

## MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on July 3, 2008 at 9:00 AM. Present for the meeting were Chairperson, Thomas Gearhart, 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 that all licensees that were expected to pick up their new licenses had done so with the exception of Eastern Garrett Fire Department. She also reported that Point View Inn, Curt's Corner and Kitzmiller Station did not pick up their renewed licenses although they had submitted renewal applications. Ms. Owston informed the Board that the total amount brought in from the license renewals and late fees was \$105,575. The year end total collections for fiscal year '08 totaled \$113,848.50. She also indicated that the delivery fees went into effect July 1<sup>st</sup>. Ms. Owston mentioned to the Board that the amount charged for the audit process for the Liquor Control Board's financial records has increased by \$200.00 to a total of \$3,400.00. She recommended to the Board that they agree to pay that amount, while keeping in mind that it should not increase again for the duration of the contract. Ms. Owston reported that the MALA Fall Conference will be held at the Wisp Resort over the Autumn Glory weekend and the current plan is to start the meeting approximately 1 hour early, so that individuals desiring to attend the parade may do so. She also updated the Board on the possible transfer of the license for the Swallow Falls Store from Robin Bittinger and Michael McCann to Gary Sweda. Ms. Owston also reported that there have been officer changes at several of the licensed establishments including the Deer Park Sportsman's Club, Grantsville American Legion, Oakland American Legion and the Bloomington VFD. Ms. Owston explained to the Board that Silver Tree had violated the terms of the recently approved special exception permit by the Zoning Appeals Board. This special exception permit was still pending final approval by the various offices at the time. The establishment had been told by the Board of Appeals that outdoor entertainment had to conclude by 9:00 PM; however, they had entertainment on June 11<sup>th</sup> that exceeded this time limit by an hour and a half. Ms. Owston had composed a letter to the licensees of that establishment stating that any further violations would lead to a show cause continuance hearing subject to \$3,000 in fines and possible suspension or revocation of the alcoholic beverage licenses. With a motion from Commissioner Crosco, seconded by Chairperson Gearhart, the Board agreed to approve the letter as written and will wait for the Zoning Appeals Board to act on the violation. Ms. Owston reported that the American Legion Post # 71 has requested that the license premise be expanded to include the side porch. Commissioner Crosco made a motion, which was seconded by Commissioner Fratz, to approve the request.

A hearing was held at 9:30 AM for the issuance of a Wine Festival License to be used on September 6, 2008. The Wisp Resort will be the license holder with the applicants being Karen Myers, Stephen Richards and Gary Daum. Vianne Bell, Paula Yudelevit and Marty McGreal were present for the hearing to represent the Wisp Resort and the Wine Festival.

Ms. Bell indicated that there would be 6 food vendors and 200 different wines at the Festival this year, to be held at the Garrett County Fairgrounds. She also explained that they had been in contact with the Maryland State Police about possibly having some officers present in full uniform in an educational capacity during the festival. The officers would do breathalyzer tests on those who wished to have one done so that people could determine how much is too much for them to drive. She also indicated that the Wine Festival will have Mr. Mike Schroyer on hand that day with his limo services to give those who feel they need it, a ride home at the expense of the Wine Festival. Ms. Yudelevit also explained that they have changed the admission method from selling individual tickets that could then be used to get a certain number of tastings to a flat fee and each serving will be a ½ oz pour. Ms. Owston inquired as to the time of the event. Ms. Bell indicated that the event itself would be held from noon until 6pm; however, the wine store would remain open until 7pm. Admission to the event would be \$25 for adults 21 and over which includes the tasting. A charge of \$5 for admittance only and free for children 5 and under. She also verified, at Ms. Owston's request, that there would only be one entrance to the grounds used, which would be the Mosser Road entrance. Due to the fact that the Fair Board has recently asked that servers at another event be TIPS trained, Ms. Owston will be contacting the Wine Festival Committee if such a course becomes available before their event. Ms. Owston inquired as to whether there would be entertainment and Ms. Bell indicated that yes, there would be. Ms. Bell also explained that all monies from this event, which in the past has been approximately \$20,000, are donated to the Red Cross. In addition to the festival itself, there will be wine pairing dinners the night before at 10 different local restaurants. Commissioner Fratz made a motion to approve the Wine Festival License as applied for by The Wisp Resort to be used on September 6, 2008 at the Garrett County Fair Grounds and the motion was seconded by Commissioner Crosco and unanimously approved. The appropriate fees were paid and the license was issued.

A violation hearing was held at 10:00 AM for Pine Lodge Steakhouse, license # 08-01-RM & 08-01D-RM, Class "B" Resort BWL On-Sale and Draft Beer License for an underage bartender in connection with the violation of selling to a minor during a compliance check on February 4, 2008 by the Maryland State Police. Present at the hearing were licensee Jonathan Kessler and General Manager Adam Murray. Chairperson Gearhart asked if Mr. Kessler was present at the time of the incident. Mr. Kessler indicated that he was not; however, his understanding of the situation is that the regular bartender had to leave due to a child care issue. The manager covering in between the shifts of the next bartender had to run upstairs which left the server alone. The cadet entered and placed his order at which time the server carded him, made the sale and served him. Chairperson Gearhart inquired as to what had been done since the violation to prevent this from happening again. Mr. Kessler indicated that they had sent more employees to a TIPS training and are now one employee short of having 100% of the staff trained in alcohol awareness. Ms. Owston inquired as to whom the instructor was for that training, and Mr. Kessler indicated that the instructor was Mr. Fred Herath. Ms. Owston asked if all bartending is done in the lower level of the building. Mr. Kessler indicated that it was, unless there was a large party upstairs. He also explained that they typically try to close the bar down by midnight each night. Ms. Owston also asked if majority of the bartenders have been employed there for an extended period of time. Mr. Kessler indicated that all of his bartenders have worked there for a while with the exception of two that had recently been hired, but they were doing very well. Ms. Owston asked if the managers were still monitoring the servers to be

sure that they are carding. Mr. Murray indicated that they are still asking for verification from servers that they did in fact card and paid close attention to the date on that id. Commissioner Crosco asked Mr. Murray if he thought that the young lady knew that she was not to do that. Mr. Murray indicated that he did not believe that the server was trained well enough to know that she had to be over twenty-one to pour a beer. He further stated that everyone is now aware the age. The Board went into Executive Session and Mr. Kessler and Mr. Murray were asked to leave the room during this time. After a brief discussion, Mr. Kessler and Mr. Murray were asked to return to the room and Commissioner Crosco made a motion to fine the establishment \$100 and issue a letter of reprimand. The motion was seconded by Commissioner Fratz and unanimously approved. Chairperson Gearhart explained to Mr. Kessler that the fine must be paid within 30 days during which time; he may appeal the Board's decision. Mr. Kessler chose to pay the fine and a check was given to Ms. Owston.

Mr. Charlie Yommer and Ms. Debra Yommer licensees for Ledo's Pizza, Pasta and Pub requested that the Board grant the licenses with a pending Health Permit so that they could purchase their alcohol stock in preparation for their opening on Monday, July 7, 2008. Ms. Owston explained that they submitted all of the documents that the Board had requested, including their Sales & Use number, official minutes showing the removal of Mr. Hugh Umbel as an officer of the entity, Trader's License and the Use & Occupancy Permit. Ms. Owston explained that the Health Permit was to be issued on Friday, July 4<sup>th</sup>. Commissioner Fratz made a motion to issue the licenses and Commissioner Crosco seconded the motion. The appropriate fees were paid and the licenses were issued.

There was general discussion regarding the delivery forms and the Board reviewed several completed forms that had been submitted by Zip'eez's for the month of May.

After the general discussion, the next meeting was set for August 7, 2008. There being no further business, Commissioner Fratz motioned that the meeting be adjourned, which was seconded by Commissioner Crosco.

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Thomas A. Gearhart  
Chairperson

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August 7, 2008  
Date