

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on December 1, 2011 at 9:00 AM. Present for the meeting was Chairperson Thomas Gearhart, Commissioner Bea Crosco, Commissioner Michael Fratz, Administrator to the Board Deborah R. Owston and Craig Ingram, Board Attorney.

Commissioner Crosco called the meeting to order. The Board signed mileage sheets.

Travel expense reports for the period of July through December 2011 were reviewed and approved. Commissioner Crosco made a motion seconded by Chairperson Gearhart to approve the travel expense report for Commissioner Fratz. Chairperson Gearhart made a motion seconded by Commissioner Fratz 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.

The October 4, 2011 meeting minutes were reviewed and accepted with one amendment. The motion was made by Commissioner Crosco to accept the minutes, seconded by Commissioner Fratz and Chairperson Gearhart made the motion unanimous. The November 3, 2011 meeting was not conducted.

General discussion was held prior to the hearings. Ms. Owston informed the Board of the recent TIPS training for the delivery staff at Zip-eez's and updated their list of approved employees for delivering alcoholic beverages off the licensed premise. Pizza Hut re-opened on October 21, 2011 after being temporarily closed for remodeling. The license issued to Robin Bittinger of Mooney's Sports Pub transferred back to the Oakland Golf Club on October 27, 2011. This license will now be transferred to Autumn Newcomb-Shay, Matt Newcomb and Terry Fram of Gourmet-to-Go, LLC who will be operating the restaurant and lounge area of the Oakland Golf Club. The Health Department has approved public dining in the lower level of Dutch's at Silver Tree. The Board discussed a letter from the Comptroller's Office in reference to grocery "chain store" licenses being prohibited. On October 31, 2011 via telephone, Commissioner Crosco made a motion to extend the closing hours to 4:00 AM for on-sale establishments on New Year's Eve. The motion was seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart. Ms. Owston will send out postcards to all establishments. Ms. Owston reported that on Tuesday, November 29, 2011 she met with the Garrett County Commissioners and presented the Board's legislative requests for Delegate Beitzel and Senator Edwards to introduce this legislative session. Ms. Owston reviewed with the Board Galen Kamp's interest in possibly obtaining an alcoholic beverage license for his golf course located in Avilton, Maryland. Mr. Kamp will first need to seek approval from the Health Department. Ms. Owston mentioned that a complete list of the establishments checked during the compliance checks on October 12, 2011 and October 27, 2011 was received from Tfc. Willets. Ms. Owston will present the Board with a comparison chart for compliance checks in the past. The following establishments sold to a MSP cadet, El Canelo restaurant, Zip-eez's, JG's Pub, Sebold's, Good to Go, Swanton Grocery, Keyser's Ridge Liquors and Dutch's at Silver Tree. The Board reviewed two violation letters in reference to Wildwater Inn violating the Clean Indoor Air Act. Commissioner Fratz made a motion to

schedule a show cause continuance hearing in January and the motion was seconded by Chairperson Gearhart and made unanimously by Commissioner Crosco.

A sales to minor first offense violation hearing was held at 9:20 AM for Zip-eez's / Sorellee's license #11-30 Class "D" BWL Off-Sale and #11-30D Draft Beer. Present for the hearing was licensee, Gale Bosley. Chairperson Gearhart asked Ms. Bosley to explain the incident that occurred on October 12, 2011. Ms. Bosley reported that she was not present at the time and that her employee sold an alcoholic beverage to the MSP cadet. She explained that the clerk did card the cadet, looked back and forth, and made a mathematical error and must have entered a date to over-ride the register system. Chairperson Gearhart questioned whether Ms. Bosley has reviewed the underage license with her employees. Ms. Bosley responded, "of course but there are individuals with a vertical format license who may have recently turned twenty-one." Chairperson Gearhart then stated that there is also a red box on the vertical license stating not twenty-one until with the date of when they turn twenty-one. He further suggested that she go over the two different formats of a driver's license and point out that all they have to do is look at the red stuff. Chairperson Gearhart reported that the penalty for a second offense would be a \$500 fine and up to a 10-day license suspension and a third offense is a \$1,000 fine and a thirty-day suspension of the license. Chairperson Gearhart further stated that the clerks need to help protect the license and just look at the red. Ms. Owston reviewed with Ms. Bosley to stress to her staff that when they are carding, they are in control of the situation and take their time and put the blame on the management if need be to double check the birth date. Ms. Owston also emphasized that the vertical format should be screaming at them to really take their time with the ID. The Board reviewed the cadet's vertical Pennsylvania driver's license and the similar red and yellow boxes indicating under 18 and under 21 dates. Ms. Owston further reviewed the fines and suspensions guideline and noted that the infraction will be expunged from their record after two years. Chairperson Gearhart questioned what type of disciplinary action was taken. Ms. Bosley stated that she made her take the TIPS training and then Chairperson Gearhart questioned if anything was put in her file. Ms. Bosley responded, "of course, and that she was humiliated." A motion was made by Commissioner Crosco, seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart to impose the \$100 fine and letter of reprimand on this license holder for the first offense violation of sales to a minor. Ms. Owston explained that a letter will be mailed to the establishment and the fine is due within 30 days from the violation hearing.

A sales to minor first offense violation hearing was held at 9:40 AM for JG's Pub, license #11-65 Class "D" BWL On-Sale and #11-65D Draft Beer. Present for the hearing were the licensees, Kate Collins and Fred Collins. Chairperson Gearhart asked whether the licensees were there at the time. Mrs. Collins responded that she was there but in the kitchen at the time. The bartender did card the cadet and proceeded with the transaction then the cadet walked outside and the State Police then entered the establishment. Chairperson Gearhart asked the licensees if they have ever gone over the driver's license format of a minor. Mrs. Collins did respond that she has reviewed the license with her staff. Chairperson Gearhart then stated to go over it line by line and that they do not have to do the math; they just have to read. Chairperson Gearhart questioned whether they were busy at the time and Mrs. Collins responded that it was a little busy but not crazy. Chairperson Gearhart asked if they have taken any type of corrective action and Mrs.

Collins responded, yes, she was terminated. Commissioner Crosco questioned how long had the bartender been employed at JG's Pub and Mrs. Collins responded about a year. Chairperson Gearhart questioned whether the bartender was TIPS or TAM trained and Mrs. Collins responded, not to her knowledge but she did have bartending experience prior to working for JG's Pub. Chairperson Gearhart presented a copy of the cadets Pennsylvania license and reviewed the red box information indicating the date of his twenty-first birthday. Ms. Owston and Chairperson Gearhart reviewed the process the bartender will go through in District Court. Ms. Owston noted that the bartenders District Court date is scheduled for December 20, 2011 at 1:00 PM. Chairperson Gearhart also reviewed the fine and suspension guideline for a sale of alcohol to a minor along with the suspension beginning on a Friday to be fair to all establishments when the Board orders a suspension. Ms. Owston also mentioned that current ID Checking Guides are available from their beer distributors. Ms. Owston stressed the importance of taking extra time when presented with a vertical ID. The vertical ID should be screaming at them to take their time and look at the red box. Ms. Owston provided the licensees with some carding information provided by the Health Department along with some articles she felt would be beneficial to share on carding, hosting parties and cutting the alcohol service to a customer. Commissioner Crosco also took the opportunity to remind the licensees that customers are not allowed to bring alcohol onto the licensed premises. A motion was made by Commissioner Crosco, seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart to impose the \$100 fine and letter of reprimand on this license holder for the first offense violation of sales to a minor. The fine was paid at the hearing. Ms. Owston discussed the legislative process with the licensees concerning Sunday sales and the timeline for requesting changes.

A sales to minor first offense violation hearing was held at 10:00 AM for Sebold's Texaco, license #11-23 Class "D" Beer & Wine Off-Sale. Present for the hearing was the licensee, James Sebold. Mr. Sebold mentioned that his attorney was not going to be able to attend the hearing but was supposed send a letter. He stated he wanted the cadet and cop at the hearing and Ms. Owston said we could have a full administration hearing, that is up to you and then Mr. Sebold said; "well, we'll just do it now and get it over with." Chairperson Gearhart said if that is what you want, we could do that. Chairperson Gearhart asked Mr. Sebold to explain what happened on October 12, 2001. Mr. Sebold said he carded the cadet and the ID looked like the year was 1990 and not 1991. Chairperson Gearhart responded, so it was just a mistake reading it and Mr. Sebold replied, "Yes, it was just a mistake." Chairperson Gearhart questioned what kind of license the cadet had and Mr. Sebold said it was a Pennsylvania license. Commissioner Fratz displayed a sample image of a Pennsylvania driver's license and questioned if the cadet's license resembled this license with the red line through it with under twenty-one and Mr. Sebold said he did not remember seeing the red line. He even told the MSP Trooper who came into the store that he did not remember the line. Ms. Owston then spoke up that she had an actual faxed copy of his license. They then reviewed the box around the twenty-first birth date. Mr. Sebold said the trooper went back out to the car to get the cadet's license. Mr. Sebold said the cadet did not come back in the store. Ms. Owston then questioned Mike Wilburn who was in attendance on behalf of the Health Department on the protocol of the cadet returning to the business since he participated in the compliance checks. He said it is his belief the cadet does not go back to the establishment when there is only one person working in the business. Chairperson Gearhart reviewed the fine and suspension

guideline. A motion was made by Commissioner Fratz, seconded by Commissioner Crocco and made unanimous by Chairperson Gearhart to impose the \$100 fine and letter of reprimand on this license holder for the first offense violation of sales to a minor. The fine was paid at the hearing. Ms. Owston provided the licensee with some information on carding and sample driver's licenses.

A sales to minor second offense violation hearing was held at 10:00 AM for El Canelo Restaurant, license #11-02 Class "B" BWL On-Sale. Present for the hearing was licensee, Lisa J. Hernandez. Chairperson Gearhart asked Ms. Hernandez to explain the incident. Ms. Hernandez reported that the cadet went to the old bar area and ordered a Coors Lite; the server looked at his ID and said she did not do the math and served him the beer. The cadet asked where the restrooms were and the server then noticed the police officer entering the business when she returned to the bar area. Chairperson Gearhart questioned who trained the server and Mrs. Hernandez replied that her husband, Jose "Ormando" Hernandez trains the staff. Chairperson Gearhart asked Ms. Hernandez if she was involved in any of the training and she responded, no. Chairperson Gearhart then questioned if anyone reviewed a driver's license with the server and pointed out everything in red that is glaring. Ms. Hernandez said that when she was hired, her husband went over papers that Ms. Owston provided with the examples of the ID's. Chairperson Gearhart then wanted to know if he went over it specifically and say, red; alcohol restriction; and say look around the picture; not twenty-one until and Ms. Hernandez responded by saying, "I can't say, I don't know." Chairperson Gearhart said that his guess is if you do not do that, you will be in here for a \$1,000 fine and a thirty-day suspension. Ms. Hernandez said she does not want that to happen and Chairperson Gearhart responded by saying, that is up to you. Chairperson Gearhart said there has to be training on the license format and you have to continually train them. Chairperson Gearhart questioned if they have meetings with their employees and Ms. Hernandez said every now and then. He further stated that that would be a good time to bring it up and remind them they have to look at what is a red or bright color depending on the state. He said the areas are highlighted to make it easier. Chairperson Gearhart questioned what type of disciplinary action was taken and Ms. Hernandez responded that both her and her husband did talk with her individually and expressed the seriousness. The employee wrote the owners an apology. They did not fire her since she realizes how bad it is for the owners and the restaurant and offered to pay any fines and to do anything that she could. She expressed a sincere apology. Ms. Hernandez said they had her and another server attend the recent TIPS training. Chairperson Gearhart once again reviewed the importance of training. Ms. Hernandez also mentioned that as a result, they made a policy that anytime they are presented with a vertical format driver's license, they must get another employee to double check the ID. She also informed the Board that she contacted Lohr Distributors and requested a 2012 date calendar. Ms. Hernandez questioned about how they could legally do self-checks and Chairperson Gearhart suggested doing role-playing during meetings or trainings with dates to verify. Ms. Owston also reminded Ms. Hernandez to really stress the difference to her employees on the format of the DOB in the USA verses other countries and the military. Craig Ingram also spoke on the vertical format of the Maryland, Pennsylvania and West Virginia on how it should be obvious and that about 90 % of the vertical licenses the individuals are under twenty-one. Ms. Owston mentioned that she will check with Montgomery County on obtaining some sample ID's for training purposes. She also mentioned to emphasize to the employees how they are in

control once they have the ID in their hands and to take their time checking the birth date. The Board went into Executive Session to talk about the possible suspension. A motion was made by Commissioner Crosco, seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart to impose the \$500 fine and five-day suspension of the license beginning Friday, December 2, 2011 at 6:00 AM and ending on Wednesday, December 7, 2011 at 6:00 AM for the second violation of sales to a minor. Chairperson Gearhart explained that she would have thirty days to appeal the Board's decision to Circuit Court should she choose and that the suspension is always going to start on a Friday. Ms. Hernandez agreed and waived her right to appeal the Board's decision. Ms. Owston notified the licensee that the license will need to be turned in during the suspension and that there can be no consumption, handling, selling, ordering, purchasing or delivering of alcohol during those days. The Oakland Police, State Police, Sheriff's Department and wholesalers will be notified of the suspension. The fine was paid at the violation hearing. Ms. Owston distributed samples of various licenses and some articles on serving alcohol.

A sales to minor second offense violation hearing was held at 10:20 AM for Good To Go. Licensees Debbie Spear and Richard Beissel were present at the hearing. Chairperson Gearhart asked what had happened on October 27, 2011. Mr. Beissel said he was at the business at the time of the violation occurred but was in the office. Mr. Beissel stated that from what he understands, the clerk did not ask the cadet for ID and proceeded with the sale. Chairperson Gearhart questioned whether she was trained in an alcohol awareness course and Mr. Beissel responded no. He said they have such a turnover of employees that it is difficult to actually get someone to some kind of training. He said that at monthly employee meetings they preach to them to check ID's. Chairperson Gearhart questioned whether they have ever gone over the license line by line and pointed out the alcohol restriction and the red box. Mr. Beissel said that she did not even look at the license. Chairperson Gearhart suggested that they remind their staff more than once a month about ID's and possibly make it a daily thing. Ms. Owston explained the handouts she will be presenting them and the various formats for driver's licenses in Maryland, Pennsylvania and West Virginia. Ms. Owston also suggested that a policy of some type be established for a vertical format license such as two employees need to check the date of birth and make them aware that they need to take their time. The licensees mentioned that they posted a sign alerting customers to have their ID in hand and ready for the clerk to check if they are purchasing tobacco or alcohol. Mr. Beissel said he is beside himself and even went as far as making the register alert the clerk to enter the date of birth for all alcohol and tobacco transactions. He thought this alert would at least make them look at the customer and the ID. Chairperson Gearhart asked what kind of disciplinary action was taken against the clerk and Ms. Spear responded that she was fired. A motion was made by Commissioner Crosco, seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart to impose the \$500 fine and five-day suspension of the license beginning Friday, December 2, 2011 at 6:00 AM and ending on Thursday, December 8, 2011 at 6:00 AM for the second violation of sales to a minor. Chairperson Gearhart explained that they would have thirty days to appeal the Board's decision to Circuit Court should they choose and that the suspension is always going to start on a Friday. The State Police, Sheriff's Department and wholesalers will be notified of the suspension. Ms. Owston also further explained the fines and suspensions guidelines and this violation would be expunged from their record after two years. Ms. Owston also reviewed that they

cannot conduct their own checks with a minor. Chairperson Gearhart suggested they could do some type of role-playing at their employee meetings with sample ID's. Ms. Spear and Mr. Beissel agreed and waived their right to appeal the Board's decision. Ms. Owston notified the licensees that the license will need to be turned in during the suspension and that there can be no consumption, handling, selling, ordering, purchasing or delivering of alcohol during those days. Ms. Owston distributed samples of various licenses and some articles on selling and serving alcohol.

A hearing was held at 11:00 AM for the transfer of license # 11-70 Class "D" BWL On-Sale License & issuance of a new Draft Beer License from Rob Heilig, Sandra Bello and Rosemary Versteegen of Oakland Golf Club, Inc. operating as the Oakland Golf Club to Autumn Newcomb-Shay, Matthew Newcomb and Terry Fram of Gourmet-To-Go, LLC operating as the Sand Trap and the Country Club restaurant. Applicants Autumn Newcomb-Shay and Terry Fram were present for the hearing. Chairperson Gearhart asked the applicants to discuss their plans for establishment. Ms. Newcomb-Shay responded by updating the Board on her business venture with Terry at the lake with Gourmet to Go and Deep Creek Sweets and their new business opportunity at the golf club. They plan on December 5, 2011 to open up the restaurant on the upper level during the day and the Sand Trap in the late afternoon and evenings. Chairperson Gearhart questioned whether they would be changing the restaurant at all as far as cliental and Ms. Newcomb-Shay responded yes they would be catering to the golf members and lunch crowd and the music entertainment would no longer cater to the younger crowd. Chairperson Gearhart questioned how many people they have trained in an alcohol awareness course and Ms. Newcomb-Shay responded, all of us. Chairperson Gearhart asked how many that was and she replied four. Chairperson Gearhart then questioned about security and Ms. Newcomb-Shay responded that they do not feel they will need security due the patrons they are hoping to attract. Ms. Owston asked about carding procedures and whether they were utilizing wristbands and Ms. Newcomb-Shay replied that after 9:00 PM they are not allowing anyone under twenty-one. Ms. Owston reviewed some general rules such as all purchases must be through a Maryland wholesaler and no BYOB is permitted on a licensed premises, no alcohol can be purchased at a retail establishment if they run out of a product and all receipts must be available for inspection. All licenses must be displayed on the premise. She mentioned that since they are a for-profit business gaming / gambling is illegal. Ms. Owston said that besides it being illegal to serve a minor it is illegal to serve a visibly intoxicated person and mentioned an article on stopping beverage service. Permitted hours for consumption on a licensed premise are between 6:00 AM and 2:00 AM and Sunday sales and consumption is prohibited in their election district. There is to be no BYOB on a Sunday as well. She also reviewed with the applicants and Board that the golf course will be part of the premise and that some type of signage should be in place to remind golfers that BYOB is strictly prohibited. Ms. Owston explained how a compliance check is conducted and their responsibility to inform the office in the event that law enforcement is on the premise for any reason. The age of an employee in a restaurant verses in a bar was discussed. The outstanding administrative items include the Bulk Transfer Permit, Transfer Release, copy of the Sales & Use Tax number, a copy of the current Operating Agreement listing the memberships noting their percentage of interest and favorable background results. Ms. Owston also mentioned about their responsibility to have all amusement stickers. Commissioner Fratz made a motion to approve the transfer of the license to a Class "B" BWL On-Sale License and

issuance of a new Draft Beer License contingent on the requested administrative items to be completed within thirty days with a second by Commissioner Crosco and the motion was made unanimous by Chairperson Gearhart. Chairperson Gearhart then instructed them to call the office about doing anything questionable on the licensed premises. Ms. Owston then told them that nudity and sexual display is prohibited on a licensed premise so there is to be no Chip n Dale type performances. She also noted that alcohol could not be free so check with her on any advertising questions for alcohol that is included with a package deal. Ms Newcomb-Shay then questioned about the golf cart beverage service and the age of the girls working. Ms. Owston said they must be at least twenty-one since they are technically acting as a bartender. Chairperson reminded them they need to enforce the fact that the golf course is a licensed premise. Ms. Owston discussed the possibility of upgrading the license in the future with the various license options.

A show cause continuance hearing was held at 11:15 AM for the Deer Park Sportsman Club located at 3890 Maryland Highway, Deer Park as a result of Crash Investigation Incident Report # 11-00024 received from the Garrett County Sheriff's Office, which resulted in a fatality. Licensees Robert Sweitzer and Michael Hinebaugh were present for the hearing along with Sergeant Daniel Duggan. Craig Ingram swore in the licensees and requested that they state their name and their position with the organization. Chairperson Gearhart asked the licensees to tell them what happened prior to Mr. Thomas Beeghly's accident. Mr. Sweitzer stated that it was New Year's Day and there was a short Director's meeting that morning at which Mr. Beeghly attended. The meeting adjourned and they went their separate ways and Mr. Beeghly apparently stayed at the establishment and drove home intoxicated. Chairperson Gearhart questioned what time the meeting was and Mr. Sweitzer responded 11:00 AM. Chairperson Gearhart then asked what time the meeting was over and Mr. Sweitzer responded approximately 12:30 PM. Mr. Sweitzer said he left the club around 1:30 PM and that it was his understanding that Mr. Beeghly left the establishment about 5 to 10 minutes before the accident. Ms. Owston stated that the accident occurred at approximately 6:35 PM. Chairperson Gearhart asked them what their policy was about serving someone intoxicated. Mr. Sweitzer replied that all their staff is trained in TIPS and they recently had a couple of members trained and they have always refused service on someone that is visibly intoxicated. He stated that he thinks what may have happened is that Mr. Beeghly might have been out at their pavilion during the bartender shift change and unfortunately, he fell through the cracks; he believed. Chairperson Gearhart questioned if the pavilion is part of the premise. Mr. Sweitzer responded, yes sir. Chairperson Gearhart asked what kind of corrective action has been taken since then. Mr. Sweitzer stated that all current bartenders have been trained and two officers. In addition, at their next board meeting after the incident they passed that any board members on the premise (four officers and five directors) are also continually supposed to try to watch the bar and anyone at all that seems to have been there too long and if the bartender does not cut them off, we tell the bartender to cut them off. Chairperson Gearhart asked if they have cut anyone off since that policy went into effect and Mr. Sweitzer replied that yes they have. He stated they have always tried to do that and in the past years 17 - 18 that he has been involved with the club this is the first time to his knowledge that they have ever been involved in this kind of incident. He said they pride themselves on the type of organization they run, they strive to run a clean place and not allow this kind of thing to go on, and it is very unfortunate that it happened. He said they would take any suggestions the Board may have to tighten things up. Chairperson

Gearhart then mentioned what about shift changes. He said that when one bartender leaves to clue the other one in on what has been going on. Mr. Sweitzer said that they now have a 15 – 20 minute leeway in between the two shifts so they can communicate with each other. They also now review the sign in book to see who has been there that day and then they can tell if someone had been there earlier and returned. Chairperson Gearhart questioned whether they know to check the premise outside too and Mr. Sweitzer replied that yes, they know to check outside and for now except for functions they have placed the pavilion off limits for sitting around. Commissioner Crosco questioned about the pavilion and deck area and as to whether Mr. Beeghly had taken his own beer to this area for consumption. Mr. Sweitzer said that they do not allow alcohol on their premise no one has ever reported that anyone was drinking any alcohol they may have had in their vehicle on the premise. He said the members do kind of police the club and that if they see that, they would tell them, because they do not want that kind of thing to happen. No outside alcohol is permitted to be consumed at the pavilion, on the porch or even inside. Commissioner Crosco said that is the way it should be but she was looking at the report that referenced beer in his truck. Mr. Sweitzer said he understood. Chairperson Gearhart then referenced the report about the beer in the truck and Mr. Hinebaugh said he would not think that Mr. Beeghly would do that and further stated that he was not even drinking a beer at the meeting. Chairperson Gearhart said it is possible he could have been drinking his own beer. Mr. Sweitzer stated that he did not believe that to be the case because the members smoke on the deck and they would have noticed if that were the case and spoke up if that is what was going on. Mr. Sweitzer said they have had that happen before and threw the person off the premises. He also mentioned that they have surveillance cameras on the porch. Chairperson Gearhart questioned if they checked them and Mr. Sweitzer said he honestly was not aware if they check the footage. Chairperson Gearhart suggested they might want to start checking them and let the members know they are checking. Ms. Owston mentioned they might want to put up some signage about BYOB if this is not currently posted. Mr. Sweitzer said they could definitely put up some signage. Commissioner Crosco asked if they had since seen Mr. Beeghly or if he had been back to the club. Mr. Sweitzer said he had not and Mr. Hinebaugh said he had spoken to him. Mr. Sweitzer that he is no longer a member of the club. Ms. Owston replied that Mr. Beeghly is currently incarcerated in the Garrett County Detention Center. Ms. Owston discussed how some people show various signs of intoxication due to their gender, size and tolerance of alcohol but the bartenders need to monitor the amount of drinks a customer is consuming over time at the establishment. According to the report, Mr. Beeghly's BAC was well over two times the legal limit and she wants the bartenders and others to be aware of the impact of consuming a high number of drinks. Ms. Owston said it sounds like they have taken several better ways to monitor their customers. Ms. Owston did note that a concerned citizen contacted the office shortly after the accident about the club's responsibility. Ms. Owston also mentioned that the Board did not receive the report on the incident until after Mr. Beeghly was charged in District Court late this summer and that is why the hearing is being held in December. Sgt. Duggan briefly summed up the report and his discussion with Mr. Beeghly a couple days after the accident and how Mr. Beeghly was able to still function after consuming a large quantity of alcohol. Sgt. Duggan said he has never seen such heartfelt testimony at Mr. Beeghly's hearing. Ms. Owston reviewed Article 2B, § 10-401(a) (2), "Revocation and Suspension" as it relates to the peace or safety of the community in which the place of business is situated as well as Article 2B, § 12-108, "Sales to minors and intoxicated person prohibited." Mr. Sweitzer asked the Board

to consider the past reputation of the club and the fact that they have not been violators in the past 18 years that he has been involved and that it was one unfortunate incident that he thinks about every day. Mr. Sweitzer agreed with Sgt. Duggan's observation and he wishes they had done more to help Mr. Beegly as friends. Mr. Hinebaugh stated he worked with him for ten years and he did not know he was like that. Mr. Hinebaugh said their girls do throw people out who come there after they were thrown out of other establishments. Chairperson Gearhart said one thing to impress upon the bartenders, is that if you have a functional alcoholic, you can still count. Mr. Sweitzer then said he feels that is where the logbook and overlap in shifts will really pay off. Chairperson Gearhart agreed and stated they need to know how many beers they are serving or not. After hearing the testimony, the Board went into Executive Session. The Board concluded that a violation of Article 2B occurred on your licensed premise. Upon deliberation, Chairperson Gearhart made a motion for a fine of \$1,000.00 for the infraction and a 15-day suspension of your license to begin at 6:00 AM on Friday, December 2, 2011 and continue until 6:00 AM on Tuesday, December 20, 2011. The motion was seconded by Commissioner Fratz and made unanimous by Commissioner Crosco. Chairperson Gearhart reviewed their 30-day appellate right and Mr. Sweitzer said they will reserve the right to appeal the Board's decision and will decide within the thirty days as to how they will proceed. Craig Ingram confirmed that they are reserving their right to appeal. Chairperson Gearhart mentioned that the Board will stay their opinion for the suspension to begin on Friday. It was determined that since the thirtieth day was on a Saturday, they should notify the Board on the next business day being January 3, 2012.

After the scheduled hearings, there was additional general discussion. The Board reviewed several Incident Reports received from the Garrett County Sheriff's Office.

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

The next regular meeting of the Board of License Commissioners is scheduled for January 5, 2012.

Thomas A. Gearhart
Chairperson

January 5, 2012

Date