

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held a special meeting in the Commissioner's Public Meeting Room on November 15, 2012 at 9:00 AM. The regular meeting scheduled for November 1, 2012 was rescheduled due to the severe weather. 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 briefly discussed the "draft" October 4, 2012 meeting minutes and agreed they would approve them at an upcoming meeting upon final completion.

A new license hearing was held at 9:45 AM for a Class "A" Beer Off-Sale License, for Long Stretch Market, LLC operating as Long Stretch Market with Brandon Opel and Bruce Opel as the applicants. The license premise is to be 17989 National Pike, Frostburg, MD 21532 (Garrett County). Present for the hearing was applicant, Mr. Bruce Opel. Chairperson Gearhart questioned if Mr. Brandon Opel would be attending the hearing. Mr. Bruce Opel said he would not. Mr. Bruce Opel said that he is trying to get the State Tax issue straightened up. Trying this over the phone has been difficult so he is going to over-night mail it with a certified return receipt. Chairperson Gearhart asked Mr. Bruce Opel to give a quick overview of their plans for the store. Mr. Bruce Opel said they plan on having pizza and beer to go for right now. Commissioner Gearhart asked if they were going to have convenience items there as well. Mr. Bruce Opel said they will have milk, bread and potato chips. They may possibly get into the meat business making bologna later. Mr. Bruce Opel said he has been working with the Health Department and he has complied with everything they asked for and they are just waiting on the water test. The hours will most likely be from 11:00 AM until 9:00 PM possibly seven days a week and if not they will be closed on Monday and Tuesday. Chairperson Gearhart reminded Mr. Bruce Opel that there are no take-out Sunday sales and Mr. Bruce Opel acknowledged. Ms. Owston presented the Board with a copy of the proposed premise. Mr. Bruce Opel said he hopes to get into selling antiques a little bit too. Ms. Owston informed the Board that Mr. Opel met with the Fire Marshal and that he completed the punch list of items necessary for approval. Ms. Owston told Mr. Bruce Opel that anyone ringing up the beer sales would have to be at least twenty-one years of age. Mr. Bruce Opel then asked if anyone eighteen to twenty-one could handle the beer and Ms. Owston said a person eighteen or older could stock the beer but not sell it. Chairperson Gearhart questioned how much involvement Mr. Brandon Opel would have with the business. Mr. Bruce Opel said it would depend on his work schedule with his union job. Chairperson Gearhart then asked who will be running the place the majority of the time and Mr. Bruce Opel said he will but they may be trading off. Chairperson Gearhart then stated that he wanted to go over the background check results in closed session. The Board discussed with Mr. Bruce Opel the background check results and allowed him to give response. The Board then went into executive session to discuss the matter. The hearing was resumed and the Board made a unanimous decision that due to the results, they would not consider him as an applicant for a license. As a result, the Board determined that Mr. Brandon Opel will need to make an amendment to the membership of the LLC by replacing Mr. Bruce Opel with another individual who would fulfill the business requirement with at least a one percent interest. This individual will also need to complete the license application as well as receive a favorable record check. Upon completion of the requirements, the license hearing will be continued at a later meeting. It was suggested that they could still open up without beer sales or wait until after Mr. Brandon Opel is in business one year and then he would qualify by himself.

A general discussion session was held at 10:15 AM with Terry Fram of Deep Creek Sweets. Ms. Fram requested time to talk with the Board about a possible legislative request to allow off-premise sales of bottles of wine in addition to some other changes to the Catering Option. Ms. Owston suggested sales of commemorative special event bottles for consumption off of the licensed premise at Special Class "C" licensed events as well as catered events upon approval by the Board. Ms. Owston explained that the current license options available will not cover all of the requests; therefore a few more options will be of benefit to both the licensees and the general public. Ms. Owston informed the Board that offering the Catering Option to a Class "D" On-Sale license holder who operates as a

combined store / café with a commercial kitchen will be of benefit. Ms. Owston also explained that Ms. Fram would like to ship her final product but that is controlled by the State and not the local licensing Boards. The Board agreed to request legislative changes to add off-premise to go sales of approved commemorative bottles for consumption off the licensed premises at Special Class "C" licensed events and at catered events upon Board approval. Ms. Owston said she will need to research a little bit on having more than one caterer at a catered licensed event such as the Highland Festival or Festival of Trees.

A general discussion session was held at 10:30 AM with Peggy Lascaris of Deep Creek Beverage. Mrs. Lascaris requested approval from the Board for permission to deliver alcoholic beverages from the Class "D" BWL Off-Sale License. Ms. Owston reviewed with Mrs. Lascaris the Delivery Form along with the requirements of the Delivery Option regulations. Commissioner Crosco asked Mrs. Lascaris if she has received any complaints about the drive-thru and Mrs. Lascaris said that the customers who have used it really appreciate the convenience. She said it is mostly local customers who walked in the store the first time and know what they would like to order. She said the minute the weather starts looking bad the drive-thru business picks up. Mrs. Lascaris mentioned that they purchased an ID scanner for carding. She said most customers have their ID's out and ready. Commissioner Crosco questioned if they card everyone in the car and Mrs. Lascaris said if it is group of young people, they card everyone. Chairperson Gearhart suggested that when they take the delivery order request, they should let the person know that if they don't have a valid photo ID the product cannot be delivered. Mrs. Lascaris said that at this point they are requesting the license to deliver alcoholic beverages to a customer who is having a wedding reception at a non-licensed premise. They are not really interested in delivering to a party at someone's house. Chairperson Gearhart said, so you are not going to have a sign up on the wall for delivering alcoholic beverages and Mrs. Lascaris agreed to his statement. She said they really don't have an interest in delivering especially since they have limited employees and she is the only who will be approved for delivering the alcoholic beverages. Ms. Owston advised that should they begin to deliver to an individual's residence they need to keep in mind that delivering alcohol to a visibly intoxicated person is prohibited. Mrs. Lascaris said she does not plan on delivering to an individual's house; her time is better utilized at the store. Mrs. Lascaris questioned about deliveries to banquet facilities. Ms. Owston said that the banquet facility cannot place the order; the individuals renting the facility must place the order and sign for the delivery. Ms. Owston explained that deliveries are only permitted to non-licensed premises in Garrett County. Ms. Owston further explained that the delivery cannot be made to a property that prohibits alcoholic beverages. She cautioned delivering to the State Parks and suggests making sure if there is a function at one of the approved pavilions or cabins to make sure they have a permit issued by the park office. Mrs. Lascaris acknowledged. Ms. Owston discussed the notification process for the Beer & Wine Tasting Option with Mrs. Lascaris for the store sponsored tastings in addition to tastings conducted by a representative of the alcoholic beverage. Commissioner Fratz made a motion to approve the Beer & Wine Tasting Option for Deep Creek Beverage upon receipt of payment of the issuing and annual fee. The motion was seconded by Commissioner Crosco and unanimously approved. Commissioner Crosco made a motion to approve the Delivery Option for Deep Creek Beverage upon receipt of payment of the issuing and annual fee. The motion was seconded by Commissioner Fratz and unanimously approved. Chairperson Gearhart said if you see any problems or if you have any questions, give us a call. Mrs. Lascaris questioned the Sunday sales process and Chairperson Gearhart and Ms. Owston explained the legislative process and the history of the referendum vote and the upcoming legislative session. Mrs. Lascaris said the County is losing business to the neighboring states. Ms. Owston said that they could bring the payment to upgrade the license at any time prior to July 1, 2013. She mentioned that the annual fees will be prorated quarterly.

The Board discussed the upcoming legislative session and the draft requests for changes to Article 2B. Ms. Owston said she spoke with Delegate Beitzel about the potential requests and he suggested that the Board request the various changes requested by the licensees. Chairperson Gearhart mentioned that he too spoke with Senator Edwards who had the same consensus that the Board makes the requests for the retailers. Ms. Owston updated the Board on the Wisp Resort, including the potential bidders on the properties, the transfer process and the possibility of utilizing the existing licenses until the licenses are transferred. All parties must agree to apply in a timely fashion. Ms. Owston said there will most likely not be enough time for the new entity to submit the transfer applications for

the January meeting. Therefore the transfer hearing will be at the February meeting. Ms. Owston mentioned that she discussed the advertisement deadlines and transfer process with one of the potential new owners as well as with Kristi Newsom of the Wisp Resort. She will be remaining with the company and most likely will be the local licensee. Ms. Owston briefly discussed the changes at Will O the Wisp with the Board who unanimously agreed to place the license on hold during this transition period. Ms. Owston presented to the Board the food to alcohol sales for the month of October at Black Bear Tavern & Restaurant. The Board was briefed on two Incident Reports. The Board decided they will review the reports at their next meeting and make a decision to determine if show cause continuance hearings need to be scheduled. Ms. Owston spoke on the recent compliance checks which were conducted on October 16, 2012. The Board agreed to schedule the violation hearings for an upcoming meeting. Ms. Owston informed the Board that Dutch's at Silver Tree will be catering food and alcoholic beverages to the Festival of Trees event on November 24, 2012 at the Garrett County Exhibit Hall. Brian Schlossnagle of the Deep Creek Volunteer Fire Department contacted the office that due to the inclement weather on November 3, 2012 they will be rescheduling their cash bash. The Board agreed to allow this without re-advertisement as long as it is prior July 1, 2013. Ms. Owston explained that the discussion session which was scheduled for the November 1, 2012 meeting with McHenry Beverage concerning the return of beer kegs will be rescheduled for the December meeting. Ms. Owston told the Board that Adam Murray of Pine Lodge Steakhouse inquired about the wine Corkage Permit. The Board gave a tentative approval for the Corkage Permit. The motion was made by Commissioner Crosco, seconded by Commissioner Fratz and unanimously approved. Ms. Owston reviewed the draft legislative requests to allow a Corkage Permit at a Class "B" B&B, to add Class "D" license holders with a complete kitchen and the term "precinct" to the current Sunday sales regulations, to update the approved districts and to include "precincts" in the Wine Festival regulations, to create a "refillable container" permit, to create a Class "B" B&W Deluxe License, to create a "beer festival" license, to add the commemorative bottle and to expand catering options that were discussed earlier in the 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 Crosco.

The next regular meeting of the Board of License Commissioners is scheduled for December 6, 2012.

Thomas A. Gearhart
Chairperson

December 6, 2012
Date