

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on October 4, 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.

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

The Board reviewed the August 2, 2012 meeting minutes. Commissioner Fratz made a motion to approve the minutes and the motion was seconded by Chairperson Gearhart and unanimously approved by Commissioner Crosco. The September 6, 2012 meeting was not conducted.

There was general discussion in which Ms. Owston reviewed the upcoming Money Bonanza to be held at the Oakland Fire Hall. The event is to benefit the Oakland Volunteer Fire Department and the Terra Alta, West Virginia Volunteer Fire Department. Ms. Owston informed the Board of Craig Ingram's email response concerning the upcoming event. There was additional discussion about an out of county non-profit applying for a Special Class C license if there is a two-year Garrett County resident on the license. Ms. Owston noted that the license for Deep Creek Beverage was issued on August 28, 2012 and the license for the Coal Bucket Restaurant was issued on August 17, 2012. Ms. Owston stated that there have been a few licensed establishments that will be temporarily closing and would like to request that the license be placed on hold. Phil St. Moritz of the St. Moritz Boardwalk requested that the license be placed on hold until May 1, 2013. Commissioner Fratz made a motion to place the license on hold. The motion was seconded by Chairperson Gearhart and unanimously approved by Commissioner Crosco. Jimmy Flanigan of The Local informed the office that he has closed the business temporarily. He did say that he is trying to sell the business and would like to request that the Board place a temporary hold on the license until June 30, 2013. He said he will inform the office and/or the Liquor Control Board if any changes regarding the operating status shall occur. Commissioner Crosco asked for further discussion on the license hold. She was concerned about the length of time. Commissioner Fratz noted that he was aware that the business has been put up for sale. Commissioner Crosco was concerned with the amount of time the license may be placed on hold. She wanted to make sure it was consistent with other holds. Commissioner Fratz made a motion to place the license issued to The Local on hold until June 30, 2013 if necessary. The motion was seconded by Commissioner Crosco and unanimously approved by Chairperson Gearhart.

A discussion session was held at 9:30 AM with the Oakland Volunteer Fire Department concerning their Special Class "C" BWL Multi-Event License. The purpose was to discuss the upcoming "Money Bonanza" scheduled for October 20, 2012 at the Oakland Fire Hall which is to benefit the Oakland VFD and the Terra Alta, West Virginia VFD. Alex Mellott, President and Chief, John Feather of the Oakland Volunteer Fire Department were present. Chairperson Gearhart questioned the connection between the two fire departments. Chairperson Gearhart asked whether Terra Alta VFD was the sole beneficiary. Mr. Feather replied that it will be split down the middle fifty-fifty. He said that they did not even think about notifying the Board since they were going with an out of state

company. Mr. Feather said the only thing that went through their mind was that some of the other companies were doing joint events. Mr. Feather said they will share the expenses and profits. He said that Terra Alta VFD is spearheading the food end and Oakland VFD will host the facility under their liquor license and assume all responsibilities. Chairperson Gearhart questioned if they had considered just having a fundraiser and donating to Terra Alta VFD rather than having a combined fundraiser since they are out of state. Mr. Feather said they really haven't thought that way but it may be something for the future. Chairperson Gearhart asked if Terra Alta VFD has any Garrett County residents in their fire department. Mr. Feather responded that he was not sure. He said the two departments work very close together back and forth and are on standby for each other during scheduled events. Mr. Feather said the biggest reason they decided to join with the Oakland VFD is that they have no facility large enough to host an event. Chairperson Gearhart asked if there were any questions or comments and Commissioner Crosco said she looks at it as a difficult situation because they do not have any Garrett County people on their squad and that just wouldn't be right. Mr. Feather acknowledged her statement. Commissioner Crosco said she can understand using their name in the advertising since that is already done and that they would be receiving part of it as our neighboring fire department, but she does not see how we are going to put the license in their name. Ms. Owston said the only way we could issue a license in their name is if one of their members is a Garrett County resident. Ms. Owston further explained that two licenses on one premise are prohibited. Mr. Feather questioned if the license can go directly under them and Commissioner Crosco said yes. Ms. Owston then said that the reason for this meeting is due to Oakland VFD holding a Multi-Event License which was approved several years ago. It has been continuously renewed throughout the years. On the application there is a statement that no one other than the applicant will have financial interest in the license. It would be better with a separate application where a different non-profit receives a cut of the proceeds. Ms. Owston asked if there was some type of community organization representing multiple fire departments. Mr. Mellott then asked that if the Terra Alta VFD had a member of their department that was a Garrett County resident it would then be allowed and Ms. Owston said yes, but as a separate event. Ms. Owston then said to Mr. Feather that his comment about other departments combining for an event was not mentioned at the license hearing and was brought to the Board's attention after the fact. Chairperson Gearhart said he understands what they are trying to do by helping out each other. Ms. Owston said they recognize that non-profits are conducting the fundraiser event and are also donating a portion of the proceeds back into the community into various sponsorships such as little league teams or After-Prom Event. Chairperson Gearhart asked on what date is the event and Mr. Feather replied that it is on October 20, 2012. Ms. Owston questioned who would be purchasing the beer and Mr. Feather said that the Oakland VFD would be in charge of the beer. Mr. Mellott indicated that John Savage who is on the license is in charge of ordering. Ms. Owston then asked who will be in charge of monitoring it and Mr. Feather said that Mr. Savage normally takes care of that and monitors the event overall and tries to keep an eye on who is pouring the beer and things like that. Mr. Feather said they do armband everyone and ID everyone who comes through the door. Chairperson Gearhart asked if they served from pitchers. Mr. Feather said no pitchers will be served at that event. Chairperson Gearhart said that is a good idea. Mr. Feather said at the last event they even moved the beer trailer a little farther away and that the outside area is fenced in so that everyone must enter through the main door. He said that as a result, they have noticed that it cuts down on the beer

consumption. He said it is little things like that which they have found to really help them. Ms. Owston said this discussion is also an opportunity for the Board to talk with the event licensees and present them with her guide of questions about licensed events that may be required in the future as part of the notice of an upcoming event. Ms. Owston noted that the doors open at 4:00 PM and questioned what time the last drawing would be held. Mr. Feather said around 9:00 PM. Chairperson Gearhart emphasized that they will be able to drink from 4:00 PM until 9:00 PM then. Ms. Owston explained that they need to be aware of the length of time that alcohol is provided and monitor it very closely. Ms. Owston, since it has been such a long time since they were before the Board, suggested notifying the guests that furnishing alcohol to an under aged or over intoxicated person will not be tolerated and the raffle tickets will be voided. Mr. Feather said he feels they hold a pretty good track record of trying to keep track of the underage. He said if they have issues, they are gone or they go to jail; that is the way they look at it. Ms. Owston questioned if they have sold all 1,000 tickets. Mr. Feather responded that right now they have about 600 turned back in. Almost all should be sold by the time of the event. Ms. Owston said that she did contact the West Virginia ABC to make sure that they did not have any issues with Terra Alta VFD benefiting from a fundraiser with alcohol sales in Garrett County and they did not. Chairperson Gearhart then asked, if in the future, the event could be advertised differently. Mr. Feather agreed and said it was an oversight on their part since they are so used to starting events by calling the Board with the date and time. Ms. Owston then took the opportunity to ask a few questions on the upcoming Oktoberfest. Mr. Mellott said they begin selling beer with the dinner at 4:00 PM and the ending time depends on the weather. He said they won't open up completely until the parade is over and the streets are shut down. The band stops at midnight so this is when the event will be over. They have shut down as early as 10:00 PM in the past if the weather is bad. Ms. Owston asked if anything has changed with the perimeter over the years. Mr. Mellott said it has not changed over the years since he has been there. He said part of the street from the corner of the bank parking lot until the town hall is utilized. Mr. Feather said they may be able to pull some of that in this year since they will be moving some of the food vendors. Ms. Owston acknowledged and thanked the members who have taken the TIPS for Concessions training recently and in the past. Ms. Owston questioned if there was someone at the barriers of the premise and Mr. Mellott said there are two people there at all times at all of the corners. Ms. Owston said she wanted to take this time to remind them that it is illegal to serve a visibly intoxicated person as well as a minor. Anyone furnishing alcohol to a minor can be charged criminally. Ms. Owston presented them with samples of driver's licenses for Maryland, Pennsylvania and West Virginia. Ms. Owston then asked them how many serving areas they would have. Mr. Mellott said they have five tables and that the Health Department has provided them with laminated copies of licenses. Ms. Owston said she thinks this is very helpful and that the variations of driver's licenses should be explained to all of those who will be serving alcoholic beverages and carding. She also reminded them that since the event is licensed, the practice of BYOB is prohibited. Ms. Owston asked if they would be selling any paper tips. Mr. Feather said not at the Oktoberfest but they will be selling them at the Money Bash. Ms. Owston went over the key indicators on a driver's license and told them they have every right to refuse service if questionable. Mr. Feather said the Sherriff will have plain clothed and uniformed deputies at the event. He also said that some of the younger members sort of patrol around and alert us if they suspect someone to be underage with alcohol. The Board took no further action but recommended that the advertisement be mentioned differently in the future.

Chairperson Gearhart said that if anything comes up to contact the office. Ms. Owston then asked how the proceeds would be split. Mr. Feather said that probably in the end they will cut a check to Terra Alta VFD. Chairperson Gearhart asked if someone could hold a membership in more than one fire company and Mr. Mellott said yes and that he is a member of two.

A hearing scheduled for 9:45 with Rich Skeweris of Backbone Country Store was cancelled. Mr. Skeweris called to say that several recent changes have caused him to reconsider applying at this time. He may want to have a hearing in the spring and requested that the Board consider his application fees paid and possibly allow him to re-submit the cost of advertisement before the end of the license year if need be. Commissioner Crosco made a motion to allow re-advertisement of a hearing before July 1, 2013 and the motion was seconded by Chairperson Gearhart and made unanimous by Commissioner Fratz.

A discussion session was held at 9:45 AM with Bruce Opel representing Brandon Opel's pending Class "A" Beer Off-Sale application for Long Stretch Market included the required Affidavit of Established Business and Article 2B § 9-212. Mr. Bruce Opel said that Brandon took over his firewood business about a year ago but Brandon did not file the tax part. Ms. Owston questioned who holds the business license and Mr. Bruce Opel said he does not have a license, he guesses it was grandfathered. Chairperson Gearhart asked how old was Brandon and Mr. Bruce Opel replied that he is twenty-two. Mr. Bruce Opel said that Brandon is in the Masonry Union right now but it's going to be slowing up. Mr. Bruce Opel said he has him under his wing but Brandon is doing all the responsible stuff but he does make some calls for him, but he is learning right along. Chairperson Gearhart said, so basically the business is in your name, but Brandon has been running it and Mr. Bruce Opel said yes. Chairperson Gearhart questioned who pays the expenses and Mr. Bruce Opel said, he does in the firewood business but in the car business, we bought the cars together and then split on the profits. Chairperson Gearhart questioned how long they have been doing that and Mr. Bruce Opel replied ten years. He said Brandon has helped him since he was young, but never had a tax return for the business or stuff on any kind of a business but Brandon has been doing the same thing other than at the end of the year Mr. Bruce Opel files the tax stuff. Ms. Owston questioned if he receives a 1099 form or is he an employee. Mr. Bruce Opel said he collects the money on the firewood business and they split on the profit, but it is all ran through his books and his CPA takes care of it. Chairperson Gearhart asked for more information on the car business and Mr. Bruce Opel said that generally Brandon goes to the sale and is there with the customers and does everything that he does. Mr. Bruce Opel said he feels that Brandon has the experience starting out as a young man at twenty-two year old doing the business that he's being doing all his life. Commissioner Crosco questioned what Mr. Bruce Opel if going after. He doesn't have a business in his name? Is this correct, Mr. Bruce Opel replied correct, but he is doing the same thing he did but at the end of the year he takes care of the tax part. Commissioner Crosco said she understands that but what she is asking is does Brandon have a business license and a state number and Mr. Bruce Opel said no and that it is not required by law that he has to have a license on the firewood. Commissioner Crosco then said, well it does if you are applying for a liquor license. Mr. Bruce Opel said ok, you got me on that one and Commissioner Crosco replied by saying, there is where the difference is. Chairperson Gearhart asked if they considered anyone

else going on the license until Brandon is in business for a year and Mr. Bruce Opel said he could find someone. Ms. Owston asked who held the deed for the property and Mr. Bruce Opel said it is in Brandon's name only. Ms. Owston explained that it is very common that someone applying for a license does not meet the business requirement and that they put someone on for the year and then they come off the license. They would have to form a LLC or corporation, which can be done on-line pretty easy and just note that Brandon is 99% ownership and the business person is 1% until such a date that Brandon qualifies. Mr. Bruce Opel agreed he has to start somewhere. Ms. Owston said there have been several times where that section of 2B keeps them from getting the license right away or they have to add someone to the license. Ms. Owston said it is in Article 2B and that is the law that we have to go by. She said there is still time to add a second person on there. Mr. Bruce Opel asked if they have to take the TAM class and Ms. Owston responded no. Commissioner Crosco questioned why Mr. Bruce Opel can't go on the license and he stated that he did not really want to. Ms. Owston stated that both applicants will have to be fingerprinted. She said that Scotty's Security in Cumberland is the closest place for the LiveScan record check. Ms. Owston also stated they will have to form a LLC and apply for a Sales Tax Number. Ms. Owston said that the application would be due by October 11, 2012 in order to have the hearing on November 1, 2012. Ms. Owston said she will have to know the entity name and they will have to file for the LLC since a second person is necessary. The State will have to accept the entity name and then they will need to apply for the Sales Tax Number. Ms. Owston stated that they would not issue the license until they have the Sales Tax Number. Mr. Bruce Opel acknowledged this and said he would have that information. Ms. Owston said she is aware that Tina Buckel from the Health Department is involved but questioned if he had a building permit open or anything. She questioned if he had made contact with the Fire Marshal or anything like that. She said it might be a good idea to check with the Permits Office to make sure if anything else is necessary. She said it is better to find out now rather than when they are ready to open. Mr. Bruce Opel acknowledged and requested a list of what he needs to do and Ms. Owston explained that she has a checklist. She requested that they send in a copy of the ten signatures as quickly as possible since that is what usually holds everything up as well as how the business is structured. Notice cannot be placed in the paper without knowing who is on the license and the name of the business entity. Mr. Bruce Opel acknowledged. Mr. Bruce Opel said, so the thing with the Board is to find someone else to go on with Brandon rather than letting Brandon go alone. Chairperson Gearhart said that Brandon doesn't meet the business requirement but someone can meet that for him. Chairperson questioned if Brandon still lives in the county and Mr. Bruce Opel replied yes. Chairperson Gearhart stated that the other person must meet the business requirement since Brandon only meets the residency requirement. Ms. Owston informed Mr. Bruce Opel of the deadlines and her work schedule. Chairperson Gearhart said; just make sure you get it in on time so you don't hold anything up. Mr. Bruce Opel said that if Tina Buckel has a lot for them to work on then they may have to apply for the next month. Ms. Owston said they could still have the hearing and approve the license pending the Health Permit. She said as long as they have their business person, Sales & Use Tax number applied for, she knows that the State has accepted the entity, they can still approve. Ms. Owston advised to keep in contact with her because of the short deadline. Mr. Bruce Opel said that the Class "A" is not into the bar business, it's just beer to-go. He then said ok, that would be fine, thank you. Mr. Bruce Opel then said

he will call Ms. Owston to see what he has to do and Ms. Owston explained that the first page of information she gave him is the list to work from.

A license hearing was held at 10:00 AM for a Special Class "C" BWL 2-Day License for the Deep Creek VFC, Inc. Present for the hearing was applicant Brian Schlossnagle as well as John Miller who is the chair of the event. Ms. Owston presented them with copies of several driver's license as well as articles concerning alcohol consumption. Ms. Owston stated they recommend that, prior to the first drawing, they announce if there are any obstructions to any exits in the building. She also said it is good to tell them that it is illegal to serve an intoxicated person as well as furnish alcohol to a minor and that they jeopardize their ticket, which could be voided. Mr. Miller said they will be having a gun and cash bash and all proceeds and benefits go to Deep Creek VFC. The doors will open at 11:00 AM. The event starts at noon and it is over at 6:00 PM. The license is to be used on Sunday, November 3, 2012 at the Garrett County Exhibit, McHenry, MD. Chairperson Gearhart questioned if they would be serving from pitchers and Mr. Miller replied, no sir. Chairperson Gearhart asked if they would be serving food and they replied yes. Ms. Owston mentioned that they indicated on the event sheet that fire department members will be dispensing the alcohol and they will have a two-cup limit. Mr. Miller said that you can only carry two cups at a time. He said that everyone is carded at the door and anyone who is of legal drinking age receives an armband. He said if you don't have an armband, you will not get served at the beer trailer. He said that a lot of places let the people access the beer trailer. That wastes a lot of beer and there is a big mess so they serve. He said that they feel if you have to walk over and get your beer, it is a lot better for the guy at the beer trailer to monitor your condition. Ms. Owston questioned if the premise would include any areas outside of the Exhibit Hall for smoking. Mr. Miller said they usually leave the one door open to allow people to go outside but he has to check with the Fair Board to see if they are allowed to smoke. Ms. Owston explained that their concern would be to make sure someone is out there to monitor the area where consumption is taking place and to make sure they are not bringing their own alcohol. Mr. Miller acknowledged and said there is only one way in and they have someone at the door. He then said, they do have emergency exits but only allow people to enter through the one door. Ms. Owston said to let them know if anything changes. Ms. Owston noted they have 1,000 tickets at a cost of \$25. She asked how many they expect to attend the event and Mr. Miller said they usually average about 400-500 in attendance. Ms. Owston stated that BYOB is not permitted and Mr. Miller said they do not allow anyone to take any type of beverage container inside. He said they provide soda, tea, lemonade and everything you need. Ms. Owston noted that there will be minors present. She then explained that they must be at least eighteen to participate in the raffle and the paper gaming. Ms. Owston shared that there was a department that had a good idea. The members selling the paper tips were the eyes on the floor and suggested that anyone selling keep an eye on the consumption. She said it is another good way to monitor the situation. Ms. Owston talked about the sample driver's licenses she handed out at the beginning and noted that some of the members have been TIPS trained. She reviewed the vertical format. Mr. Miller stated that the guy who will be working the door also works at a liquor store and is very well trained. Ms. Owston said to remind everyone that there are two dates and she suggested that the members working the beer trailer also be aware in case someone tries to get a beer at the beer trailer without a wristband. Ms. Owston mentioned that they have every right to card them again at the table. Mr. Miller said the Fire Chief does most of the beer serving he will not serve if there

is no wristband; no questions asked. Ms. Owston said to keep in mind that you have every right to refuse service and it is illegal to serve a visibly intoxicated person. Ms. Owston said that since the event is over six hours they want to monitor the consumption and she mentioned an article in the handouts about cutting off service. Mr. Miller said they would have access to food all day. A motion to approve the Special Class "C" BWL 2-Day License to be used on November 3, 2012 was made by Commissioner Crosco, seconded by Commissioner Fratz, and made unanimous by Chairperson Gearhart.

A license hearing was held at 10:20 AM for a Special Class "C" 2-day BWL License for Local #1834 Garrett County Roads Employees. Present for the hearing was applicant, Charles Harvey. Mr. Harvey said that the last five or six years they have been having a gun and cash bash which benefits the students from Northern, Southern and for a while Westmar with \$500 scholarships. He said last year they gave twenty scholarships away. He said this might be their last year and they may try a different fundraiser next year since there are too many gun and cash bashes. He said it is hard to sell \$25 tickets, so they have lowered the cost to \$20 and lowered the price of the guns. He said they will be selling 1,000 tickets and they will be serving a meal and beer. He said they will have a beer cart and that no one will be going outside to do their drinking. He said they have wristbands for those allowed to drink. Mr. Harvey mentioned that they have a few members who recently attended TIPS for Concessions training. Ms. Owston questioned if there will be any minors present and Mr. Harvey said that no one under twenty-one will be allowed. Ms. Owston asked if a person could just walk up to the beer cart and get their own beer and Mr. Harvey said yes. She then asked if anyone would be monitoring the beer cart and he said yes. Ms. Owston questioned once again, so you can self-dispense then and Mr. agreed. She then questioned if in cups or pitchers and Mr. Harvey said in cups. Ms. Owston questioned if there was any limit on the amount of cups a person could get at one time and Mr. Harvey said only two. Ms. Owston said to make sure that whoever is monitoring the beer cart is aware that it is illegal to serve a visibly intoxicated person. She said the Board is not crazy about self-serve and that it is better to have someone serve the beer. She said if it is at all possible it is a good suggestion and then Mr. Harvey said they probably would do the serving but just getting enough help out to do what they have to do is sometimes impossible. He said if they do have people they can do that. Ms. Owston said she would rather see someone serving beer than someone serving someone food if there are not enough volunteers. Mr. Harvey agreed. It was noted that Julie and John Feather would be catering the food. Commissioner Crosco questioned the hours of the event and Mr. Harvey said from twelve until six. The license is to be used at the Oakland Fire Hall located at 31 South Third in Oakland on October 27, 2012. Commissioner Fratz asked if they usually sell all the tickets and Mr. Harvey said that last year they did and it looks like they will this year too. Ms. Owston asked what type of security measures will they have in place and Mr. Harvey said they will have two guys work the door and collect the tickets as they come in and they will pass out the wristbands and they will be monitoring anyone going in and out. Ms. Owston said that since it is a licensed premise there is to be no BYOB. She said there are no to-go sales. She asked if they would be selling paper tips and Mr. Harvey said they would. Ms. Owston then said to remind tip sellers to keep an eye on the consumption levels and behaviors of those attending. Ms. Owston said they suggest they tell everyone at the beginning of the event where the exit doors are located and the rules and regulations and that tickets may be voided if holders furnish alcohol to a minor. Ms. Owston then questioned as to whether or

not anyone brings their kids to the event that are close to twenty-one and Mr. Harvey said hardly ever. He said he has not seen too many. He said it is just not a place for kids. Ms. Owston questioned if any of the Road's employees are under twenty-one and Mr. Harvey said no, not currently. Ms. Owston said to make sure they still announce just in case and make sure that everyone working the event is aware of the vertical license. Ms. Owston also suggested that the sample driver's license be posted at the door where they will be carding. Ms. Owston questioned where the beer would be purchased from and Mr. Harvey said they will be getting it from Lohr Distributors. Ms. Owston questioned the legal entity status and Mr. Harvey said they are part of the AFL-CIO Council 67 of the AFSCME. Ms. Owston said she looked this up on the internet. Commissioner Crosco said she was concerned and wanted to make sure they were a non-profit and Mr. Harvey responded by saying they have a separate bank account just for the scholarship fund and everything goes into that account. Ms. Owston said the license needs to be posted. Commissioner Fratz made a motion to approve the Special Class "C" BWL 2-Day License for October 27th, seconded by Commissioner Crosco and made unanimous by Chairperson Gearhart. Appropriate fees were paid and the license was issued.

A license hearing was held at 10:40 AM for a Special Class "C" 2-Day BWL License for Knights of Columbus #1771. Present for the hearing was applicant, John R. Toston. The license is to be used at St. Peter Parish Hall located at 208 South 4th Street in Oakland on Saturday, November 3, 2012. They will be having the annual shrimp & bull roast from 6:00 PM until 9:00 PM. Mr. Toston stated that the event only allows consumption of the beer and food on the premise. There will be no carry outs allowed. The cost of ticket is \$20 and they anticipate selling about 200 tickets and they may have up to 50 complimentary tickets available. Ms. Owston questioned the complimentary tickets and Mr. Toston said that includes the Pastor, office staff and some senior members of the Council. Ms. Owston questioned how the beer would be dispensed and Mr. Toston said there would be one person checking the age and another handing the beer out from the kitchen area. He acknowledged that under age and intoxicated persons are not allowed to consume the beer. Ms. Owston questioned if the person doing the carding was aware of what a current minor's driver's license looks like and Mr. Toston said yes. Ms. Owston presented him with sample ID's and articles concerning serving alcoholic beverages. Ms. Owston asked if he anticipates anyone under twenty-one in attendance and Mr. Toston said he thinks it is reasonable to expect that and that Grand Knight Dan Clark will handle the ID checking. Ms. Owston suggested that after the beginning prayer they may want to announce that under age consumption is prohibited. Ms. Owston asked if the event was open to the public and Mr. Toston said it was. Ms. Owston questioned what areas of the Parish Hall would be used during the event and Mr. Toston stated that just the upper level is used. Ms. Owston asked if he thought they would allow anyone to take their beer outside to smoke or anything and Mr. Toston was not certain. Ms. Owston said if they allow this someone should be outside monitoring the activity so that there is no furnishing of alcohol to someone under twenty-one. Mr. Toston agreed. Ms. Owston informed Mr. Toston that it is illegal to serve an intoxicated person, so don't let anyone drink too many beers. Mr. Toston said that is always made public. Ms. Owston asked if there was a cost for the beer or whether it was included in the ticket. Mr. Toston said it is included in the ticket. Ms. Owston questioned where the beer would be purchased from and Mr. Toston replied, from Midway. Mr. Toston said for purpose of beer consumption, the person must be eighteen and the Board all said, no, twenty-one. It was noted that years ago in the early 1980's this

was the case but the age is now twenty-one. Commissioner Crosco made a motion to approve the Special Class "C" BWL 2-Day License for November 3, 2012, seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart. Appropriate fees were paid and the license was issued. Ms. Owston presented Mr. Toston with sample driver's licenses and various articles.

In between the hearings and discussion session the Board continued their general discussion. Ms. Owston said that The Crab Shack is requesting the license be placed on hold until late spring 2013. She also said they are having a membership change. Several of the local licensees will be removed from the LLC. Ms. Owston sent them the paperwork to make the changes and to put other members of the LLC on as the licensees. Ms. Owston explained that when the license was issued there were six members of the LLC. She also said that the members who will now be licensees will need to be fingerprinted as soon as the LiveScan machine is available at the Courthouse or sooner if they are able to travel to another facility with the capabilities of electronic fingerprinting. Chairperson Gearhart made a motion to place the license on hold and the motion was seconded by Commissioner Fratz and made unanimous by Commissioner Crosco. Ms. Owston reviewed the 2013 meeting dates with the Board. It was determined to hold the July meeting on Tuesday, July 2, 2013 in the Economic Development meeting room due to the July 4th holiday being on a Thursday. Ms. Owston also informed the Board that she may not be able to attend the February 7th meeting and the Board decided to wait and see if the meeting should be rescheduled for the following week. The Board discussed extending the hours to serve on-premise alcoholic beverages on New Year's Eve. Commissioner Fratz questioned if this was necessary since the majority of the retailers permitted to stay open until 4:00 AM and serve on site are still closing at the normal hour of 2:00 AM. Ms. Owston said that so far only Matt Lucas of Table Rock called to see if the hours would be extended. Ms. Owston said that Autumn Newcomb-Shay of the Oakland Country Club said they plan on closing by the normal closing hour. Ms. Owston said she is not sure how many establishments actually stay open past 2:00 AM. Commissioner Fratz said that usually by 2:00 AM things are pretty much winding down and Ms. Owston then said or winding up. Ms. Owston suggested that she can follow up with the retailers after the postcards are sent out this year to see if they have scheduled events planned until 4:00 AM. Chairperson Gearhart said that way the licensees are aware that the hours may not be extended in the future. Commissioner Crosco wanted to know if we were talking for this year or next year. Ms. Owston said that she had already spoken to her and Chairperson Gearhart on October 4th when they both approved the motion to extend the hours until 4:00 AM, but when she contacted Commissioner Fratz he questioned the extension. Ms. Owston said she hasn't sent out the postcards and then Commissioner Crosco stated, so you haven't committed to it then and Ms. Owston agreed. Ms. Owston said that there are not that many establishments qualify since it is for "serving" and not "selling" of alcoholic beverages.

A discussion session was held at 11:00 AM with Autumn Newcomb-Shay of the Oakland Country Club / Sand Trap to discuss several items at her request. The Board and Ms. Newcomb-Shay talked about the upcoming Autumn Glory festival and how the Thursday night Oktoberfest celebration affects the establishment. Ms. Newcomb-Shay informed the Board that they will not be open that night and will have a band performing on Saturday

evening. Ms. Newcomb-Shay checked with the Board on a raffle basket the women's golf league was conducting and the Board had no issues. Ms. Newcomb-Shay spoke on the impact of not being permitted to sell alcoholic beverages on Sunday and how it impacts golf tournaments. Ms. Owston said it is unfortunate that she is in a precinct (election district 14-1) that had favorable (votes) Sunday sales (in the 2008 referendum vote) but overall they were taken down with it. Ms. Owston said that if it was where she could sell on Sundays they could have their tournaments and everything. We really wouldn't be here to discuss, but probably trying to enforce the BYOB (if the course were not licensed) and this and that. Ms. Owston said to Ms. Newcomb-Shay we are here to discuss what your thoughts are and see how we can help. Ms. Newcomb-Shay said the biggest thing, while she understands, until we vote again, we don't have Sunday sales, is at three tournaments that really hit on Sundays. Chairperson Gearhart questioned what type of tournaments and Ms. Newcomb-Shay responded, golf tournaments. She said she was not seeking alcohol sales on every Sunday. Ms. Newcomb-Shay said she was basically there to ask if there is some way to work out special events, where you get Sunday sales for just that event or how that works. Chairperson Gearhart then questioned whether she was in a district where it's allowed and Ms. Owston said no. Ms. Owston mentioned again that it was approved in the precinct but not when you combined West Oakland (14-1) and Crellin (14-2). She said then it failed. Commissioner Crosco said they lost in Crellin (14-2). Ms. Owston said she would like to see that revisited. In the future when it's voted on, precincts should count since that is how we issue the license. Chairperson Gearhart said what was that again. Ms. Owston said she would like to see that it be broken down by precinct in the election for Sunday sales referendum. Commissioner Fratz questioned how are they broken down then? Commissioner Crosco said she thinks it should be County wide on Sunday and forget the precincts and Chairperson Gearhart agreed. Ms. Owston said we could introduce legislation and she is planning on providing a list of establishments without Sunday sales. Ms. Owston said she likes how Allegany County has a Sunday Sales Permit. She said it is good for twice a year for \$50 each time. Ms. Owston said if it works, it works. Ms. Owston read the legislation Article 2B § 11-501(c). It authorized the holder to sell beer, wine and liquor for consumption on the premises on not more than two Sundays in a year between the hours of 1:00 PM Sunday and 2:00 AM the following Monday. Ms. Owston said they are using this for Mother's Day and Super Bowl Sunday. She said maybe we can try and see if we can get that piggy-backed in or if it has to be on the approved districts or without the approved districts. Commissioner Crosco said that would help her. Ms. Newcomb-Shay said she would like to have it on Super Bowl Sunday since the downstairs area has turned into a sports bar with flat screen TV's. She said it is really hard when you don't have Sunday sales anyways but if she could at least have Super Bowl. Chairperson Gearhart asked her if she had thought about talking to the legislators and she said she has talked to several people and they are trying to form a group of all of those that it effects to get together as a whole and go speak to them. Ms. Owston said they should try to do that within the next month since the meeting with the County requesting legislation is on November 20, 2012. Ms. Owston said it is a good time to ask. Ms. Owston said she was looking at allowing Class "D" establishments in an approved district to serve with a meal. Ms. Owston said this does not affect Ms. Newcomb-Shay, but it does effect a couple other ones in what she would define a restaurant. Ms. Owston said if you clearly have tables in a restaurant type environment, maybe it does qualify. The Board will have to decide how the legislation is drafted in the next couple weeks and get something together for the November 1, 2012 meeting to bring

to the legislators. Chairperson Gearhart said the only thing he wants to do is maintain what the people voted for. He said he would like to include Class "D" establishments, but they have to have a full menu for the intent of the legislation. He said people have voted on this and we don't have the right or authority to turn it around and say we are going to do it differently from the way they voted. If we can keep the intent of the legislation intact then he does not have any problem with it. He said the class doesn't mean anything to him. Ms. Owston said they can keep the intent of it by saying a restaurant is defined as a full kitchen and seating for twenty people for example and then that takes out some of the establishments. Chairperson Gearhart said we would want them approved by the Health Department as a full size kitchen. He said he likes the way Allegany County does it; it's a full menu and that is the only requirement they have which satisfies the meal. Chairperson Gearhart said it is just cumbersome and then we are dealing with those numbers. He said Black Bear is a good example seeing that he does not drink and the reason he goes there is to eat. Ms. Owston reviewed that Allegany County holders are Class B and D license holders which are defined as restaurants in Article 2B § 11-501(b) (2). Chairperson Gearhart said he would support that and as far as having those couple Sundays, we can't just pass that, but as one board member, he would support that. Ms. Newcomb-Shay said she knows where different organizations have applied for a special event where they could sell the alcohol and she is wondering if there are ways to work around that and apply for just certain days. She said obviously she understands she is not going to have every Sunday but if she could pick certain tournaments and the Super Bowl that would be great; so basically we are looking at about three. Ms. Owston said she is going to have to keep that group going and get with George and Wendell on that part. Ms. Owston said what we could do right now, since we have the course licensed, is to take that off and then the Club can't take the beer cart out on the course and then people can bring their own on that Sunday. She said you can't sell it and that is where it falls into where even if the golfers bring their own beer to the tournament you can't sell it. She said we are in a gray area there, it would allow them to bring it, but it would not allow the Club any sales or anything. Ms. Newcomb-Shay questioned if they did not license part of the course would she then be allowed to apply for the special event. Ms. Owston said the special event still has to be in an approved district, so you are not authorized. Let's just say the women's golf club or a non-profit charity like the Dove Center applies, they are going to apply for a liquor license but it is not in approved district. Ms. Owston told Ms. Newcomb-Shay that she needs to work on the precinct and maybe even bring it up and ask to review that and see if there really is something that would allow it and to see if it was overlooked. Ms. Owston said to keep the group together and try to schedule a time with George or Wendell or both. Chairperson Gearhart asked how many people were in the group and Ms. Newcomb-Shay listed them. Ms. Owston said that she has a spreadsheet prepared on the districts of the establishments and suggested a few other licensees. Chairperson Gearhart said to start with them since they are the ones who set up the referendum and try to maintain the intent of their legislation since that is what the people voted on. He said he does not have a problem with any of it. He personally feels like Commissioner Crosco and just wished it was Sunday's sales. He said we have a bunch of good operators and has expressed this to the legislators. Chairperson Gearhart also said he would be glad to go to the meeting with Ms. Newcomb-Shay and support it. Ms. Newcomb-Shay asked when will they meet and Chairperson Gearhart told her she would have to set up the meeting. Chairperson Gearhart said he would be glad to go to the meeting. He said we just don't have the authority to allow that to happen, but he thinks the only thing George and Wendell would

be interested in would be whether we support it or not as a Board. Ms. Newcomb-Shay said, but you would be willing to go with us and Chairperson Gearhart said he would but he is speaking for one member, he can't speak for the Board but he would. He said he would like to include Class D anyway because it is going to help out other people. Chairperson Gearhart said you might want to talk to Black Bear in reference to the possible Class "D" establishments. Commissioner Crosco questioned what exactly Chairperson Gearhart was saying. Chairperson Gearhart said he is not opposed to special days like Super Bowl like Allegany allows and he is not opposed to allowing other classes in on Sunday sales as long as they met the intent of the legislature which was alcohol served with food. Commissioner Crosco then questioned regardless of what district they are in or what precinct and Chairperson Gearhart said he does not have any problem with it if George and Wendell doesn't. Commissioner Crosco said well what are you asking for. Chairperson Gearhart said he is not asking for anything; all he is saying is this is what Autumn wants and what Black Bear wants and what others want and he just has no objection to it. Not that he wants it; they want it. Ms. Owston said it might be a slower process or maybe we could get the special events permit in approved districts. Then, in two years when we vote again ask for a referendum vote. Chairperson Gearhart stated it is a long process and has been a long process to date, so don't expect things to happen real quick and if it does, then it's a bonus. Chairperson Gearhart said to Ms. Newcomb-Shay that he has no objections with what she has asked for. He also said he thought it would expedite things if you had who wants to attend from the Board and that way they can get the question of Board support out of the way at the meeting. Instead of saying we want to check with the Liquor Board, we want to do that, etc. Ms. Owston asked Ms. Newcomb-Shay if she was a member of the Chamber and Ms. Newcomb-Shay said she is not now, she was when she was with Gourmet to Go. Ms. Owston said she is sure some of the other licensees mentioned are members or maybe are members through Economic Development. Ms. Owston stated that she thinks the Board is aware that it hurts your business on a Sunday. Ms. Newcomb-Shay stated it becomes a babysitting day for her because they are not allowed to bring alcohol onto the property. She said it is all she can do to babysit and that is the hard part. She said she felt bad for the Wisp guys who all came up to order food and getting ready to order drinks and she could not serve. Ms. Owston questioned if the golf cart sales on the course are a big portion or would you be better off not to license it and sell it. Ms. Newcomb-Shay said once again it is one of those specials. She said they only run the cart on tournaments. Ms. Owston said you might be better off then to not license the golf course and now that the little serving area on the patio set up outside and just run the special right there and catch them there and then on Sundays the BYOB can happen. Ms. Owston said there would be a lot more leeway with the BYOB but they could not sell it but they could bring their own. Ms. Owston said it could not be where they bring a keg and the tournament fees cover it because that would be implied that they are selling it. But as individuals, they could bring their own. Ms. Newcomb-Shay said that at some of the larger tournaments it is so slow. They are out there over three hours. That is the big reason why they run the carts. They are three hours before they can make the turn where the patio serving area is located. Ms. Owston suggested that once the Board gets the legislative requests together, they could come to the public hearing with the County Commissioners, Delegate Beitzel and Senator Edwards. Ms. Newcomb-Shay agreed and mentioned that it also affects the local wholesale business as well. Ms. Owston said that Ms. Newcomb-Shay needs to point out how it affects the overall business with food and alcohol sales. Ms. Newcomb-Shay said

on Sundays they have a couple's golf special and a quarter of her couples stay. The rest leave since they cannot have a drink. She said they will flat out tell her that if their ladies cannot have their glass of wine with dinner they are going home. Chairperson Gearhart mentioned that the place to start would be George and Wendell. He said the more establishments you have in your group the better the chances are and Ms. Newcomb-Shay said she will start there then. Chairperson Gearhart then reiterated that the purpose of coming to the meeting was to see what the Board thought about it. Ms. Owston stated that they were looking at changing the premise or other options and Ms. Newcomb-Shay agreed. Ms. Newcomb-Shay said she wanted to see if they could apply for special events with the class of license she holds. Ms. Owston said the current license wouldn't allow it and she further stated that they need to check on the precinct, look at the law and how it was voted. How was it worded? Maybe the precinct would be allowed. Ms. Owston said that would be the best option. Ms. Owston said she has them licensed as a "B" and that they are new and this year at renewal they will have to submit food sales to alcohol report. If the food sales aren't exceeding alcohol then they will become a "D" license. This isn't going to change their status. If Sunday sales by precinct goes in and you are a "D" the Board is going to ask for consideration to have "D" licenses included on Sunday sales in an approved district with the stipulation that you have a working kitchen, with a full menu and stuff like that and not cooking out of crockpots. Chairperson Gearhart asked Commissioner Crosco how she felt about it and Commissioner Crosco questioned about what. Chairperson Gearhart then asked her about this whole discussion here; do you have any objection to the single day license to serve. Commissioner Crosco said that Ms. Newcomb-Shay's idea with the two day is good, but she would rather see it all changed. She said that anyone who meets the criteria of the kitchen, seating and all that qualifies. She does not care what side of town they are on or what side of the side of precinct they are in. If they meet the requirements and they want Sunday sales, then let them pay that extra for Sunday sales and go for it. Commissioner Crosco said she thought they only won or lost by just a few votes in that district, or that precinct. Ms. Owston and the Board discussed the possibility of another election referendum. If George and Wendell won't sponsor are they willing for the Board to introduce? Commissioner Crosco mentioned that if they want to go for the two day event that is fine too. Ms. Owston said maybe we ask for that but with only having it in the approved areas. Ms. Owston used the Oakland Legion as an example where they don't want to be open every Sunday, but have Sunday sales for a few events throughout the year. The Board agreed and Ms. Newcomb-Shay said she would like to be open during football season, if allowed, but she said she could compromise and only get a few tournaments and Super Bowl. She would be satisfied. Ms. Owston said it would probably actually cost more to have several events during the year than to just have the Sunday sales option based on the proposed cost of \$50 per special event if they ask for up to ten events. Chairperson Gearhart said it would put restaurants like yours on an even playing field for like Super Bowl. You just have no chance there. Ms. Newcomb-Shay said that is exactly the word, an even playing field. She said that is how we feel as the business owners. It is not an even playing field and times are tight. The economy is really bad right now and is it hard when you are competing against the others that have that extra day. Chairperson Gearhart agreed. Ms. Newcomb-Shay then said she has four days that she knows she would like to be open if given the opportunity. Chairperson Gearhart said if you had to pair that down, what would be the other days besides the Super Bowl. Ms. Newcomb-Shay said she does not know since she has never been able to do a Super Bowl. She does not know if her numbers

would be up there but she does know what her tournament days would be like. Chairperson Gearhart then said so what would be least you would shoot for. Ms. Newcomb-Shay said four but two would work. Ms. Owston said maybe we could piggy-back on Allegany County's regulation and the Board agreed that it makes sense with the full menu. Chairperson Gearhart said if we could get a Class "D", in that would help as well. Ms. Owston suggested we keep the two for \$50 or four at \$25 and suggest a threshold similar to how the multi-event is structured. Ms. Owston said she is not sure how it will be perceived but there will not be any cost savings if you get five compared to the current but it is going to be the same amount if we do a group type thing like we have. Ms. Newcomb-Shay said that as a group, they are looking to ask George and Wendell about Sunday sales. Chairperson Gearhart said, just me as one Board member he does not have any problems with what you are asking. Ms. Newcomb-Shay said she will try to get a hold of Wendell to set something up and then get a hold of the Board to see they would like to attend too. Chairperson Gearhart said he would like to attend. He mentioned that it is her meeting though and her responsibility whether we are there or not. It is your meeting and Ms. Newcomb-Shay said absolutely. Ms. Owston suggested saying that they are aware of the upcoming legislative session and that the Board is working on things now. She said she is working on getting the Board's request ready by the next meeting on November 1, 2012. Ms. Owston said as a business owner she has every right to request a change in the law. Commissioner Crosco said that is how the laws get there, by request. It was discussed that the first referendum passed was in 1996 for two districts. Chairperson Gearhart said he is not aware of any problems with Sunday sales. Commissioner Fratz said there was only one for the first years and then Ms. Owston mentioned Savage River Lodge. Ms. Owston suggested a work session with George and Wendell. She questioned if that was ever done. Commissioner Crosco said we can do it. Chairperson Gearhart then said whatever is convenient for you. Ms. Newcomb Shay asked if it would be ok if she got a hold of Commissioner Crosco and Commissioner Fratz to let them know what she sets up. Commissioner Crosco and Commissioner Fratz both said if they can make it they will be there. Chairperson Gearhart said it sounds like it is a possibility. Ms. Newcomb-Shay thanked the Board for their time and said she appreciated talking with them. Ms. Newcomb-Shay said she did not really think a whole lot about it but now she sees how it truly affects the business and her employees. Chairperson Gearhart told Ms. Newcomb-Shay to keep them posted of any changes or if her approach changes just so the Board is in the loop. Ms. Newcomb-Shay acknowledged she would. Ms. Owston suggested trying to get something together in the next couple of weeks before the next meeting. Then it can be prepared for the public legislative meeting on November 20, 2012.

After the hearings there was additional general discussion. The Board and Ms. Owston discussed the Wisp Resort bankruptcy restructuring and the upcoming transfers. Ms. Owston said she spoke with Ms. Myers about the various possibilities for the licenses involved. Ms. Owston stated that there is a possibility for a Beer License in Bloomington. Ms. Owston mentioned an incident report describing a fight that took place at the Sugar Shack Tavern. Ms. Owston said a representative of the establishment did notify the Board prior to receiving the report of the fight. Ms. Owston said she spoke with Lieutenant Mark Rodeheaver and requested a copy of the report referencing the Sugar Shack along with a copy of the report on the patrons of St. Moritz Boardwalk from last December involving a fatality. Ms. Owston informed the Board of the food verses alcohol sales report for Black

Bear Tavern & Restaurant. She said it appears they are maintaining their goal of food sales exceeding alcohol sales. Ms. Owston informed the Board that Sam Housley called on behalf of McHenry Beverage Shoppe to see if empty kegs from beer sold could be returned to the grocery store on Sundays due to the liquor store being closed. The Board determined they would like to speak with someone from the store at one of their upcoming meetings for further discussion. Ms. Owston briefly discussed the redesign of the County's website. The Board will revisit this topic at a later date. It was mentioned that possibly copies of the Notice for scheduled hearings be posted. The Board discussed the upcoming legislative session for several changes. The Wine Festival License needs to be updated to reflect the approved districts from the 2008 referendum vote. Chairperson Gearhart asked whether Ms. Owston received any reports from Vianne Bell in reference to the 2012 Wine Festival that took place in September. Ms. Owston said she has not. Chairperson Gearhart said the attendance was very good even with the rainy conditions. Ms. Owston said she spoke with Vianne Bell about next year's application and the possibility of the Red Cross applying due to the restructuring of the Wisp. Chairperson Gearhart gave a lot of credit to all of the local business owners involved. Ms. Owston discussed 11-512 as it relates to Sunday sales approved in the 2008 referendum. She mentioned that the Board asked for this to be updated. A few years ago the change was noted in the Editor's Section not in the subsection. She said she feels it needs to be in the body of the law up top and not at the end in the Editor's Notes. Ms. Owston said she will contact Andy Lantner from Legislative Services and confirm the request and draft a new subsection for allowing Class "D" licensees with a full approved kitchen to serve on Sunday with a meal. Ms. Owston said we will have to finalize the legislative requests at the next meeting so they can be presented at the Commissioner's public meeting on November 20, 2012. The Board briefly discussed a Beer Festival License and decided not to limit it to only Maryland beers. In addition, a new Class "B" BDR Deluxe Beer & Wine License was discussed and a corkage permit for a B&B.

There being no further business to discuss Commissioner Fratz made a motion to adjourn the meeting.

The next regular meeting of the Board of License Commissioners is scheduled for November 1, 2012 pending any public hearings.

Thomas A. Gearhart
Chairperson

November 1, 2012
Date