

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on August 7, 2008 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 Chairperson Gearhart. 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 reviewed with the Board details on specific topics of the Agenda. She also discussed the Cleveland Cottage fundraiser to benefit the HART organization. There was a question of selling alcohol, noting they cannot sell without a license but the possibility of having the food and alcohol catered by a licensed establishment. They may apply for a Special Class "C" BWL license.

A hearing was held at 9:30 AM for a Special 2-Day Class "C" BWL License for the F.O.P. Lodge #40 annual picnic. Ray Presley was present to represent the organization on behalf of the applicant James Meyers. The Lodge will provide the pavilion to the Allegany County Crime Solvers for a Bonanza Steak Dinner. The license will be used on August 17, 2008 at the McKenzie Pavilion. Chairperson Gearhart questioned what arrangements would be in place to prevent sales to minors. Mr. Presley informed the Board that no minors would be attending the event. Ms. Owston questioned the time of the event and number of tickets sold. Mr. Presley replied the event would take place at 3:00 PM and they have sold 225 tickets at \$30 each which includes a steak dinner and beverages. Mr. Presley also informed the Board that beer would be supplied in cans and all hard liquor would be behind a serving window where an individual would have to place an order with a bartender. Chairperson Gearhart reminded Mr. Presley that no alcoholic beverages could be served or consumed until 1:00 PM. Commissioner Crosco made a motion the license be approved to be used on August 17, 2008 and seconded by Commissioner Fratz and unanimously approved. After appropriate fees were paid, the license was issued.

A hearing was held at 9:45 AM for the transfer of license #08-18 Class "A" Beer & Wine Off-Sale to be upgraded to a Class "D" B&W On-Sale and new Draft Beer License as advertised. The license will be transferred from Robin Bittinger and Michael McCann operating as Swallow Falls Store to Gary Sweda operating as Swallow Falls General Store. Applicant Gary Sweda was present for the hearing. Chairperson Gearhart swore Mr. Sweda in for the hearing. Mr. Gearhart then informed Mr. Sweda of Ms. Elsey's, the landlord of the property, concern of the class of license that was requested. Mr. Sweda replied that he was not aware of the concern. Mr. Sweda was under the assumption that the transfer was on-sale. Ms. Owston informed Mr. Sweda the transfer notice was advertised incorrectly as a license class "D" B&W On-Sale and the current license is actually Class "A" B&W Off-Sale. Ms. Owston requested that Mr. Sweda explain his plans for the establishment to the Board. Mr. Sweda replied that he would be maintaining it as grocery store with packaged goods and would sell beer and wine singles or 6-packs or 12-packs of beer. His main concentration would be on food, serving breakfast and lunch. He has also changed the seating around a little. His emphasis is not on alcohol and does not want to be known as a bar. He plans to have a pig roast in September and would like to have a beer truck. Chairperson Gearhart questioned how long Mr. Sweda has been involved. Mr. Sweda replied that he has been involved with the store for 6 weeks. Chairperson Gearhart also informed Mr. Sweda that the Comptroller's Office has not yet sent a release for the license and that Mr. Sweda needs to speak to the landlord for approval of the license class change. Ms. Owston also questioned if Ms. Elsey was aware of the pig roast. Mr. Sweda replied, yes. Ms. Owston also questioned the existing seating, noting that the previous applicant had seating for 10 and Ms. Buckel from the Health Department noted seating for 25. Ms. Owston also questioned what was intended by bringing in a beer truck. Mr. Sweda plans to have approximately 100 people attend this event and would have two types of beer or whatever was necessary. Ms. Owston informed Mr. Sweda that this would have to be approved by the Health Department. Mr. Sweda informed the board that the event would be held from approximately 5 PM until 11 PM. Ms. Owston also informed Mr. Sweda that he would have to abide by what the property owner wishes. Mr. Sweda informed the Board that he has been in contact with

Ms. Elsey and had made her aware of his plans. Ms. Owston informed Mr. Sweda he needs trained in alcohol awareness and that Mrs. Bittinger expressed a concern of her name on the current license and she would like to emphasize ID checking must be focused on. Ms. Owston informed the Board of the administrative items still pending: alcohol awareness training and a transfer release from Comptroller of Maryland. The FBI results were o.k. and Ms. Owston anticipates Maryland being o.k. Commissioner Crosco mentioned Ms. Elsey's concern with the alcoholic beverage license now being a Class "D" and questioned where does Mr. Sweda stand if Ms. Elsey holds to her concern. Mr. Sweda feels that it would be a problem for the success of the establishment. He will not be maintaining late hours and would definitely be closing by midnight. Currently he closes at 9 PM sometimes 10 PM. Chairperson Gearhart suggested that Mr. Sweda discuss the circumstances with the landlord, Ms. Elsey, because the landlord has to agree. Ms. Owston suggested that the Board make a motion pending the landlords' feedback. Chairperson Gearhart suggested that Mr. Sweda possibly initiate self-restrictions on the license to satisfy his landlord. Mr. Sweda agreed that he would discuss with Ms. Elsey and try to resolve the issues of concern. Chairperson Gearhart agreed that they could tentatively approve what was advertised, pending the affidavit or signed release from the landlord. Ms. Owston also informed the Board that she did have the proposed floor plan from Mr. Sweda. Ms. Owston informed Mr. Sweda that all alcohol had to be purchased from a licensed Maryland Wholesaler, kegs have to be stickered and all receipts needed to be kept on premise. As for the event mentioned, the Health Department will have to approve the event as well as the landlord. Commissioner Crosco made a motion to approve the upgraded transfer as advertised, pending the release from the Comptroller, approval from the landlord and alcohol awareness training, seconded by Commissioner Fratz and unanimously approved.

A license hearing was held at 10:00 AM for a Class "D" BWL On-Sale license issued to Alecia A. Knupp, Eric W. Paugh and Robert J. Burns of YHOA, Inc. operating as the Yough Mountain Lodge. Applicants Alecia A. Knupp, President and Eric W. Paugh, Treasurer were present for the hearing. Mr. Paugh explained to the Board that through donations and volunteer help of their members, they have converted their old pool house/bathhouse to a community center with a bar on the end. They feel this allows members to stay inside the community instead of driving and so far the feedback has been good. Chairperson Gearhart explained that if they are approved for an alcoholic beverage license, they cannot give alcohol away and people cannot bring alcohol onto the licensed premise. Mr. Paugh mentioned to the Board that the HOA membership picnics would be held at the association's pavilion which will not be part of the licensed premise. Ms. Knupp questioned if people would be able to continue using the restroom located in the community center that would be attending the picnics at the pavilion. The Board did not see a problem as long as no alcohol was brought onto the licensed premise. Ms. Knupp informed the Board they have a back room that is locked for the alcohol storage and they are also installing a beer cooler with pads locks. Chairperson Gearhart questioned who would be running the establishment and what Mr. Burns's role was. Ms. Knupp replied that they would manage the establishment and Mr. Burns would be the safety and security officer. Ms. Owston informed the applicants that for a corporation, Article 2B requires at least 3 officers to be on the license and Mr. Burns helps to meet that requirement. Mr. Paugh will meet the residency requirement. Mr. Paugh informed the Board that the hours of operation are Friday evening 7 PM to 1 PM and Saturday from 5 PM to 1 PM. Ms. Knupp did mention that however, nights opened will also be tailored to the holidays, weekends and when there is an influx of members in the community. The Board was informed that Mr. Paugh is a volunteer and they currently have 971 members. Ms. Owston emphasized that there is no alcohol sale or consumption on Sundays; no bringing any alcohol onto the premise and copies of all alcoholic beverage receipts must be kept on the premise. Ms. Owston informed the Board that they currently have an inventory of alcohol which they would like to get rid of therefore the license approval would not be effective until August 11, 2008 at the earliest. Ms. Knupp mentioned that there is still a donation jar on the premise for people to donate if they would like to do so, but they do not have to pay until the alcoholic beverage license is secured. No money changes hands. Chairperson Gearhart questioned if they had an access gate. Ms. Knupp replied, yes. There are gate membership cards to gain access to the resort. Chairperson Gearhart informed them to make sure that officials have access. Mr. Paugh informed the Board that the Police Department, Sheriff's Department, Ambulance and Fire Department all currently have access and will issue one to the Liquor Control Board if they would like to have a gate

card. They will have a system in place to allow card access to the Yough Mt. Lodge by members in good standing and up to 2 houseguests per member with a log to sign in on. Ms. Knupp and Mr. Paugh attended the TAM alcohol awareness training this week and will instruct the other volunteers that assist them on the techniques they learned from the training. Commissioner Crosco questioned if they have had any members complaining of what they are doing. Mr. Paugh replied no, not since they go rid of the smoking. Commissioner Crosco questioned how many could be seated in the building. Mr. Paugh replied, 100. Ms. Owston informed the Board that Tina Buckel from the Health Department has visited the establishment and currently does not require a Health Permit due to the fact that no food is being prepared. However, Mr. Paugh is working on a small punch list in order to obtain a licensed Health Permit for future use if desired. Ms. Knupp wanted to verify if children are an issue if an alcoholic beverage license is granted. Ms. Owston informed them that Article 2B states minors can't loaf or loiter. Ms. Owston feels they should create their own internal policy on that issue. Commissioner Crosco made a motion to approve the Class "D" BWL On-Sale License pending a copy of the Sales & Use Number and approved background checks and the motion was seconded by Commissioner Fratz and unanimously approved.

A discussion session was held at 10:15 AM with licensee Duane Patton, Sr. of the Old Pike 2 to discuss an anonymous complaint from a concerned citizen that the owner may be selling to teenagers. Mr. Patton explained the circumstances of the evening and stated that he did not give any alcohol to any teenagers. He feels the he runs the bar tight and hard. He feels that the complaint is completely false. The Board feels that Mr. Patton has been warned not to let it happen. Mr. Patton expressed his appreciation of the Board working with him and respects the Board. Chairperson Gearhart made a motion that based on Mr. Patton's testimony; the Board is satisfied with the explanation and will not pursue further action against the license holder and the motion was seconded by Commissioner Crosco and unanimously approved.

A discussion session was held at 10:30 AM with licensee Tony Artice of North Lake Café to discuss his background results and management of the facility. Chairperson Gearhart swore in Mr. Artice. Mr. Artice verified that he did receive the original background in question from the Liquor Control Board office. The issue of concern was discussed with the Board and concluded. Mr. Artice informed the Board that he would like to be removed from North Lake Café's alcoholic beverage license. Ms. Owston questioned if he would also be removed from the LLC. Ms. Owston advised Mr. Artice to carbon copy the Board of his official written request to be removed from both the alcoholic beverage license and the LLC. Chairperson Gearhart made a motion to send a letter to North Lake Café notifying of the removal of Mr. Artice and replacement with a Garrett County resident within 30 days from the date of letter or a show cause continuance hearing with be held and the motion seconded by Commissioner Fratz and unanimously approved.

After the discussion session there was general discussion. Ms. Owston notified the Board of an officer change from the Deer Park Sportsman Club with the replacement of Mr. Livengood with Mr. Luke Stewart, who has been put on the alcoholic beverage license. As for the American Legion Post #71, Mr. Damon did not run for re-election; therefore, Mr. Bittinger has submitted paperwork to be on the alcoholic beverage license. The MALA fall conference will be held at the Wisp Resort during the Autumn Glory weekend. Ms. Owston then notified the Board that Town Share for 2008-2009 totaled \$8,112.50. Ms. Owston discussed with the Board that Garrett Memorial V.F.W. may start a wing night and will be open to the public and they would like a letter from Ms. Owston stating that their Class "D" alcoholic beverage license allows them to be open to the public. The Board was informed that Zip-eez's has registered additional employees as delivery personnel and also has questioned the required information to be documented on the delivery forms for repeat customers.

The next meeting date was set for September 4, 2008. There being no further business, Chairperson Gearhart motioned the meeting be adjourned and seconded by Commissioner Crosco.

Thomas A. Gearhart
Chairperson

September 4, 2008
Date