

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on January 8, 2015 at 9:00 AM. Present for the meeting was Chairperson Michael Fratz, Commissioner Bea Crosco and Administrator to the Board Deborah R. Owston.

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

The December 4, 2014 minutes were reviewed and approved by the Board. Commissioner Crosco made the motion to approve them as written. Chairperson Fratz unanimously approved the motion.

Prior to the scheduled hearings, Autumn Newcomb-Shay, licensee for The Country Club / Sand Trap Lounge requested time to speak with the Board about the licensed premise at the Oakland Golf Club. Ms. Newcomb-Shay explained to the Board that she would like to make some changes to the licensed premise. She reviewed with the Board a possible wine bar in the lower level with cold plate appetizers available for sale along with off-premise alcohol sales. A detailed conversation on the removal of partially consumed bottles of wine from licensed premises took place. Ms. Owston reviewed the regulations of Article 2B § 12-107.1. Ms. Owston said she would check with other jurisdictions on whether they have wine bar establishments and what regulations they have in place. Ms. Owston suggested that Ms. Newcomb-Shay get back with the Board at the February or March meeting for a continued discussion. She was also asked to provide a copy of the proposed menu to the Board for review. Ms. Owston took the opportunity to mention that a Class "D" BWL On-Sale license only allows up to 25% of the sales as being off-premise sales. Ms. Owston said that sales reports might be required in the future to monitor what class of license should be issued. Ms. Owston noted that all staff ringing up the sale of to-go purchases must be at least twenty-one years of age. Ms. Newcomb-Shay said that she does not employ anyone under the age of twenty-one.

A discussion session was scheduled for 9:30 AM with Greg Mortimer of Santa Fe Grille. Mr. Mortimer informed the office on January 7, 2015 that he would not be able to attend due to a last minute legal proceeding. Ms. Owston read his email to the Board. Mr. Mortimer referenced his residency status in the email. He also stated that there were no changes with the insurance claim or the new investors purchasing the bank note. Ms. Owston emailed Mr. Mortimer and referenced that by him not attending the meeting that the Board will have to decide if that would jeopardize the license hold. Ms. Owston noted for the record that at the December 4, 2014 meeting, the Board made the following motion. *The Board made a motion to continue the hold placed the licenses until the next meeting on January 8, 2015 under the condition that Mr. Mortimer provides a written statement on his residency and the status of the bank loan. Commissioner Crosco made the motion, which was seconded by Chairperson Fratz.* Commissioner Crosco made a motion that they continue the license hold under the condition that Mr. Mortimer attends the February 6, 2015 meeting or an application is submitted from the new investors; otherwise, the licenses are null and void. Chairperson Fratz seconded the motion.

A transfer license hearing was held at 9:45 AM. BENNREEDTREAT, LLC dba Friendsville Liquor Store applied for the transfer of the license issued to P.E. Spear, Inc. dba Friendsville Discount Liquors. The application is for the transfer of the Class "D" BWL Off-Sale license and possible issuance of a new Draft Beer License. The Draft Beer License application would be pending approval by the Town of Friendsville and the Health Department. The business is located at 277 Maple Street, Friendsville, Maryland. Applicants for the license are Dean Bennett, Timothy Reed and Leslie Garrett Guard, Jr. Present for the hearing was applicant, Timothy Reed. Mr. Reed informed the Board of the proposed changes to the business. He stated that they would go to closing on the property on January 19, 2015. Ms. Owston suggested a temporary lease until the property transfer takes place next week and Mr. Reed agreed. Ms. Owston noted that Ms. Spear closed the business on December 31, 2014 to end her financial books at the end of the year. Mr. Reed stated that the package store hours would be Monday – Saturday from 9:00 AM until 9:00 PM. Starting in the spring, they would like to sell beverages and some small food items for consumption on the premise during rafting season on the days of water releases. Ms. Owston said that the on-premise sales venture would have to be approved by the Health Department. Mr. Reed mentioned that he has meet with the Town of Friendsville to discuss the business plan that would include limited on-premise consumption in the designated area. He said that the Town did not object to the concept. Mr. Reed mentioned that the rafting company across the street allows alcoholic beverages that are consumed outdoors. Ms. Owston explained that the licensed premise would not allow for alcohol that was not purchased from Friendsville Liquor Store to be consumed on the premise. Mr. Reed acknowledged Ms. Owston's statement and said he would comply and enforce the requirement. The Board meet in closed session to discuss the background results. The Board had no issues. Chairperson Fratz made a motion to approve the transfer of the Class D BWL Off-Sale License along with a Draft Beer License pending approval from the Health Department. The motion was seconded by Commissioner Crosco and unanimously approved. Mr. Reed paid the \$200 transfer fee and the license was issued. Ms. Owston explained the upcoming renewal process and the renewal cost. Mr. Reed was provided with various examples of forms of identification.

After the hearings, there was general discussion. Ms. Owston informed the Board that she attended the legislative meeting with the Garrett County Commissioners, Delegate Beitzel and Senator Edwards on December 9, 2014 in the Commissioners Public Meeting Room. She mentioned that she also attended the public legislative meeting at Garrett College with Delegate Beitzel and Senator Edwards on December 15, 2014. Ms. Owston mentioned that the off-premise changes and the meal requirement for on-premise consumption were brought up at both legislative meetings. Ms. Owston questioned if the Board had any concerns if members of the restaurant community reached out to the delegation to request a change to the regulation. The Board discussed the topic in detail and agreed that the establishment must be capable of providing a meal. The Board agreed that they had no objection to a change to the regulation if requested. Ms. Owston said she did not know if the request would go anywhere or not. She said she reviewed the regulation and made a recommendation. Ms. Owston provided the Board with a detailed list of all establishments in reference to the Sunday sales. Ms. Owston mentioned the possibility of updating the local rules and regulations at the March meeting. The Board discussed assessing a court fee for administrative hearings. Ms. Owston said she could send out a survey to other jurisdictions to see how many include a similar fee. Mr. Clapsaddle of Black Bear informed

the office by email that an incident occurred on their premise where his staff contacted the MSP for a disorderly individual. Duffer's Golf asked that their license be placed on hold until springtime. Chairperson Fratz made a motion to place a temporary hold on the license. Commissioner Crosco seconded the motion. Ms. Owston noted that Wildwater Inn closed on December 12, 2014. Ms. Martin closed the business since she had to return to South Carolina. Ms. Martin informed the office that there is no alcohol on the premise. The license will remain on hold while Ms. Martin is looking for someone to purchase the business. Daniel Hubert from Arrowhead will be retiring and Christopher Pauly will take his place on the license after December 31, 2014. Mr. Pauly will need to have a LiveScan background check conducted prior to approval as a licensee. New Germany Store requested that their license be placed on hold until late March. Commissioner Crosco made a motion to place a temporary hold on the license. Chairperson Fratz seconded the motion. Ms. Owston mentioned that New Germany Store plans to add the Sunday Sales Option sometime in April. Ms. Owston noted that the business should qualify for on-premise and off-premise Sunday sales. Terry Fram of Deep Creek Sweets informed the office that she will not be renewing her lease at The Fort location and is looking for a new space in Oakland. She asked that the Board consider allowing her to sell from her concessions trailer. Ms. Owston said she emailed Ms. Fram thanking her for the information and requested to be informed when she intends to transfer the license. Ms. Owston pointed out that the storage of alcohol is of concern. The Board discussed the matter in more detail and determined that more information needs to be provided in reference to the possible Oakland locations since Ms. Fram mentioned the possibility of sharing a space with another tenant. The Board said, no, to the option of storing and selling from the concession trailer. Lora Lohr contacted the office about the possibility of applying for a B&W license for her deli located at The Fort in McHenry. Ms. Owston mentioned that she would have to check with the Comptroller's Office on the possibility of Ms. Lohr holding a retail license and a Solicitor's Permit from the State. Ms. Owston provided the Board with the names of businesses on the Comptroller's renewal hold. Ms. Owston will send them a letter to get their accounts in compliance prior to the renewal deadline.

There being no further business to discuss, Chairperson Fratz made a motion to adjourn the meeting. Commissioner Crosco seconded the motion.

The next regular meeting of the Board of License Commissioners is scheduled for Friday, February 6, 2015.

Michael J. Fratz
Chairperson

February 6, 2015
Date