

## MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on Thursday, May 4, 2017 at 9:00 AM. Present for the meeting was Chairperson David Moe, Commissioner Lisa Herman and Administrator to the Board Deborah R. Owston.

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

The April 6, 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 approved.

There was general discussion prior to the hearings. The Governor signed HB 0929, SB 0494 and SB 0493 on April 11, 2017. The renewal applications were briefly discussed. Coal Bucket Restaurant will not be renewing their license. Smiley's Pizzeria requested approval for the Delivery Option effective July 1, 2017. Deer Park Inn requested to upgrade to a 7-day license effective July 1, 2017. LakeStar Lodge requested approval for a 7-day license effective July 1, 2017. Wilhelm Recreation held a Cash Bash on April 22, 2017. Grantsville VFD held a Gun & Cash Bash on April 30, 2016. An administrative hearing was conducted on April 12, 2017 for the Deer Park CVFD's Gun Bash event on May 6, 2017. The Chamber of Commerce held Business After Hours on May 12, 2016 at the Rotary Club of Oakland. Mt. State Brewing Co. McHenry, LLC submitted a Resolution and Membership Transfer Agreement that included George Croake and Patricia Croake as additional members of the LLC. Drink specials that include unlimited drinks for one price were discussed. The Board will review later upon Ms. Owston providing additional information. Garrett Trails will conduct a fundraiser on June 24, 2017 at Garrett College. MoonShadow Café is planning to re-open in McHenry in June. The transfer application is pending. Compliance checks were conducted in April. BFS and Greene Turtle allegedly sold. Incident Reports from MSP are pending. Back Nine Sports Bar & Grill licenses were issued April 3, 2017 for ordering purposes only. They opened to the public April 27, 2017. As of April 28, 2017, Terry Breault is no longer an owner / licensee for Back Nine Sports Bar & Grill located at the Oakland Golf Club. Tomanetti's is planning on the outside patio area being used seasonally. The Board had no concerns as long as the Town of Oakland approved. They were instructed to inform the Town of Oakland. Midway Discount Liquors served the 5-day suspension on April 9, 16, 17, 23 and 30, 2017.

There was a public hearing on the proposed changes to the Rules and Regulations of the Board of License Commissioners of Garrett County at 9:20 AM. It was noted that no comments were received in the office and that no one in attendance protested the proposed changes. Ms. Owston 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 included to 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 annual cost is \$300 for the three-bottle option with a one-time issuing fee. Revisions to the Sunday sales section reflect the current election districts and precincts of election districts authorized for limited Sunday sales. In addition, the Sunday

hours will be expanded from 10:00 AM until midnight and the kitchen requirements and obsolete meal requirements will be eliminated. There being no opposition, the Board approved the changes effective immediately. Ms. Owston noted that the change in Sunday hours would not be in effect until July 1, 2017 in accordance with the recent legislative approval of HB 0929.

A new Class "D" Beer & Wine On-Sale 7-Day License and Draft Beer License hearing was held at 9:40 AM for Thousand Acres Beverage Corporation dba Thousand Acres Golf Club. The business is located at the Thousand Acres golf course, 255 Thousand Acres Road in Swanton. Applicants for the license are Gerald D. Barton, Gregory S. Abadie and Robert H. Speicher. All applicants were present for the hearing. They will be leasing the food and beverage operations from the Snaggy Mountain Partners LLC who are leasing the golf course from Thousand Acres Development, Inc. It was noted that Mr. Barton has 98% membership interest and Mr. Abadie and Mr. Speicher each have 1% membership interest. The Board and Ms. Owston discussed the various rules and regulations with the applicants. Ms. Owston said the license allows both on and off-premise sales. Ms. Owston noted that the property is located in a zoned area and that any proposed changes should be submitted to Bill DeVore in the Planning and Land Management Office for approval prior to the Board. She stated that the clubhouse alcohol sales are approved as an accessory use to the golf course. A discussion took place concerning the licensed premise and the golf course. It was noted that the clubhouse as well as the entire golf course would be the approved licensed areas. 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. Mr. Abadie said the employees would control the premise. He said there would be a memorandum on each golf cart informing the golfers that it is unlawful to bring product on the property that was not purchased. Ms. Owston asked the applicants to expand on the Health Department approval. Mr. Abadie explained that they have a limited food service permit. The permit allows for beverages in sealed containers only and special permission for draft beer service during tournaments and events. They are also approved for pre-packaged food from two local convenience stores. The days and hours of permitted sales were reviewed. Monday thru Saturday, hours are from 6:00 AM until 2:00 AM. The current approved Sunday hours are from 1:00 PM until 10:00 PM. They were informed of the current legislation that would expand Sunday hours. The change would allow Sunday sales to begin at 10:00 AM and stop at midnight effective July 1, 2017. Mr. Abadie said they plan to be open seven days a week from 7:00 AM until dusk. 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. They were told that if they run out of a product they could not borrow alcoholic beverages from another retailer. It was noted that anyone out on the golf course selling alcoholic beverages must be at least 21 years of age. All bartenders and golf cart beverage staff must be at least 21. Mr. Speicher and Mr. Scott Gander were recently TIPS trained. Ms. Owston asked about their carding procedures. Mr. Speicher said they would be carding anyone who appears under 30 as recommended in the TIPS training. 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 21<sup>st</sup> 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. 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. They were told to never accept an expired ID. 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. 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 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. 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. 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. 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. The applicants were told that any form of nudity / sexual display is prohibited on a licensed premise. Mr. Abadie questioned about events with alcohol sponsorship. Ms. Owston stated that alcohol must be purchased and receipts on site. They were told to provide more details if such a sponsorship is considered and the Board will review the options. Chairperson Moe made a motion to approve the Class "D" B&W On-Sale 7-Day License and Draft Beer License. The motion was seconded by Commissioner Herman and approved. The issuing and annual fees were paid and the license was issued. The alcoholic beverage licenses were renewed for the upcoming year and the renewal process explained. Mr. Barton questioned if there were any issues advertising that they are licensed on social media. The Board had no concerns other than you cannot advertise free alcohol. The licensees were presented with a vendor packet from the Health Department. The applicants were told to inform the office when they start selling alcoholic beverages.

The Board had general discussion after the hearings. Jerry Geisler from the Wisp Resort and Fred Fox from Ken's Irish Pub attended to speak to the Board about late renewal applications. Ms. Owston informed the Board that several other applications were still outstanding.

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

The next regular meeting of the Board of License Commissioners is scheduled for Thursday, June 1, 2017.

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David L. Moe  
Chairperson

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June 1, 2017

Date