

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on June 7, 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.

Travel expense reports for the period of January through June 2012 were reviewed and approved. 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. Commissioner Crosco made a motion seconded by Chairperson Gearhart to approve the travel expense report for Commissioner Fratz.

Due to Chairperson Gearhart leaving the meeting early the Board decided to approve the April 5, 2012 and May 3, 2012 meeting minutes at the next meeting on July 5, 2012.

There was general discussion before the hearings. Ms. Owston reviewed with the Board the renewal process and the show cause continuance hearings for the renewal holds from the State of Maryland. It was determined that all licenses must be released from the State of Maryland prior to being issued for renewal on Friday, June 29, 2012.

A new license hearing was held at 9:30 AM for a Class "B" BWL On-Sale License with Sunday Sales Option for Avalon Business Ventures, Inc. doing business as Cornish Manor restaurant with Emily Berry as the sole applicant. Ms. Berry was present for the hearing. Chairperson Gearhart asked Ms. Berry to give an overview on the specifics surrounding the business. Ms. Berry stated she is purchasing the business with intention of purchasing the property in two years from Jacques Hourtal. Ms. Berry said there will not be many changes to the restaurant operations. Ms. Berry said she hopes to promote the business at the local farmer's market and to help promote the downtown businesses. She did note to the Board that this participation would not include alcohol. Chairperson Gearhart asked Ms. Berry if she had any background experience in the liquor business or restaurant business and Ms. Berry informed the Board all about her hotel / restaurant experience both here in Garrett County and elsewhere. Commissioner Crosco asked Ms. Berry questions about her participation in the farmer's market and Ms. Owston questioned whether she had to join the Mountain Fresh Producers Association. Ms. Berry explained that Willie Lantz welcomes additional vendors to the Mt. Fresh Farmers Market and she is in the process of working with Tina Buckel from the Health Department for final approval. Commissioner Crosco inquired about the current staff and Ms. Berry said that currently there are 24 employees. Ms. Owston questioned the hours of the business. Ms. Berry said they open at daily at 11:00 AM and weekdays close by 9:00 PM and 9:30 PM on the weekends. Ms. Owston asked how the Sunday brunch hours are working with no permitted sales until 1:00 PM. Ms. Berry said it is actually working out well. Ms. Owston asked Ms. Berry if she had any questions about catering of alcoholic beverages. Ms. Berry said she is aware of the option but at this time she does not have any questions. They may consider this in the future but will have to work out the logistics of transporting and temperature control for the

food and beverage items. Ms. Owston stated that if they would like to cater events with kegged beer they would have to submit an application for a Draft Beer License. No hearing would be necessary since they would already be approved to sell beer. The licensed premise area was reviewed in detail to include the building, covered porch and wrap around deck and the land surrounding the restaurant with the exception of the carriage house. Ms. Owston discussed with Ms. Berry the alcohol awareness class requirements and the importance of sharing the material presented during the alcohol awareness class. Ms. Berry said she recently completed the TAM course. Ms. Owston went over the provisional driver' license and the various sections in red indicating the age of the individual and the expiration date as well. Ms. Owston told Ms. Berry that counterfeit ID's are the best they have ever been right now. She said if you have any doubt; ask for a second form of ID. Ms. Owston said she is going to try to draft an announcement about the ID's so that the retailers could post it at their business stating that due to the high quality of fraudulent ID's two forms of identification may be required. Ms. Owston reviewed the Sunday sales hours beginning at 1:00 PM and ending at 10:00 PM with a meal. All purchases of alcoholic beverages must be through a licensed Maryland wholesaler and the original receipt or a copy must be kept on the premise available during an inspection. All bartenders must be at least 21 years of age and a server must be at least 18 years of age to serve alcoholic beverages from the bartender to a seated customer. A buspersons can clear the tables but they cannot stock alcohol unless they are at least 18 years of age. Ms. Owston informed Ms. Berry that if for any reason law enforcement is there on official duty that she is to inform the office. Ms. Owston said that it is illegal to serve a visibly intoxicated person and it is illegal to serve a minor. Ms. Owston explained the new wine corkage law that goes into effect on July 1, 2012. This change in law would allow an individual at least 21 years of age in a restaurant, club or hotel for which a Class B or Class C License allowing the sale of wine is issued may consume wine not purchased from or provided by the license holder only if the wine is consumed with a meal during the hours of sale specified by the license and the individual receives the approval of the license holder; the wine is not available for sale on the license holders' wine list and the license holder obtains a permit from the local licensing Board before allowing an individual the privilege of consuming wine not purchased from or provided by the license holder. The local licensing Board shall issue the Permit at no charge. A license holder that allows this practice may charge a "corkage" fee on which the 6 % sales tax rate shall be applied. A license holder may not allow an individual who is under 21 years of age or who is visibly under the influence of an alcoholic beverage the privilege on consuming wine brought onto the licensed premise. Commissioner Crosco asked Ms. Berry what her opinion is on the concept and Ms. Berry replied she is not a huge fan of it. She feels that if someone comes to a restaurant they are there to enjoy something unique that they cannot get at home, so she personally would enjoy the options on the wine list. She also said that when someone brings in their own alcohol to her restaurant, she is required to card and serve as is her was her alcohol as well and that places a lot of responsibility on the business owner which she is willing to take on however, that opens up the door for liability issues and she would rather not work with those liabilities. Ms. Owston cautioned on the practice and to make sure that the bottle is sealed and appears to be from a licensed winery. Ms. Owston explained the "doggy bag" Article 2B § 12-107.1 as it relates to the removal of a partially consumed bottle of wine from a licensed premise. The license holder or an employee inserts a cork in or places a cap on the bottle. The bottle constitutes "open container" for application of criminal laws so it should be placed in a non-travel area and not a passenger

area. Ms. Berry acknowledged the practice and said they currently do the recorking of the bottle and do not allow the guest to re-cork their own bottle. Chairperson Gearhart reinforced going over the license with the servers. He said that will save you a lot of trouble and most people who get caught by a cadet look at the license, they get excited, and they don't do the math right. He said all you have to do is look at the areas; like if it is orientated vertically, that should be a flag. He said that some establishments even refuse to accept a vertical ID even if they are twenty-one. He said to look for the things in red; not 21 until, the banner around the picture and its vertical. He said you need to know what day it is and the color red and you are set. Ms. Owston noted for the record that the license is going to be issued new effective July 1, 2012. The current license issued was not renewed; therefore it will expire June 30, 2012. Issuing and annual fees will apply to the new license issued for Cornish Manor restaurant. Commissioner Fratz made a motion to approve the new Class "B" BWL On-Sale with Sunday Sales Option License effective July 1, 2012 and the motion was seconded by Commissioner Fratz and unanimously approved.

A Special Class "C" 2-day BWL license hearing was held at 9:45 AM for the Southern Garrett County Rescue Squad. Applicant, Linda Holler was present for the hearing. They will be having a cash bash at the Donald M. Browning Social Hall on June 30, 2012. They will be serving kegged beer only; there will not be any liquor. Commissioner Crosco commented that she is sure they know how to handle the keg beer and Ms. Holler said yes, they will be using wristbands and there will be someone there monitoring the kegs. Ms. Holler said that no one under 18 will be allowed into the event. She also said they will again be using Jason DeWitt's company, "This Is What We Do Security" throughout the event. The bash is scheduled from noon to 6:00 PM and 500 tickets will be sold at a cost of \$30 per person which includes a meal, beverages and the raffle ticket. Ms. Owston suggested that they wristband those who were carded or verified to be 21 years of age or older. Ms. Owston questioned where the beer will be purchased from and Ms. Holler responded from Wantz Distributors. The licensed premise was discussed and will include the social hall and a curbed off area outside where security will be present. Ms. Owston stated that there is no BYOB allowed on the licensed premise and suggested that this be printed on the ticket. Ms. Owston questioned how the alcohol would be dispensed and Ms. Holler said there will be someone serving the beer in cups; no pitchers will be allowed. Ms. Owston cautioned Ms. Holler on the event being six hours with unlimited beer. Ms. Holler said they really monitor the guests and they have plenty of food available. She said that if someone appears to have consumed too much; they would ask them to leave and make sure that they have someone to drive them. She said they even offer that service to the guests. Ms. Owston suggested that at the beginning of the event they notify everyone about the alcohol policies in place and the possibility of their ticket being voided and Ms. Holler said they do enforce this. Commissioner Crosco made the motion to approve the Special Class "C" BWL 2-day License to be used on June 29, 2012 & June 30, 2012, Commissioner Fratz seconded and Chairperson Gearhart made it unanimous.

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 strongly encouraged them to keep working on resolving the issues surrounding the license holds or they run the risk of possibly having to apply new.

A discussion session was held with Terry Fram of Deep Creek Sweets to discuss several topics surrounding dipping bottles of wine in chocolate as well as delivery / catering options and chocolate & wine pairings to various beauty salons for bridal party appointments. Ms. Owston said she spoke with Lou Berman from the Comptrollers' Office. He had planned on attending the meeting but was not able to. He suggested the Delivery Option be used instead of Catering Option for wine pairings in the beauty salons. He did state that the salon can in no way charge any fee for this service. The Board reviewed with Ms. Fram the meal requirement on Sundays and unanimously agreed that the crepes menu would qualify as a meal. Ms. Fram displayed the wine bottles dipped in chocolate. Ms. Owston said she would follow up with Mr. Berman on any restrictions involving the label. There would be no issue in covering the label after the customer purchase the bottle of wine. Ms. Fram talked about her possible concession trailer sales. Ms. Owston explained that she could not do a self-sponsored event. Ms. Owston said she may need to utilize a catering contract or delivery option depending on the event. Ms. Owston said she will discuss with Mr. Berman the questions surrounding someone bringing their own bottle of wine to be dipped in chocolate and gift wrapped. The Board approved Ms. Fram for upgrading her license after July 1, 2012 to include possibly the Delivery Option, Sunday Sales Option and or Catering Option. Commissioner Crosco made the motion which was seconded by Commissioner Fratz and unanimously approved by Chairperson Gearhart. The Board further discussed wine pairing options at the Oakland Country Club with Autumn Newcomb and Ms. Fram. Ms. Fram also mentioned that she is receiving her wines from a local winery in far Eastern Maryland via UPS Delivery. Ms. Owston said she will follow up with Mr. Berman on this as well. Ms. Owston then said this is what Chairperson Gearhart means when he says, "If it sounds like no one else is doing it you should call about it." Ms. Owston said she will also check with Mr. Berman on the sample bottles of wine from the wholesalers.

There was general discussion after the hearings. Ms. Owston discussed with Autumn Newcomb Shay the legislative process and possible changes to Sunday sales. Commissioner Crosco made a motion seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart to approve the 2012-2013 renewal of the alcoholic beverage licenses contingent on renewal releases sent from the Comptroller's Office. The Board reviewed three incident reports and determined that no hearings would be necessary however, they advised Ms. Owston to send letters to the establishments involved. Ms. Owston discussed with the Board Grantsville Exxon's business relationship with AJ Silberman Co. of Pittsburgh for True Brew wholesale supplies coffee and paper products. Ms. Owston reviewed Resolution 2012-09 approved by the Garrett County Commissioners to permit alcohol consumption on the grounds of ASCI for scheduled events. Ms. Owston informed the Board that the Highland Festival was catered by the Wisp on June 2, 2012 at the Fairgrounds. The license issued to the Oakland American Legion, Post #71 was changed from a Class "D" to a Class "C" with Sunday Sales Option on May 18, 2012, Thousand Acres Golf Club was issued a Class "A" Beer Off-Sale License on May 25, 2012. Ms. Owston discussed Article 2B § 2-101 (m) National Family Beer and Wine Exhibition Permit as it related to Mt. State Brewing Company 1st Annual Home Brew Completion. Ms. Owston updated the Board on the upcoming 1st Annual Fort Father's Day Summerfest event.

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 July 5, 2012.

Thomas A. Gearhart
Chairperson

July 5, 2012

Date