

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on Thursday, April 6, 2017 at 9:00 AM. Present for the meeting was Chairperson David Moe, Commissioner Michael Fratz, Commissioner Lisa Herman, Administrator to the Board Deborah R. Owston and Liz George, Attorney to the Board.

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

The March 2, 2017 minutes were reviewed and approved by the Board. Chairperson Moe made the motion to approve the minutes. The motion was seconded by Commissioner Herman and unanimously approved by Commissioner Fratz.

There was general discussion prior to the hearings. HB 0929 passed both the House and Senate and is waiting to be signed by the Governor. The Board reviewed the "draft" copy of the proposed changes to the local rules and regulations. The public hearing for the proposed changes will take place May 4, 2017 at 9:20 AM. It was noted that the majority of the changes are to amend the obsolete references to Article 2B. Those references will reflect the new sections of the Alcoholic Beverages Article (AB). In addition, a new Off-Premise Distilled Spirits Option was drafted. This will allow any approved Class B BWL license holder who has a distinct line of distilled spirits manufactured and labeled for their licensed establishment to sell limited quantities for off-premise consumption. The Board decided they would like more information prior to determining the quantity limits and cost for the additional privilege. Revisions to the Sunday sales section will reflect the current election districts and precincts of election districts authorized for limited Sunday sales. In addition, contingent on HB 0929 going into law, the Sunday hours will be expanded from 10:00 AM until midnight and the kitchen requirements and obsolete meal requirements will be eliminated. Pine Lodge plans to apply for a distillery license from the Comptroller and TTB. This permitting may take several months. Chester Yoder inquired about a hard cider distillery license. Thousand Acres Golf Club will be applying for a Class D Beer & Wine On-Sale 7-day license. FireFly Farms inquired about expanding their license premise to include a small area outside where the picnic tables are located. They were informed to seek approval from the town prior to the Board approving the request. Mt. State Brewing Co. may have additional applicants to be license holders per Greg Skidmore who represents Erin Croake. Friendsville Liquor Store upgraded their Class D BWL Off-Sale license to a 7-day license effective April 1, 2017. Ledo's inquired about the possibility of delivering alcoholic beverages. Grantsville American Legion may request to include the outside porch area as part of the licensed premise for smoking. The Town of Grantsville will discuss the smoking area at their next meeting. Ms. Owston cautioned the license holders about losing control of observing the patrons and the possibility of underage individuals being in the same area. The Board questioned if there was a doorman or a window. Back Nine Sports Bar & Grill licenses were issued April 3, 2017 for ordering purposes only. The Health Department is working with the new management on bringing the outside seasonal bar into compliance. This is delaying the opening to the public.

A violation hearing was held at 9:20 AM for Luke's Liquors 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 435 North Third Street in Oakland. Licensee Carol Lantz was present for the hearing as well as Mike Wilburn from the Health Department. Criminal Investigation Report 16-MSP-050101 was reviewed. The license holder acknowledged the facts of the report. She 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. Chairperson 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 license hearing was held at 9:40 AM for a Special Class "C" 2-day BWL License for the Western Maryland Truck Show, Inc. The license will be used on August 26, 2017 at the Grantsville Town Park during the concert. Mr. James P. McFarland is the applicant for the license. Representative, Sydney McFarland was present for the hearing. In addition to the truck show activities, Exile, Saddle Up and Savage Road will perform at the baseball field on Saturday, August 26, 2017. Beer sales will take place at the concert. Ms. Owston read the responses from the questions on the Special Class C "Notification of Event" form that was submitted with the application from Mr. McFarland. Commissioner Moe made a motion to approve the Special Class "C" license for use on August 25 & 26, 2017 at the Grantsville Town Park. The motion was seconded by Commissioner Herman and unanimously approved by Commissioner Fratz. After the appropriate fees were paid, the license was issued.

A violation hearing was held at 10:00 AM for Midway Discount Liquors for the sale of alcohol to a minor during a compliance check conducted on February 11, 2017 by the Maryland State Police. The business is located at 464 Weber Road in Oakland. Licensees Jeanne C. Devine and Denver K. Eichorn, II were present for the hearing as well as Mike Wilburn from the Health Department and Board Attorney Liz Georg. Criminal Investigation Report 17-MSP-006174 was reviewed. The license holders 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 for a second offense. 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 fine of \$500.00 due within 30-days and a five-day suspension of the alcoholic beverage licenses to be served before May 1, 2017. It is noted that the suspension dates do not need to be consecutive days. The motion was seconded by Commissioner Herman and unanimously approved by Commissioner Fratz. The license holders indicated that they would not waive their right to appeal. As a result, the Board decided to stay their decision on the suspension being served five days before May 1, 2017. Ms. Georg stated that a petition for judicial review should be filed within 30 days to Garrett County Circuit Court.

The Board had general discussion after the hearings. Oakland VFD held a Mega Bash on March 11, 2017. Deep Creek VFC held a Gun & Cash Bash on March 25, 2017. Samantha Funding the Arts held a fundraiser on March 25, 2017 at the Exhibit Hall. FOP #99 will conduct a fundraiser on April 8, 2017 at the Oakland Fire Hall. Chamber of Commerce will hold a BAH event on April 13, 2017 at Total Biz Fulfillment. A discussion took place on the monthly meetings being held on the first Thursday of the month. The Board agreed to begin conducted the meetings on the second Thursday of the month starting August 10, 2017 if the conference room is available.

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, May 4, 2017.

David L. Moe
Chairperson

May 4, 2017

Date