

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on Thursday, August 6, 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.

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

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

There was general discussion prior to the hearings. MoonShadow Café held their 2nd annual Accidental Music & Art Festival on August 1 & 2, 2015. The Town of Accident had no concerns with the outside event. Ms. Owston noted that as of August 5, 2015, Fun Unlimited, LLC had not appealed the Board's decision to Circuit Court. Ms. Owston reviewed with the Board a violation letter from the Garrett County Health Department. On July 8, 2015 during a routine health inspection at Good to Go in Friendsville it was observed that employees were smoking in the kitchen area. After discussion of the Clean Indoor Air Act (CIAA) and the licensed establishment, the Board agreed to place a letter of reprimand in the license file. The letter will state that additional violations of the CIAA may result in a fine or possible suspension of the alcoholic beverage license. Ken's Irish Pub submitted an email request to add the limited Sunday Sales Option. Approval from all appropriate agencies must be granted prior to the Board approving the request since the business is licensed as a Class "D" tavern. Grantsville Liquors filed a zoning application with the Town of Grantsville to connect the store with the adjoining building for additional retail space. Hen House inquired about a possible festival in September similar to a wine festival. Ms. Owston sent Mr. Warn a list of questions and concerns for a festival on a licensed premise. Mr. Warn was advised to contact Tina Buckel at the Health Department. Ms. Owston mentioned that the licensed premise only includes the restaurant. She recommended that the Board approve extending the licensed premise to include the outside areas for the one-time event. The Board unanimously agreed with Ms. Owston's recommendation. Commissioner Moe made a motion to approve extending the licensed premise for the September event. The motion was seconded by Chairperson Fratz and unanimously approved by Commissioner Bolden. Ms. Owston mentioned that she might need to reschedule the November 5, 2015 meeting. She suggested having the November meeting on October 29. The Board had no issues.

A violation hearing was scheduled for 9:20 AM for Cornish Manor 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 830 Memorial Drive in Oakland. Licensee Emily Berry was present for the hearing. Criminal Investigation Report 15-MSP-019414 was reviewed with Ms. Berry. Ms. Berry agreed with the facts of the report. She explained the details of the compliance check to the Board. Ms. Owston questioned if the new employee in training had alcohol awareness training. Ms. Berry said that he had not been trained yet. She then mentioned that in the past, groups of her staff have been trained all at once at the

restaurant. Ms. Owston told the Board that the majority of the staff has current TIPS training. Ms. Berry said she plans on setting up another group training for her staff at the restaurant as well as the café. Ms. Owston pointed out that the cadet had a Pennsylvania minor's driver's license and that the vertical format is the same as the Maryland vertical format. Ms. Owston reviewed the importance of carding and training staff on a minor's vertical license and the key indicators. Ms. Berry said that she has ID examples and training material at the bar cash register. Ms. Owston said it is important to have staff really take their time when checking a vertical license. Ms. Berry indicated that they have adopted the policy of not accepting vertical ID's as a result. Ms. Owston reviewed the fine and suspension guideline. Commissioner Moe 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 Chairperson Fratz and approved. Commissioner Bolden opposed the motion. Ms. Berry 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. Berry 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. Ms. Berry submitted the \$300 fine.

A Special Class "C" 2-day BWL license hearing was held at 9:40 AM for the Ali Ghan Harage Unit. Applicant, Thomas Holland was present for the hearing as well as Justin Hinebaugh. Mr. Holland stated they would be having a fundraiser elimination dinner at the Donald M. Browning Social Hall on Friday, August 21, 2015 from 6:00 PM until 10:00 PM. The \$25 ticket cost includes a raffle ticket, dinner and alcoholic beverages. The Board and Ms. Owston discussed the various rules and regulations with Mr. Holland. Chairperson Fratz made a motion to approve the Special Class "C" license for use on August 21, 2015. The motion was seconded by Commissioner Bolden and unanimously approved by Commissioner Moe. After the appropriate fees were paid, the license was issued. Ms. Owston provided copies of the various ID's for surrounding states to Mr. Holland. All fees were paid and the license was issued.

A new Class "B" BWL On-Sale license hearing was held at 10:00 AM for Hook Line and Sinker, LLC dba Deep Creek Seafood. The business is located at 200 Quarry Road, Oakland, MD. Applicants for the license are Nathan Beachler, Kathryn Beachler and Larry Smith. Nathan Beachler was present for the hearing. Mr. Beachler informed the Board that the restaurant would be open seven days a week year round from 11:00 AM – 10:00 PM. Mr. Beachler explained to the Board that he is TIPS certified and has several years' experience in the food and beverage industry. He mentioned that he is aware of the Maryland alcoholic beverage laws and the three-tier system. The days and hours of permitted sales and Sunday sales regulations were reviewed. A discussion took place on the seating restrictions and fire marshal requirements. Mr. Beachler advised that he has spoken with both agencies. Ms. Owston noted that the licensed premise includes the building and outside areas. Ms. Owston mentioned that BYOB is not permitted on a licensed premise. Ms. Owston informed Mr. Beachler that if alcohol sales exceed food sales, than a zoning special exception for a tavern would need to be granted. Outside entertainment is currently prohibited. If outside entertainment were desired in the future, a special exception permit would be required. The Board and Ms. Owston discussed the various rules and regulations with Mr. Beachler. All alcohol must be purchased from a Maryland wholesaler and the receipts must be kept on the premise for two years. Wine BYOB practice was discussed and Mr. Beachler was instructed that a permit would have to be issued at no cost.

The wine doggy-bag bill was reviewed. Mr. Beachler acknowledged that he is familiar with this regulation. The class "B" license allows to-go sales of brewed beverages only. Off-Premise wine sales require a special permit. Catering alcoholic beverages off the licensed premise requires a special permit and a contract for food sales as well. Ms. Owston advised him to contact her to review any unusual concepts for alcoholic beverage sales and service. Bartenders must be at least 21-years of age. A server must be at least 18 years of age to serve alcoholic beverages from the bartender to a seated customer. Ms. Owston questioned their proposed carding procedures. Mr. Beachler plans to card everyone. Ms. Owston presented Mr. Beachler with a vendor packet from the Health Department and copies of various forms of identification. He was also given the "crowd manager" letter from the Fire Marshal's office. Mr. Beachler stated that he was certified in Baltimore City. Ms. Owston suggested he print a copy of his certificate to have on the licensed premise. The sales to minor fines and suspension guidelines were reviewed with Mr. Beachler. A minor's vertical ID was reviewed. Ms. Owston stated that it is illegal to serve a minor, it is illegal to serve an intoxicated person and that they have the right to refuse service. Mr. Beachler indicated that the restaurant should be open by the middle of August. Ms. Owston reviewed the amusement machine license requirements. Ms. Owston informed the applicants that if for any reason they call law enforcement to the licensed premise or law enforcement shows up at the business that they are to notify the office of the circumstances. Ms. Owston said that nudity and sexual display is prohibited on a licensed premise. Article 2B is available on-line. The tax on alcohol is 9% in Maryland. The Clean Indoor Act was discussed. Smoking is prohibited inside the licensed premise. Combining bottles of alcohol is prohibited. If they plan to make any type of sangria punch, they need to contact the Health Department on the regulations and requirements. Once again, Ms. Owston mentioned to contact the office prior to doing something unusual to see if it is permitted. The renewal process was explained and the importance of submitting documents on time and complete in order to avoid any penalties and late fees. The license will be approved for ordering purposes only until the Health Permit is approved and issued for on-premise consumption. Ms. Owston mentioned that Mr. Beachler has a Solicitor's Permit issued by the Comptroller of Maryland that he is in the process of turning it back to the Comptroller's Office. Ms. Owston noted that all applicants' criminal history reports came back with favorable results. Commissioner Moe made a motion to approve the Class "B" BWL On-Sale License with Sunday Sales Option. The motion was seconded by Commissioner Bolden and unanimously approved by Chairperson Fratz. All annual and issuing fees were paid and the license issued.

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, September 3, 2015 if needed.

October 29, 2015

Michael J. Fratz
Chairperson

Date