

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on May 7, 2009 at 9:00 AM. Present for the meeting was Commissioner Bea Crosco, Commissioner Mike Fratz, Chairperson Thomas Gearhart, Administrator to the Board Deborah R. Owston and Administrative Assistant, Rebecca Glotfelty.

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

Before the meeting there was general discussion. Ms. Owston reviewed the status of the renewal applications with the Board, indicating that the Friendsville Fire Department did not opt to renew at this time. After reviewing the food versus alcohol sales reports submitted with the renewal applications, Ms. Owston reported that two licenses need to change their current license class. Old Pike 2 needs changed from a Class "B" to "D" and Long Branch Saloon should be a Class "B" restaurant license instead of a Class "D" tavern license. Ms. Owston also updated the Board of the officer changes at several non-profit establishments along with various other change requests and outstanding information that was not submitted with the renewal applications. The Board was then advised that House Bill 334 did pass the Senate and was signed by the Governor on April 14th. This bill will now go into effect on July 1, 2009. Ms. Owston and Mrs. Klotz attended a Fake ID Training that was held on April 20th at Garrett College. Ms. Owston reported that the training was very informative and the Health Department did a wonderful job with sponsoring. The Board was notified that Old Mill Restaurant & Convenience Store closed on March 14th. Ms. Owston advised the Board of interest expressed by Mr. St. Moritz and Mr. Yoder for submitting a new application for an alcoholic beverage license for the Point View Inn/Boardwalk. Curt's Corner convenience store has re-opened for business last week and is applying for a Class "D" Beer & Wine On-Sale license; the hearing will be June 4, 2009. As for Silver Tree, it has not yet been determined what license class needs to be issued. Ms. Owston is waiting for more detailed information from the applicants to determine the license class and will then schedule a hearing. Pizzeria Uno's had a Special Exception Hearing on April 16, 2009 with the Zoning Appeals Board. The Zoning Appeals Board approved the Special Exception for alcoholic beverage sales from the Honi-Honi tavern building on a Sunday from noon until 10:00 PM. Mr. James Dent from the Sons of American Legion #214 contacted Ms. Owston in reference to having a softball tournament and obtaining a Special Class "C" two-day license. He is to meet with the legion and get back to Ms. Owston with additional information, which she is requesting.

A violation hearing was held at 9:30 AM for Swanton Grocery, license # 08-54, Class "D" Beer, Wine & Liquor Off-Sale License for the sale of alcohol to a minor during a compliance check conducted on March 18, 2009 by the Maryland State Police. Licensee, Robert F. McBee, was present at the hearing. Mr. McBee reported that his employee, Ms. Sweitzer, was working during a shift change at 2:00 PM and had no additional help until 4:00 PM. She was busy, carded the cadet, but did the math incorrectly. Mr. McBee reported that Ms. Sweitzer was recently certified in an alcohol awareness training course and also attended the Fake ID Training at Garrett College last month. Chairperson Gearhart explained the violation protocol and the fines associated. Commissioner Crosco made a motion to issue a \$100 fine along with a letter of reprimand, seconded by Commissioner Fratz and unanimously approved by Chairperson Gearhart. Chairperson Gearhart advised Mr. McBee that he had 30 days to appeal the Board's decision and Mr. McBee declined and fines were paid.

A license hearing was held at 9:45 AM for the issuance of a Class "D" Beer & Wine On-Sale License to Good to Go. Applicants Debra Spear and Terri Williams were present for the hearing. Ms. Williams reported that they would like to have beer and wine sales at their store based on customer interest. It was reported to the Board that the stores layout is pretty much the same as the previous Citgo Convenience Store, they will have eight (8) employees and hours of operation will be from 6 AM until 10 PM. They will be open on Sunday. Both applicants have been trained in an alcohol awareness training course. Ms. Owston reported to the Board that everything administratively has been met and explained the Garrett County Rules and Regulations to both applicants, notifying them of keeping all receipts on premise, the Board is to be notified of any incidents involving the

police, etc. Ms. Spear questioned if there were any regulations for them to follow in regards to being open on a Sunday. Ms. Owston notified them that it was not regulated, but they could block off/rope off the coolers to prevent access. Mr. Fratz advised that they cannot sale on Sunday. Chairperson Gearhart then reviewed the importance of checking ID's. Ms. Spear replied that they have a cash register that requires the employee to enter the date of birth to make the transaction. Ms. Owston then provided the applicants with a packet containing the Rules and Regulation, ID Checking Guide, etc. and advised the applicants that employees must be 21 to ring up a sale. Employees under 21 can stock the cooler. Commissioner Crosco made a motion to issue a Class "D" Beer & Wine On-Sale License to Good to Go, the motion was seconded by Commissioner Fratz and unanimously approved by Chairperson Gearhart. Fees were paid and license was issued.

After the meeting there was general discussion. Chairperson Gearhart reported that he conducted a follow-up with the Grantsville American Legion, explaining to them the severity of a smoking violation and it will affect their license. Ms. Owston updated the Board on a winery event for Deep Creek Cellars. Ms. Owston had received notice from the Comptroller's Office and saw an advertisement in the paper for a local Food Fair. In the advertisement it appears the alcohol will be provided by Deep Creek Cellars but sold by Riverside Hotel, who does not have an alcoholic beverage license. The advertisement indicates that Riverside is selling with a meal in lieu of Deep Creek Cellars selling the wine separately. Ms. Owston will send a notice to Riverside Hotel. As for the advertisement for the BPO Elks Lodge for free beer a notice has also been given. Ms. Owston advised the Board that she has requested more information from HART for the Kayaks Tunes & Brews upcoming event including a catering contract with the Wisp for the catering of food and alcohol and a list of brewers at the fundraiser. Ms. Owston then discussed the license class options for a future Lakeside Club located on Deep Creek Drive.

The next meeting date was set for June 4, 2009. There being no further business, Commissioner Fratz motioned the meeting be adjourned and seconded by Commissioner Crosco and unanimously approved by Chairperson Gearhart.

Thomas A. Gearhart
Chairperson

June 4, 2009
Date