

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Conference Room on Thursday, July 2, 2015 at 9:00 AM. Present for the meeting was Chairperson Michael Fratz, Commissioner DeCorsey Bolden, Commissioner David Moe, Administrator to the Board Deborah R. Owston and Attorney to the Board Elizabeth Georg.

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

The June 3, 2015 minutes were reviewed and approved by the Board. Commissioner Moe made the motion. The motion was seconded by Commissioner Bolden and unanimously approved by Chairperson Fratz.

There was general discussion prior to the hearings. Ms. Owston updated the Board on the renewal process. She mentioned that the Deer Park Hotel license was downgraded from a BWL On-Sale License to a B&W On-Sale License. The licensees were not certain if they wanted to reduce the license privileges or not, but did so under the possibility that they could go back to the BWL license during the upcoming license year without issuing fees being assessed to the total license cost for BWL. The Board had no issues with Ms. Owston's recommendation. Ms. Owston also mentioned that Ms. Russell and Mr. Dreisbach did not renew the Catering Option for Savage River Lodge. Ms. Russell and Ms. Owston spoke about the new license for the Cornucopia Café and it was determined that they would include the Catering Option on the license for Cornucopia Café and not on the license for Savage River Lodge. Ms. Owston told Ms. Russell that she would check with the Board to see if they would allow a grace period to revert the Catering Option back during the upcoming license year without issuing fees if it was determined to be necessary. The Board had no issues with Ms. Owston's recommendation. Swanton Grocery and Duffer's Golf Course both upgraded their licenses to include the Sunday Sales Option effective July 1, 2015. Ms. Owston mentioned the possibility of having the August meeting on Thursday, July 30, 2015 instead of August 6, 2015. The Board had no issue with changing the meeting date if needed. Ms. Owston said that she would confirm the change with the Board as soon as she knew. Ms. Owston stated that the MSP and the Health Department conducted compliance checks on June 3, 2015. Coal Bucket Café and Cornish Manor restaurant both had employees who sold alcohol to the cadet.

A license hearing was held for 9:20 AM on the application submitted by Fun Unlimited, LLC operating as Fun Unlimited. The hearing had originally been held on June 3, 2015 without the applicants being present. As a result, the hearing was re-scheduled. Rick McClanahan and Barry Sharpless are the applicants for the license and were both present for the hearing. The business is located on 173 Friendsville Road. Ms. George swore in applicant Rick McClanahan for his testimony on the application. Ms. Owston reviewed the submitted application for a Class "D" Beer & Wine On-Sale License. She noted that one of the applicants admitted to a felony conviction. Ms. Owston explained that Article 2B has some guidelines for the Board to consider when approving a license or accepting an application. Ms. Owston stated that the Board is aware of the background check results and the information received from the FBI, the State of Maryland and the Circuit Court of Fairfax

County, Virginia Criminal Case No. 92-00553-A. Ms. Owston read the charges from the CJIS reports. Ms. Georg then asked Mr. McClanahan if he admits to having a felony conviction on his record. Mr. McClanahan said that he has a felony conviction on his record. Ms. George said that since his admittance of the felony conviction the Board could make their decision based upon that. Mr. McClanahan asked if he would be able to elaborate on the criteria on how it came about. Ms. George responded by saying no, you have a felony conviction. Mr. McClanahan responded by saying, "I do." Commissioner Bolden stated that it is improper for the Board to issue a license with a felony conviction. Commissioner Bolden said that at the previous meeting we denied the application because of that. Commissioner Bolden then said that he is in order when he says that, "I make a motion to deny the license." Ms. Owston interrupted Commissioner Bolden and said that with all due respect she would like everyone to have an opportunity to ask questions or state something before we make any motions. Chairperson Fratz said that he did not have any questions. Commissioner Moe said that he did not have any questions. He then directed a statement to Mr. McClanahan and asked if he understood that the Maryland statute prohibits the issuance of a license to a felon. Mr. McClanahan acknowledged by saying, yes. Commissioner Moe then said he seconds Commissioner Bolden's motion. Ms. Owston then asked Ms. Georg if she had anything to say. Ms. George said that she did not. Ms. Owston stated that Commissioner Bolden made a motion to deny the application and Commissioner Moe seconded the motion. She then asked Chairperson Fratz if he was in favor or opposed. Chairperson Fratz said he was in favor. Ms. Owston said let the record reflect that the Board opposes the application as submitted. Mr. McClanahan asked about the appeal process. Ms. Georg advised he seek legal counsel. Ms. Owston referenced Article 2B § 16-101 and explained that the Board's decision could be appealed within 30 days to the Circuit Court of Garrett County. Commissioner Moe suggested Ms. Owston type a document for Mr. McClanahan in reference to the denial of the application and the appeal process.

A Wine Festival License hearing was held at 9:45 AM on the application submitted by Drinks, Inc. trading as McHenry Beverage Shoppe. Sherry Gosnell is the applicant for the license. Paula Yudelevit and Mary Callis attended the hearing to represent the Deep Creek Art & Wine Festival Committee. The festival will be September 12, 2015 at the Garrett County Fairgrounds in McHenry from noon until 7:00 PM. Ms. Yudelevit discussed the details of the event with the Board. She mentioned the history of the event and noted that this is the eleventh year. The proceeds from the event would benefit Hart for Animals, Inc. and the Garrett Lake Arts Festival. Ms. Yudelevit mentioned that there would be six local non-profit organizations doing their own fundraising at the event as well. The advance ticket cost is \$30 and \$35 at the gate. There is a VIP add-on for an additional \$30 for 10 select tastings. Ms. Yudelevit stated that they estimate approximately 3,000 people will attend the event. There will be one main entrance into the festival other than the handicap entrance. Everyone must present his or her ticket at the gate. They will then be carded if necessary, and wrist banded with either a red or a green wristband. She also mentioned that the Deep Creek Volunteer Fire Department would conduct their annual Crab Feast that evening across the street from the fairgrounds from 5:00 PM – 9:00 PM. Ms. Owston questioned how many people pouring the samples of wine have alcohol awareness training. Ms. Yudelevit stated that they have an informal one-hour training for all volunteers who will be pouring the samples. Ms. Owston informed the Board that the winery representatives hold a Solicitor's Permit issued from the Comptroller's Office and have had training in an approved alcohol awareness. Ms. Yudelevit also mentioned that they have a security detail at the festival.

Ms. Owston remarked about the regulations for the wholesalers accepting returns after the event. She mentioned that she and Ms. Yudelevit spoke with Lou Berman of the Comptroller's Office about the difficulty of returning the wine within two days after the expiration of the license due to the fact that the wholesalers normally only travel to Garrett County once a week. Ms. Owston recommended that the Board allow the wine to be returned 5 days after the expiration date of the festival license. Ms. Owston also recommended that a legislative change to this regulation be requested. The Board had no issues with Ms. Owston's recommendation. Commissioner Moe made a motion to approve the Wine Festival License and to allow the wine to be returned by Friday, September 18, 2015. The motion was seconded by Commissioner Bolden and unanimously approved by Chairperson Fratz. All fees were paid and the license issued. Ms. Owston presented the licensees with copies of the various ID's for Maryland and the surrounding states. Ms. Yudelevit requested emailed copies of the various ID's as well.

A Special Class "C" 2-day BWL license hearing was held at 10:00 AM for the Allegany / Mineral County Crime Solvers. Applicant for the license is James L. Meyers. Bernie Zlomek and Marty Walsh were present at the meeting to represent the organization. The license is to be used on Sunday, August 23, 2015 at the McKenzie Pavilion on McKenzie Road in Avilton, MD. The event will start at 3:00 PM and will end around 6:00 PM. They will be selling 225 tickets at \$40/person. The ticket cost includes a raffle ticket, steak dinner and alcoholic beverages. A trained bartender will serve the alcoholic beverages. There will be no one under twenty-one attending the event. Everyone attending the event will have to present his or her ticket and ID upon entrance. Ms. Owston handed out copies of the various ID's for Maryland and the surrounding states and mentioned that she would also email copies of the various ID's. Ms. Owston reviewed the administrative requirements and regulations. Commissioner Moe made a motion to approve the Special Class "C" BWL 2-Day License to be used on Sunday, August 23, 2015. The motion was seconded by Commissioner Bolden and unanimously approved by Chairperson Fratz. All fees were paid and the license issued.

A violation hearing was held at 10:30 AM for the Coal Bucket Restaurant for the sale of alcohol to a minor during a compliance check conducted on June 3, 2015 by the Maryland State Police. The business is located at 238 West Main Street in Kitzmiller. Licensee Barbara McKenney was present for the hearing. Mike Wilburn from the Health Department was also present. The Criminal Investigation Report 15-MSP-019514 was reviewed with Ms. McKenney. Ms. McKenney agreed with the facts of the report. Ms. McKenney said she has reviewed ID training material with her staff. Ms. Owston questioned if the employee who sold the alcohol has current alcohol awareness training. Ms. McKenney said that she does not have current training. Ms. Owston reviewed the importance of carding and training staff on a minor's vertical license and the key indicators. She said it is important to have staff really take their time when checking a vertical license. Ms. Owston suggested the possibility of the Town of Kitzmiller utilizing grant funds from the Health Department for training. Mike Wilburn agreed that might be a good possibility to pursue. Mike Wilburn said he looked back through the past two-year's compliance checks and the business had been checked four times and passed three of those checks. Ms. Owston reviewed the fine and suspension guideline. Commissioner Fratz made a motion for a letter of reprimand to be placed in the license file and a fine of \$300.00 for a first offense for sales to a minor. The motion was seconded by Commissioner Moe and approved. Commissioner Bolden

opposed the motion. Ms. McKenney 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 provided Ms. McKenney with copies of various forms of ID for Maryland and the surrounding states and mentioned that she would also email copies of the various ID's.

There was general discussion after the scheduled hearings. Ken Tressler of Backbone Tavern notified the office of an altercation that took place between two patrons. Law enforcement was contacted but was not needed by the time they arrived. Ms. Owston explained to the Board that this how they want licensees to react and notify law enforcement as well as contact the office. She said she was going to note the event in their file unless the Board wanted additional information. The Board agreed the licensee handled the situation. Nate Beachler contacted the office about a new license for Deep Creek Seafood located at 178 Quarry Road. Ms. Owston said that she expects an application for the next meeting. Ms. Owston mentioned that she also expects a Special Class "C" BWL 2-day license application from the Ali Ghan Harage Unit. Ms. Owston discussed with Board the new Sunday regulations and the various options for qualifying business. The Board agreed that the various options and privileges of a license could be utilized on a Sunday between the hours of 1:00 PM – 10:00 PM the same as the rest of the week.

There being no further business to discuss, Chairperson Fratz made a motion to adjourn the meeting. The motion was unanimously approved.

The next meeting of the Board of License Commissioners is scheduled for Thursday, August 6, 2015.

Michael J. Fratz
Chairperson

Date