

## MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on March 1, 2012 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 Board signed mileage sheets.

The December 1, 2011 meeting minutes were reviewed and accepted with a few grammatical corrections. The motion was made by Commissioner Crosco to accept the minutes, seconded by Commissioner Fratz and Chairperson Gearhart made the motion unanimous. The January 5, 2012 meeting minutes were reviewed and accepted. The motion was made by Commissioner Fratz to accept the minutes, seconded by Commissioner Crosco and Chairperson Gearhart made the motion unanimous

Prior to the hearings, the Board reviewed several Incident Reports received from the Garrett County Sheriff's Office.

A new license hearing was held at 9:20 AM for a Class "B" Beer & Wine On-Sale License with Sunday Sales Option, Catering Option and a Draft Beer License for Jearbyro's, LLC operating as Jearbryo's restaurant with Bryon Bowman and Jerry Humberson as the applicants. The license premise is to be 145 Bumble Bee Road, McHenry, MD 21541. Present for the hearing was applicant, Bryon Bowman. Mr. Bowman explained that they would like to add beer & wine to their beverage menu. They will not be having a bar area. They are currently under construction with a new roof over the existing deck and are replacing and updating the electrical service. Commissioner Crosco asked Mr. Bowman if they have had many requests for alcoholic drinks. Mr. Bowman said they think it is imperative to their continued operation. He said they have actually had potential customers leave when they were not able to purchase an alcoholic beverage. Chairperson Gearhart questioned whether Mr. Bowman realized that the Catering Option for alcohol requires food as well and Mr. Bowman concurred. Commissioner Fratz questioned if everything under roof would be licensed and Mr. Bowman responded that yes, the entire premise includes the building and the outside covered deck area. Ms. Owston showed the Board a copy of the floor plan for the current business with the new front covered deck as well as the possible future expansion pending approval from the Department of Planning & Land Development. Ms. Owston read the findings of the approved Special Exception Permit for limited outside deck dinning until 9:00 PM seven days a week. Ms. Owston stated the hours for consuming alcohol on a licensed premise are from 6:00 AM until 2:00 AM Monday through Saturday and on a Sunday from 1:00 PM until 10:00 PM in approved election districts with a meal only. Ms. Owston reviewed the requirements of Sunday alcohol sales. She also, mentioned to Mr. Bowman that the regulations regarding catering on a Sunday state that the licensee will only be permitted to cater in their election district on a Sunday. Ms. Owston advised that in the event he would be asked to cater at one of the local parks that they verify whether or not alcohol is permitted. She also stated that all alcohol must be purchased through a wholesaler and that the practice of BYOB is prohibited on a licensed premise. Ms. Owston explained that the Class "B" license allows the sale of brewed beverages for off-premise consumption. She also explained that if a

customer does not finish a bottle of wine the server could re-cork the bottle and place it in a bag and the customer can take it off the premise. The bottle is then an "open container" and the wine should be transported in a non-passenger area of the vehicle. Ms. Owston reviewed the age of a server and the fact that they must be at least 18 years of age in order to serve alcohol from the "bartender" to a seated customer. She said the logistics since they will not have an actual bar would require that someone at least 21 years of age hand the alcohol to the server. Ms. Owston reviewed the requirement of an approved alcohol awareness certification and Mr. Bowman stated that he has four employees lined up for training. Ms. Owston informed Mr. Bowman that it is illegal to serve a minor as well as a visibly intoxicated person and that they have every right to refuse service. Ms. Owston told Mr. Bowman that if for any reason they require the assistance of law enforcement or there is an incident where law enforcement responds to the license premise, they should contact the office about the circumstances. Ms. Owston also mentioned that if they fail a compliance check to notify the office when this occurs as well. She went over the fines and suspension guidelines for the sale of an alcoholic beverage to a minor. Ms. Owston distributed sample copies of a provisional driver's license for Maryland and Pennsylvania along with other articles on carding and cutting off service to a customer. Chairperson Gearhart went over the various indicators on a driver's license such as the vertical format and the red indicators on a Maryland ID. He suggested that if they receive a vertical format ID that they have two employees verify the age. Chairperson Gearhart also suggested that someone in a management position go over the ID line by line with every employee. Chairperson Gearhart said to make sure they know to check the expiration date on the ID. Ms. Owston cautioned Mr. Bowman about the possibility of fake ID's being utilized. Ms. Owston said that all administrative items have been received except for certification of an approved alcohol awareness course. A motion to approve a Class "B" Beer & Wine On-Sale License with Sunday Sales Option, Catering Option and a Draft Beer License effective April 1, 2012 was made by Commissioner Crosco, seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart.

A discussion session was held at 9:40 AM to consider the pre-application submitted for the Wine Festival License. The Wisp Resort submitted an application for the upcoming Deep Creek Art & Wine Festival to be held on September 8, 2012 at the Garrett County Fair Grounds. Paula Yudelevit and Vianne Bell attended to represent the Wisp Resort and the Deep Creek Art & Wine Festival Committee. Ms. Bell said the use of the Exhibit Hall was very beneficial. Ms. Bell discussed the new alcohol tax rates that applied. Ms. Yudelevit said that as a result they will restructure the ticket pricing for entrance fee and tasting fees. She also said they will be changing the premium wine area and extra cost of \$10 with a limit of five tastings. They mentioned that they had a great security service last year sponsored by Ia Security, Inc. from Cumberland and will increase this service to include monitoring of wristbands and the tastings in general. Ms. Bell explained the relationship with the Red Cross funding expenditures prior to the event and the Wisp's role in helping with the Wine Store. Ms. Yudelevit clarified the restructuring of the local Red Cross office and told of the Red Cross volunteers who are now willing to help run the event. Ms. Bell explained how many of the local business owners volunteer services and supplies for the event. Commissioner Crosco expressed concern as to whether the money is still here in Garrett County due to the changes of the local chapter that is now provided for on a regional level. Both ladies explained how the change now benefits Garrett County in a

much greater way. They were instructed to submit their application for the July 5, 2012 meeting.

A license hearing was held at 10:00 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 stated that the license would be used for a Cash Bash fundraiser on Saturday, May 5, 2012 at the fire hall. Mr. O'Brien explained that the event will be held from noon until 6:00 PM. Mr. O'Brien indicated that they will be selling 500 tickets at a cost of \$30. Mr. O'Brien said that the beer trailer would be set up out back on the upper level outside of the doors where they will have a canopy set up. They have everyone come through the main doors to the fire hall where their identification is checked and those over twenty-one will be wrist banded. They will be monitoring the beer trailer area to watch and make sure everyone has a wristband. Chairperson Gearhart questioned whether the beer is dispensed into cups or pitchers and Mr. O'Brien responded by saying in cups only. Commissioner Fratz then questioned if it is a self-serve area or not and Mr. O'Brien said that it is self-serve, but there will be someone there to watch it to make sure whoever is getting a beer has a wrist band. Ms. Owston questioned if they allow anyone under eighteen years old to attend the event and Mr. O'Brien responded yes, but they are not allowed to gamble. Ms. Owston questioned what all the ticket entitles the holder to and Mr. O'Brien said it included the raffle, food and drink, including beer. Ms. Owston asked if anyone would be monitoring areas away from the beer trailer, Mr. O'Brien said there are members working throughout the fire hall selling paper tips and they are instructed to watch for wristbands on those drinking beer. Ms. Owston asked if the persons working the door were trained in TIPS or TAM. Mr. O'Brien said that Kenny Collins works the door and they use the various documents that were provided by Ms. Owston on ID checking. Ms. Owston recommended the TIPS for Concessions course that is periodically held by the Health Department as an added training resource. Ms. Owston expressed the importance to monitor the level of intoxication of patrons of the event due to the fundraiser lasting six hours. She also suggested that at the beginning of the event they notify everyone that they are permitted to get beer for themselves only and that anyone providing beer to someone under twenty-one will be asked to leave and both tickets will be voided. Mr. O'Brien said that if they see someone with two beers in their hands, they would eyeball them and see where they go. He said they do watch that until they sit down at the table. Ms. Owston also suggested that they might want to consider printing on the ticket that it is licensed event and BYOB is prohibited. She said that if there are any obstacles or exits blocked or out of service that this be a part of the announcement prior to the raffle beginning. No alcohol can be sold to-go; all consumption is for on-premise only. Commissioner Crosco made a motion to approve the Special Class "C" BWL two-day license to be used on May 4<sup>th</sup> & 5<sup>th</sup>, 2012, seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart. Ms. Owston presented Mr. O'Brien with additional ID checking material for both Maryland & Pennsylvania and articles on cutting off service.

A license hearing was held at 10:20 AM for a Special Class "C" BWL Multi-Event License for the Oakland - Mt. Lake Park Lions Club. The license would allow up to five events during the license year. Present for the hearing were applicants Joshua Bosley, Mark Marucci and Brian Boal. Chairperson Gearhart asked someone to give a brief description on their plans. Mr. Marucci said that they have been very successful with the Red Neck Dayz and beer sales there and they feel they run a great program and keep an eye on

people and they have about 18 members of their club trained in TIPS for Concessions. They have a Dodgeball tournament scheduled for Saturday and they would like to be able to sell beer. During Autumn Glory last year, they did a food fundraiser in front of Mr. Marucci's house from a trailer that they made an outside kitchen approved by the Health Department and did quite well. This year the Lions Club would like to have a small café area across from the Armory between the antique tent and his property. They would like to sell sandwiches, chicken, beer and wine coolers. They would have a tent with picnic tables available in order to have another Lions Club event and raise more funds. This is why they are applying for the five-event license. Ms. Owston explained that if the license were approved today, it would expire June 30, 2012 and they would re-apply through the renewal process. Commissioner Crosco asked for more information on the Dodgeball Tournament. Mr. Marucci said they will be having an over twenty-one Dodgeball Tournament fundraiser on March 3, 2012 at the Oakland Community Center / Armory building. They have thirteen teams signed up for the double elimination tournament from 11:00 AM until around 8:00 PM. There will be no admission cost to attend the event only registration fees for those participating in the tournament. Beverages and food will be available for sale and will only be permitted in a designated area of the building and they would also like to be able to sell beer and wine coolers. Ms. Owston asked if there would be any outside area for smoking that they could also take a beer outside and Mr. Marucci responded that no one would be allowed to take an alcoholic beverage outside. He also mentioned they would be utilizing wristbands on those of age drinking alcohol. Ms. Owston told them that the practice of BYOB is prohibited. Ms. Owston cautioned that they need to really monitor serving areas and if possible to designate these areas by some sort of signage or barrier. Mr. Marucci explained how they would contain those consuming alcoholic beverages during the Autumn Glory event that satisfied the Board. They too said they would be very strict on enforcing this. Ms. Owston reminded them that is illegal to serve a minor as well as an intoxicated person. She presented some articles on cutting off service. They said they used that same approach last year. Ms. Owston said they need to be aware of those drinking and correspond with other servers during shift changes. They said that Mr. Boal is in charge of the beer tent and last year, he never left the area. Ms. Owston questioned if they anticipate any gambling activities and they said that was a question and they were considering it. Ms. Owston confirmed that they are a registered non-profit and qualify to conduct these activities. They said they will then conduct some 50-50 drawings and possibly some paper tips. Ms. Owston provided samples of driver's licenses for Maryland and Pennsylvania and advised them to be careful when checking vertical underage licenses. She also told them that no alcohol can be donated to the events, all alcohol must be purchased by the Lions Club and they must have receipts on hand. She suggested gift certificates or monetary donations. Ms. Owston reminded them that BYOB is prohibited and they agree they need to note this in all advertisements for the event. The Redneck Dayz fundraiser at Broadford Park will be on Saturday, June 16, 2012. The events begin at 8:00 AM until 12 midnight. Commissioner Fratz made a motion to approve the Special Class "C" Multi-Event BWL License good for up to five events Commissioner Crosco second the motion and Chairperson Gearhart made the motion unanimous. All fees were paid and the license issued.

After the scheduled hearings, there was additional general discussion. Ms. Owston updated the Board on the various legislative requests as well as statewide alcohol bills. Swanton Grocery served their suspension from February 10 – 15, 2012. Keyser's Ridge

Liquors began their thirty-day suspension on February 10, 2012 going through March 12, 2012. Wildwater Inn submitted their revised premise. Bud's Package Store notified the office that the business is closed and they most likely will not be renewing the license. St. Moritz Boardwalk notified the office of patrons who left their establishment and were involved in a fatal automobile accident on Deep Creek Drive. St. Moritz Boardwalk also notified the office that licensee Theresa Hamilton will no longer be involved with the establishment and Joy Thrasher will replace her as manager and local licensee. The Board discussed the food verses alcohol ratios for Black Bear Tavern and determined they would like to call them in for a discussion session on their Class "B" License. Cornish Manor is in the process of possibly transferring the license from Cindy Wolf to Emily Berry. Swallow Falls Store notified the office that they are currently closed and they do not plan to renew the license. The Garrett County Fair Board is considering a multi-event license for various events held by the Fair Board at the Fair Grounds. The Board reviewed several Incident Reports received from the Sheriff's Office. They decided to call in the Black Bear Tavern and Shorty's Bar & Grill for the April 4, 2012 meeting.

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 Crocco.

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

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Thomas A. Gearhart  
Chairperson

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April 5, 2012

Date