

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their September meeting in the Commissioner's Public Meeting Room on Thursday, September 14, 2017 at 9:00 AM. Present for the meeting was Chairperson Lisa Herman, Commissioner Michael Fratz, Commissioner David Moe, Administrator to the Board Deborah Owston, and Attorney to the Board Elizabeth Georg.

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

The August 10, 2017 minutes were reviewed and approved by the Board. Commissioner Fratz made the motion to approve the minutes. The motion was seconded by Chairperson Herman and unanimously approved by Commissioner Moe.

There was general discussion before the hearings. The Board discussed the proposed 2018 legislative requests. HB 1386 MD Public Ethics Law October 1, 2017 effective date was discussed. Board Members will be required to file financial disclosure forms. In accordance with AB Article § 21-2007, the Board extended the time for alcoholic beverage sales on New Year's Eve / New Year's Day morning for Class B, C & D licenses with on-sale privileges. Closing hours will be extended until 4:00 AM on January 1, 2018 for all establishments with on-sale consumption privileges. No take-out off premise sales will be permitted after midnight on Sunday, December 31, 2017. The Aerial Adventure Park on Deep Creek Drive is requesting approval from the DCW Board of Appeals for food & alcohol service. They will have a Special Exception hearing on September 21, 2017. The Alcohol Law Education & Regulatory Training (ALERT) will be held September 29, 2017 at Garrett College. Bittering VFD will be conducting a Gun and Cash Bash on October 28, 2017 at the AG Heritage Hall. Wilhelm Recreation will be having a bull roast fundraiser dinner on September 9, 2017. The Board approved extending the licensed premise of Deep Creek Beverage to include a 40 x 60 storage building on-site. Midway's violation hearing will be postponed until October 12, 2017 at 9:20 AM. A discussion took place about rescheduling the December LCB meeting. The proposed date will be Monday, December 4, 2017 at 4:00 PM pending the date and time of the Garrett County Commissioners Legislative meeting. The Oakland VFD will have Oktoberfest on October 11, 2017, an Arm Wrestling fundraiser on October 21, 2017 and Gun & Cash Bash on November 11, 2017.

A first offense violation hearing was held at 9:20 AM for Slopeside Market for the sale of alcohol to a minor during a compliance check conducted on June 5, 2017 by the Maryland State Police. The business is located at 7857 Sang Run Road in McHenry. Licensee Lisa Sisler was present for the hearing. Criminal Investigation Report 17-MSP-023527 was reviewed. The license holder acknowledged the facts of the report. She explained some details relating to the compliance check stating that the employee read it wrong and typed it in the register wrong. Ms. Sisler mentioned that the register allows the sale based on the data entered. Ms. Owston questioned if the employee had alcohol awareness training. Ms. Sisler stated that she had not. Ms. Owston reviewed the importance of carding and training staff on a minor's vertical license, the key indicators and that caution should be considered when a vertical license is presented. Ms. Sisler said the employee did receive disciplinary action. Ms. Sisler mentioned that she plans to try to set up an in-store TIPS training for her staff. Ms. Owston mentioned the upcoming ALERT training as an alternative to compliment

the required state training requirement. Ms. Owston explained the fine and suspension guideline. 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 also included that additional staff need to take an upcoming ALERT or TIPS / TAM class within the next 120 days. The motion was seconded by Commissioner Fratz and unanimously approved by Chairperson Herman. The license holder agreed with the facts as presented and the Board's decision on the matter and waived her right to appeal the Board's decision to Circuit Court. The \$300 violation fine is due within 30 days. Ms. Owston mentioned that the infraction will stay on the establishment's record for two years from June 5, 2017. Ms. Owston reviewed the recent fake ID that was used in Garrett County and the obvious fraudulent indicators and stressed the importance of taking time to check an ID. A discussion took place on how to handle fake ID's and how hard they are to detect sometimes as well as the new Intellicheck software.

A first offense violation hearing was held at 9:40 AM for Friendsville Liquor Store for the sale of alcohol to a minor during a compliance check conducted on June 5, 2017 by the Maryland State Police. The business is located at 277 Maple Street in Friendsville. Licensee Dr. Dean R. Bennett was present for the hearing. Criminal Investigation Report 17-MSP-023517 was reviewed. The license holder said he was not there at the time. He said she made a mistake. She had carded the previous customer and did not card the cadet. He mentioned the store was busy at the time and the manager was attending to other matters. A discussion took place about ID's and ID scanners. Ms. Owston mentioned that the employee had current alcohol awareness training. Dr. Bennett mentioned that he requires all new employees to take the course and he pays for the training and their time. Ms. Owston asked what the establishment's policy is on the age benchmark to determine who to card. He replied to use commonsense and check those who appear under 30. Ms. Owston mentioned that when a vertical ID is presented the employee should use caution. She also cautioned that employees should be checking the expiration date on ID's as well and not to accept expired ID's. Ms. Owston reviewed the compliance check program and the results of the checks last year. Dr. Bennett mentioned that he would be interested in any training information or webinar that he can have his clerks review. Ms. Owston explained the fine and suspension guideline. 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 Fratz and unanimously approved by Chairperson Herman. 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 is due within 30 days. Ms. Owston mentioned that the infraction will stay on the establishment's record for two years from June 5, 2017. It was noted that since Dr. Bennett said he will have someone from his staff attend the next TIPS training that the Board did not included that in the motion. Ms. Owston explained the upcoming ALERT training and encouraged that someone attend.

A second offense violation hearing was held at 10:00 AM for FireFly Farms Creamery & Market for the sale of alcohol to a minor during a compliance check conducted on June 5, 2017 by the Maryland State Police. The business is located at 107 South Main Street in Accident. Licensees Andrea Cedro, Matthew Cedro and Pablo Solanet as well as Michael Koch and Jo Ann Bardsley were present for the hearing. Criminal Investigation Report 17-MSP-0235549 was reviewed. The license holder acknowledged the facts of the report. Ms.

Owston mentioned that the employee did not card the cadet when she presented a bottle of wine for purchase. Ms. Owston noted that Mr. Koch sent a letter to the Board shortly after the incident acknowledging the seriousness of the event and the proactive steps the business will take to ensure the event doesn't happen again. Mr. Koch further mentioned that they have taken steps to remove human judgement and have purchased a scanner with the latest 2D bar code and smart ID technology. He also said that they are now carding everyone purchasing alcoholic beverages. Ms. Owston mentioned that the employee was trained and that they have a newer employee already signed up to take the upcoming TIPS class on September 21, 2017. Ms. Owston reviewed the ALERT training that will be offered at Garrett College. Ms. Owston spoke about the Interim Document that is issued when applying for a new ID or a renewed ID from the MD MVA. Chairperson Herman made a motion for the second offense for a \$500 fine and a 5-day suspension to be served within 30 days and to have additional staff trained within 120 days. The motion was seconded by Commissioner Fratz and unanimously approved by Commissioner Moe. Ms. Owston informed the license holders that the Board would like to know by Monday, September 18, 2017 what dates they plan to serve the suspension. They were also informed that the suspension days do not have to be consecutive days. The license holders 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. Ms. Owston explained the fine and suspension guideline. She also mentioned that the infraction will stay on the establishment's record for two years from June 5, 2017. The license holders were told that during the suspension, there is to be no handling, ordering, purchasing or receiving any alcoholic beverages. They can remain open just no selling alcoholic beverages. Tasting events are not permitted during the suspension period.

The next regular meeting of the Board of License Commissioners is scheduled for Thursday, October 12, 2017.

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

Lisa M. Herman
Chairperson

October 12, 2017
Date