

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on December 5, 2013 at 9:00 AM. Present for the meeting was Commissioner Bea Crosco, Commissioner Michael Fratz and Administrator to the Board Deborah R. Owston. Chairperson Thomas Gearhart was not able to attend the meeting. However, he reviewed the Agenda packet with Ms. Owston via a telephone conversation.

Commissioner Crosco called the meeting to order. The Board signed mileage sheets. The expense reports for July thru December were approved for mileage reimbursement.

The November 7, 2013 Minutes were reviewed and approved by the Board. Commissioner Crosco made the motion seconded by Commissioner Fratz and unanimously approved by Chairperson Gearhart via telephone.

A discussion session was held with Dfc. Eric Parks of the Sheriff's Office about licensed establishments in Garrett County. Also in attendance were Sandy Miller and Mike Wilburn from the Garrett County Health Department along with a high school student who assists with tobacco compliance checks. Deputy Parks and the staff of the Health Department stayed for the rest of the Board's meeting to observe the violation hearing as well as the Special Class "C" hearing for Friendsville VFRD.

A violation hearing was held at 9:30 AM for Luke's Liquors for the sale of alcohol to a minor during a compliance check conducted on November 11, 2013 by the Maryland State Police. The business is located at 435 North 3rd Street in Oakland. Licensee, Carol Lantz was present for the hearing. Ms. Owston reviewed the Criminal Investigation Report with Ms. Lantz. Ms. Lantz agreed with the facts of the report. Ms. Owston noted that the report mentioned that the clerk did check the cadets vertical ID. The report also mentioned that the clerk said he should have looked at the license better because the license was vertical and not horizontal. Ms. Owston and the Board reviewed the various forms of ID's with Ms. Lantz. Ms. Owston expressed concern about the establishments and ownerships past history. Commissioner Fratz stated that they have to put more emphasis on training and to be more alert. Commissioner Crosco questioned the lack of corrective action. Ms. Owston told Ms. Lantz that she has to train the staff and make sure they are aware of the consequences of selling alcohol to a minor. Ms. Miller from the Health Department asked Ms. Lantz if she understood why they do what they do and why they are concerned. Ms. Lantz said she understands they are trying to prevent underage drinking. Ms. Owston suggested they modify the POS registers to force the clerk to enter the DOB. Commissioner Crosco 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 Commissioner Fratz and approved. Ms. Lantz agreed with the facts as presented and the Board's decision on the matter and waived her right to appeal the Board's decision to Circuit Court. Ms. Owston reviewed the fine and suspension guideline. Ms. Lantz paid the fine at the hearing.

A license hearing was held at 9:45 AM for a Special Class "C" 2-day BWL License for the Friendsville VFRD to be used on February 21st & 22nd, 2014. Present for the hearing was

applicant, Craig Umbel. The event will be at the Friendsville VFRD Fire Hall, 122 Walnut Street in Friendsville. Mr. Umbel reported that they would be having their annual gun bash fundraiser. One thousand tickets will be sold at \$25 per person. The ticket includes beer, food and prizes. They anticipate about 600 in attendance. The hours of the event will be 11:30 AM until 6:00 PM. Mr. Umbel said they will stop serving the beer at 5:30 PM. Ms. Owston noted that The Republican Newspaper missed publishing the Notice of advertisement for the license hearing in the paper on November 27, 2013. As a result a revised notice of advertisement will appear in the December 5, 2013 edition. Comments concerning the issuance of this license should be received in the office of the Board of License Commissioners by no later than December 13th, 2013. Commissioner Crosco made a motion to approve the Special Class "C" BWL 2-Day License to be used on February 22, 2014. The motion was seconded by Commissioner Fratz and approved. The license will be issued after December 13, 2013 as long as there are no objections.

Following the hearings, the Board reviewed the proposed legislative items. The Board agreed with the proposed language changes to Article 2B §11-512 and a November 2014 referendum vote to authorize limited Sunday take-out sales as requested by several of the off-premise retailers. The initial request was made by Lisa Sisler of Slopeside Market to Senator Edwards and Delegate Beitzel who instructed Ms. Sisler to make the request through the Liquor Control Board. The Board also agreed with several of the on-premise retailers' request for a November 2014 referendum vote to allow on-sale consumption with a meal in those election districts and precincts of an election district that currently prohibits this practice. The Board approved the "housekeeping" amendments to the Beer Festival License and the Refillable Container "growler" Permit. They also approved removing the Class A2 Light Wine statute that is now obsolete. The Board discussed the Cornish Manor Café at Deep Creek's ongoing separation between Terry Fram and Emily Berry. The Board agreed with Ms. Owston to schedule a show-cause continuance meeting at one of the upcoming meetings for further explanation of the future of the license. The Board also agreed to schedule a show-cause hearing for the Crab Shack at Deep Creek Lake in reference to the fingerprint requirements of all licensees. Ms. Owston noted that the pending approval for Fast Break convenience store has expired. As a result, Mr. Skipper will need to re-apply for the alcoholic beverage license. The Board reviewed the Delivery Option regulations and determined that they would allow alcoholic beverage gift baskets to be turned over to the "receiver" for delivery to the recipient. The "receiver" would have to sign the Delivery Form and acknowledge that they are at least twenty-one years of age and understand that it is a criminal offense for alcoholic beverages to be turned over to anyone under 21 years of age. The retailer would still have to get all the required information from the customer purchasing the alcoholic beverage. The Board briefly discussed the 2014 ASCI events with possible catered alcoholic beverages.

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

The next regular meeting of the Board of License Commissioners is scheduled for January 2, 2014 pending any public hearings.

Thomas A. Gearhart
Chairperson

January 2, 2014
Date