

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their regular meeting in the Commissioner's Public Meeting Room on Thursday, June 1, 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 May 4, 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 2017 renewals were reviewed for approval. Ms. Owston noted that there were several late / incomplete applications. Coal Bucket Restaurant and Cornish Manor Restaurant will not be renewing their licenses. The rotation of the Chairperson to the Board of License Commissioners position was discussed. Lisa Herman will be the Chairperson for the next twelve months. The Chamber of Commerce will host their annual membership dinner on June 8, 2017 at the AG Heritage Hall. Dutch's will be catering the food and alcoholic beverages. The Chamber of Commerce will host a Business After Hours event on June 15, 2017 at the GC Arts Council Gallery. Greene Turtle received a building permit to expand the current deck. They plan to start the project late summer and are aware they need to request approval from the Board to expand the licensed premise. Cornucopia participated in the National Road festival May 20, 2017. The Celtic Festival will be held June 3, 2017 at the Friendsville Town Park. Friendsville VFRD will sell the alcoholic beverages. Smoke N Mirrors advertisement of wine at venues was discussed. Dave Marple from the Comptroller's Office inspected the venue. Tomanetti's requested approval to upgrade the license to include the Catering Option effective June 1, 2017. The Board approved the upgrade. Tomanetti's will cater venue events at Smoke N Mirrors in the future.

A second offense violation hearing was held at 9:40 AM for BFS for the sale of alcohol to a minor during a compliance check conducted on April 25, 2017 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. It was noted everyone had a chance to review Criminal Investigation Report 17-MSP-017293. Prior to the hearing beginning, Ms. Campbell said the employee worked with them since January 2015. He was terminated. During the hearing, Ms. Owston questioned whether any changes have occurred since the last time they spoke. Ms. Campbell said on April 7, 2017 they re-trained their staff on the recent Maryland renewal changes and tobacco sales. She said she remote reviews the store and then alerts the store manager if the staff is not carding the customers. Ms. Owston noted that the store recently sent new employees for TIPS training. Ms. Campbell said she watched the store video and observed the employee look at the ID and enter a date. Ms. Campbell said the clerk entered 2-2-88 instead of the cadet's actual birthdate. Commissioner Moe discussed the second offense guideline. Mr. Goodstein spoke with the Board about the infraction and their recent training. He mentioned their recent affirmative steps including POS system requiring a birthdate, their hiring training, counter calendars and recent TIPS training to make sure this does not happen. A discussion

took place about penalties the employee receives in District Court in Garrett County as well as the neighboring states. Mr. Goodstein spoke of his concern with the employee entering an incorrect birthdate. Ms. Owston spoke about a discussion with the Health Department on the dispositions the clerks typically receive and the licensees concerns. Commissioner Moe acknowledged their comments and said the Board could look at other jurisdictions and states about a possible legislative change for Garrett County and Maryland law. Ms. Campbell feels the clerk's penalty should be greater than a small fine. Mr. Goodstein said they review the seriousness of the clerk selling alcohol and their responsibility to not sell to a minor. Commissioner Moe made a motion of a \$500 fine and no suspension. A conversation begin again about the clerk's violation. Ms. Owston noted that a motion was made and asked if there was a second. Chairperson Herman seconded the motion. A discussion followed about whether or not there was any type of POS system that mandates an ID be scanned. Ms. Campbell said that in PA you could scan the license through the lottery terminal through the Gaming Commission that generates a receipt. Ms. Owston informed everyone on the fines and suspensions for a third offense within two years. Ms. Owston suggested they look into upgrading their POS system or look into an ID app for scanning ID's. Ms. Owston explained the appeal process. They agreed with the facts as presented and said they are going to waive their right to appeal the Board's decision to Circuit Court.

A license hearing was held at 10:20 AM for a Special Class "C" 2-day BWL License for Garrett Trails. The license will be used on June 24, 2017 at the Garrett College campus in McHenry as part of the Gran Fondo Cycling event and fundraiser. Applicants for the license are Steven Green and Mike Logsdon. Representative, Ashly Boyd was present for the hearing. The beer trailer will be set up outside in the parking lot as noted on the map provided in the application. Ms. Owston read the responses from the questions on the Special Class C "Notification of Event" form that was submitted with the application. Commissioner Moe made a motion to approve the Special Class "C" license for use on June 24, 2017 at Garrett College. The motion was seconded by Chairperson Herman and approved. After the appropriate fees were paid, the license was issued. Ms. Owston provided Ms. Boyd with a vendor packet, wristbands and loaned copies of the ID Checking Guide.

A transfer license hearing that was scheduled for 10:00 AM was held at 10:30 AM. MoonShadow, LLC applied for the transfer of their licenses issued to MoonShadow Café located at 110 South Main Street in Accident. The business built a new restaurant facility at 145 Bumble Bee Road in McHenry. Licensee Lisa Jan was present for the hearing along with the employees Nick Fogle and Jade Llewellyn. Ms. Jan spoke about the recent renovations and the planned opening of the business later in June. Ms. Owston reviewed the license issuance procedures and catering regulations. A discussion took place concerning transferring the alcoholic beverages. Ms. Owston stated that this should take place the same day. Commissioner Moe made a motion to approve the transfer of the Class "B" BWL On-Sale 7-Day License and new issuance of the Draft Beer License. The motion was seconded by Chairperson Herman and approved. The transfer, issuing and annual fees were paid and the licenses issued. Ms. Owston noted that the approval is for ordering purposes only until the U&O is issued. At that point, they can open to the public.

A first offense violation hearing that was scheduled for 9:20 AM was held at 11:00 AM for The Greene Turtle. The business is located at 75 Visitors Center Drive in McHenry. The establishment failed a compliance check that was conducted by the Maryland State Police on April 25, 2017. Licensee Dorothy Walters was present for the hearing as well as Daryl Walters, Rebecca Butler and Rick Beard. Ms. Owston explained the fine and suspension guideline. Criminal Investigation Report 17-MSP-017294 was reviewed. Mr. Walters stated that there is no factual dispute. He informed the Board of the establishment's policies and employee training. He said all of the bartenders are TIPS certified and the bar manager has an ID checking app. They also have ID reference material posted in several areas of the business for the staff. Mrs. Walters said she was there the night of the compliance check having dinner. She said spoke to the State Trooper and the manager. The manager, Ryan Heldreth told her that the server asked for identification, she held the license and looked at it for several seconds and he thought she just had fuzzy math. Ms. Owston stated that the cadet was 20 year of age. Ms. Owston explained a cadet check in the restaurant. She said there was another person at the table with the cadet. She further stressed that the server has to keep their guard up when an adult is with someone they should card. She mentioned that anyone who appears under 30 should be carded even though they are with an adult. Ms. Owston suggested that an additional step they could take when provided with a vertical license is to have the server take the ID to the bartender to be double-checked. Commissioner Moe questioned if any disciplinary action was taken against the server. Mrs. Walters said the employee was terminated. A discussion took place surrounding the termination policy and the employee being charged in District Court and the impact of the administrative hearing disposition on the establishment. Mrs. Walters explained Greene Turtle's mystery shopper program and the grading point process. She also mentioned she thought the chain might have a \$50 carding incentive. She said they have a two-day training program for new summer staff and there is so much emphasis on carding. Mr. Beard said he stresses to the staff that if they have any questions or doubt they should get a manager to look at the ID. Rebecca Butler recently became a certified TIPS trainer. She plans to conduct several trainings for all of the serving staff upon receiving the test booklets. She mentioned that it would probably take about three training sessions to get everyone trained. She plans later to have a class about every month or quarter. Ms. Owston commended the business for having their general manager become a trainer. 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 Chairperson Herman and approved. Mr. Walters agreed with the facts as presented and said they are going to waive their right to appeal the Board's decision to Circuit Court. Ms. Owston noted that the fine would be due within 30 days. Ms. Owston informed them about the upcoming change in Sunday alcohol hours. She said starting July 2, 2017 alcohol sales are from 10:00 AM until midnight.

Late renewal discussions took place with a few businesses. All of those present were informed about the deadlines of the renewal application process and the implications resulting in late fees.

The next regular meeting of the Board of License Commissioners is scheduled for Thursday, June 22, 2017.

June 22, 2017

Lisa M. Herman
Chairperson

Date