

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on Thursday, October 6, 2016 at 9:00 AM. Present for the meeting was Commissioner Michael Fratz, Commissioner Lisa Herman and Administrator to the Board Deborah R. Owston.

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

The September 1, 2016 minutes were reviewed and approved by the Board. Commissioner Herman made a motion to approve the minutes. The motion was seconded by Commissioner Fratz and approved.

A license hearing was held at 9:05 AM for a Per Diem Class C Multiple 2-Day BWL License for the Garrett Lakes Art Festival (GLAF). The applicant, Mary M. Callis was present for the hearing. Ms. Callis stated they would be having a fundraiser dinner at Garrett College on Saturday, November 12, 2016 from 6:15 PM until 10:00 PM. The ticket cost will be \$60 per person or \$100 per couple. There will be a cash bar at the event. They will have two bartenders for the event. Both bartenders have current alcohol awareness certification. Ms. Owston and the Board discussed the various rules and regulations with Ms. Callis. Ms. Owston reviewed the new Maryland driver's licenses. Commissioner Herman made a motion to approve the Per Diem Class C Multiple 2-Day BWL License for use on November 12, 2016. The motion was seconded by Commissioner Fratz and approved. After the appropriate fees were paid, the license was issued. Ms. Owston provided copies of driver's licenses for Maryland and the surrounding states as well as a vendor packet from the Health Department.

A new Class "A" B&W Off-Sale 7-Day License hearing was held at 9:20 AM for Cornerstone Market, LLC dba Cornerstone Market. The business is located at 2610 North Glade Road in Swanton. Applicant for the license Barbara Lynch was present for the hearing. Ms. Lynch informed the Board that the store would be open seven days a week. Monday – Thursday from 5:30 AM to 8:00 PM. Friday and Saturday from 5:30 AM to 10:00 PM and Sunday from 7:30 AM to 8:00 PM. Ms. Lynch said that she and Nancy Reed were recently TIPS trained. Ms. Owston noted that Ms. Lynch has several years' experience working in the convenience store industry at Hartman's in Accident. She also mentioned that Ms. Lynch has 100% equity in the business and that the officers of the business entity are Ms. Lynch and Mr. Rick Hartman. The Board and Ms. Owston discussed the various rules and regulations with Ms. Lynch. The days and hours of permitted sales were reviewed. The approved Sunday hours are from 1:00 PM – 10:00 PM. A discussion took place concerning the licensed premise. Ms. Owston stated that on-premise consumption is prohibited on a Class A licensed premise. It was noted that the main level of the store as well as the basement would be the approved licensed areas. Ms. Lynch 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 reviewed the age of employees. All clerks ringing up the sale of alcoholic beverages must be at least 21-years of age. Employees stocking shelves must be at least 18 years of age to otherwise handle alcoholic beverages. Ms. Owston presented Ms. Lynch with a vendor packet from the Health Department. A minor's vertical ID was reviewed and she was given copies of the new

Maryland ID's as well as a handout with the ID's for 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 Ms. Lynch 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 told the applicant that gambling and gaming activities are strictly prohibited on the licensed premise. Ms. Owston mentioned that the new Alcoholic Beverages Article is available on-line. The tax on alcohol is 9% in Maryland. Commissioner Herman made a motion to approve the Class "A" B&W Off-Sale 7-Day License. The motion was seconded by Commissioner Fratz and approved. The appropriate fees were paid and the license was issued.

A new Class "B" B&W On-Sale 7-Day License hearing was held at 9:40 AM for Top Chefs on Alder. The restaurant is located at 206 East Alder Street in Oakland. Applicant for the license Jacques Hourtal was present for the hearing. Mr. Hourtal informed the Board that the restaurant would be open seven days a week. Monday – Thursday will be from 4 PM to 9 PM. Friday and Saturday will be from 11 AM to 10 PM. Sunday from 4 PM to 8 PM. Ms. Owston noted that Mr. Hourtal has experience in the food and beverage industry as the previous owner of Cornish Manor restaurant. The Board and Ms. Owston discussed the various rules and regulations. The days and hours of permitted sales were reviewed. The approved Sunday hours are from 1:00 PM – 10:00 PM. Ms. Owston explained that the license allows for take-out beer sales on the approved days and hours granted by the license class. 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. Mr. Hourtal 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. The wine BYOB practice was discussed along with the approval process. Ms. Owston noted that containers of alcohol could not be combined or tampered with. 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 presented Mr. Hourtal with a vendor packet from the Health Department. A minor's vertical ID was reviewed and copies of a vertical license for Maryland and the neighboring states was presented to Mr. Hourtal. 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 applicant 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 inspected and provided a certificate of occupancy. Mr. Hourtal stated that he thought the occupancy number was for 49 seats. Ms. Owston noted that she emailed the Fire Marshal's Office about the application for an alcoholic beverage license. Ms. Owston told the applicant that gambling and gaming activities are strictly prohibited. Ms. Owston mentioned that the new Alcoholic Beverages Article 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 advised Mr. Hourtal to contact her to review any unusual

concepts for alcoholic beverage sales and service. Commissioner Herman made a motion to approve the Class "B" B&W On-Sale 7-Day License. The motion was seconded by Commissioner Fratz and approved. The annual and issuing fees were paid and the license was issued.

A transfer hearing was held at 10:00 AM. Gourmet to Go, LLC dba Tomanetti's applied for the transfer of the license issued to Kelly Newcomb as an individual. The application is for the transfer of the Class "B" B&W On-Sale 6-Day License to be upgraded to a Class "B" B&W On-Sale 7-Day License. The business is located at 308 South 2nd Street in Oakland. Applicant for the license is Autumn Newcomb-Shay. Ms. Newcomb-Shay was present for the hearing. It was noted that the applicant has experience in the food and beverage industry as the owner / licensee of The Sand Trap at the Oakland Golf Course for the past 5 years. Ms. Newcomb-Shay stopped operations at the golf course the last week of September. As a result, the Oakland Golf Club is no longer a licensed premise. A new tenant is expected to secure a lease for the location and apply for an alcoholic beverage license in the next few months. The golf course will temporarily operate as a BYOB facility in the meantime. Ms. Newcomb-Shay said that she plans to continue to operate as a restaurant. Ms. Owston explained that the license allows for take-out beer sales on the approved days and hours granted by the license class. Ms. Owston explained that alcohol sales are allowed from 6:00 AM until 2:00 AM Monday thru Saturday. The 7-day license allows for limited Sunday alcoholic beverage sales from 1:00 PM until 10:00 PM. She mentioned that if they wanted to sell wine for off-premise consumption they would have to apply for the Off-Premise Wine Option. Ms. Owston stated that BYOB is not permitted on a licensed premise. A discussion took place about the Delivery Option. Ms. Newcomb-Shay said that at this point she does not plan to deliver alcohol. 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. Newcomb-Shay mentioned that they would be open Tuesday thru Saturday. She said they might open on Sundays for private parties. Ms. Owston mentioned again that BYOB is prohibited on a licensed premise. A brief discussion took place about the licensed premise. The premise area will include the restaurant as well as the outside fenced in area. Ms. Owston questioned seat count on the certificate of occupancy. Ms. Newcomb-Shay stated that she thought the occupancy number was around 50 inside and 24 outside. Ms. Owston noted that she emailed the Fire Marshal's Office about the application for an alcoholic beverage license. Ms. Owston instructed the applicant to check with the Town of Oakland on future charity events with entertainment to make sure there are no issues. All licenses and permits issued by the County and State need to be displayed. All alcohol must be purchased from a Maryland wholesaler. Copies of the invoices for alcohol must be on-site and available for review during an inspection by the County and the State. Ms. Owston noted that the transferred wine inventory along with the Bulk Transfer Permit must be on-site. The wine BYOB practice was discussed along with the approval process. It was mentioned that Ms. Newcomb-Shay has current alcohol awareness certification. Ms. Owston questioned what type of carding procedures they have. Ms. Newcomb-Shay said they card everyone that they do not know. A minor's vertical ID was reviewed and copies of a vertical license for Maryland and the neighboring states as well as a vendor packet from the Health Department was presented to Ms. Newcomb-Shay. 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. Ms. Owston reviewed the fine and suspension penalties for sales to a minor. Ms. Owston informed the

applicant 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 told the applicant that gambling and gaming activities are strictly prohibited on the licensed premise. She noted the exception for the non-profit charity bartender events. Ms. Newcomb-Shay acknowledged the regulations and said that the gaming raffles are strictly conducted by the non-profit volunteer members at the event. Ms. Owston advised her to check with her accountant Brian Boal if she has any questions on who qualifies as a local Garrett County non-profit and what type of document she should request as proof of their non-profit status. Ms. Owston said that nudity and sexual display is prohibited on a licensed premise. Ms. Owston informed the applicant of the recent repeal of Article 2B and the new Alcoholic Beverages Article. The new Alcoholic Beverages Article can be accessed on the Maryland Annotated Code website. Ms. Owston stated that the tax on alcohol is 9%. Ms. Owston noted that containers of alcohol could not be combined or tampered with. 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 instructed the applicant to contact the office if they consider doing anything unusual to make sure the practice is allowed. Commissioner Herman made a motion to approve the Class “B” B&W On-Sale 7-Day License. The motion was seconded by Commissioner Fratz and approved. The transfer, issuing and annual upgrade fees were paid and the license was issued.

There was general discussion after the hearings. The 2017 LCB meetings were approved for the first Thursday of the month. The Garrett County Legislative meeting will be Tuesday, December 6, 2016 at 4:15 PM in the Public Meeting Room. FOP #99 conducted a fundraiser event on September 24, 2016 at the AG Heritage Hall. Grantsville VFD conducted a cash bash fundraiser event on September 24, 2016. Oakland VFD will conduct an Oktoberfest celebration on October 13, 2016 from 3:30 PM to midnight. Oakland VFD will hold a Wrestling Tournament fundraiser with alcohol sales on October 15, 2016 at 4:00 PM. Cornish Café relocated to 106 South 2nd Street, Oakland, Maryland on September 14, 2016. Lake Pointe Inn is scheduled to transfer ownership to Scott Lack. As of October 1, 2016, the Oakland Golf Club is no longer a licensed premise. An application is expected in the near future to re-license the property.

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

The next regular meeting of the Board of License Commissioners is scheduled for Thursday, November 3, 2016.

David L. Moe
Chairperson

November 3, 2016
Date