

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their February meeting in the Commissioner's Public Meeting Room on January 30, 2014 at 9:00 AM. Present for the meeting was Chairperson Thomas Gearhart, Commissioner Bea Crosco, Commissioner Michael Fratz, Administrator to the Board Deborah R. Owston and Board Attorney, Craig Ingram.

Commissioner Crosco called the meeting to order. The Board signed mileage sheets.

The December 5, 2013 minutes were reviewed and approved by the Board via telephone on January 1, 2014. Commissioner Fratz made the motion seconded by Commissioner Crosco and unanimously approved by Chairperson Gearhart. The January 2, 2014 meeting was not held.

A show cause continuance hearing was held at 9:30 AM for the Cornish Café at Deep Creek. Licensee, Emily Berry was present along with her attorney, Christine Kepple. The hearing was held to determine if the Board's temporary hold on the license should be extended. After hearing testimony to the facts surrounding the closed business, the Board concluded that the circumstances justify further action in accordance with Article 2B, § 10-504 which states, "*on the tenth day after the holder of any license issued under this article has vacated, or been evicted from the premises for which the license was issued, the license shall expire unless an application for approval of transfer to another location or assignment to another person pursuant to § 10-503 of this article or an application for pursuant to § 10-506 of this article has been approved or is then pending. However, the State Comptroller or local licensing board, as the case may be, may postpone the expiration for an additional period not exceeding 20 days in any case to avoid undue hardship.*" The Board went into Executive Session. Upon deliberation, the Board unanimously agreed the temporary hold on the licenses is no longer in effect and the licenses are null/void. The Board also agreed that Ms. Berry could re-apply for a new license in the future, once a location was secured. Mr. Ingram explained that in accordance with Article 2B §16-101, the Boards decision in this matter may be appealed within 30-days to the Circuit Court of Garrett County. Ms. Kepple indicated that Ms. Beery would maintain the possibility to appeal the Boards decision. Ms. Owston explained to Ms. Berry that the Boards decision would not directly affect her other alcoholic beverage licenses other than the license classification.

A show cause continuance hearing that was scheduled for 9:45 AM for the Crab Shack at Deep Creek Lake was not held. The hearing was not held since the licensees complied with the LiveScan digital fingerprint background check requirements prior to the meeting. Ms. Owston noted that Craig Gebhart, Nancy Railey and Holly Garrelts are the licensees for the establishment.

A license hearing which was scheduled for 10:00 AM was held at 10:45 AM for a Special Class "C" 2-day BWL License for the Deer Park Community Volunteer Fire Department, Inc. The event will be held on May 3, 2014 from noon until 6:00 PM. Present for the hearing was applicant, Ronald O'Brien. The event will be at the Deer Park CVFD Fire Hall

located at 5353 Maryland Highway in Deer Park. 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. Commissioner Crosco made a motion to approve the Special Class "C" BWL 2-day license to be used on May 2nd & 3rd, 2014. The motion was seconded by Commissioner Fratz and unanimously approved by Chairperson Gearhart.

A license hearing that was scheduled for 10:15 AM was held at 11:00 AM for a Special Class "C" 2-day BWL License for The Samantha Funding the Arts Foundation to be used on March 15, 2014. Present for the hearing were applicants, June McClosky and Charles McClosky. The event will be held at the AG Heritage Hall at the Garrett County Fairgrounds located at 270 Mosser Road in McHenry. The Board and Ms. Owston asked several questions and pointed out various regulations to Mr. & Mrs. McClosky. Commissioner Fratz made a motion to approve the Special Class "C" BWL 2-Day License to be used on March 15, 2014. The motion was seconded by Commissioner Crosco and unanimously approved by Chairperson Gearhart.

Following the hearings, Ms. Owston updated the Board on the legislative bills being introduced by the House and Senate. The Board discussed HB 208 as it relates to the proposed growler legislation. The Board approves refilling of appropriate beer containers; regardless of their origin, provided that the retailer complies with all health standards. The Board discussed the fee for the off-premise Sunday sales option and agreed if an establishment is authorized to sell both on-premises and off-premises they only need to pay once for both privileges each license year. Ms. Owston updated the Board on the license renewal holds requested by the Comptroller of Maryland. She said there are currently three establishments being held. Ms. Owston briefed the Board on an incident that took place at Black Bear Tavern on December 28, 2013. The management called the MSP to assist with a patron who was acting inappropriately. Ms. Owston mentioned the ownership of Par-Matt Lanes will be changing and she expects the transfer application for the March meeting. Ms. Owston informed the Board that several establishments are currently closed. Table Rock is closed due to fire damage, Santa Fe Grill is closed for sprinkler damage and Jearbryo's appears to be closed as well. Hen House was temporarily closed due to fire damage but has since reopened. The Board agreed they would place the licenses on hold. Ms. Owston noted that the Oakland Mt. Lake Lions Club will be having a scholarship fundraiser dinner on Sunday, February 16, 2014 at the Oakland Community Building. Ms. Owston said she met with the owners of Savage River Lodge. They have purchased the B&B near Pen-Alps and will be renovating the buildings there and will have a general store and café in addition to the B&B. Ms. Owston recommended to the Board to increase the amount of bottles of wine a Class "B" retailer could sell with the Off-Premise Wine Sales Option. The Board agreed they would consider adding the option to sell 12 bottles. The proposed cost would be \$600 for this option. Ms. Owston explained that this change to the local Rules & Regulations would require a public hearing. Ms. Owston said she recently spoke with Brandon Opel of Long Stretch Market about the progress they are making with the Health Departments regulations to increase the septic field which would allow them to have on-premise consumption. The Board approved the upgrade of the license from a Class "A" Beer license to a Class "D" Beer license pending the approval from the Health Department.

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

The next regular meeting of the Board of License Commissioners is scheduled for March 6, 2014.

Thomas A. Gearhart
Chairperson

March 6, 2014
Date