

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on April 3, 2008 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, Amanda Klotz.

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

Before the meeting there was general discussion. Ms. Owston informed the Board of the second reading and floor consideration for Legislative Request - SB 221 Class "B" B&W On-Sale License with available Catering Option and Legislative Request – HB 276 Sunday Sales Referendum were held on April 1, 2008. Both have already passed during the first reading. Ms. Owston reported that the renewals been sent out and three have been received so far. She also reminded the Board that the F.O.P. Lodge #99 will be holding a Gun Bash on April 5, 2008. HART has been advertising a fundraiser at the Adventure Sports Center on May 24, 2008. As of now, no one has contacted the office; however, Ms. Owston will make contact with them and inquire as to what their intentions are in reference to serving alcohol. Ms. Owston reminded the Board that Curt's Corner had down graded their license from a Class "D" BWL Off-Sale to a Class "D" B&W Off-Sale and if they intend to transfer the license to Mr. Jacob Lewis, and would like the license upgraded back to the Class "D" BWL Off-Sale, this would have to be done prior to the transfer application, and the remainder of the prorated license fees would need to be paid by June 30th. Ms. Owston also reported that she is expecting an application to be submitted by Archie's Barbeque for a Class "D" B&W On-Sale license in time for the May 1, 2008 meeting.

A violation hearing was held at 9:15 AM for Cindy's Place, license # 07-44, Class "D" BWL On-Sale License for the sale of alcohol to a minor during a compliance check conducted on January 30, 2008 by the Maryland State Police. Licensee, Brenda Robeson was present at the hearing. Ms. Robeson explained that she had been distracted by the recent death of a long time patron as well as discussion by other customers about the anticipated implementation of the Clean Indoor Air Act. She stated she had carded the cadet, noted that he had one of the new licenses and even went so far as to mention that he wasn't old enough, but served him anyway. Commissioner Crosco questioned as to whether Ms. Robeson had taken alcohol awareness training and she indicated that she had. Ms. Owston reviewed a copy of the cadet's license with Ms. Robeson and pointed out the parts to pay close attention to including that dates printed on the card that indicate when the individual will turn 21. Commissioner Crosco verified with Ms. Robeson that she had received a letter from the Board indicating the penalties associated with a 1st offense of selling alcohol to a minor. Commissioner Crosco also asked if Ms. Robeson would like to exercise her right to appeal the findings and Ms. Robeson indicated that she would waive that right. Commissioner Crosco inquired as to what the consequences would have been had an employee sold to a minor. Ms. Robeson indicated that she would talk to the employee and ask that they be more careful and the employee would be sent to one of the TIPS or TAM trainings. Ms. Owston then went over the penalties associated if the same offense occurs within two years. Ms. Owston indicated the letter of reprimand that is recorded in the license file is expunged after two years. Commissioner Fratz made a motion based on the evidence presented and the admission of guilt by Ms. Robeson that this being the first offense for sales to a minor, a letter of reprimand will be placed in the license file and a fine of \$100 will be imposed due within 30 days of the date on the letter. Commissioner Crosco seconded this motion and it was unanimously approved. Ms. Robeson was given a copy of the Local Rules and Regulations, information on the upcoming Alcohol Awareness trainings as well as examples of Maryland driver's licenses.

A violation hearing was held at 9:40 AM for Santa Fe Grille, license # 07-79 and 07-79D, Class "B" BWL On-Sale License and Draft Beer License for the sale of alcohol to a minor during a compliance check conducted on February 4, 2008 by the Maryland State Police. Licensee, Gregory Mortimer and General Manager, Melissa Nazelrod were present at the hearing. Commissioner Crosco verified with Mr. Mortimer and Ms. Nazelrod that they had received a copy of the police report and inquired as to what happened. Ms. Nazelrod reported that around 3:00 or 3:30 PM on February 4, 2008, the cadet entered and went to

the bar. The bartender, Tiffany Holtschneider asked for ID and the cadet produced his driver's license. Ms. Holtschneider reviewed the license and proceeded to serve the cadet and take the money. As the cadet was trying to leave the building, Ms. Nazelrod attempted to stop him and asked to see his ID to verify that he was 21 because she was unsure. The cadet refused to stop and continued out of the building and reported to the police officers. Ms. Nazelrod indicated that she felt it was wrong that he wouldn't stop and show her the ID and asked what the policy is on this. Commissioner Crosco indicated that because the sale had already taken place, it was too late to correct the situation anyway. Ms. Nazelrod indicated that some of the staff is TIPS and TAM trained, but would like to have them trained on the policies of the Board as well. Ms. Owston explained that it is the policy of the State Police that once the sale has been made, the cadet is to go directly back to the police officers and that if there were any questions about this policy; Tfc. Brad Williams would be a good source for that information. Ms. Nazelrod asked if they could have a copy of the cadet's license to hang up for employees to review. Ms. Owston indicated that they could display samples of the licenses, but not someone's actual license. Mr. Mortimer explained that the cadet was carded and they already have the samples hanging up for the employees to review. He also stated that they let the staff know of the change in the appearance of the licenses. Ms. Owston reviewed a copy of the cadet's license with Ms. Nazelrod and pointed out the dates the servers and bartenders should be looking for. Commissioner Crosco asked how long Ms. Holtschneider has been employed with Santa Fe. Ms. Nazelrod said she has been a server and bartender of two years. Ms. Owston pointed out that Ms. Holtschneider is not trained in TIPS or TAM. Ms. Nazelrod indicated that the date was written on the back chalk board, but that Ms. Holtschneider read the license wrong. Ms. Owston asked if Ms. Holtschneider had been reprimanded and Ms. Nazelrod indicated that she had been written up and she has been extremely apologetic for her mistake. Commissioner Crosco reviewed the penalty for the 1st offense of sales to a minor which is a \$100 fine and a letter of reprimand being placed in the file. She also explained that they do have the right to appeal the Board's findings or accept them. Mr. Mortimer said they accepted these findings and waive their right to appeal. Commissioner Crosco made a motion based on evidence presented and admission of guilt that this being their first offense for sales to a minor, a letter of reprimand be placed in the license file and a fine of \$100 be imposed which will be due 30 days from the date on the letter. Commissioner Fratz seconded this motion and it was approved unanimously. The fine of \$100 was paid in full at the hearing.

A violation hearing was held at 10:00 AM for Garrett Memorial VFW 10077, license # 07-04 & 07-04D, Class "D" BWL On-Sale License and Draft Beer License for the sale of alcohol to a minor during a compliance check on February 20, 2008 by the Maryland State Police. Licensee, Randall R. Kahl and Mary Croston were present at the hearing. Commissioner Crosco asked Ms. Croston to explain what had happened. Ms. Croston indicated that she has worked at the Deer Park VFW for fourteen years and this has never happened before. She said Kathy Kisner had buzzed the cadet in, did not have him sign the book that they have at the door and served him a beer without carding him. Ms. Croston reported that Ms. Kisner has since resigned from her position at the VFW after having worked there for three or four months. Commissioner Crosco asked if this employee had ever had TIPS or TAM training and Ms. Croston stated she had not. Ms. Owston asked if the employee had been reprimanded. Ms. Croston stated that she had extensively verbally reprimanded Ms. Kisner. Ms. Owston asked if there is a policy in place to prevent this type of occurrence. Ms. Croston said she tells all bartenders to take their time when they are looking at the ID's. Commissioner Crosco explained the penalties for this offense and asked if Ms. Croston or Mr. Kahl would like to exercise their right to appeal the Board's findings and they indicated they would not be appealing. Ms. Owston explained the letter of reprimand would remain in the file for 2 years and went over the penalties for additional offenses within that 2 year period. Commissioner Crosco made a motion based on evidence presented and admission of guilt that this being the first offense for selling to a minor, a letter of reprimand be placed in the license file and a \$100 fine be imposed which will be due 30 days from the date on the letter. Commissioner Fratz seconded this motion and it was approved unanimously. The appropriate fine was paid and Ms. Owston indicated she would send a copy of that check to them for their records.

A violation hearing was held at 10:10 AM for Pine Lodge Steakhouse, license # 07-01-RM & 07-01D-RM, Class "B" Resort BWL On-Sale License and Draft Beer License for the sale

of alcohol to a minor during a compliance check on February 4, 2008 by the Maryland State Police. Licensee, Jonathan Kessler, General Manager, Adam Murray, and Assistant Manager, Angela Paulson were present at the hearing. Commissioner Crosco began by inquiring as to what happened. Mr. Kessler explained that he was not present when the incident occurred and asked Mr. Murray to go over the events of that day. Ms. Paulson gave the Board a policy that was put in place after the incident. Mr. Murray explained that Shayla Rodeheaver was approached by the cadet at which time she carded him. After having looked at the ID, she served him the beer and took the money. Commissioner Crosco asked if there had been anyone with her at the time she made the sale. Mr. Murray said Ms. Rodeheaver had been alone and that he and Ms. Paulson had stepped away and gone to another part of the building. Mr. Murray also indicated that they have updated their alcohol awareness policies, have monthly meetings with the staff to review the different types of ID and the managers are now asking the servers for the person's age after they have carded someone to be sure the servers are actually reading them and not just looking at it. He also indicated that all servers are required to have an ID checklist with them at all times while working which has sample pictures of the Maryland driver's licenses. Commissioner Crosco asked for clarification on one section of the Alcohol Policy that was provided by Ms. Paulson that stated, "In order to serve alcohol, PLS employees must meet Maryland's minimum age requirement of 18." Commissioner Crosco asked if that was in conjunction with a meal. Mr. Murray indicated that yes it was in conjunction with a meal. Ms. Owston pointed out they may want to also include on their ID checklists a copy of a minor's license for Maryland. Mr. Kessler said they had been in contact with their point of sale vendor to have the function added to the registers that the date of birth must be keyed in before the sale can be completed. Commissioner Crosco inquired on the amount of time that Ms. Rodeheaver had been employed with Pine Lodge. Mr. Kessler said she had worked for quite a while at Smiley's, however only three months at Pine Lodge. Commissioner Fratz asked whether a bartender was on duty. It was indicated that the scheduled bartender had to leave work early that day and that Mr. Murray was covering between shifts. Mr. Murray also indicated, however, he was upstairs at the time the cadet was served. Mr. Kessler stated he had hired an outside firm to send in "Secret Shopper" twice a month to do his own compliance checks on his staff. Ms. Owston asked whether or not management trains the staff on alcohol awareness or if they are all sent to a class. Mr. Kessler indicated that although she has never been certified to do so, he is confident that Ms. Paulson is capable to train the staff when there aren't any courses being held. Ms. Owston then asked if during those sessions if it is standard to go over various key elements such as when not to sell to someone. Ms. Paulson indicated that yes, she does touch on those elements. Commissioner Crosco made a motion based on the evidence presented and the admission of guilt that this being the first offense for selling to a minor, a letter of reprimand be placed in the license file and a \$100 fine be imposed which will be due 30 days from the date on the letter. Commissioner Fratz seconded this motion and it was approved unanimously. The right to appeal the Board's findings was waived and Ms. Owston reviewed the penalties should this happen again within two years.

A violation hearing was held at 10:25 AM for Luke's Liquors, license # 07-57 & 07-57D, Class "D" BWL Off-Sale License & Draft Beer License for the sale of alcohol to a minor during a compliance check on February 25, 2008 by the Maryland State Police. Licensee, Carol Lantz was present at the hearing. Commissioner Crosco verified that Ms. Lantz had received a copy of the police report and asked her to explain what happened. Ms. Lantz said Mr. Berry was TIPS trained, but did not card as far as she knew. She explained that she wasn't present at the time of the incident, but she reviewed the security tape upon learning of the situation and she saw no evidence of him having looked at a license. Commissioner Crosco asked if the employee had been reprimanded. Ms. Lantz indicated that there had been a letter of reprimand placed in his employee file, however since the incident he had become irate with staff as well as customers and had walked out on the job. Ms. Owston asked if the store was busy at the time the cadet had entered. Ms. Lantz said that no, it was not busy at that time. Commissioner Crosco made a motion based on evidence presented and admission of guilt that this being the first offense for selling to a minor, a letter of reprimand be placed in the license file and a \$100 fine be imposed which will be due 30 days from the date on the letter. Commissioner Fratz seconded this motion and it was approved unanimously. The right to appeal the findings of the Board was waived and Ms. Owston reviewed the penalties should this happen again within two years.

A violation hearing was held at 10:35 AM for Shorty's Bar, license # 07-39, Class "D" BWL On-Sale License for the sale of alcohol to a minor during a compliance check on February 25, 2008 by the Maryland State Police. Licensee, William Finch was present at the hearing. Commissioner Crosco asked Mr. Finch if he had received the police report and if he was present when the incident occurred. He indicated that he was not present at the time. Commissioner Crosco asked him to go over what had happened. He indicated that it was not busy at the time the cadet entered. Ms. McGuire asked for ID, looked at the date on the card, looked at the poster on the wall and served the beer. Commissioner Crosco asked if the employee had been reprimanded. He said she was extremely upset, but wasn't reprimanded. Commissioner Crosco asked how long Ms. McGuire has been employed at Shorty's Bar. Mr. Finch stated she has worked there for about one year. Ms. Owston pointed out that Ms. McGuire has been TIPS trained, however her certification is about to expire this month. Commissioner Fratz made a motion based on the evidence presented and the admission of guilt that this being the first offense for selling to a minor, a letter of reprimand be placed in the license file and a \$100 fine be imposed which will be due 30 days from the date on the letter. Commissioner Crosco seconded this motion and it was approved unanimously. The right to appeal the findings of the Board was waived and Ms. Owston reviewed the penalties should this happen again within two years.

A license hearing was held at 11:15 AM for a Class "B" BWL On-Sale License & Draft Beer License for Mountain State Brewing Company McHenry, LLC trading as Mountain State Brewing Company. Applicants for the licenses are David Puckett and Erin Croake. David Puckett was present for the hearing as well as Brian Arnett. Mr. Arnett said he was there to represent his wife, Erin Croake, who was unable to attend. Ms. Owston indicated she had spoken with Ms. Croake and she was regretful that she was unable to attend. Commissioner Crosco verified that this application is for a business at 6690 Sang Run Road. Mr. Arnett indicated that is correct. Commissioner Crosco inquired of the plans for the business. Mr. Arnett said they plan to run a clean, family friendly establishment and obey all laws and regulations. The building will feature an eight-foot brick oven for pizza. Initially they will be serving pizza and salads and a variety of simple drinks and eventually expand from there by serving a variety of gourmet coffees and bagels. Commissioner Crosco asked about the hours of operation. Mr. Arnett said they plan to close at 1:00 AM because they don't want to be the last place open and attract a rougher crowd. Their goal is to expand the menu to attract a breakfast crowd eventually, but to begin; they plan to open at 11:00 AM and hope to be open seven days per week. Commissioner Crosco then asked about the number of people that would be employed. Mr. Arnett said they plan on three managers, four to five people making and serving pizza. He anticipates approximately eight to nine people to begin with and possibly more employees later. Ms. Owston questioned Mr. Arnett as to his role in the business. He said he is helping to get the business up and running and will then step in where ever needed. Commissioner Crosco inquired as to Mr. Puckett's role in the company. He said he would be the bar manager and local resident applicant to hold the alcoholic beverage license. Commissioner Crosco asked the seating capacity of the building. Mr. Arnett said the main room can seat 99 people and the banquet hall that can seat 200. Ms. Owston inquired as to the number of restrooms in the building. Mr. Arnett said there is one men's and one women's restroom accessible from the main dining room each having three toilets and/or urinals and one single unisex restroom which is accessible from the banquet room. Commissioner Crosco asked the vicinity of the nearest building or dwelling. Mr. Arnett said he believes the closest would be on the other side of the three acre lot. Commissioner Crosco asked the proximity of the church to the business. Mr. Arnett explained that he has not measured the distance, but would guess it to be approximately 1000 feet across the road. Mr. Larry Sebold, whom was in attendance as an advocate of the new establishment, indicated he had heard rumors of discontent within the church several months ago in reference to the brewery, however he had spoken to the deacon of the church and was confident they no longer had any issues or reservations about the restaurant being built so close to their church. Ms. Owston asked of the intended primary function of the business. Mr. Arnett said they anticipate that the food will be the primary function and draw to the brewery. Ms. Owston explained that due to the type of license they are applying for, they must continue to focus more on the restaurant portion of the business as opposed to the brewery. If this should change, she explained, the Board does have the right to change the license class. Commissioner Crosco asked if they plan to have live music. Mr. Arnett explained that they have looked into the possibility, but would first need a sprinkler system in place. Ms. Owston mentioned that she understands they

are applying for a Micro-Brewery License with the Comptroller's Office. Mr. Arnett responded that that is correct and they plan to brew craft and novelty beers to market. He also explained the equipment for this would be located in the kitchen and they would brew only five gallons at a time on the range top. Ms. Owston asked of the status of the Health Department inspections. Mr. Arnett said they are working very closely with Ms. Buckel and are consulting with her on any changes to the kitchen. They don't anticipate any problems getting their permits from the Health Department. Ms. Owston also informed the Board that the Comptroller's Office needed proof the establishment was not in a zoned area. Ms. Owston asked if they were planning to have any type of arcade games, pool tables or a juke box and that if they do, they need to keep in mind that those devices need to be licensed. Mr. Arnett stated they do not anticipate a pool table; however, a juke box and arcade game is possible. Commissioner Crosco asked about the intentions for the remainder of the three acres. Mr. Arnett said they needed the additional acreage mainly for septic purposes. He had also considered having some sort of Oktoberfest at some point. Ms. Owston asked if they still intended to request the license premise area to include the entire three acres as written on the original application. Mr. Gary Mullich explained that should that be the case, they need to keep in mind that that would make them responsible for any alcohol on the entire three acres. He also explained that should they decide to only license the building and later wish to have some sort of event outside, they can ask for permission to do so from the Board. Mr. Arnett indicated that they would like to change the premise on the license application to only include the building and patio area and will ask a month in advance for permission to hold an event on all or part of the remainder of the three acres. Ms. Owston explained that once the license is issued, all alcohol must be purchased through a licensed Maryland wholesaler. Ms. Owston asked how long Mr. Arnett and Ms. Croake have been residents of the County. Mr. Arnett said they moved here in July. Commissioner Crosco questioned whether or not pizza and a salad is considered a full course meal. Mr. Arnett explained that the pizza they serve is certainly a full course and they also plan to serve simple desserts. Mr. Mullich asked if they did later decide have to live music if they would keep in mind the fact that they are close to a church. Mr. Arnett indicated that they would most definitely keep that in mind and plan to be good neighbors. Mr. Mullich questioned Mr. Arnett's financial interest in the business. He said he has no financial interest in the business and that everything is in his wife's name. Ms. Owston asked how the root beer would be served and whether it would be in close proximity to the beer taps. Mr. Arnett explained that it would be on tap, however, it would not be in close proximity to the beer taps. Mr. Arnett indicated they are currently working on an employee handbook with rules and regulations that may pertain to them. Ms. Owston gave a copy of the local Rules and Regulations that may be helpful in the development of that document. Ms. Owston also asked if there were any plans for delivery services. Mr. Arnett said they don't anticipate it, but would like to keep the option open. Ms. Owston explained the approval on this license would be pending the Trader's License, Use and Occupancy Permit, Health Permit, favorable FBI criminal history record check for Ms. Croake, and at least one alcohol awareness training certificate. Commissioner Fratz made a motion to approve the Class "B" BWL On-Sale and Draft Beer License pending the above mentioned items and was seconded by Commissioner Crosco.

The was general discussion on Pine Lodge Steakhouse and after having reviewed the information in the police report and the information given by Mr. Murray and Ms. Paulson, Commissioner Fratz made a motion to schedule a violation hearing for June 5, 2008 for a violation of Article 2B, underage bartender. The motion was seconded by Commissioner Crosco. Commissioner Crosco made a motion that the proposed changes to the Rules and Regulations pertaining to the delivery of alcoholic beverages and Tasting Option fees become effective April 3, 2008. The motion was seconded by Commissioner Fratz.

After general discussion, the next meeting was set for May 1, 2008. There being no further business, Commissioner Fratz motioned that the meeting be adjourned, which was seconded by Commissioner Crosco.