

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting on May 6, 2010 at 9:00 AM. Present for the meeting was Chairperson Thomas Gearhart, Commissioner Bea Crosco, Commissioner Mike Fratz, Administrator to the Board Deborah R. Owston and Administrative Assistant, Amy Baker.

Commissioner Crosco called the meeting to order at 9:03 AM. The board signed mileage sheets.

There was general discussion before the hearing. Ms. Owston reviewed House Bills and Senate Bills with the Board. House Bill 400, which modifies the Garrett County Wine Festival License was signed by the Governor and goes into effect on July 1, 2010. House Bill 921 - Senate Bill 858 "Maryland Winery Modernization Act" was signed by the Governor and will go into effect on June 1, 2010. House Bill 832 - Senate Bill 717 received no action in the legislature. House Bill 716 - Senate Bill 566 "Direct Wine Shipper's License" was given an unfavorable report by the House; therefore, had no action by the Senate. Ms. Owston will be attending the MALA Spring Conference this weekend. The conference will review topics such as: recent legislative changes including the Class 4 Winery License, CJIS audit procedures, tasting events, compliance checks and their funding. Alcohol beverage renewals were due May 1st. Luke's Liquor and North Glade Inn brought their renewals in one day late. No renewal application was received for the Avilton Inn that is closed due to fire damage. Over forty identification checking kits were distributed to those applying for renewals in the office. Ms. Owston spoke to Andy Lantner from the Legislative Services, Alcoholic Beverage Article Review Committee in reference to Article 2B § 15-109 (m) as it relates to "salary" v/s "compensation". It was decided that everything should read "salary" and not "compensation". Ms. Owston suggested that the "Liquor Control Board" sections of Article 2B needs to be cleaned up since there is no longer a Liquor Control Board for dispensaries. The Marylanders for Better Beer & Wine Laws requested sales to minors violation history reports for the past three fiscal years through the Maryland Information Act. Ms. Owston scanned and submitted copies of the monthly Violation Reports sent to the Comptroller's Office for the requested information. They had no further questions. Ms. Owston reviewed with the Board Arrowhead Deli's modified licensed premise which includes a small seating area. The Board had no issues with the changes. She spoke with the managers, Jason Burgess and Bill Ingram who stated that as of now, they are not allowing alcohol consumption on the premise all sales will be for off premise consumption. Robert Long, a representative of Sheetz convenience store, contacted Ms. Owston recently to let her know that they are interested in possibly applying for a Class "B" restaurant alcoholic beverage license. They are desiring to obtain this license so that they can sell alcohol off the licensed premise. Ms. Owston explained that in the State of Maryland a chain store cannot have a Class A or D license, but a chain restaurant may hold a Class "B" license. Ms. Owston did state that a restaurant's food sales must exceed its alcohol sales in order to be defined as a restaurant in Garrett County. Also, a licensed restaurant must be capable of preparing full-course meals. Ms. Owston explained that Robbie Link called to inform her that he is going to be opening a crab restaurant at the site of the former Dr. Willie's. Mr. Link is planning on advertising as a BYOB. Ms. Owston explained to Mr. Link that they should be aware that all persons

pouring alcohol for patrons should be at least 21 years old. Mr. Link expressed an interest in the alcohol awareness training classes such as TIPS or TAM.

A license hearing was held at 9:30 AM for a Special Class "C" BWL 2-Day License for the Deer Park Community Volunteer Fire Department. Present for the hearing was applicant Ronald W. O'Brien. Mr. O'Brien indicated that the license would be used for a Cash Bash fundraiser on Saturday, May 15, 2010 at the fire hall. Chairperson Gearhart asked if there were any measures planned to prevent the serving of underage persons. Mr. O'Brien stated that the beer trailer would be monitored. He explained that each person would be asked to show identification upon arrival. At that time, any ticket holders being over 21 years of age would be issued a wrist band as an indicator that they are of age and may consume beer. Mr. O'Brien indicated that the tickets were only being sold to persons above the age of 18 years. Mr. O'Brien explained that the event was to be held from noon until 6:00 PM. Each ticket will include food, beer and games. Chairperson Gearhart asked if there were tickets available. Mr. O'Brien indicated that they had 500 tickets and they were all sold. However, they will have a \$20/person tickets at the door, but these tickets will not be entered in the drawings for the prizes. Chairperson Gearhart instructed that Mr. O'Brien and the other members will need to be cautious of persons over 21 years of age who may try to attain alcohol for those under 21 years of age. Ms. Owston suggested to Mr. O'Brien that if they foresee this event as something they may hold several times per year, that they may want to apply for a multi-event license. A motion to approve the Special Class "C" BWL two-day license to be used on May 15, 2010 was made by Commissioner Crosco, seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart.

Following the hearing, several additional items of general discussion were reviewed by the Board. Ms. Owston told the Board that Zip-eez's has added a new serving bar in Sorellee's, and they have removed their ice cream bar. Ms. Owston reported that Zip-eez's can sell up to 25% in alcohol sales for on-premise consumption. Gail Bosley mentioned to Ms. Owston that she believed that the County should be pro-rating license costs based on sales. According to Chairperson Gearhart, Brenda McDonnell of Brenda's Pizzeria reported to that she has not seen a large decrease in sales due to the passing of Sunday Sales of alcohol. However, Danny Bosley of Sorrellee's, Nadine Fontaine of Deer Park Inn, and others are still interested in getting Sunday Sales passed in their district. Dave Archer of Archie's BBQ said he didn't notice an increase in sales due to the pass either. Ms. Owston reported that a bartender from the BPO Elks Lodge contacted her recently and wanted to know if they could use their own discretion when serving certain alcoholic beverages to customers because of their behavior after consuming liquor compared to beer. Ms. Owston sent the bartender information on how to serve someone their last drink as well as a copy of Article 2B § 12-108 which prohibits the sale to a visibly intoxicated person. Ms. Owston reported that she received a call from Marlene Popish, secretary for BFS Foods' corporate office in Morgantown, WV stating that they had not received their letter requesting their attendance at the violation hearing scheduled for the April 1, 2010 until April 5, 2010. Karen Myers reported recently to Ms. Owston that she had received her letter from the Board advising that an additional facility license will be necessary for the Lodestone Golf Club. She will apply for the license to be heard on July 1, 2010. The Oakland American Legion renewed their license and requested that the Board place it on hold due to fire damage. They expect to re-open by the end of the year.

The Board accepted the check and approved that the license be kept and on hold. The Board further discussed not receiving a renewal application from the Avilton Inn, which is also on hold, due to fire damage. It was determined by the Board that late fees for the renewal could be retroactive to the May 1st deadline if no response is received in the two weeks. Ms. Owston reported that Steve Reed of Canoe on the Run recently contacted her explaining that they are interested in possibly adding the Off-Premise Wine Sales Option. He also inquired if a customer can take an unfinished bottle of wine "to-go" on a Sunday at an approved restaurant with the Sunday Sales Option. The Board agreed that if a bottle of wine was unfinished, it is not permissible to re-cork that bottle and send it home with the patron on a Sunday as all sales on a Sunday are for on-premise consumption only. Ms. Owston reported that Mooney's Pub was recently taken over by Robin Bittinger and a transfer application will be submitted. Ms. Owston also reported that the alcohol from the American Legion in Oakland, which is closed due to fire damage, was transferred to the Deer Park VFW. A Bulk Transfer Permit for the stock will be required. The VFW is planning on making a financial donation later to the American Legion. Ms. Owston reported that Theresa Hamilton will be replacing Gary Yoder on the license for the St. Moritz Boardwalk and the Board approved her as a licensee. The Board also reviewed a police report involving a gentleman that had been at the Deer Park VFW and Pawn Run Saloon who was later involved in an accident on Sand Flat Road. The Board decided to take no action toward the Deer Park VFW and Pawn Run Saloon.

There being no further business to discuss, Commissioner Crosco made a motion to adjourn the meeting. The motion was seconded by Chairperson Gearhart and followed by Commissioner Fratz.

The next regular meeting of the Board of License Commissioners is scheduled for Thursday, June 3, 2010.

Thomas A. Gearhart
Chairperson

June 3, 2010
Date