

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Economic Development Meeting Room on July 2, 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.

Commission Fratz called the meeting to order. The Board signed mileage sheets. Ms. Owston noted that Commissioner Crosco will be delayed in attending the meeting.

A violation hearing was held at 9:20 AM for BJ's store for the sale of alcohol to a minor during a compliance check conducted on May 10, 2013 by the Maryland State Police. The business is located at 11329 Savage River Road, Swanton, MD. The license is a Class "A" Beer Off-Sale license. Licensee, Geraldine Minogue was present for the hearing. Ms. Minogue told the Board that she did ID the cadet and still sold him the beer. Chairperson Gearhart reviewed the fine and suspension guidelines for the sale of alcohol to a minor. Chairperson Gearhart asked if it was a vertical minor's license. Ms. Owston explained to Ms. Minogue that the cadet is a sworn officer using his valid ID. Commissioner Fratz said it would have been a vertical ID. Ms. Minogue said she looked at the date. Ms. Owston and the Board reviewed the various forms of ID's in detail. Ms. Owston also presented her with a document comparing a valid ID with a fake ID. Ms. Owston mentioned that Ms. Minogue's District Court hearing will be on July 9th. Commissioner Fratz made a motion that this being the first offense for sales to a minor, a letter of reprimand will be placed in the license file and a fine of \$100.00 is due within 30 days from the hearing. The motion was seconded by Chairperson Gearhart and approved. Ms. Minogue paid the fine at the hearing.

A hearing was held at 9:40 AM for the issuance of the Wine Festival License to be used on September 7, 2013 at the Garrett County Fairgrounds in McHenry, Maryland. Hart for Animals, Inc. will be the license holder with the applicants being Michael Pellett, Mercedes Pellett and Caroline Robison. Paula Yudelevit and Vianne Bell were in attendance to represent Hart for Animals, Inc. and the Deep Creek Art & Wine Festival Committee. The event will be from noon until 7:00 PM. It was noted that the recipient of the proceeds of the event will be Hart for Animals, Inc. and Garrett Lake Arts Festival. Ms. Bell and Ms. Yudelevit discussed the details of the event with the Board. A motion to approve the Wine Festival License as applied for by Hart for Animals, Inc. to be used on September 7, 2013 at the Garrett County Fair Grounds was made by Commissioner Fratz and seconded by Chairperson Gearhart. Ms. Owston provided Ms. Bell with sample copies of provisional driver's licenses and articles on safe serving. Ms. Owston presented the ladies with sample copies of ID's from the surrounding states.

A Special Class "C" 2-day BWL license hearing was held at 9:50 AM for the Ali Ghan Harage Unit. Applicant, Thomas Holland was present for the hearing. Mr. Holland stated they will be having a fundraiser elimination dinner at the Donald M. Browning Social Hall on Wednesday, August 21, 2013. Mr. Holland said they would like include beer with the dinner which begins at 6:00 PM. He said that event will be over around

10:00 PM. The ticket cost is \$25. Mr. Holland said they will have a bartender serving the draft beer by the cup. Ms. Owston and Mr. Holland discussed the security at the event. Mr. Holland stated that there will be no minors in attendance. The Board and Ms. Owston discussed the various rules and regulations with Mr. Holland. The indicators on ID's were reviewed including the differences between a genuine Maryland ID and a fraudulent Maryland ID. Commissioner Fratz made a motion to approve the Special Class "C" license for use on August 21, 2013. The motion was seconded by Chairperson Gearhart and approved. After the appropriate fees were paid the license was issued. Ms. Owston presented Mr. Holland with samples of various ID's for the surrounding states.

A new license hearing was held at 10:00 AM for a Class "D" BWL On-Sale License and Draft Beer License for Moon Shadow, LLC operating as the Moon Shadow Cafe with Lisa Jan as the sole applicant. The license premise is 110 South Main Street, Accident, MD 21520. Ms. Jan was in attendance along with Maureen Myers who works for Ms. Jan. Ms. Myers spoke to the Board on the planned hours of operation for the cafe. She said they will be open for breakfast, lunch and dinner. Ms. Myers said they hope to open this summer with extended hours later in October. Ms. Myers said they will have some live music. She said the music will include some acoustic performances, local bands and some bluegrass music venues. Ms. Jan mentioned that they will also display and sell local artwork. The licensed premise was noted to include the inside of the establishment as well as a small outside area. Ms. Myers said the outside area will have about six small tables. Ms. Owston noted for the record that Ms. Jan has attended a town meeting and approval was granted for the licensed premise. Ms. Myers said they will enclose the tables along the street with some planter boxes. Ms. Owston spoke on the employment age for selling alcohol. Ms. Owston discussed the rules and regulations. Ms. Owston explained that they are applying for a Class "D" license but if the business generates higher food sales compared to alcohol sales, the license will be changed to a Class "B" license. Ms. Owston explained the Catering Option and Delivery Option. Ms. Jan said they may want to add these options to the license later. Ms. Owston spoke on compliance checks. Ms. Owston mentioned that the Board's approval is typically good for 90-days. Ms. Owston reviewed the outstanding administrative items. Commissioner Fratz made a motion to approve the Class "D" BWL On-Sale License and Draft Beer License contingent on submitting all outstanding administrative items including an approved U&O and copy of the Health Permit. The motion was seconded by Chairperson Gearhart and approved. Chairperson Gearhart left the meeting early for an appointment and Commissioner Crosco arrived. Ms. Jan asked the Board for approval of the Delivery Option and Catering Option to be added to the approved Class "D" license. Commissioner Crosco made a motion to approve the Catering Option and Delivery Option for the Class "D" License. The motion was seconded by Commissioner Fratz and approved.

A new license hearing was held at 10:20 AM for a Class "B" Beer & Wine On-Sale License with Sunday Sales Option and Draft Beer License for CPI 1 Enterprise, LLC operating as Ledo's Pizza, Pasta & Pub. The applicants for the licenses are Paul Dorris, Chas Yommer and Adam Yommer. The license premise is 24465 Garrett Highway, McHenry, MD 21541. Mr. Paul Dorris and Mr. Adam Yommer were present

for the hearing. Mr. Charlie Yommer was also in attendance. Ms. Owston asked the applicants to update the Board on any changes to the business and proposed hours. Mr. Dorris told the Board the hours of operation. Mr. Dorris also mentioned that he was aware of the limited Sunday hours and meal requirement. Ms. Owston reviewed that a Class "B" license is defined as a restaurant license; meaning food sales exceed alcohol sales. Ms. Owston explained the renewal process and the required sales report for food sales versus alcohol sales. Ms. Owston mentioned that a Class "B" license allows them to sell brewed beverages to go. Ms. Owston noted that the premise area listed on file does not include any outside areas. Ms. Owston spoke briefly on the zoning requirements including the sign to advertise the business. Ms. Owston advised them to contact Mr. Bill DeVore with any questions pertaining to the zoned property. Ms. Owston discussed the rules and regulations. Ms. Owston reviewed the various types of ID's and the vertical format of a minor's ID. Ms. Owston cautioned them on the horizontal fake ID's. Ms. Owston reviewed the differences between a valid Maryland ID and a fraudulent Maryland ID. Ms. Owston advised them to get an ID checking guide from a wholesaler or to purchase one. Ms. Owston spoke on compliance checks. Ms. Owston reviewed the fine and suspension guidelines for the sale of alcohol to a minor. Ms. Owston explained the Catering Option and Delivery Option to the applicants. Ms. Owston said that all administrative items have been submitted. Ms. Owston stated that Adam Yommer needs to be fingerprinted. She noted that he will attempt to be printed today after the hearing. Commissioner Fratz made a motion to approve the Class "B" B&W On-Sale License with Sunday Sales Option and Draft Beer License pending favorable background results. The motion was seconded by Commissioner Crosco and approved. Ms. Owston explained the renewal process. Ms. Owston presented them with copies of ID's for the surrounding states, articles on serving alcohol and the Rules and Regulations.

There was general discuss after the hearings. Ms. Owston said she received the June sales reports for Black Bear Tavern & Restaurant yesterday. She said the food sales continue to exceed the alcohol sales. Ms. Owston said she feels the Board no longer needs to monitor their monthly sales reports. The license for the Cornish Café located downtown Oakland was issued July 1, 2013. Ms. Owston updated the Board on the renewed licenses that went into effective on July 1, 2013. Ms. Owston mentioned that Deep Creek Gourmet and Fireside Deli did not pick up their licenses until Monday, July 1, 2013. All other licenses were issued by the end of the day on Friday, June 28, 2013. Ms. Owston noted that the Catering Option was added the license issued to FireFly Farms effective July 1, 2013. The Sunday Sales Option was added to the license issued to Good Timber Bed & Breakfast. Ms. Owston said she contacted Thousand Acres Golf Club to make sure they were aware there could not be any alcohol onsite after the close of business on June 30, 2013. She said she spoke with Scott in the clubhouse and he said they haven't had alcohol there for a while. Ms. Owston informed the Board that St. Moritz Boardwalk is not interested in the Sunday Sales Option. Ms. Owston said that Judy Broadwater of Wildwater Inn is interested in adding the Sunday Sales Option. Ms. Owston informed Ms. Broadwater that she could go before the Board at the August meeting. Ms. Owston said that Grantsville Liquors indicated on their renewal application they are looking at adding a 28' x 68' addition to the licensed

premise. The Board agreed to approve the addition as long as it is used for storing alcohol. Ms. Owston said she expects a transfer application for Friendsville Discount Liquors at the August meeting.

There being no further business to discuss Commissioner Fratz made a motion to adjourn the meeting. The motion was seconded by Commissioner Crocco.

The next regular meeting of the Board of License Commissioners is scheduled for August 1, 2013.

Thomas A. Gearhart
Chairperson

August 1, 2013

Date