

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on May 3, 2012 at 9:00 AM. Present for the meeting was Chairperson Thomas Gearhart, Commissioner Bea Crocco, Commissioner Michael Fratz and Administrator to the Board Deborah R. Owston.

Chairperson Gearhart called the meeting to order. The Board signed mileage sheets.

The April 5, 2012 meeting minutes were reviewed and Chairperson Gearhart requested more detail of the Board's Executive Session be included. As a result, the minutes will be approved at the next meeting on June 7, 2012.

There was general discussion before the hearings. Ms. Owston reviewed the latest results for the 2012 Legislative Session. HB 142/SB 255 – CJIS Updates, received unfavorable results due to statewide provisions of HB 110 which will go into effect on July 1, 2012. HB 223/SB 585 – Special Class "C" purchase from a retailer or wholesaler passed, HB 504/SB 527 – Class "B" Beer On-Sale License passed, HB 222/SB 587 – Nudity and sexual display on a licensed premise allowing the Board to determine the penalty passed. All local bills will be effective July 1, 2012. The Statewide Legislation for HB 228/SB 755 – Corkage Wine BYOB passed and will be effective July 1, 2012. Ms. Owston informed the Board of the licensed establishments with a renewal hold by the State for Trader's License, tax obligations and Health permits.

A hearing was held at 9:40 AM for the transfer of license # 11-54 Class "D" BWL Off-Sale License from Rob McBee of Swanton Grocery, Gas & Liquors to Mariah Price, Jonathan Price and Rob McBee of Swanton Grocery, Gas & Liquors, LLC operating Swanton Grocery, Gas & Liquors. Applicant Jonathan Price was present for the hearing. The Board reviewed and approved the background checks for the applicants prior to the public hearing. Chairperson Gearhart asked Mr. Price to discuss their plans for establishment. Mr. Price said that they really don't plan on changing too much about it. He mentioned they may do a little bit of remodeling here and there but for the most part not change much. He said the store has been successful for about 100 years and they may make some changes little by little. Chairperson Gearhart asked Mr. Price if he was aware of the sales to cadet history. Mr. Price said he knows all about it and they can't let it happen again. He said he has put in a point of sales system that instructs the employee to check the customers ID when alcohol is scanned. Chairperson Gearhart questioned if there will be other employees besides him and his spouse. Mr. Price responded by saying that all of the employees will continue under the new ownership. Chairperson Gearhart questioned if he was inheriting any of the employees who had served the cadet and Mr. Price said yes, the most recent employee who sold to the cadet is still employed. He said the clerk checks every ID now. Chairperson Gearhart commented that the clerk was new during the most recent compliance checks and Mr. Price agreed and informed the Board that he told the clerks that he is not paying any fines. Mr. Price feels this policy has changed their minds and they are carding everyone now. He mentioned that the majority of their customers are local to the community; therefore, they should be carding everyone they are not familiar with no matter how old. Commissioner Fratz told Mr. Price not to let his employees get into a habit and enter their own birthday instead of the customers on the

POS. Mr. Price agreed and said this may occur on regular customers who are obviously of age but that they need to remember they are a summer tourist area as well and underage individuals may try to purchase alcohol. Chairperson Gearhart reviewed a provisional driver's license with Mr. Price noting the vertical format, red lettering and red border around the photo as additional indicators. Chairperson Gearhart mentioned that some places actually refuse a vertical license for the purchase of alcohol. Mr. Price said that might make sense for them, just because of the past. Chairperson Gearhart questioned if the birthdate entered by the clerk actually appears on the customers receipt and Mr. Price replied that he did not think so, but it was available on reports in the POS system for his review. Chairperson Gearhart once again stressed the significance of not entering their DOB and the importance of reviewing with each clerk the indicators on a provisional ID. Ms. Owston outlined the fines and possible suspensions for a sales to a minor violation. Ms. Owston told Mr. Price that in the event, they sell to a cadet, they should notify the office. She stated that they should also notify the office of any event involving law enforcement on the licensed premise. Ms. Owston stated that all alcohol must be purchased from a wholesaler licensed in Maryland and that the original or a copy of all alcohol receipts must be on the licensed premise available during an inspection. The hours for alcohol sales are from 6:00 AM until 2:00 AM Monday through Saturday. There are no alcohol sales or consumption permitted on Sunday. The age for an employee ringing up the alcohol must be at least 21 years of age and 18 or older to stock alcohol. Ms. Owston explained the renewal process and the deadlines and applicable late fees if the renewal is submitted after May 1st. Ms. Owston discussed the importance of alcohol awareness training and for the person trained to share their knowledge with those who may not have been recently trained. Ms. Owston stated that it is illegal to serve a visibly intoxicated person. Ms. Owston also discussed the expiration date on an ID and the importance to checking this data as well. Ms. Owston said that the privileges of a Class "D" Off-Sale license allow up to 25% of the alcohol sales to be consumed on the licensed premise. She noted that if in the future they plan any type of expansion that notification to the Board for approval is required. Chairperson Gearhart also told Mr. Price that all documents must be submitted on time. Ms. Owston stated that Rob McBee is on the license as the local resident licensee. Mr. & Mrs. Price will be changing their residency back to Garrett County. Commissioner Crosco made a motion to approve the transfer of the Class "D" BWL Off-Sale License to Swanton Grocery, Gas & Liquors, LLC and the motion was seconded by Commissioner Fratz and unanimously approved. Ms. Owston provide the licensee with several articles and pamphlets on carding and ID's. Chairperson Gearhart told Mr. Price that if you feel like doing something different than other licensed establishments, call the office to make sure that it is permitted.

Several show cause continuance hearings were held for establishments with Trader's License holds and or liquor license holds by the State of Maryland for alleged outstanding tax and or reporting obligations. The Board heard testimony from the licensees and determined that they must submit a copy of their current Trader's License by June 1, 2012 or they are required to attend a show cause continuance hearing on June 7, 2012.

There was general discussion after the hearings. Ms. Owston said that three renewal applications were received after the May 1st deadline. She also noted for the record that Cornish Manor, Bud's Package Store and Swallow Falls Store did not submit renewal applications. Ms. Owston briefed the Board on the status of the license issued to Cornish

Manor and a possible new application to be submitted by Emily Berry. Terry Fram of Deep Creek Sweets submitted all pending administrative documents and the business was licensed on April 18, 2012. As a result of receiving the requested legal paperwork, Terry Fram and Matt Newcomb came off the license at the Country Club / Sand Trap Lounge and Autumn Newcomb Shay is now the sole licensee at the Oakland golf club. Ms. Owston informed the Board that Ron Friend of the Oakland American Legion came to the office to discuss the possibility of changing from a Class "D" tavern license open to the public to a Class "C" club license for members and guests of members with Sunday Sales. Mr. Friend said they have an American Legion conference for the State of Maryland scheduled for Sunday, May 20, 2012. Ms. Owston also noted that a recent review of the Minutes referenced the Oakland American Legion where the Board permitted events like the turkey dinners on Autumn Glory open to the public upon request when they were licensed as a Class "C". The Board reviewed an Incident Report from the Maryland State Police. An anonymous letter was received by the MSP alleging underage drinking at the Wildwater Inn where older friends are sliding under age kids drinks under the table. The Board said that a letter needs to be sent to Ms. Broadwater in reference to the MSP bar check and her adherence to notifying the office when law enforcement inspects the establishment. The report outlines the bar check and that there were approximately 15 patrons at the time and two were asked to provide identification to the MSP and one was 24 and the other was 17 and said he was a designated driver. The Incident Report stated that the 17 year old had not been drinking. Ms. Owston read a letter from Our Town Theatre to the Board in reference to their failure to notify the office of licensed events. Ms. Owston said that Jonathan Kessler of Smiley's will have a Special Exception hearing with the Zoning Board for outside entertainment in two weeks. Black Bear Restaurant & Tavern submitted a letter to the Board and to Bill DeVore of the Zoning Office outlining their business plan to succeed in food sales exceeding alcohol sales.

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 June 7, 2012.

Thomas A. Gearhart
Chairperson

June 7, 2012

Date