

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on January 31, 2013 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. Commissioner Crosco made a motion to approve the Minutes from the November 15, 2012 meeting. The motion was second by Commissioner Fratz and unanimously approved.

A new license hearing was held at 9:30 AM for a Class "A" Beer Off-Sale License, for Long Stretch Market, LLC operating as Longstretch Market with Brandon Opel and Wayne Bittinger as the applicants. The license premise is 17989 National Pike, Frostburg, MD 21532 (Garrett County). Present for the hearing was applicant, Brandon Opel and his father Bruce Opel. The Board discussed the various rules and regulations in great detail with Mr. Brandon Opel and Mr. Bruce Opel. Several questions were asked that were addressed concerning other activities on a licensed premise. The renewal process was explained. The various types of identification were reviewed by the Board. Ms. Owston noted for the record that the applicants are Brandon Opel and Wayne Bittinger. She said that Mr. Bittinger is on the license to fulfill the one year business requirement. Ms. Owston asked Mr. Brandon Opel if Mr. Bittinger will come off the license in a year. Mr. Brandon Opel said that is the plan. Ms. Owston informed Mr. Brandon Opel that they will have to make an amendment or a Resolution change to the LLC to reflect that Mr. Brandon Opel has 100 % financial ownership and that Mr. Wayne Bittinger is no longer on the LLC to meet the business requirement. Mr. Brandon Opel acknowledged. Commissioner Crosco made a motion to approve the license (Class "A" Beer Off-Sale). The motion was seconded by Commissioner Fratz and unanimously approved by Chairperson Gearhart. Chairperson Gearhart then said if there is any question, call us. Ms. Owston stated the payment is \$225 which includes the one-time issuing fee of \$150 and \$75 for the annual fee prorated for two quarters. Ms. Owston presented Mr. Brandon Opel with sample copies of ID's, articles on the service of alcohol and the Rules & Regulations of the Board of License Commissioners of Garrett County.

A hearing was held at 9:45 AM for the transfer of the Wisp Resort licenses from Recreational Industries, Inc. dba / Wisp Resort, Pumphouse Café and Lodestone golf course with Karen Myers, Gary Daum and Stephen Richards as the licensees to Everbright Pacific, LLC dba / Wisp Resort, Pumphouse Café and Lodestone golf course with Kristi Newsome, David Strong and Doug Anderson as the applicants. Applicant Kristi Newsome was present for the hearing. The main license issued to the Wisp lodge is a Class "B" Resort BWL On-Sale license, # 61-RM and Draft Beer license #61D-RM. This license has the Sunday Sales Option, Catering Option and Off-Premise Wine Sales Option. The premise address is 296 Marsh Hill Road. This premise includes the McHenry House, golf course and tubing facility building. The Pumphouse Café license is an additional facility license. It is a Class "B" Resort BWL license, # 61-R1 and Draft Beer license # 61D-R1. The license has the Sunday Sales Option. The premise address is 1393 Wisp Mountain Road. The Lodestone golf course license is an additional facility license. It is a Class "B" Resort BWL license # 61-R2 and Draft Beer license # 61D-R2.

The license has the Sunday Sales Option. The premise address is 225 Lodestone Clubhouse Drive. Ms. Newsome is the local resident licensee and the CFO for the business. Ms. Newsome gave the Board a brief overview on the change of ownership and mentioned that there are no planned changes to the overall operations, hours or personnel. She said they will still have the same establishments and same services. Ms. Owston informed the Board that Ms. Newsome's financial interest in the business has been approved by Craig Ingram and a Resolution was prepared by Richard Matthews who is the accountant for Mr. Strong and Mr. Anderson. Ms. Owston mentioned that any Zoning Special Exceptions for the property and businesses will remain in place. Ms. Owston reviewed several regulations with Ms. Newsome that apply to the licensed establishments and the overall premise. Ms. Owston noted that the Wisp Lakeside Club license which is tied to this Resort License will come off and be transferred to Adrian Spiker at an upcoming meeting. This is a Class "B" BDR Deluxe BWL On-Sale license located at 1077 Deep Creek Drive. Commissioner Fratz made a motion to transfer the licenses pending receiving the Bulk Transfer Permit. The motion was seconded by Commissioner Crosco and unanimously approved.

A discussion session was held at 10:00 AM to consider the pre-application submitted for the Wine Festival License. Everbright Pacific, LLC dba / Wisp Resort submitted an application for the upcoming Deep Creek Art & Wine Festival to be held on September 7, 2013 at the Garrett County Fair Grounds. Kristi Newsome, Paula Yudelevit, Vianne Bell and Mary Callis attended to represent the Wisp Resort and the Deep Creek Art & Wine Festival Committee. Chairperson Gearhart questioned if they planned any changes to the event. Ms. Bell spoke of the changes including Everbright LLC dba / Wisp Resort as the applicant. She also mentioned that the charity to benefit from the fundraiser will now be HART for Animals, Inc. and Garrett Lakes Art Festival (GLAF). In the past, the American Red Cross – Chesapeake Chapter was the recipient of the proceeds. Ms. Owston stated that a two-week Notice was in the newspaper seeking pre-applications for the license. She informed the Board that this was the only application submitted. Commissioner Crosco made a motion to approve the pre-application for the Wine Festival License submitted by Everbright Pacific, LLC – Wisp Resort for the Deep Creek Art & Wine Festival. The motion was seconded by Commissioner Fratz and unanimously approved. Ms. Owston informed the ladies to submit the Wine Festival License application for a hearing on July 2, 2013.

A license hearing was held at 10:15 AM for a Special Class "C" BWL 2-Day License for the Deer Park Community Volunteer Fire Department. Present for the hearing was applicant Ronald W. O'Brien. Mr. O'Brien stated that the license would be used for a Cash Bash fundraiser on Saturday, May 4, 2013 at the fire hall. The event will be held from noon until 6:00 PM. They will be selling 500 tickets at a cost of \$30. The Board and Ms. Owston asked several questions and pointed out various regulations to Mr. O'Brien. Mr. O'Brien told the Board that four of their members took a recent TIPS training. Commissioner Crosco made a motion to approve the Special Class "C" BWL two-day license to be used on May 3rd & 4th, 2013, seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart. Ms. Owston presented Mr. O'Brien with ID checking material.

There was general discussion after the hearings. Ms. Owston informed the Board that Mr. Foster, was here to discuss a complaint about consumption on a Sunday, and had to leave

since the prior hearings went so long. She informed the Board that he stopped her in the hall when she left the meeting to copy the fire departments license. Ms. Owston said she told him that you cannot consume alcohol that wasn't purchased. She said he questioned her and she said again you cannot drink alcohol which wasn't purchased; which means it has to be sold and you can't sell on a Sunday. Ms. Owston said she told him again it is illegal to consume on a Sunday. Chairperson Gearhart said that on the application, somewhere don't they agree that they will be familiar with all the laws. Commissioner Crosco said yes they have to abide by all laws. Ms. Owston said, yes that is one of the questions. Ms. Owston then said it is question 11 on page 3. Commissioner Fratz stated that it is not a fairly new law. He said it goes way back. Chairperson Gearhart stated that they agreed to do that and he feels it is legitimately implied that they need to look at the law and be familiar with it. Ms. Owston asked if they would like for her to send a letter or just a copy of the law on "consumption" which falls under the "free" section. She said she did inform law enforcement of those establishments with the Sunday Sales Option and the two football games that are coming up. Chairperson Gearhart said to send him a letter and state that the Board advises him to be familiar with the laws that govern his business. Chairperson Gearhart stated that he has agreed to do that and we are going to hold him to that. The Board reviewed an email of concern about patrons of the St. Moritz Boardwalk consuming alcoholic beverages directly from the pour bottles. The Board requested Ms. Owston to send a letter advising that management should be aware that this type of activity is prohibited and to request their presence at an upcoming meeting for further discussion. It was noted that the Oakland VFD will hold a Winterfest fundraiser dance on February 15, 2013 with appetizers, beer and wine sales. Ms. Owston mentioned that the Town of Oakland is considering a wine tasting at the Train Station during the Winterfest progressive dinner. She said this has not been confirmed, but if they do, it will most likely be catered. Ms. Owston said that the Ms. America fundraiser conducted by Cindy's Fund scheduled for January 13, 2013 has been cancelled. Ms. Owston presented to the Board a list from the Comptroller's Office requesting the renewal hold of several establishments. Ms. Owston stated she and Lou Berman from the Comptroller's Office met with Ms. Fram from Deep Creek Sweets about the chocolate dipped wine bottles. Mr. Berman did approve other retailers to take wine bottles there to be dipped as long as the winery is aware of the practice and approves. The preferred method however would be for the consumer to purchase the wine first and then take it to be dipped at the chocolate shop. Ms. Owston mentioned a few matters about the upcoming transfer of the Will O' The Wisp license to Brenda McDonnell of Brenda's Pizzeria and the proposed legislative Class "B" Deluxe regulations. The Board told her to apply at the June meeting for the license transfer and the license upgrade to a Class "B" BDR Deluxe BWL On-Sale License. The Board reviewed an anonymous complaint about Wildwater. The Board discussed it and recommended that law enforcement be notified of the allegation. Ms. Owston said she will contact the Sheriff. Ms. Owston reviewed the status of the legislative requests and recommended a few changes. Ms. Owston said that she went to Mt. State Brewing Co. with Lou Berman and discussed the proposed growler regulations and how it will impact the establishment, who has been selling growlers under their existing license. The Board said they would be fine with information being on an attached label as opposed to a fixed label. She said the current growlers do have the health warning and the product information printed on the container. Chairperson Gearhart mentioned that the Health Department may have regulations on cleaning the container. Ms. Owston said she will check with Tina Buckel. The license for Deep Creek Beverage was upgraded to include

the Delivery Option and Tasting Option. The Board approved this by phone on January 24, 2013.

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 March 7, 2013.

Thomas A. Gearhart
Chairperson

March 7, 2013

Date