

## MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on January 7, 2010 at 9:00 AM. Present for the meeting was Chairperson Tom Gearhart, 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. The Board signed mileage sheets and Ms. Owston informed them that as of January 1, 2010 the State mileage reimbursement rate is \$0.50 per mile. Travel expense reports for time period of July through December 2009 were reviewed and approved. Commissioner Crosco made a motion seconded by Chairperson Gearhart to approve the travel expense report for Commissioner Fratz. Commissioner Fratz made a motion seconded by Chairperson Gearhart to approve the travel expense report for Commissioner Crosco. Commissioner Fratz made a motion and seconded by Commissioner Crosco to approve the travel expense report for Chairperson Gearhart.

There was general discussion before the license hearings. Ms Owston informed the Board that she had received confirmation that alcohol was consumed at the Deer Park V.F.W at their Christmas party held on a Sunday; however, there was no sale. She also informed the Board that a member of the V.F.W. called to inquiry about whether or not there was a two-day Sunday sales permit available to allow for up to two events on a Sunday for the year. They wanted to have a Super Bowl party at the establishment if this was available. She informed them that they cannot sell or consume alcohol on the licensed premise on Sunday and that they would be receiving a letter referencing the same. She reported that the background checks had been received for the applicants for the license transfer of El Canelo's and that the Board will be able to review those results at the February 4<sup>th</sup> meeting. Mr. Fike from My Place @ Silver Tree had inquired as to whether or not he could sell his liquor license. Ms. Owston explained that a liquor license cannot be sold in Garrett County, however it can be transferred. She also explained that in order to do this, any outstanding debt that may exist in reference to this establishment would have to be paid. The Board discussed at further length, the proposed changes to the Wine Festival legislation and agreed to take the advice of the Board's attorney, Mr. Craig Ingram on the wording of the proposed legislation to be submitted to the State. She informed the Board of a police report that had been received in reference to an accident involving an individual that was coming from a licensed establishment requesting assistance from the Sheriff's Office. The licensee for this establishment will be at the next meeting and this will be discussed then. There was also a complaint from a parent of an underage individual that their nineteen year old son had been served at an establishment in Garrett County as well as in West Virginia. The licensees of this establishment will also be present at the next meeting and this issue will be discussed as well.

A license hearing was held at 9:30 AM for the issuance of a Special Class "C" 2-day BWL license for the Friendsville VFRD. Applicant Rodney Bowser was present at the meeting. Mr. Bowser explained that they were planning to hold their annual Gun Bash on February 27, 2010. He indicated that there would be people posted at the doors and as people enter the hall, the individuals that are of drinking age will be given a wristband. There will also be people monitoring the crowd during the event to be sure that no issues arise. The

hours of the event are from 12 noon to 6 PM. They are getting the beer from Lohr Distributors and are planning to have someone that is trained in alcohol awareness working during the event. The tickets for the event are \$25 and they will be selling 1000 tickets for a chances to win a gun and the last prize of the evening will be \$1,000. A motion was made by Commissioner Fratz to approve the issuance of the license. The motion was seconded by Commissioner Crosco and made unanimous by Chairperson Gearhart. The fees for the license were paid and the license was issued.

Commissioner Crosco departed the meeting at 9:40 AM. Having additional time before the next hearing, Ms. Owston informed the Board that Ms. Eileen Gideon of Frederick, Maryland may be submitting an application for a Class "B" BDR Deluxe Restaurant License for the Silver Tree property. This building had recently sold.

A show cause hearing was held at 10:00 AM for My Place @ Silver Tree for purchasing alcohol from a retailer. This establishment holds a Class "B" BWL On-Sale & Draft Beer license. To begin the hearing, Chairperson Gearhart swore in Mr. Terry Fike, the licensee. Mr. Fike explained that he had ran out of brandy and stopped at 7-Eleven and bought a bottle. Chairperson Gearhart asked if this was common practice. Mr. Fike indicated that no, it wasn't. Mr. Fike also mentioned that the building had sold and that he was thinking of transferring the license and trying to recover some of his loses. Chairperson Gearhart explained that a liquor license cannot be sold and that in order to transfer it, all expenses owed by the establishment will have to be paid. Chairperson Gearhart made a motion to send a "letter of reprimand" to Mr. Fike and place a copy in the file for the purchasing violation. Commissioner Fratz seconded the motion. Ms. Owston explained that a letter had been sent regarding Mr. Fike's intention for the license for the establishment. It was explained that the only way a transfer would be possible is if all laws were being complied with and if all outstanding debts were paid. She also explained that the license does not have a value and cannot be sold. Ms. Owston also explained that if the Board did agree to place the license on hold, it can only remain on hold until June 30<sup>th</sup>, however she feels that 90 days would be sufficient time to relocate to a new location within the county and Mr. Fike agreed. Also, she pointed out that during that time, Mr. Fike would still have to report his sales or lack of sales to the Comptroller's Office. Mr. Gearhart recommended that if he does decide to place the license on hold; that Mr. Fike should inform the new owners of the establishment that he does not plan to transfer it. Chairperson Gearhart made the motion to place the license on hold for 90 days. The motion was seconded by Commissioner Fratz.

Having no further business to discuss, Chairperson Gearhart made a motion to adjourn the meeting. The motion was seconded by Commissioner Fratz. The next regular meeting will be held on February 4, 2010.

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Thomas A. Gearhart  
Chairperson

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February 4, 2010  
Date