

## MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on January 3, 2013 at 9:00 AM. Present for the meeting was Chairperson Thomas Gearhart, Commissioner Bea Crosco, Commissioner Michael Fratz, Administrator to the Board Deborah R. Owston and Attorney to the Board Craig Ingram.

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

A violation hearing was held at 9:20 AM for the Wisp Resort as a result of an incident report received from the Maryland State Police involving an extremely intoxicated patron of Wisper's Mountainside Bar on December 6, 2012. Present for the hearing were Victoria Buckel, Bar Manager and Jerry Geisler, Operations Manager for the resort. Chairperson Gearhart asked if they were present at the time of the incident. Ms. Buckel acknowledged that she was working in DC's restaurant. She stated that they had a private party in DC's dining room so they were utilizing Wisper's for DC's dining. Ms. Buckel noted that the customer, mentioned in the report had dinner and some drinks at Wisper's with two other customers. The Board reviewed the report in detail and listened to testimony from Ms. Buckel and Mr. Geisler. Chairperson Gearhart explained that if the establishment gives the office a call to explain what happened, then a show cause hearing may not be necessary depending on the circumstances. Ms. Buckel and Mr. Geisler acknowledged. Commissioner Crosco did not have any questions and stated that she felt they handled it the best they could. Commissioner Fratz questioned if the friends of the individual left him. Ms. Buckel mentioned that he came by himself and made new friends at the establishment. Mr. Geisler said that is why they were trying to get assistance to get him home. Ms. Owston questioned if the individual has been back to the establishment. Ms. Buckel said she barred him from drinking alcohol at the resort. Chairperson Gearhart said that the Board will put a letter in their file noting the incident and the results of the discussion. Chairperson Gearhart said that in the future they should call the office to explain the incident. Ms. Owston noted that the Wisp is getting ready to transfer the alcoholic beverage licenses. She said she would like for the Board and the management of the Wisp to keep in mind, that although this letter will not be in the next file, to consider this occurrence if another incident happens in the near future. Ms. Owston told Ms. Buckel that it is important to emphasize to her staff the various levels of intoxication and to review alcohol awareness training with them. Ms. Owston said the staff should be aware that it is illegal to over serve a customer.

A show cause continuance hearing was held at 9:40 AM for the St. Moritz Boardwalk located at 609 Deep Creek Drive, McHenry as a result of Motor Vehicle Accident Report # 09897916 received from the Maryland State Police, which resulted in a fatality on December 30, 2012. Present for the hearing was licensee/owner, Mr. Philip St. Moritz, Brian Fiscus the CFO of the St. Moritz Group, Cristine Kepple of Kepple & Associates and Stephanie White who had been bartending the night of the incident. Prior to the hearing the Board reviewed the "Supplement" along with the other reports received from the States Attorney's Office in Executive Session with Craig Ingram. Mr. Ingram swore in all those who intended on testifying. Chairperson Gearhart asked Ms. White to testify on the events that took place on the December 29, 2012 at the establishment. The Board reviewed the

report in detail and listened to testimony and asked questions. Ms. Owston said she wanted to note for the record that Mr. Fiscus did notify the office on January 6, 2012 to let her know that the deceased had been at the Boardwalk prior to the car accident. Chairperson Gearhart asked that everyone step outside while the Board went into Executive Session. After deliberation, the meeting resumed. Chairperson Gearhart stated that the Board has made a decision and that it is unanimous. The sections in Article 2B § 10-401 (a)(2) which refers to revocation and suspension as it relates to the peace and safety of the community has been violated. In addition, Article 2B § 12-108 (a) sales to minors or an intoxicated person is prohibited; we feel that you also haven't complied with that statute. Chairperson Gearhart made a motion to issue a 15-day suspension which will start May 3, 2013 through May 20, 2013. He said that the Board does not count Sundays since they don't have Sunday sales and \$1,000.00 fine. The motion was seconded by Commissioner Crosco and made unanimous by Commissioner Fratz. Chairperson Gearhart stated that the appellate process allows them 30-days to decide if they want to appeal the Board's decision. Chairperson Gearhart said they could let the Board know their decision. He then asked if there were any questions. Ms. Owston then reviewed the suspension guidelines. Ms. Owston stated that when the Board suspends a license there is to be no selling, giving away or handling, nor can you purchase or receive any alcoholic beverages from any wholesalers. She also stated that the Board always starts a suspension on a Friday so that they are fair with everybody. She also mentioned that Sundays don't count. Ms. Owston then said that routinely if you agree with the facts then the motion will stand or you have 30-days to decide to appeal. Mr. St. Moritz then said they are not going to appeal. Ms. Owston said the fine will be due 30-days from today. Mr. St. Moritz said Mr. Fiscus will take care of that. Ms. Owston said they will receive a letter and then 30-days from the letter it will be due. Ms. Owston said she will notify the wholesalers as well as law enforcement. Mr. St. Moritz said they accept it.

A sales to minor first offense violation hearing was held at 10:20 AM for Wildwater Inn, license #12-33, Class "D" BWL On-Sale. Present for the hearing was licensee, Judy Broadwater. Chairperson Gearhart asked if she was there when the infraction occurred and Ms. Broadwater said she was not. A motion was made by Commissioner Crosco, seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart to impose the \$100 fine and letter of reprimand on this license holder for the first offense violation of sales to a minor. Chairperson Gearhart explained to the licensee that she has thirty days to appeal the Board's decision to Circuit Court should she so choose. The licensee agreed with the facts as presented and waived her right to appeal the Board's decision. Ms. Owston provided the licensee with sample copies of provisional driver's licenses for Maryland, Pennsylvania and West Virginia.

There was general discussion after the hearings. Ms. Owston reviewed the status of the legislative requests. She mentioned that Black Bear Tavern & Restaurant is still on track with food sales exceeding alcohol sales for the month of December. Ms. Owston informed the Board that only a few establishments reported they would be operating past 2:00 AM on New Year's Eve. The Board made a motion to place the Duffer's golf course license "on-hold" for the winter. The motion was made by Commissioner Fratz, seconded by Commissioner Crosco and unanimously approved by Chairperson Gearhart. Ms. Owston reminded the Board that the Garrett County Salary Study Commission will meet on January 15, 2013 at 1:00 PM to discuss the salary of the Board.

There being no further business to discuss, Commissioner Fratz made a motion to adjourn the meeting. The motion was seconded by Commissioner Crosco and made unanimous by Chairperson Gearhart.

The next regular meeting of the Board of License Commissioners is scheduled for January 31, 2013. This special meeting will held in place of the February 7, 2013 meeting due to scheduling conflicts.

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Thomas A. Gearhart  
Chairperson

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January 31, 2013

Date