

## MINUTES

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

Chairperson Gearhart called the meeting to order. The Board signed mileage sheets.

There was general discussion prior to the hearings concerning an Incident Report and Cindy's Place in Finzel. The report references a fight with assault charges. The Board instructed Ms. Owston to schedule the licensee to attend the next meeting.

A new license hearing was held at 9:20 AM for a Class "A" Beer & Wine Off-Sale License for Fast Break, LLC operating as Fast Break with Timothy Skipper as the sole applicant. The license premise is 276 North Branch Avenue, Bloomington, MD 21523. Ms. Owston discussed the rules and regulations with Mr. Skipper. Mr. Skipper said he recently attended the TIPS alcohol awareness training. Ms. Owston spoke on the employment age for selling alcohol in a package store. The licensed premise was noted to only include the inside of the store at this time. Chairperson Gearhart questioned when they plan on opening. Mr. Skipper said he was considering this month but that probably won't happen since they still have a lot of things to complete. The various types of identification were reviewed. Ms. Owston explained the fine and suspension guidelines for the sale of alcohol to a minor. The renewal process was explained. Commissioner Crosco made a motion to approve the Class "A" Beer & Wine Off-Sale License contingent on submitting all outstanding administrative items including an approved U&O and copy of the Health Permit. The motion was seconded by Commissioner Fratz and unanimously approved by Chairperson Gearhart. Ms. Owston presented Mr. Skipper 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 license hearing was held at 9:40 AM for a Special Class "C" BWL 2-Day License for the House of Hope. Susan McQuaide is the applicant for the license. Present for the hearing was representative Brenda F. McDonnell. Ms. McDonnell stated that the license would be used for a "night at the races" fundraiser on Saturday, May 4, 2013 at the Donald Browning Rescue Squad Building. The event will be held from 6:00 PM until around 10:00 PM. The ticket cost, which includes a meal, will be \$20. They will have a cash bar for beer and wine sales. The Board and Ms. Owston asked several questions and pointed out various regulations to Ms. McDonnell. Ms. McDonnell told the Board that several of the volunteers are TIPS certified. Ms. Owston told Ms. McDonnell that all alcohol must be purchased from a retailer or wholesaler. No alcohol can be donated. She suggests a gift certificate or monetary donation if someone wants to contribute in place of donating alcohol. Ms. McDonnell noted that the event is a twenty-one and over event. Ms. Owston said if they allow anyone under twenty-one, they should utilize wristbands. Commissioner Fratz made a motion to approve the Special Class "C" BWL two-day license to be used on May 3<sup>rd</sup> & 4<sup>th</sup>, 2013, seconded by Commissioner Crosco and made unanimous by Chairperson Gearhart. Ms. Owston presented Ms. McDonnell with ID checking material.

A violation hearing was held at 10:00 AM for Slopeside Market, license # 12-09, Class "D" Beer & Wine Off-Sale License for the sale of alcohol to a minor during a compliance check conducted on March 21, 2013 by the Maryland State Police. Licensee, Lisa Sisler, was present at the hearing. Mike Wilburn from the Health Department was also in attendance. Ms. Sisler told the Board that she was not at the store during the compliance check. She said the clerk asked for the ID. She said the clerk looked at his ID. She didn't key it into the register like she should have and that's that. Ms. Sisler said that she told the clerk that all she had to do was put the birthdate in the register. Commissioner Fratz questioned if she tried to put his birthdate in. Ms. Sisler said she did not. Commissioner Fratz questioned if it could be by-passed. Ms. Sisler said yes it can be by-passed by pushing a default button. Chairperson Gearhart questioned if there was any type of corrective action. Ms. Sisler responded by saying having to tell her about the incident was punishment in itself. Ms. Sisler also stated that the clerk will not be working the register for a while. Ms. Sisler said they did purchase a scanner and they are required to scan the ID and enter the DOB in the register. Ms. Sisler stated that fake ID's go through the scanner and questioned how you police everything. Ms. Sisler questioned why they are not accountable for trying to buy alcohol. Ms. Sisler said she feels the underage individual should be charged and she should be able to keep the ID of the customer. Ms. Owston said the cadet's ID should scan correctly. Ms. Sisler said, yes but we didn't have the scanner. Chairperson Gearhart said if it is their driver's license, it is personal property. Ms. Owston said if it is a genuine ID you cannot keep it. She said if you suspect it to be a fake ID you could make every attempt to verify. Ms. Owston said you would hope you could contact the MSP barrack up the road for verification. Mike Wilburn said they had an incident where the clerk wanted to keep the cadet's ID and obviously it is his property. The trooper retrieved it. He said the best thing to do, if they think it is a fake ID, is to threaten to call the police now and when they show up you can have your ID back. Ms. Sisler said she just wishes they could make the person who is trying to buy it accountable. Ms. Owston asked Mr. Wilburn if he could check with Corporal Sigmund about keeping suspected fake ID's and Mr. Wilburn said he could check. Chairperson Gearhart went over the sales to minor's fines and suspension guidelines. Ms. Owston questioned if the employee was trained in an alcohol awareness course? Ms. Sisler responded that she was not. The Board discussed with Ms. Sisler the vertical format of the license. Ms. Owston asked if they had a copy of a vertical format license and an ID calendar for the clerks to reference. Ms. Sisler replied that they do have both. Chairperson Gearhart said there are a few retailers who refuse to serve someone with a vertical license. Ms. Owston said that one thing with using a scanner; the vertical format ID will not be a fake one. She said they are not going to get a fake vertical format ID from the ID Chief website. Ms. Sisler stated that she knows for a fact that the fake ID's go through. Ms. Owston presented her with a handout on fake ID's. Ms. Owston pointed out the differences between a valid ID and a fake ID. Commissioner Crosco made a motion that this being the first offense for sales to minor, a letter of reprimand will be placed in the license file and impose a fine of \$100.00 due within 30 days from the hearing, seconded by Commissioner Fratz and unanimously approved. Ms. Sisler agreed and waived her right to appeal the Board's decision and the appropriate fine was paid.

A discussion session was held at 10:20 AM with Ms. Terry Fram of Deep Creek Sweets and Ms. Emily Berry of the Cornish Manor Restaurant. The licensees came before the Board to discuss their business merger of the Cornish Café with Deep Creek Sweets at

The Fort. Ms. Owston mentioned that Ms. Berry will also be applying for the Deluxe B&W License for the café located on 2<sup>nd</sup> Street should the legislation be approved and go into effect on June 1, 2013. The Board also reviewed the Delivery Option for a Class “B” establishment and the Catering Option. Ms. Owston also mentioned the upcoming catered event at ASCI and the adjoining Wisp Resort – Pumphouse Café premise.

There was general discussion after the hearings. Ms. Brenda McDonnell spoke with the Board briefly on the upcoming license transfer of Will O’ The Wisp’s license to Ace’s Run Restaurant & Pub. Ms. Owston provided details of the legislative session. The renewal process was briefly discussed. The Board talked about the pending Deluxe License for a BWL establishment verses a B&W establishment. It was determined that Ace’s Run Will be the Deluxe License tied to Brenda’s Pizzeria main license. Cornish Manor Restaurant will be the Deluxe License along with the Cornish Café in town and the café at the lake will be the main license. The new owners of the Wisp Resort withdrew their pre-application for the Wine Festival. Vianne Bell contacted the office to say that HART for Animals, Inc. would like to submit an application on behalf of the Deep Creek Art & Wine Festival. Ms. Owston presented the Board with the sales report for Black Bear Tavern & Restaurant showing food sales exceeding alcohol sales for the month of March. St. Moritz Boardwalk submitted the paperwork to remove Joy Thrasher as the local licensee and add Calvin Shepard. Ms. Owston mentioned that Kristi Newsome local licensee for the Wisp resigned and Victoria Buckel will take her place. Cornish Manor restaurant located on Memorial Drive upgraded their Class “B” license to include the Catering Option on March 20, 2013. The Board reviewed the Alcohol Containment Plan for the upcoming event at ASCI for the Pre-worlds Test Event May 17-19, 2013. The event will be catered by Deep Creek Sweets. The Board reviewed the report on the compliance checks conducted on March 21, 2013.

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

The next regular meeting of the Board of License Commissioners is scheduled for May 2, 2013.

<hr/>	<hr/>
Thomas A. Gearhart Chairperson	May 2, 2013 Date