

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on Thursday, December 3, 2015 at 9:00 AM. Present for the meeting was Chairperson Michael Fratz, Commissioner David Moe and Administrator to the Board Deborah R. Owston.

Chairperson Fratz called the meeting to order. The Board signed mileage sheets. The expense reports for July thru December 2015 were approved for mileage reimbursement.

The October 29, 2015 minutes were reviewed and approved by the Board. Commissioner Moe made the motion. The motion was seconded by Chairperson Fratz and approved.

There was general discussion prior to the hearings. Ms. Owston reviewed the Board's legislative requests. She noted that six license holders sent letters requesting the opportunity to be approved for Sunday alcohol sales. The letters were presented to Delegate Beitzel and Senator Edwards at the legislative meeting at Garrett College on December 2, 2015 along with the Board's legislative requests. The letters were also presented to the Garrett County Commissioners. Ms. Owston noted that there are only 13 licensed establishments in Garrett County who do not qualify for limited Sunday alcohol sales. Of those 13 businesses, ten expressed an interest in Sunday sales, one business is not interested, and two businesses did not respond. Ms. Owston informed the Board that Timothy Reed of Friendsville Liquor Store passed away on October 30, 2015. The establishment will continue operations with the remaining qualifying licensees. Ms. Owston discussed Article 2B § 15-201 (g) as it relates the Liquor Control Board chair position. She mentioned the possibility of rotating the position annually. The Board had no issues with the proposal and it was determined that Commissioner Bolden would become the chairperson until December 2016. It was noted that St. Moritz Boardwalk is not approved for Sunday alcohol sales during the winter months while the food truck is not in operation. The BPO Elks inquired about possibly requesting the Sunday Sales Option be included on their license again. They did not renew the option on July 1, 2014. Ms. Owston noted that if they request to add the option to their license again, then issuing and annual fees would apply. This is based on previous decisions made by the Board and the current Board agreed. The Board did approve them to add the Sunday Sales Option prior to the next renewal. Ms. Owston mentioned that the license for Grantsville Exxon is now posted on-site. The new addition at Deep Creek Beverage is under roof. The licensed premise increase will be approximately 35 x 35 on both levels. The Board discussed a fight at the Oktoberfest event. Ms. Owston will contact the Oakland VFD and Garrett County Sherriff's Office as a result.

A new Class "B" B&W On-Sale license hearing was held at 9:20 AM for Tomanetti's Restaurant. The business is located at 308 South 2nd Street, Oakland, MD. Applicant for the license is Kelly M. Newcomb. Matthew Newcomb was also present for the hearing. Mrs. Newcomb informed the Board that the restaurant would be open seven days a week. Monday – Thursday will be from 4 PM to 9 PM. Friday – Saturday will be from 11 AM to 10 PM and Sunday from 4 PM to 8 PM. Mrs. Newcomb mentioned that she tried to sign up for the recent TIPS class but it was full. She said she would attend the next class. She also mentioned that she has several year's experience in the food and beverage industry. Mr.

Newcomb also mentioned his experience working at a package store for many years. The Board and Ms. Owston discussed the various rules and regulations with Mrs. Newcomb. The days and hours of permitted sales were reviewed. Ms. Owston mentioned that the Sunday Sales Option was not applied for, therefore no sales or consumption of alcohol is permitted on Sundays. A discussion took place concerning the licensed premise. It was determined that the building and the outside fenced in area would be approved as the licensed premise. Ms. Owston explained that the license allows for take-out beer sales Monday thru Saturday. She mentioned that if they wanted to sell wine for take-out sales that they would have to apply for the Off-Premise Wine Option. Mrs. Newcomb was instructed that all licenses and permits must be displayed to the public. All alcohol must be purchased from a Maryland wholesaler and the receipts must be kept on the premise for two years. Ms. Owston stated that BYOB is not permitted on a licensed premise. Ms. Owston noted that bottles of alcohol could not be combined or tampered with. The Board did agree that they could use old bottles as part of the décor. The wine BYOB practice was discussed along with the approval process. Ms. Owston reviewed age of employees. 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. Mrs. Newcomb said they plan to card everyone who appears younger than 40. Ms. Owston presented Mrs. Newcomb with a vendor packet from the Health Department. A minor's vertical ID was reviewed and they were given copies of a vertical license for Maryland and the neighboring states. 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. The sales to minor fines and suspension guidelines were reviewed. 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 mentioned that if they fail a compliance check, they are to notify the office. Ms. Owston questioned if the Fire Marshal's Office contacted the owners. Mrs. Newcomb said there has been no contact. Ms. Owston noted that she emailed the Fire Marshal's Office about the application for an alcoholic beverage license. Ms. Owston provided the "crowd manager" letter from the Fire Marshal's Office to the applicant. Mrs. Newcomb mentioned that their approved occupancy is around 35 occupants. Ms. Owston reviewed the amusement machine license requirements. Ms. Owston told the applicants that gambling and gaming activities are strictly prohibited. Ms. Owston said that nudity and sexual display is prohibited on a licensed premise. Ms. Owston mentioned that Article 2B is available on-line. The tax on alcohol is 9% in Maryland. Ms. Owston went over the wine "doggy-bag" procedures. The State of Maryland Clean Indoor Act was discussed. Maryland law prohibits smoking inside the licensed premise. Ms. Owston stated that when you applied for an alcoholic beverage license you agreed to abide by all State laws. Ms. Owston advised them to contact her to review any unusual concepts for alcoholic beverage sales and service. Commissioner Fratz made a motion to approve the Class "B" B&W On-Sale License. The motion was seconded by Commissioner Moe and approved. The annual and issuing fees were paid and the license was issued. The renewal process was explained and the importance of submitting documents on time and complete in order to avoid any penalties and late fees.

A violation hearing was scheduled for 9:45 AM for Hartman's for the sale of alcohol to a minor during a compliance check conducted on October 15, 2015 by the Maryland State Police. The business is located at 312 South Main in Accident, MD. Licensee Richard

Hartman was present for the hearing. Criminal Investigation Report 15-MSP-037462 was reviewed with Mr. Hartman. The report mentioned that the employee did not ask for an ID and proceeded with selling an alcoholic beverage to the cadet. Mr. Hartman said he was not there at the time of the sale. Ms. Owston noted that the clerk who sold the alcohol is not listed as having been trained in an alcohol awareness training program. She also noted that only Mr. Hartman is listed as being trained. Ms. Owston informed Mr. Hartman that it is important to share the knowledge from the alcohol awareness training with his staff. Ms. Owston reviewed the fine and suspension guideline. Ms. Owston told Mr. Hartman that he is to notify the office anytime that law enforcement is called to the premise or shows up at the premise. Ms. Owston questioned if the store has a POS system that requires a valid date of birth to sell alcohol. Mr. Hartman acknowledged and said that the clerk bypassed the system. Ms. Owston reviewed the importance of carding and training staff on a minor's vertical license and the key indicators. Ms. Owston said it is important to have staff really take their time when checking a vertical license. Ms. Owston explained that the clerk will have a hearing in District Court and will most likely be fined and possibly charged with PBJ. Ms. Owston also mentioned that the Health Department is planning an ID training that will be beneficial for those who have not been trained in an approved alcohol awareness training program. Mr. Hartman acknowledged and agreed it would be good. 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 Commissioner Fratz and approved. Mr. Hartman agreed with the facts as presented and the Board's decision on the matter and waived his right to appeal the Board's decision to Circuit Court. Ms. Owston provided Mr. Hartman 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. Mr. Hartman submitted the \$300 fine. Ms. Owston and Mr. Hartman had a discussion on holding more than one alcoholic beverage license.

There being no further business to discuss, Commissioner Moe 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, January 7, 2016.

DeCorsey E. Bolden
Chairperson

January 7, 2016

Date