

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on Thursday, March 2, 2017 at 9:00 AM. Present for the meeting was Chairperson David Moe, Commissioner Michael Fratz, Commissioner Lisa Herman and Administrator to the Board Deborah R. Owston.

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

Ms. Owston mentioned that the December meeting was actually held on Tuesday, November 22, 2016 in the Garrett County Commissioners Office. The November 22, 2016 minutes were reviewed electronically and approved by the Board on January 20, 2017. Commissioner Herman made the motion to approve the minutes. The motion was seconded by Chairperson Moe and unanimously approved by Commissioner Fratz. The January and February meetings were not conducted since there were no public hearings.

There was general discussion prior to the hearings. HB 0929 for the Garrett County alcoholic beverages bill was discussed. An amendment to the bill was submitted to allow Class B BWL license holders with a Class 9 Limited Distillery License to sell their manufactured product line to-go. Current Class B BWL license holders are only authorized to sell beer to-go. The November Sunday referendum vote results were confirmed. Only three voting areas received unfavorable results. Gorman 8-1, Crellin 14-2 and Kitzmiller 13 are not authorized for Sunday alcohol sales. A potential application for a B&B license located on Paradise Point Road was mentioned to the Board. Compliance checks were conducted on December 3, 2016. The following businesses sold to the underage police cadet. BFS in Mt. Lake Park, Luke's Liquors, Pizza Hut and Swanton Grocery. Kelly Shahan of The Alley received a favorable LiveScan criminal history record check and became the local licensee on December 20, 2016. The following businesses upgraded their license to a 7-day license to begin on December 18, 2016. BJ's, Keyser's Ridge Liquors, Chestnut Ridge Gas & Liquors, Grantsville Liquors, Grantsville Exxon and BFS in Mt. Lake Park. Winner's Circle upgraded their license to a 7-day license on January 1, 2017. There was only one pre-application submitted for the Wine Festival License. The Board approved the pre-application from McHenry Beverage for the Deep Creek Art & Wine Festival. They will be advised to apply at the July 6, 2017 meeting. Ms. Owston informed the Board that James Sebold of Sebold's store passed away on December 9, 2016 and contact was made with the Register of Wills Office concerning the business. The license was handed over to Ms. Owston on February 24, 2017. Good Timber B&B closed on December 31, 2016. Thousand Acres Golf Club is possibly interested in applying for an alcoholic beverage license. St. Moritz Boardwalk will be closing on March 4, 2017 pending the real estate sale of the property. They will be submitting two Bulk Transfer Permits to transfer the remaining alcoholic beverages. Mr. Kessler of Pine Lodge inquired about a Class 9 Limited Distillery License issued by the Comptroller of Maryland. MoonShadow Café is renovating a former restaurant on Bumble Bee Road in McHenry and they plan to apply for a new license or possibly transfer their current license. Ms. Owston mentioned to the Board that she plans to review the Catering Option privilege with MoonShadow at the license hearing or possibly sooner. The Health Department notified the office that they received a complaint about a dog being in the Long Branch Saloon facility. Ms. Owston spoke with the license holder about the complaint and no further action from the Board is necessary. Ms. Owston informed

the Board that she would like them to consider future guidelines / statutes for unlicensed establishments who permit BYOB practices similar to other jurisdictions throughout the State.

A new Class "B" BWL On-Sale 7-Day License and Draft Beer License hearing was held at 9:15 AM for Back Nine Sports Bar and Grill, LLC dba Back Nine Sports Bar and Grill. The business is located at the Oakland Golf Club, 433 North Bradley Lane in Oakland. Applicants for the license are Erica Sherman, Stephen Sherman and Terry Breault. Mr. Sherman and Mr. Breault were present for the hearing. They will be leasing the food and beverage operations at the Oakland Country Club. Chairperson Moe noted for the record that he would be recusing himself due to a conflict of interest. It was noted that Mr. Breault has 50% membership interest and Ms. Sherman and Mr. Sherman each have 25% membership interest. Ms. Owston requested that the applicants submit additional legal paperwork for the LLC such as an Operating Agreement or minutes. Mr. Breault acknowledged her request. Ms. Owston reviewed the restaurant license and food sales requirements. The Board and Ms. Owston discussed the various rules and regulations with the applicants. The days and hours of permitted sales were reviewed. The approved Sunday hours are from 1:00 PM – 10:00 PM with consumption permitted until 11:00 PM. Mr. Breault mentioned that they plan to be open Monday – Saturday from 11:00 AM to 2:00 AM. Sunday operations will be from 1:00 PM until 10:00 PM. They were informed of the current legislation that would expand Sunday hours if approved. The proposed change would allow Sunday sales to begin at 10:00 AM and stop at midnight. Mr. Breault said they plan to have at least six employees to start with. A discussion took place concerning the licensed premise and the golf course. It was noted that the main level of the clubhouse as well as a storage room in the basement and the entire golf course would be the approved licensed areas. Mr. Breault said the employees will control the premise and that there would be at least one owner there at all given times. He also said that they would have security on site if they have bands. Ms. Owston emphasized that BYOB is not permitted on the golf course and they have a responsibility to enforce the regulation. She recommended that there be signage stating that BYOB is strictly prohibited. It was noted that anyone out on the golf course selling alcoholic beverages must be at least 21 years of age. Ms. Owston noted that the property is located in the town limits of Oakland and that any proposed changes should be submitted to the Town of Oakland for approval prior to the Board. Mr. Breault questioned if there were any stipulations on signage such as a neon sign or a wooden sign. Ms. Owston replied that the Comptroller's Office regulates signs with alcohol advertisements. The Town of Oakland and Bill DeVore in the Planning Office regulate outside signage. The applicants were instructed that the building permits for the renovations and the Health Permit must be initiated soon. Mr. Breault asked about the limitations on give-away promotional items. They would like to have a grand opening with give-away items. Ms. Owston mentioned that the Comptroller's Office regulates the value of the promotional products and the alcohol reps should be very familiar with what merchandise is permitted. The applicants were informed that alcohol cannot be free and they should check with the LCB office on any types of planned advertisements or promotions if they are not sure. They were also told 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. Once again, they were informed that BYOB is not permitted during the regular hours of operations or after hours. Ms. Owston mentioned that there is an exception for wine as long as the Board approves the wine BYOB option and all other

conditions are satisfied. The age of employees was reviewed. All bartenders and golf cart beverage staff must be at least 21. Servers in the restaurant must be at least 18 to serve from a service bar to a seated customer. A bartender must provide the alcoholic beverages to the restaurant servers who are under 21 to serve to the seated customer. Servers who are under 21 cannot just grab a beer or other alcohol to take to the customer. All three applicants were recently TIPS trained. They were advised to share what they learned at the training with their staff. Ms. Owston asked about their carding procedures. Mr. Breault said they would probably get a POS system as they get further along and that they will train the staff on what to look for on an ID. They were told to never accept an expired ID, make the purchaser take the ID out of their wallet and suggested to have a policy to card everyone who appears to be under 30 or card everyone. Ms. Owston said she would give them some samples for ID's in Maryland and the surrounding states. It was suggested that they set up a policy on checking ID's and enforce the policy. She told them that alcohol is a drug that is to be controlled and they are responsible for what occurs on the licensed premise. Ms. Owston reviewed key indicators on a minor's ID such as the box around the photo and the under 21 wording as well as the vertical format. She reviewed the current Maryland ID's and cautioned them of the recent change for those turning 21. Individuals getting ready to turn 21 can now get their license changed several days prior to their 21st birthday and that they may have their horizontal ID before turning 21. As a result, it is extremely important for a newly issued horizontal ID to be thoroughly checked, especially the issuance date and birthdate. The applicants were informed 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 questioned what type of security measures they would have in place. Mr. Breault said they would have a doorman working if there was an event taking place. He said eventually they plan to install cameras. Ms. Owston suggested the use of wristbands or not allowing anyone under 21 to attend events. 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 noted that she sent an email to the Fire Marshal's Office about the new application. The applicants were also informed of the Crowd Manager certification. They were told that gambling and gaming activities are strictly prohibited on the licensed premise. Ms. Owston spoke of the exception of the fundraiser nights where the non-profits are on-site conducting the raffles or games of chance. The applicants were told that the amusement licenses for video games, pool tables and jukeboxes are available at the Clerk's Office. Ms. Owston said that any form of nudity / sexual display is prohibited on a licensed premise. It was mentioned that the new Alcoholic Beverages Article is available on-line through the link on the LCB website. The tax on alcohol is 9% in Maryland. Ms. Owston reminded the applicants that the Sales and Use Tax license needs to be amended to be held by the LLC and not by Mr. Sherman. Mr. Sherman acknowledged her statement. The applicants were told that it is illegal to combine bottles of alcohol or tamper with alcoholic beverages. The State of Maryland Clean Indoor Act was discussed. Maryland law prohibits smoking inside the licensed premise. She noted that it is permitted on the patio. She emphasized that smoking is not permitted in any areas inside even with a door open or the business being closed. The advertisement restrictions were reviewed. Ms. Owston advised them to contact her to review any unusual concepts for alcoholic beverage sales and service. Mr. Breault questioned if there was any restriction on the volume of a football game on a licensed premise. Ms. Owston replied that the MDE Office would regulate noise levels and

that she is not aware of any restrictions on the volume of a broadcasted game. Ms. Owston noted that when you apply for an alcoholic beverage license you agree to abide by all State laws. Mr. Breault questioned if there were any stipulations on happy hours such as only a certain hours a day. Ms. Owston said there was not, other than alcohol cannot be free. The Board reviewed the applicants LiveScan background results prior to the hearing and had no comments to make on the results. Ms. Owston noted that there were individuals other than the applicants in the public meeting room and questioned if the applicants wanted to further discuss the results. The applicants did not want further discussion. The alcoholic beverage renewal process was discussed including the consequences of late and incomplete paperwork and the possibilities of fines and suspension. The outstanding administrative items include the Health Permit, Trader's License and the LLC paperwork that was requested. Commissioner Fratz made a motion to approve the Class "B" BWL On-Sale 7-Day License and Draft Beer License pending receiving the outstanding administrative items. The motion was seconded by Commissioner Herman and approved.

A violation hearing was held at 9:40 AM for Pizza Hut for the sale of alcohol to a minor during a compliance check conducted on December 3, 2016 by the Maryland State Police. The business is located at 6 South Third Street in Oakland. Licensee Charles Hudson was present for the hearing. Store manager Bryan Calsada and area coach Zach Cooper were also in attendance as well as Mike Wilburn from the Health Department. Criminal Investigation Report 16-MSP-050100 was reviewed. The license holder acknowledged the facts of the report. They explained some details relating to the compliance check. Ms. Owston pointed out that had the clerk asked for the cadet's ID, the 19-year-old cadet would have handed over her vertical format driver's license. Ms. Owston reviewed the importance of carding and training staff on a minor's vertical license and the key indicators. Ms. Owston explained the fine and suspension guideline. Ms. Owston discussed the new Maryland ID's and cautioned them of the recent change for those turning 21. Individuals getting ready to turn 21 can now get their license changed several days prior to their 21st birthday and that they may have their horizontal ID before turning 21. As a result, it is extremely important for a newly issued horizontal ID to be checked thoroughly especially the issuance date and birthdate. 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 Herman and unanimously approved by Commissioner Fratz. The license holder agreed with the facts as presented and the Board's decision on the matter and waived their right to appeal the Board's decision to Circuit Court. The \$300 violation fine was submitted. Ms. Owston provided them with copies of the new Maryland ID's.

A violation hearing was held at 10:00 AM for BFS for the sale of alcohol to a minor during a compliance check conducted on December 3, 2016 by the Maryland State Police. The business is located at 1820 Maryland Highway in Mt. Lake Park. Licensee Howard Goodstein and regional manager Melissa Campbell were present for the hearing as well as Mike Wilburn from the Health Department. Criminal Investigation Report 16-MSP-050096 was reviewed. The license holder acknowledged the facts of the report. They explained some details relating to the compliance check. Ms. Owston pointed out that had the clerk asked for the cadet's ID, the 19-year-old cadet would have handed over her vertical format driver's license. Ms. Owston reviewed the importance of carding and training staff on a minor's vertical license and the key indicators. Ms. Owston explained the fine and suspension guideline. Ms. Owston discussed the new Maryland ID's and cautioned them of

the recent change for those turning 21. Individuals getting ready to turn 21 can now get their license changed several days prior to their 21st birthday and that they may have their horizontal ID before turning 21. As a result, it is extremely important for a newly issued horizontal ID to be checked thoroughly especially the issuance date and birthdate. 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 Herman and unanimously approved by Commissioner Fratz. The license holder agreed with the facts as presented and the Board's decision on the matter and waived their right to appeal the Board's decision to Circuit Court. The \$300 violation fine was submitted. Ms. Owston provided them with copies of the new Maryland ID's.

A violation hearing was held at 10:20 AM for Swanton Grocery for the sale of alcohol to a minor during a compliance check conducted on December 3, 2016 by the Maryland State Police. The business is located at 3562 Swanton Road in Swanton. Licensee, Jonathan Price was present for the hearing. Mike Wilburn from the Health Department was also in attendance. Criminal Investigation Report 16-MSP-050093 was reviewed. The license holder acknowledged the facts of the report. Ms. Owston reviewed the importance of carding and training all staff on a minor's vertical license. She also discussed the new Maryland ID's and cautioned him on the recent change for those turning 21. Individuals getting ready to turn 21 can now get their license changed several days prior to their 21st birthday and that they may have their horizontal ID before turning 21. As a result, it is extremely important for a newly issued horizontal ID to be thoroughly checked especially the issuance date and birthdate. The circumstances surrounding the incident and the clerk's medical condition at the time that prevented her from verifying the license herself were discussed and considered in the Board's decision. Commissioner Herman made a motion that in lieu of the \$300 fine, all full-time employees must have current alcohol awareness training. The motion also stated that part-time staff must be trained as well within a reasonable time of employment. The clerks are to card everyone purchasing alcoholic beverages. In addition, appropriate ID checking tools to help the clerks with responsible sales must be readily available. The motion was seconded and made unanimous by Commissioner Fratz. Chairperson Moe had to leave the meeting early for another obligation.

The Board had general discussion after the hearings. Oakland Mt. Lake Park Lions Club conducted a scholarship fundraiser dinner on February 11, 2017. Friendsville VFRD conducted a Gun / Cash Bash on February 25, 2017. Eastern Garrett Co. VFRD will hold a Gun / Cash Bash on March 4, 2017. Chamber of Commerce will host a Business After Hours event on March 9, 2017 at Taylor-Made Vacations in McHenry. Greg Abadie from Thousand Acres Golf Club stopped by the meeting to introduce himself to the Board.

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, April 6, 2017.

April 6, 2017

David L. Moe
Chairperson

Date