? Mr. Stuck responded one year. Commissioner Crosco also questioned if they both were dismissed? Mr. Stuck responded yes. Kendra Todd from the Health Department reported that Oakland Exxon recently participated in the Sticker Shock Program where stickers were placed on cartons of beer to remind customers of the law. Ms. Owston informed the licensee that this was the second offense in less than one year and went over the sales to minor's fines and suspension guidelines. Ms. Owston showed both the licensee and manager samples of ID's, what to look for and suggested that they train employees of what ID's from other states look like. She then distributed to the licensee, brochures and an order form for an ID checking guide along with a copy of the Rules and Regulations for Garrett County and suggested that each employee read them. She also reminded the licensee that if they have an offense of any nature, they are to contact the office. 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 8th, 9th, 11th, 12th, 13th, and resuming business at 6:00 AM on May 14th 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. Stuck agreed and waived his right to appeal the Board's decision. Ms. Owston notified the licensee 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 Oakland Police, State Police, Sheriffs Department and wholesalers will be notified of the suspension. Mr. Stuck questioned if the product needed to be removed? Ms. Owston informed Mr. Stuck that it did not need to be removed from the coolers.

A license hearing was held at 10:00 AM for a Class "D" BWL Off-Sale License with Tasting Option and Draft Beer License issued to Gale Bosley and Daniel Bosley of Brosis Enterprises, LLC operating as Zip'eez. Applicants, Gale Bosley and Daniel Bosley were present in addition to Angela Bosley. Ms. Owston questioned the current floor plan. Mrs. Angela Bosley informed the Board that Sorelle's is the restaurant and Zip'eez is the convenience store. Sorelle's is a pizza shop/custard stand seating 20 to 30 inside, serving beer and wine with dinner. Zip'eez, liquor store, is a convenience store/country store selling homemade dinners and providing delivery. The Board went over the floor plan with the applicants. The first two suites will be the licensed premise, both being 40 X 50 square feet. All suites are separated each with a separate entrance. Ms. Owston informed the applicants that the Class "D" BWL Off-Sale License allows 25% consumption on premise for Sorelle's. Ms. Owston questioned the time frame for occupancy? Mr. Bosley reported that they would be occupying August 1st. Ms. Owston requested a copy of the revised building layout prior to the next meeting date and questioned if customers would be taking alcoholic beverages outside to the tables? Mr. Bosley responded that they would. Mr. Bosley informed the Board that they have a maximum of 30 seats. Commissioner Crosco informed Mr. Bosley that she would like to see the proposed premise. Commissioner Fratz would also like to see the premise prior to making a final motion. Mr. Bosley informed the Board; one of the services they would like to provide is the delivery of alcoholic beverages with food. Ms. Owston instructed the applicants to submit their desire to do so in writing. They would need to keep a log of all deliveries and the person making such deliveries would need to be 21 at least years of age. No kegs will be allowed for delivery. She also advised them to come up with a form to keep record of each form of ID taken at time of delivery. Gail Bosley informed the Board that she would be taking the next alcohol awareness class. Ms. Owston informed the Board that fingerprints might need to be reprinted for both applicants. She is also pending the Health Permit, Occupancy Permit approved by the Fire Marshall, Planning and Land Development and Public Utilities. Ms. Owston told the applicants that she will use the Trader's License for Zip'eez and it was decided that the applicants meet back in front of the Board on July 5, 2007 at 10:00 AM.

A license hearing was held at 10:15 AM for a Class "B" BWL On-Sale License with Catering Option and Draft Beer License issued to Kathy L. Gibson and James L. Gibson of BATCO, LLC operating as the Silver Tree Inn. Applicants, Kathy Gibson and James Gibson were present. Commissioner Crosco requested that they give a description of what they would like to do. Mrs. Gibson informed the Board that they would like to reopen the restaurant as it previously was when ran as the Silver Tree Inn years ago. Commissioner Crosco questioned if there was anyone else with a financial interest in the business. Mrs. Gibson responded that there was no one else with a financial interest. Mr. Gibson reported that they are planning to have 25 employees. Ms. Owston advised the applicants check with the Department of Public Utilities and Zoning on the allowed seats for the establishment in relation to the Silver Tree Suites. Restaurant hours will be 4 PM to 10 PM. Outside Harbor hours have not been yet been set. Ms. Owston advised the applicants of the need to see zoning restrictions on outside entertainment and if the downstairs will be used as storage it needs to be approved as part of the premise. She also notified the applicants that they do not currently have any certified TIPS or TAM trained employees. Mrs. Gibson responded that they do have a potential employee that may be certified. Ms. Owston informed the Board that she is still waiting on the Sales and Use Tax Number, Health Permit and favorable background results. The applicants were informed that all alcohol must be purchased from a Maryland Wholesaler and that they cannot purchase until they have their licenses. Any alcohol without a receipt is subject to seizure. Commissioner Fratz made a motion to approve the Class "B" BWL On-Sale with Catering Option and Draft Beer License pending Health Permit, Sale and Use Tax License, alcohol awareness training and favorable background check results and the motion was seconded by Commissioner Crosco and unanimously approved. The licensees were then informed that when catering alcohol, it has to be with food, there are no Sunday sales, they are licensed to sell from 6:00 AM to 2:00 AM, and all bartenders have to be at least 21

years of age to bartend and 18 years of age to serve to a table with food. They are approved to operate the downstairs if approved seating allows.

There was general discussion after the hearings on several issues. The licensees from the Avilton Inn appeared in front of the Board to pickup their new licenses and submitted the renewal application. Mr. Roberts questioned the catering option. The Board approved the catering option to be added to the license when notified by the licensee that they are ready to do so and the fee determined at that time. Ms. Owston suggested that they contact the Health Department in reference to catering. Ms. Owston informed the Board of an alleged violation at the Black Bear Tavern. The complaint was received via a letter copied to the Board from Mr. Handyside. The Board decided that no further action would be taken on the alleged violation unless they were found guilty of a violation. The Board reviewed the advice given from, Craig Ingram, Board Attorney, in reference to Keyser's Ridge Trading Post possibly transferring the license and Todd Umstott's involvement. Mr. Ingram suggested that due to Mr. Umstott having a pecuniary interest in another business (Luke's Liquors); he couldn't have anything to do with Keyser's Ridge Trading Post. The Board agreed with his decision. Ms. Owston also informed the Board that there would not be a Fall MALA Conference.

After general discussion, the next meeting day was set for July 5, 2007. There being no further business, Commissioner Fratz motioned the meeting be adjourned and seconded by Commissioner Crosco.

Thomas A. Gearhart
Chairperson

July 5, 2007
Date