

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on August 4, 2011 at 9:00 AM. Present for the meeting was Chairperson Thomas Gearhart, Commissioner Bea Crosco, Commissioner Michael Fratz and Administrator to the Board Deborah R. Owston.

Chairperson Gearhart called the meeting to order

The July 7, 2011 meeting minutes were reviewed and accepted. The motion was made by Commissioner Crosco to accept the minutes as written and Chairperson Gearhart made the motion unanimous. Commissioner Fratz abstained from the motion due to not being present at the previous meeting.

Prior to the hearings, a general discussion was held. Ms. Owston reported that Eric Paugh of Yough Mt. Resort advised the office that they would not be renewing their license. The Chamber of Commerce held a Business After Hours event at the Wisp Lodestone Golf Club. Dutch's at Silver Tree was issued their U&O on July 8, 2011 to be open to the public. Ms. Owston indicated that the Oakland American Legion appears to be ready soon for operations.

A discussion session had been scheduled for 9:15 AM with Barbara Williams of Bud's Package Liquors per the Board's request to review the proposed Jam-Fest event. Ms. Williams informed Ms. Owston that she would not be attending the meeting due the fact that they were not going forward with the event. Ms. Williams indicated to Ms. Owston that they may be considering a change in operation in the future and possibly downgrade the license and will keep the Board informed.

A license hearing was held at 9:30 AM for a Special Class "C" 2-day BWL license for Garrett Mentors. Present for the hearing was applicant, Edward Spur along with Rich Schiff. The license is to be used at the Ridgeview Valley Barn at 912 Gravelly Run Road in McHenry on September 17, 2011 during the third annual barn dance and silent auction fundraiser. Mr. Spurr stated the event will be held from 5:00 PM until 9:00 PM. Three hundred tickets are available for \$25 in advance or \$30 the evening of the event. Mr. Spurr reported that Jearbryo's will be providing a catered BBQ dinner and that there will be guest bartenders serving the beer and wine. Ms. Owston reported that Garrett Mentors, Inc. could not receive any donated alcohol for the event from retailers or individuals. Ms. Owston told them that they need an invoice for all alcohol that is being served / sold on the licensed premise that was purchased from a licensed Maryland wholesaler or retail establishment. In addition, Ms. Owston stated that BYOB is not permitted on the licensed premise. Mr. Spurr indicated that they do not anticipate any underage persons at the event. Ms. Owston explained the format difference between a minor's driver's license and a person over twenty-one years of age. Ms. Owston also stated that it is illegal to serve a visibly intoxicated person. Commissioner Crosco made a motion to approve the Special Class "C" BWL 2-Day License for September 16th and 17th, seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart. Appropriate fees were paid and the license was issued.

A license hearing was held at 9:30 AM for a Class "D" Beer & Wine On-Sale License with Tasting Option for Fire Fly Farms, Inc. operating as Fire Fly Farms Creamery & Market with Andrea Cedro, Matthew Cedro and Pablo Solanet as the applicants. Present for the hearing was applicant, Andrea Cedro. The license premise is to be 107 South Main Street, Accident, MD 21520. Ms. Cedro stated that they plan to be open in mid-October. They are an artisan goat cheese manufacturer and will combine that operation with the retail store and anticipate the operations to be a tourist destination. Chairperson Gearhart questioned as to whether they have any employees trained in alcohol awareness. Ms. Cedro stated that she was recently trained as well as Pablo Solanet. She also stated that they will not have any employees under the age of twenty-one. Ms. Owston requested that copy of the licensed floor plan be submitted for review of the proposed storage and serving areas. Ms. Cedro indicated that extra cases of wine will be stored in a locked closet. The hours of operation will be Tuesday thru Thursday from 10:00 AM until 6:00 PM and Friday and Saturdays from 10:00 AM until 8:00 PM and Sundays from 10:00 until 4:00 PM. There will be no operations on Mondays for now. Ms. Owston stated that they are not located in an approved Sunday sales election district, so there are no sales or consumption permitted on a Sunday. Ms. Owston informed Ms. Cedro that all alcohol must be purchased from a licensed Maryland wholesaler and that copies of all invoices must kept on the licensed premise and be available during an inspection. No purchases can be made at a retail business. Ms. Owston stated that it is illegal to serve a minor and that it is also illegal to serve a visibly intoxicated person. Ms. Owston reviewed the Sales to Minor guideline and informed Ms. Cedro that the Board prefers to hear from the licensees if for any reason law enforcement was necessary on the licensed premise. Ms. Owston discussed the outstanding administrative items that must be finalized prior to issuing the license. These included an approved Health Permit and Use & Occupancy Permit. Commissioner Crosco made a motion to approve the Class "D" Beer & Wine On-Sale license with Tasting Option pending copies of the proposed floor plan, an approved Health Permit and the Use & Occupancy Permit for the business, the motion was seconded by Commissioner Fratz and unanimously approved.

A transfer hearing was held at 9:45 A M for the transfer of license 11-67, Class "D" Beer & Wine Off-Sale License, from Jacobs Petroleum Products, Inc., trading as Oakland Exxon to Jacobs Petroleum Products, Inc., trading as Grantsville Exxon with Richard Stuck, Ellen Stuck and William Stuck as the applicants. Applicant Richard Stuck was present for the hearing along with Steve Stuck. Mr. Stuck said they are in the process of remodeling the Grantsville location with the plans of transferring the license. Ms. Owston questioned how many employees they will have and what age are the employees. Mr. Stuck stated that they currently have between six and ten and all but one is twenty-one years of age older. Ms. Owston reminded them that since the license is for a package store, all clerks must be at least twenty-one in order to ring up the sale of alcohol. Steve Stuck indicated that the hours of operation are currently from 6:00 AM until 10:00 PM. Ms. Owston reminded them that all alcohol must be purchased from a Maryland licensed wholesaler and copies of all receipts must be on the licensed premise available during an inspection. Ms. Owston also informed them they need to have a log of all current employees and list their job description and date of birth. Commissioner Fratz made a motion the transfer of the license be approved and seconded by Commissioner Crosco and unanimously approved. After the appropriate fees were paid, the license was issued.

A license hearing was held at 9:30 AM for a Special Class "C" BWL 2-Day License for the Allegany / Mineral County Crime Solvers. Present for the hearing was applicant James Meyers as well as Ray Presley and Bernie Zlomek. The license is to be used on Sunday, August 28th at the McKenzie Pavilion on McKenzie Road in Avilton, MD. Mr. Presley reported that 225 tickets at \$30/person will be sold. The ticket cost includes the steak dinner, raffle and the alcoholic beverages. The hours for the fundraiser will be from 3:00 PM until 6:00 PM. Mr. Presley stated that only persons 21 years of age and older will be able to purchase tickets. The bar will have wine and liquor, which will be dispensed by members of the FOP or Crime Solvers organization. There is also a beer area where two individuals will be monitoring the access. Mr. Presley said the alcohol will be obtained from a retailer in Allegany County. Ms. Owston stated that she would be contacting the Allegany County Liquor Board to verify if the retailer is authorized to sell alcoholic beverages off of their licensed premise and will contact Mr. Presley prior to the event. Ms. Owston questioned as to whether any paper gaming would be sold and Mr. Presley responded that they would be selling paper tips as additional fundraising. Ms. Owston also stated that there is to be no BYOB on the licensed premise and that it is illegal to serve a visibly intoxicated person as well as a minor and they must have the receipts for the alcoholic beverages on the licensed premise. She also noted that the event is on a Sunday in an approved election district for Sunday sales and all Sunday regulations will be satisfied. A motion to approve the Special Class "C" BWL 2-Day License to be used on August 28th was made by Commissioner Crosco, seconded by Commissioner Fratz, and made unanimous by Chairperson Gearhart. All fees were paid and the license issued.

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

The next regular meeting of the Board of License Commissioners is scheduled for September 1, 2011.

Thomas A. Gearhart
Chairperson

Date