

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on August 1, 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. It was noted that Commissioner Fratz would be delayed in getting to the meeting.

A Special Class "C" 2-day BWL license hearing was held at 9:20 AM for the Allegany / Mineral County Crime Solvers. Applicant for the license is James L. Meyers. Bernie Zlomek, Ray Presley and Marty Walsh were present at the meeting to represent the organization. The license is to be used on Sunday, August 25th at the McKenzie Pavilion on McKenzie Road in Avilton, MD. They will be selling 125 tickets at \$40/person. Mr. Presley said it is a well-controlled event. He said no one under twenty-one is allowed to participate. The ticket includes a raffle ticket, a steak dinner and alcoholic beverages which are distributed by a bartender. Mr. Presley said they will start at 3:00 PM and it is usually over by 6:00 PM. Ms. Owston questioned where the alcohol will be purchased. Mr. Presley said they haven't determined that yet, but probably it will be the same as last year. Ms. Owston questioned if there will be a cash bar for the alcohol and Mr. Presley said it is all included in the ticket price. Ms. Owston questioned if there will be someone to check the age of those attending. Mr. Presley said yes there will be a bartender to check the age. Mr. Zlomek then said in order to get into the event you must go by a table where they will check your ticket and make sure you are old enough. Ms. Owston questioned if they would be serving from kegs of beer. Mr. Presley said they will be serving cans of beer. He also mentioned that there will be an individual monitoring the beer. The mixed drinks will be served by the bartender. Ms. Owston said she just wants to remind them that since it is a licensed event BYOB is prohibited. It is illegal to serve a minor and it's illegal to serve a visibly intoxicated person. Ms. Owston presented them with a handout on the differences between a valid Maryland ID and a fraudulent Maryland ID. A motion to approve the Special Class "C" BWL 2-Day License to be used on August 25th was made by Commissioner Crosco, seconded by Chairperson Gearhart and approved. All fees were paid and the license issued.

A new license hearing was held at 9:40 AM for a Class "D" Beer & Wine On-Sale License for LakeStar Holdings, LLC operating as LakeStar Lodge. The applicants for the license are Salaheddin Sheykhrezai (Sal Rezai), Gilbert Moscatelli and Gary Rykiel. The business is located at 277 Deep Creek Drive, McHenry, MD 21541. Mr. Rezai was present for the hearing. Mr. Rezai told Ms. Owston they will probably be buying their wine from Sam's Club. Ms. Owston told him he could not buy from Sam's Club. She told him they could only buy from a Maryland Wholesaler. Ms. Owston informed Mr. Rezai that he would need to contact a beer and wine salesperson to place orders for delivery to the lodge. Ms. Owston said there are no exceptions to this regulation. Ms. Owston asked Mr. Rezai to tell the Board what they have planned for the license. Mr. Rezai explained that they are a small lodge and they want to provide some package deals to their guests. He said the alcohol would be included in the package price along with the cost for the overnight accommodations. He said they would also like to be able to sell the guests a second

bottle. Mr. Rezai said they also plan to conduct occasional wine and cheese tasting events for their guests in the lobby area. Mr. Rezai said they will not be selling any alcohol to the public. They will only be selling to their guests staying at the lodge. Chairperson Gearhart informed Mr. Rezai that alcohol can't be free. It must be included in the room charge. Mr. Rezai acknowledged Chairperson Gearhart's statement. Ms. Owston questioned if they contacted Tina Buckel about the tasting event. Mr. Rezai said he believed Mr. Rykiel did contact her. Ms. Owston said she would contact Ms. Buckel. Ms. Owston advised Mr. Rezai to contact the office if anything changes. Ms. Owston suggested the premise only be the lobby and kitchen area. She explained the premise should not include the other rooms of the lodge or the outside areas where guests may have their own alcohol. Mr. Rezai agreed. The Board had a lengthy discussion on the licensed premise areas. Ms. Owston discussed the rules and regulations. Ms. Owston said there is to be no sales or consumption of alcohol on the licensed premise on Sunday. Ms. Owston informed Mr. Rezai that he needs to check on the requirements for obtaining a Business License based on the change in operations. Mr. Rezai acknowledged her instruction. Ms. Owston reviewed the age of employees selling alcoholic beverages. Ms. Owston informed Mr. Rezai of the 9% tax on alcohol. Ms. Owston discussed the alcohol awareness requirement. Mr. Rezai said they plan on sending someone to the training next week. Ms. Owston reviewed the various types of ID's and the vertical format of a minor's ID. Ms. Owston cautioned him on the horizontal fake ID's. Ms. Owston reviewed the differences between a valid Maryland ID and a fraudulent Maryland ID. Ms. Owston spoke on compliance checks. Ms. Owston reviewed the fine and suspension guidelines for the sale of alcohol to a minor. Ms. Owston instructed Mr. Rezai to check with Bill DeVore in the Zoning Office on any proposed changes in operation of the business. Ms. Owston said that all administrative items have been submitted. Commissioner Fratz made a motion to approve the Class "D" B&W On-Sale License with the premise area described in the Boards discussion. The motion was seconded by Commissioner Crosco and unanimously approved by Chairperson Gearhart. Ms. Owston noted for the record that the issuing fee is \$350 and the annual fee is \$350. Ms. Owston told Mr. Rezai the license will renew next year for \$350. Ms. Owston then explained the renewal process. Ms. Owston presented Mr. Rezai with copies of ID's for the surrounding states, articles on serving alcohol, a vendor packet provided by the Health Department and the Rules and Regulations for Garrett County.

A hearing was scheduled for 10:00 AM with Judy Broadwater of Wildwater Inn. Ms. Broadwater requested the Sunday Sales Option be added to her existing Class "D" BWL On-Sale License. The business is located at 14452 National Pike, Frostburg, MD (Garrett County). The Board discussed the Sunday Sales Regulations with Ms. Broadwater in detail. Ms. Owston also read an email from the Health Department. Ms. Owston said she contacted the Health Department about the possibility of smoking on the premise after her recent inspection. Ms. Buckel noted that they did their own inspection of the licensed premise and no one was smoking. The email mentions that an employee of the Health Department spoke to the owner of the business about the smoking regulations. The email states that the owner acknowledged that smoking has occurred inside the business. Ms. Owston said that the Health Department as well the Board have to approve the Sunday sales privilege. Ms. Broadwater said we have quit smoking in there. She said she put benches outside and a deck on the back. Ms. Broadwater said it is working fine. Ms. Owston said when she was inspecting the premise there were cigarette ashes on the

counter that Ms. Broadwater wiped off with a bar rag. Ms. Broadwater said she knows she can't be smoking in there. She said it has to stop. The Board went into Executive Session to discuss her request. The meeting resumed. Chairperson Gearhart informed her of the following motions. Commissioner Fratz made a motion to approve the Sunday Sales Option. There was no second to the motion and the motion failed. Commissioner Crosco made a motion that the Board deny the Sunday Sales Option and give her an opportunity to reapply at the next renewal period. The motion was seconded by Chairperson Gearhart and unanimously approved. Ms. Broadwater was told the Board's decision to not approve the Sunday Sales Option at this time was because of previous violations. She was instructed to re-apply for the option at renewal time. Chairperson Gearhart told Ms. Broadwater that if she has a good track record between now and renewal it will probably work favorably for her. Ms. Broadwater questioned when the next renewal period was. Chairperson Gearhart said the same time it renews every year. Ms. Owston explained that the renewal applications are mailed out in March. Ms. Owston said when you return your application; you could request to add the Sunday sales option. Ms. Broadwater acknowledged her statement.

A license hearing was held at 10:20 AM for a Special Class "C" 2-day BWL License for Garrett Mentors. Present for the hearing was applicant, Edward Spurr. The license is to be used at the Ridgeview Valley Barn at 912 Gravelly Run Road in McHenry on September 14, 2013 during the fifth annual barn dance and silent auction fundraiser. The event will be held from 5:00 PM until 9:00 PM. Tickets are available for \$25 in advance or \$30 the evening of the event. Mr. Spurr said the ticket cost includes a catered dinner from Jearbryo's. He said they will have a cash bar for drinks. Ms. Owston reviewed the various rules and regulations for a licensed event. Commissioner Crosco made a motion to approve the Special Class "C" BWL 2-Day License for September 14th, seconded by Commissioner Fratz and made unanimous by Chairperson Gearhart. The appropriate fees were paid and the license was issued. Ms. Owston provided Mr. Spurr with samples of ID's for the surrounding states.

There was general discussion after the hearings. The Board reviewed an Incident Report dated on June 26, 2013 from the MSP alleging an outside fight on the premise of the St. Moritz Boardwalk. Ms. Owston said she sent the report to the establishment. Mr. St. Moritz and Mr. Fiscus contacted the office about the report. They informed Ms. Owston that they were not even aware of the incident. They told Ms. Owston that the establishment was closed at the time of the incident. The establishment submitted a copy of their report that is generated at the end of the night showing that they were already closed. The Board took no action on the report as a result. Ms. Owston noted that the Oakland VFD contacted her about an upcoming event at the Oakland Fire Hall involving the Terra Alta VFD. They wanted to see if the Board requests their presence at a meeting to discuss the event like last year. The Board said they did not need to attend a meeting if they were going to run it the same as the event last year. Ms. Owston said she will contact them on the details of the event. Ms. Owston told the Board that during her recent inspections she visited the Winnfield Golf Course. She informed the Board about the unattended access of the beer. The Board determined that additional security measures should be taken to secure the alcohol. Ms. Owston mentioned that she attended the District Court sales to minor cases last month. Both of the clerk's cases were placed on the stet docket. This resulted from the fact that the MSP Officer was not at the hearing.

Ms. Owston informed the Board of the Serve It Up Local fundraiser catered by FireFly Farms at the AG Heritage Building at the fairgrounds on August 10, 2013. The event is open to the public. The Board reviewed a letter from Cpl. Wilson of the Sheriff's Office concerning outside consumption at the Sugar Shack Tavern. Ms. Owston informed Cpl. Wilson that the outside area is an approved part of the licensed premise. Ms. Owston spoke to Cpl. Wilson about assigning a deputy to forward incident reports to her involving licensed establishments. She said that Major Terry Schlossnagle, who has recently retired, sent reports to her in the past. Cpl. Wilson said he will assign a deputy to work with the Board.

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 September 5, 2013 pending any public hearings.

Thomas A. Gearhart
Chairperson

September 5, 2013
Date