

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on August 6, 2009 at 9:00 AM. Present for the meeting was Commissioner Bea Crosco, Commissioner Mike Fratz, Administrator to the Board Deborah R. Owston and Administrative Assistant, Rebecca Glotfelty.

Commissioner Crosco called the meeting to order. A motion was made by Commissioner Crosco to approve the minutes as amended for the Wine Festival motion, seconded by Commissioner Fratz. The Board signed mileage sheets.

Before the meeting there was general discussion. Chairperson Gearhart was not available for the meeting; however, was called at his location and a discussion on Cornish Manor and Terry Fike took place with all members of the Board.

A license hearing was held at 9:30 AM for the issuance of a Special Class "C" BWL 2-Day License to the State Trooper Lodge #40 for August 23rd & 24th to be held at the McKenzie Pavilion on McKenzie Road. Bernie Zlomek from Crime Solvers and Otto Artifitch from State Trooper Lodge #40 were both present for the hearing as representatives. Mr. Zlomek reported that they have sold 225 tickets for the event. The tickets will provide each individual with a steak dinner, including wine, beer and liquor as part of the meal. The event will begin at 3:00 PM and end by 5:30 or 6:00 PM. They will be drawing tickets and awarding cash prizes. Mr. Zlomek reported that they have held this event for the past 15 – 20 years. The ticket price is \$30 and someone will be stationed at the door to check tickets. Minors are not allowed at this event. Ms. Owston questioned where they plan to purchase the alcohol. Mr. Zlomek reported that Joe Pace is in charge of purchasing; however, he is not sure where it will be purchased. Ms. Owston then advised that due to the event taking place on a Sunday, alcohol sales are not permitted to begin until 1:00 PM and must end by 10:00 PM. Ms. Owston questioned as to whether the license would cover two events as it has on occasion in the past. Mr. Zlomek reported that they do not plan to utilize the license on Monday as indicated on the application. Mr. Otto indicated that the event is to be held at the State Trooper Lodge, but it is a Crime Solver event. The State Troopers are allowing Crime Solvers to utilize the lodge. Ms. Owston advised that in the future, the Crime Solvers will need to apply for the license and the State Trooper's Lodge will then sign off as landlord of the premise. Commissioner Fratz made a motion to approve the Special Class "C" BWL 2-day license for August 23rd & 24th and seconded by Commissioner Crosco. After appropriate fees were paid, the license was issued.

A transfer license hearing was held at 9:45 AM for transfer of Cornish Manor's Class "B" BWL On-Sale & Draft Beer License with Sunday Sales Option from Jacques Hourtal of Maryland Restaurant Life Corp. to Edward A. Spak and Bryan B. Shaffer of BMS Restaurant Services, Inc. Applicants Edward B. Spak and Bryan B. Shaffer along with current licensee Jacques Hourtal were present for the hearing. Commissioner Crosco swore in Mr. Spak, Mr. Shaffer and Mr. Hourtal for their testimony. Mr. Spak began by reporting that Mr. Shaffer and he were not only transferring the licenses but also the ownership of Cornish Manor. Mr. Hourtal will remain on board as a consultant. Mr. Shaffer will be the full time operator of the kitchen area and Mr. Spak will be the full time General Manager. Commissioner Crosco questioned if the ownership would be in both of

the applicants name. Mr. Spak replied, yes. Ms. Owston then informed the Board that Mr. Spak was the applicant fulfilling the two-year residency requirement. She then questioned if the financial business is Mr. Shaffer's. Mr. Spak replied, primarily, but he will have some interest. Ms. Owston then advised the Board that the small business loan has been secured, but the bank is pending some items such as today's license approval. Ms. Owston also advised the applicants of items on the check list which should have been completed prior to hearing. The hearing is taking place to provide bank approval. The licenses will not be transferred without all items complete. In the future Ms. Owston would appreciate items being submitted in a timely manner. Ms. Owston questioned the section indicating if Mr. Spak has ever held a license in Garrett County. Her review indicates that he has never actually held an alcoholic beverage license himself in Garrett County, but has in Allegany County for the Tombstone Restaurant. Mr. Shaffer has previously held an alcoholic beverage license in the State of West Virginia. Some issues and concerns were discussed with Mr. Shaffer in reference to this license and the reasoning behind the State of West Virginia's denial of his application for renewal. When questioned about these issues, Mr. Shaffer responded that he has learned a lot since then. He feels that it was poor management and he had hired the wrong people. However, Mr. Shaffer feels that Cornish Manor has the proper management. Mr. Hourtal also replied that he feels that there is a difference between the bar in West Virginia and Cornish Manor. Cornish Manor is very strict about rules. They have not been issued any citations or fines. Ms. Owston also replied that she had a conversation with Mr. Wolf who is representing for Mr. Shaffer and he indicated that they also have a policy not allowing employees to set at the bar after shifts / hours. Mr. Hourtal indicated that Cornish Manor closed most of the time by 11:00 PM. with the exception of once in a while on Saturday's. Mr. Spak noted that they do not encourage people to come in to drink after the kitchen is closed. Commissioner Crosco noted that she know Mr. Shaffer and his background. He is a wonderful chef, but not a manager. She would not approve today's request if it were not for Mr. Spak being on the license and Mr. Hourtal remaining on board to consult. Ms. Owston advised that today's motion will be pending the results of the background checks, which will take a few weeks. If anything should be questionable on the results, the Board will schedule for both Mr. Spak and Mr. Shaffer to return to the September meeting for a closed session discussion. Ms. Owston also informed the applicants that due to the past history, the Board has the option, according to Article 2B, to place as part of their motion; restrictions if they have any violations. The Board also would like to cover that if the purchase transaction does not go to settlement, there will be a contingency for Mr. Hourtal that the alcoholic beverage licenses will remain in his name with no other action by the Board. Ms. Owston advised the Board that the application is still pending a copy of the deed or lease, whichever would apply, Town of Oakland approval, and their own Sales and Use tax number. She will be sending in the Bulk Transfer Permit today. Once everything has been transferred they will also need to supply the office with a copy of their Trader's License and Health Permit. Ms. Owston also indicated that at least one person will need to be trained in alcohol awareness, which Mr. Spak is, along with review of the background results. Commissioner Crosco made a motion to approve the transfer of the Class "B" BWL On-Sale & Draft Beer License with Sunday Sales pending the criminal background checks, if any criminal history results are received, the applicants will be required to explain the history results at the September 3, 2009 meeting, also contingent upon the business settlement transfer closing, additional penalties for any violations of Article 2B determined by the Board, based on Article 2B 16-507 (m); Fines & Suspensions, in addition to meeting

all administrative requirements, seconded by Commissioner Fratz and unanimously approved (per earlier phone conversation with Chairperson Gearhart). Ms. Owston also advised that they consider adding the Catering Option at a later date.

A general discussion with Mr. Terry Fike took place in reference to his criminal background history prior to submitting an application for Silver Tree. He explained the details to a situation that took place years ago. He is interested in reopening Silver Tree and would like to be open with the Board prior to receiving his background results. He is currently working on character references and potentially has another applicant that will be on the license with him. He would also like to expand to the Baltimore area. Ms. Owston advised that he check with Baltimore on any restrictions and being able to hold two licenses. Ms. Owston informed the Board that Mr. Fike had already picked up an application, but has not yet been fingerprinted. She also advised of the chain of custody with the fingerprinting cards and would like for Mr. Fike to return any unused cards. Ms. Owston questioned if he was planning to do a full operation and Mr. Fike replied, yes. Ms. Owston also advised that she did have inquiries from Silver Tree Suites on a function they have planned, therefore; Mr. Fike may want to contact the Manager at the Suites. Ms. Owston advised that the Suites are not covered as part of the premise. Mr. Fike questioned if the downstairs is part of the premise for catering. Ms. Owston responded that if it is the same business, yes. However, if you go over to Silver Tree Suites to cater an event, the additional Catering Option would be needed in addition to the Class "B" BWL On-Sale restaurant license. After discussion with the Board, they advised Mr. Fike to move further with the application process and they will then review and make a decision for approval.

After the meeting there was general discussion. Ms. Owston updated the Board on the following: Town Shares for the 2009-2010 license year totaled \$8,287.50. Paula Thomas from Ridgeview Valley Barn notified the office of a fundraiser that will be taking place with alcohol on July 24, 2009 and the event will be catered by Wisp. Our Town Theatre will have a concert on August 14, 2009 per Judy Finkle where wine will be served. Eastern Garrett VFRD will be holding a Gun, Cash & 4X4 Bash on August 22, 2009, but Ms. Owston has yet to receive notice from them. The Oakland Volunteer Fire Department will be holding a Harley Party on August 29, 2009 and Mr. Callis called and gave notice to the office. Gail Bosley of Zip-eez's questioned the license fee structure. Ms. Bosley feels that the fees are not fair for a packaged store and would like to know the history. Zip-eez's will now be utilizing their tasting option on Thursday, Friday & Saturday's. Wisp Resort Lakeside Club's licenses were issued on July 23, 2009. Vicki Buckel, part owner of Wisp Resort-Quarry Road property, contacted the office in reference to the use of the premise as a catering facility. Ms. Owston has not yet heard back from Ms. Buckel with further information or details. Ms. Owston e-mailed The Deep Creek Lake Art & Wine Festival with notification that Mr. Fratz and Mr. Gearhart will be available as celebrity wine pourers. Long Branch Saloon contacted the office in reference to customers wanting to conduct a drawing. The States Attorney's office advised that this cannot be done and Long Branch was notified. El Canelo's contacted the office and informed Ms. Owston that Myra Cisneros may be leaving and there is a possibility that the license will be transferred to Lisa and Jose Hernandez. Lisa's brother-in-law may go on the license with them until residency is established. Friends of Deep Creek Lake will be having a fundraising event on August 15, 2009. They will be serving alcohol with a meal. The Wisp may be catering due to the time frame, but Paul Roberts of Deep Creek Cellars will be contacting the

Comptroller's Office and will be taking care of the event on his end to possibly secure a Winery Special Permit. The Board was also notified of an event that will be serving alcohol that will be taking place at the Yacht Club. They currently do not have a license and the event is scheduled to take place on a Sunday. Ms. Owston will be getting in contact with the Yacht Club for further discussion. Ms. Owston also reviewed two police reports that were submitted to the office on current alcoholic beverage licensed establishments, with no further action needed.

The next meeting date was set for September 3, 2009. There being no further business, Commissioner Fratz motioned the meeting be adjourned, seconded by Commissioner Crosco.

Thomas A. Gearhart
Chairperson

September 3, 2009
Date