

## MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on May 1, 2015 at 9:00 AM. Present for the meeting was Chairperson Michael Fratz, Commissioner DeCorsey Bolden, Commissioner David Moe and Administrator to the Board Deborah R. Owston.

Ms. Owston welcomed David Moe to the Board of License Commissioners. He was sworn in at the Clerk of Circuit Court Office on April 17, 2015. Commissioner Moe will serve out the remainder of Commissioner Crosco's term, which would have ended on May 31, 2016.

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

The April 2, 2015 minutes were reviewed and approved by the Board. Chairperson Fratz made the motion. The motion was seconded by Commissioner Moe and unanimously approved by Commissioner Bolden.

A Beer Festival License hearing was held at 9:20 AM on the application submitted by Mountain State Brewing Company McHenry, LLC operating as Mt. State Brewing Co. Erin C. Arnett and David J. Puckett are the applicants for the license. Ms. Arnett attended the hearing. The festival will be Saturday, June 6, 2015 in the field behind Mt. State Brewing Co. located on Sang Run Road in McHenry. Mr. Larry Sebold owns the property where the festival will take place. The event will be from 3:00 PM until 9:00 PM. The ticket cost including sampling will be \$40 plus fees and it will be \$20 for entry only. It was noted that a portion of the proceeds would benefit Hart for Animals, Inc. Ms. Arnett discussed the details of the event with the Board. Ms. Arnett stated that they estimate approximately 500 people will attend the event. Ms. Owston asked how many people who will be pouring the samples of beer have alcohol awareness training. Ms. Arnett stated that all of her staff that will be working the event are currently trained. It was also mentioned that the majority of the distributors and brewery representatives are trained. Ms. Owston discussed the sample serving size and mentioned that she will be contacting the Comptroller's Office on the regulations in regards to the restrictions on the breweries and distributors. Ms. Arnett mentioned that there will be no to-go sales at the festival. Ms. Arnett presented a site plan for the festival that included various beer tasting tables and food vendors inside the fenced in premise. Ms. Owston mentioned that the premise has to be controlled. Ms. Owston stated that those attending the event could not take alcohol from the festival to the restaurant or vice versa. Ms. Owston mentioned that she would set up a meeting with the Health Department and Ms. Arnett for the third week of May to discuss the various State regulations for an outside event. Ms. Owston informed Ms. Arnett of the 9% alcohol tax and suggested she speak with Paula Yudelevit of HART for Animals about how entrance fees and alcohol tax are collected for the Wine Festival. Ms. Owston reviewed that it is illegal to serve a minor, it is illegal to serve a visibly intoxicated person and BYOB is prohibited on a licensed premise. Chairperson Fratz made the motion to approve the Beer Festival License pending approval from the Health Department. The motion was seconded by Commissioner Bolden and unanimously approved by Commissioner Moe. Ms. Owston noted that the fee for the license would be collected after the meeting with the Health Department.

A hearing was held at 9:40 AM to upgrade the current license issued to Ledo's Pizza & Pub from a Class "B" Beer & Wine On-Sale License to a Class "B" BWL On-Sale License. The business is located at 24465, Garrett Highway – Suite 3 in McHenry. The applicants are Paul S. Dorris, Charles A. Yommer, III and Adam L. Yommer. Mr. Dorris was present for the hearing. Ms. Owston told Mr. Dorris that all distilled liquors must be purchased from a licensed distributor in Maryland. Commissioner Moe made the motion to approve the license upgrade to a Class "B" BWL On-Sale License. The motion was seconded by Chairperson Fratz and unanimously approved by Commissioner Bolden. After the appropriate issuing and annual fees were collected, the license was issued. Mr. Dorris mentioned that he plans to inquire about a legislative change to the hours for Sunday alcohol sales. He mentioned that they offer a Sunday brunch and the customers would like the option of having an alcoholic beverage when they are dining prior to 1:00 PM.

A formal discussion was held with Greg Mortimer of Santa Fe Grill at 10:00 AM. The Board requested Mr. Mortimer attend the meeting to introduce himself to the Board and discuss the on-going license hold, the pending insurance claim, the renewal of the licenses and the potential transfer of the license. Mr. Mortimer updated the Board on the business closure and restructuring as well as the current insurance claim and proposed sprinkler repairs. Mr. Mortimer mentioned that the timeline for design work and repairs estimates that the business will be ready to re-open in October. Ms. Owston noted that the Board could not renew the license that is technically on hold without approval from the Comptroller's Office. She then said that for each day the Comptroller's Office has a hold the license, the license is considered incomplete and a late fee of \$50 per day will be included with the renewal cost. Mr. Mortimer said they will get the Trader's License within the month. Ms. Owston stated that the license either dies or renews on June 30, 2015. Ms. Owston noted that in order for the license to be renewed, it would have to be paid for in full by July 1, 2015. She said the Board could then continue the hold until the business is ready to re-open. Ms. Owston said if the license dies and is considered null and void then in October it could be reapplied for by the new entity or Mr. Mortimer. Ms. Owston noted that issuing fees and annual fees would be required if the business closes or new entity takes over the business in the event the license is not renewed. Ms. Owston stressed that this is why it is critical to have the Comptroller's Office to release the renewal hold. Ms. Owston stated that the Trader's License expired on April 30, 2015. Ms. Owston informed the Board that they could not renew a license without the Comptroller's release. Mr. Mortimer said he has every intention to renew the business license. He said when the insurance claim is settled he will go to the Comptroller's Office and satisfy the renewal hold. Ms. Owston noted for the record that at the April 2, 2015 meeting, the Board made the following motion. *Commissioner Bolden made a motion to extend the license hold until May 1, 2015 and if it is not renewed then it is withdrawn. Commissioner Bolden amended the motion to also included that Mr. Mortimer must attend the meeting. The motion was seconded by Chairperson Fratz and unanimously approved.* Commissioner Moe made a motion that the Board rule the application as incomplete; pending resolution with the Comptroller's Office. Once that resolution is alleviated, the Board could review the application and determine in any or how much of the fine they may want to waive. The motion was seconded by Commissioner Bolden and unanimously approved by Chairperson Fratz. Ms. Owston reviewed the submitted renewal application and informed Mr. Mortimer that the current renewal application should be for license year 2015-2016.

She advised Mr. Mortimer to resubmit the application with the notarized applicant signatures on the 15-16 forms and get them back to her quickly along with the sales report. Mr. Mortimer acknowledged her advice.

There was general discussion after the scheduled hearings. Ms. Owston mentioned that she is still waiting to receive about 20 renewal applications. She noted that because of the current riots in Baltimore, the Comptroller's Office was closed a few days. This closing may affect renewal holds being released on Trader's Licenses. In addition, she said that the mail might be delayed a few days. Ms. Owston updated the Board on the legislative session. On April 14, 2015, the Governor signed HB 0139. This legislation references repealing the Sunday meal requirement. The change goes into effect on July 1, 2015. SB 0715 and HB 0523 were scheduled to be signed by the Governor on April 28, 2015 however; due to the unrest in Baltimore, the bill signings were cancelled. Ms. Owston noted that the next day for bill signings will be May 12, 2015. Ms. Owston reviewed Article 2B and the license application questions in regards to felony convictions with the Board. The Avilton Community Association held an event on Sunday, April 19, 2015. Tim Galica called on Monday, April 20, 2015 to inform the office that he forgot to notify the office of the event. Ms. Owston said she explained to Mr. Galica that the Board may want to consider that if this happens again, that they will have to turn in their multi-event license and go back to having a license hearing for each event. The Board agreed with Ms. Owston's recommendation. The Grantsville VFD had a Gun & Cash Bash on April 25, 2015. The Deer Park CVFD will have a Gun & Cash Bash on May 2, 2015. Ms. Owston informed the Board that Roger Resh of Grantsville Liquors inquired about possibly increasing his licensed premise to include an additional building for consumption and storage. The Comptroller's Office informed the office that Shorty's Bar & Grill was found in violation of prohibited purchases from a retailer. Ms. Owston mentioned that once the incident report is received from the Comptroller's Office that she will schedule a violation hearing. The Comptroller's Office also informed the office that Cornish Café did not have their license posted. The license was located and posted before the inspectors left the premise. New Germany Store's license was upgraded to include the Sunday Sales Option on May 1, 2015.

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

The next meeting of the Board of License Commissioners is scheduled for Wednesday, June 3, 2015.

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Michael J. Fratz  
Chairperson

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June 3, 2015

Date