

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room 209 on November 4, 2010 at 8:30 AM. Present for the meeting was Chairperson Thomas Gearhart, Commissioner Mike Fratz, Commissioner Bea Crosco, Administrator to the Board Deborah R. Owston and Administrative Assistant Amy Baker.

Chairperson Gearhart called the meeting to order at 8:38 AM.

A transfer license hearing was held at 8:38 AM for the Class "D" Beer & Wine On-Sale License for the Neighborhood Store operated by A.B.A. Enterprises, LLC. Present for the hearing was applicant, Charles A. Crawford. The license premise is to be 935 Kitzmiller Road in Kitzmiller, MD. Mr. Crawford reported that he will not have any on premise sales at this time. Mr. Crawford reported that he's planning to open within two weeks. Mr. Crawford reported that he and his wife would be the only employees. Ms. Owston reported to the Board that Mr. Crawford attended a Kitzmiller town meeting to review the opening of his business. A letter was received from the Mayor of Kitzmiller and Town Council. This letter stated that they felt the citizens would be strongly opposed to an establishment having on-premise consumption in town. Ms. Owston reported that a restroom and seating would need to be added in the building for on-premise sales to be approved by the Health Department if allowed by Public Utilities. Chairperson Gearhart suggested that the Board approves the Class "D" Beer & Wine license with no on premise sales permitted until approval is granted by Public Utilities and Environmental Health. Chairperson Gearhart suggested approval of the transfer of alcohol from Mr. Crawford's Curt's Corner store to his new store located in Kitzmiller. The Board agreed that Ms. Owston would research the law further and pending no violation of law allow Mr. Crawford to transport the alcohol to the new location. Ms. Owston reported that this license is being approved as a convenience store. A motion to approve the transfer of Class "D" Beer & Wine On-Sale License contingent to on-premise sales being approved by Public Utilities and Environmental Health was made by Commissioner Fratz, seconded by Commissioner Crosco and made unanimous by Chairperson Gearhart. The transfer license fee will be paid later at which time the license will be issued.

A Show Cause Continuance hearing was held at 8:53 AM for the Class "D" BWL On-Sale license for Table Rock. Present for the hearing was licensee, Matt Lucas. Table Rock is located at 4676 George Washington Hwy, Oakland, MD. The reason for the Show Cause Continuance Hearing was numerous incident reports received from the Garrett County Sheriff's Office. Chairperson Gearhart explained to Mr. Lucas that we have received several reports of persons at Table Rock with a high level of intoxication. Mr. Lucas reported that he has hired a security team. Mr. Lucas also reported that he has ordered a panic bar to be installed on the rear entry door, making this an exit only doorway. The only entry door will be at the front of the building. Commissioner Crosco asked how he got into

such a bar. Mr. Lucas explained that he used to work at Lowes and wanted to further himself as a business owner instead. Mr. Lucas explained that he is working on putting safeguards in place and ensuring a safe future. Mr. Lucas has been conversing with other bar owners for advice on running a safe establishment. Ms. Owston asked if employees other than Mr. Lucas and his wife are working at Table Rock. Mr. Lucas reported that Brittney Fazenbaker is also working at Table Rock. She only works part-time on the weekends. Ms. Owston reported that Table Rock needs to be aware of the level of intoxication of the individuals in the establishment. Chairperson Gearhart reported that he has advised Mr. Lucas to catch the troublemakers upon entry to the establishment. Ms. Owston reported that one of the reports states an officer returned to the establishment to investigate the premise after an individual who had been assaulted went to the hospital for treatment. Upon the officer's arrival in the parking lot at the bar, they found a person in his vehicle passed out. The individual was highly intoxicated and had vomited on himself. Mr. Lucas stated that he was aware of the situation. Mr. Lucas reported that he has barred five patrons from his establishment. Mr. Lucas reported that he is hoping to be in contact with other bar owners in his area and see which patrons have been listed on their barred persons list. He is hoping that they could share information on patrons, which may have a prior record of causing problems. The Board went into executive session to discuss the issues. The Board then broke away from this meeting to conduct the 9:15 AM hearing.

A license hearing was held at 9:15 AM for a Special Class "C" BWL 2-Day license for the Knights of Columbus, Oakland #1771. Present for the hearing was applicant, John Toston. The license is to be used at the St. Peter's Parish Hall in Oakland on November 5th & 6th, 2010. Mr. Toston reported that the event will take place from 6:00 PM until 9:00 PM. He reported that no one under 18 years of age will be permitted in the establishment and the someone would be checking ID's if necessary. Mr. Toston also stated that no carry out alcohol sales would be permitted. A motion to approve the Special Class "C" BWL 2-Day license was made by Commissioner Crosco, seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart. All fees were paid and the license issued.

Following the hearing, the Board continued with their Show Cause Continuance Hearing involving Table Rock. The Board resumed in executive session. Mr. Lucas was called back into the hearing and Chairperson Gearhart reported that the Board had deliberated and decided rather than a suspension, they are going to issue a \$500 fine. Chairperson Gearhart informed Mr. Lucas that they have 30 days to appeal the Board's decision to Circuit Court or waive his appellate right and submit the fine. Chairperson Gearhart also warned Mr. Lucas that further incidents may result in a possible suspension or revocation of the license. Mr. Lucas asked for the Board's advice in handling instances at the bar. Mr. Lucas reported that he is working on getting financing for the bar that is currently financed through the previous licensee, Rob Skeweris. Ms. Owston asked about the success of the security team. Mr. Lucas reported that they have had no instances since

hiring the security team. Ms. Owston reported that the best method of action is to contact the Board's office right away anytime the police respond to the establishment.

The October 12, 2010 meeting minutes were reviewed and accepted. A motion was made by Commissioner Fratz to accept the minutes. The motion was seconded by Commissioner Crosco and made unanimous by Chairperson Gearhart.

After the hearings, the Board had general discussion concerning various topics. Ms. Owston reviewed several events that have taken or will be taking place. Deep Creek VFD Cash Bash was held on October 23, 2010. Avilton Community Cash Bash was held on October 24, 2010. Eastern Garrett VFD Gun & Cash Bash was held on November 20, 2010. McHenry Beverage Shoppe was approved for additional employee delivery on October 28, 2010. Sugar Shack Tavern was reported to have violated the Clean Indoor Air Act Compliance Plan on October 19, 2010. Ms. Owston asked the Board if action needed to be taken due to the violation of the act. The Board agreed that a letter should be sent to the owner of the Sugar Shack stating that future violation could result in suspension of license. Ms. Owston reported that Mr. Kisner called inquiring if an establishment could refuse sale to him due to having a 17 year old in the vehicle with him. Ms. Owston has tried to contact Mr. Kisner but was not successful in him returning her calls. Ms. Owston is researching more about the Pizza Hut alcohol sales and possible license transfer. The Board approved the New Year's postcard mailing created by Ms. Owston.

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

The next regular meeting of the Board of License Commissioners is scheduled for December 2, 2010.

Thomas A. Gearhart
Chairperson

December 2, 2010
Date