

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their monthly meeting on Tuesday, May 13, 2021, at 9:00 AM in the Commissioner's Public Meeting Room 209. Present for the meeting was Chairperson Lisa Herman, Commissioner David Moe, Commissioner Michael Fratz, Administrator to the Board Deborah Owston and Attorney to the Board M. Elizabeth Georg.

Commissioner Moe chaired the meeting and called the meeting to order. The Board signed mileage sheets.

The Board approved the April 29, 2021 minutes. Chairperson Herman made the motion. The motion was seconded by Commissioner Fratz and made unanimous by Commissioner Moe.

There was general discussion before the hearings. Ms. Owston provided the 2020-2021 license renewal update. She mentioned that two establishments still need to renew their 2020-2021 licenses and submit their renewal payments. Ms. Owston also noted that the 2021-2022 license renewals were due back by May 3, 2021, and that many are still outstanding. She said that several have not been received that were mailed via the USPS. A special meeting was held on April 29, 2021, to formally approve FY 21 Per Diem renewal payments be credited to FY 22. HB0632/SB0457 Garrett County Alcoholic Beverages Act of 2021 passed both Chambers and is waiting for final approval. HB1059/SB0731 Garrett & Allegany Gift Basket Permit passed both Chambers and is waiting for final approval. SB0205/HB0012 Take-out / Delivery bill passed both Chambers with amendments and is waiting on final approval. Executive Order 21-04-28-01 Regulating Certain Businesses and Facilities and Generally Requiring Use of Face Covering went in to effect on May 1, 2021. Eastern Garrett County VFRD event scheduled for May 1, 2021, was conducted after meeting with HD for COVID-19 guidance. Friendsville Public House final U&O was issued May 4, 2021. They plan to open to the public Memorial Day weekend. Cindy's Tavern license was issued April 22, 2021. Their Bulk Transfer Permit was approved on April 9, 2021, and the Trader's License was issued April 22, 2021. The Town of Mt. Lake Park will have a Victorian Chautauqua event on July 9, 2021. Winner's Circle will be applying for the Wine Festival License for the event. The Town of Oakland will apply for the Street Festival License to be used at the Kickoff to Summer event on June 12, 2021, from 2 PM to 6 PM. The DCL Art & Wine Festival is seeking approval for premium tasting event on Friday, September 10, 2021, and may apply for the State Festival License.

A first offense sales to minor violation hearing was held at 9:15 AM. The business entity name is Swanton Grocery, Gas & Liquors, LLC dba Swanton Grocery, Gas & Liquors. The business is located at 3562 Swanton Road in Swanton. Licensees are Mariah Price and Jonathan Price. The violation hearing is a result of a failed compliance check on March 5, 2021 and violations of the Maryland Annotated Code Alcoholic Beverages Article. AB § 6-304 – selling or providing alcoholic beverages to a person under the age of twenty-one (21) and AB § 21-1902 – employment of underage individuals. Jonathan Price was present for the hearing and acknowledged the facts of the report. D/Sgt. Sigmund was also present at the hearing. Chairperson Herman made a motion for a \$300 fine and letter of reprimand to be placed in the license file for a first offense for sales to a minor.

The motion was seconded by Commissioner Fratz and unanimously approved by Commissioner Moe. Chairperson Herman also made a motion for \$100 fine for the underage employee violation. The motion was seconded by Commissioner Fratz and unanimously approved by Commissioner Moe. The license holder agreed with the facts as presented and the Board's decision on the matter and waived his right to appeal the Board's decision to Circuit Court. The violation fines are due within 30-days from the hearing.

A first offense sales to minor violation hearing was held at 9:30 AM. The business entity name is Luke's Liquors, Inc. dba Luke's Liquors. The business is located at 435 North Third Street in Oakland. Licensees are Marian Suzanne Umstott and Carol L. Lantz. The violation hearing is a result of a failed compliance check on March 5, 2021 and a violation of the Maryland Annotated Code Alcoholic Beverages Article. AB § 6-304 – selling or providing alcoholic beverages to a person under the age of twenty-one (21). Marian Suzanne Umstott and Todd Umstott were present for the hearing. D/Sgt. Sigmund was also present at the hearing. Mrs. Umstott acknowledged the facts of the report. Chairperson Herman made a motion for a \$300 fine and letter of reprimand to be placed in the license file for a first offense for sales to a minor. The motion was seconded by Commissioner Fratz and unanimously approved by Commissioner Moe. 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 violation fine is due within 30-days from the hearing.

A first offense sales to minor violation hearing was held at 9:45 AM. The business entity name is Mountain State Brewing Company McHenry, LLC, dba Mt. State Brewing Co. Licensees are Erin Croake, George A. Croake and Patricia E. Croake. The business is located at 6690 Sang Run Road in McHenry. The violation hearing is a result of a failed compliance check on March 22, 2021 and a violation of the Maryland Annotated Code Alcoholic Beverages Article. AB § 6-304 – selling or providing alcoholic beverages to a person under the age of twenty-one (21). All three licensees were present for the hearing. D/Sgt. Sigmund was also present at the hearing. Ms. Erin Croake acknowledged the facts of the report. Chairperson Herman made a motion for a \$300 fine and letter of reprimand to be placed in the license file for a first offense for sales to a minor. The motion was seconded by Commissioner Fratz and unanimously approved by Commissioner Moe. 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. The violation fine is due within 30-days from the hearing.

A first offense sales to minor violation hearing was held at 10:00 AM. The business entity name is Land Management, Inc., dba Pizzeria Uno's. Licensees are William Ingram, Alisha Smith and Michael F. Delligatti. The business is located at 19746 Garrett Highway in Oakland. The violation hearing is a result of a failed compliance check on March 22, 2021 and a violation of the Maryland Annotated Code Alcoholic Beverages Article. AB § 6-304 – selling or providing alcoholic beverages to a person under the age of twenty-one (21). Mr. Ingram was present for the hearing and acknowledged the facts of the report. D/Sgt. Sigmund was also present at the hearing. Chairperson Herman made a motion for a \$300 fine and letter of reprimand to be placed in the license file for a first offense for sales

to a minor. The motion was seconded by Commissioner Fratz and unanimously approved by Commissioner Moe. The license holder agreed with the facts as presented and the Board's decision on the matter and waived his right to appeal the Board's decision to Circuit Court. The violation fine is due within 30-days from the hearing.

A first offense sales to minor violation hearing was held at 10:15 AM. The business entity name is Black Bear Tavern and Restaurant, LLC, dba Black Bear Tavern & Restaurant. Licensees are John N. Clapsaddle, Barry G. Clapsaddle and Laura E. Clapsaddle. The business is located at 99 Fort Drive in McHenry. The violation hearing is a result of a failed compliance check on March 22, 2021 and a violation of the Maryland Annotated Code Alcoholic Beverages Article. AB § 6-304 – selling or providing alcoholic beverages to a person under the age of twenty-one (21). John N. Clapsaddle and Barry G. Clapsaddle were present for the hearing and acknowledged the facts of the report. D/Sgt. Sigmund was also present at the hearing. Chairperson Herman made a motion for a \$300 fine and letter of reprimand to be placed in the license file for a first offense for sales to a minor. The motion was seconded by Commissioner Fratz and unanimously approved by Commissioner Moe. 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. The violation fine is due within 30-days from the hearing.

A violation hearing was held at 10:40 AM as a result of violations of Executive Order 20-11-10-01 which requires the maximum occupancy of a food service facility to be reduced to 50% occupancy. The business entity name is Home Town Pizzeria, LLC, dba Home Town Pizzeria. The licensee is Justin Opel. The business is located at 17989 National Pike, Frostburg, MD (Garrett County). The hearing is a result of a Maryland State Police inspection on November 14, 2020. While conducting the inspection, the Maryland State Police observed 42 occupants in the establishment and entertainment taken place. This is a violation of Executive Order 20-11-10-01 as well as the Health Department's approval of 20 individuals based on the inadequate septic system at the time of the inspection. The entertainment is a violation of the State Fire Marshal's Office. In addition, AB § 4-109(a)(21) which states that, if issued a license, the applicant will conform to all laws and regulations relating to the business in which the applicant proposes to engage. Also, Local Regulation 3.9 - Sanitation (a) All Garrett County licensees must be in full compliance with regulations of the State of Maryland Department of Mental Health & Hygiene. All license holders must comply with all State, County and City Sanitary and Health Laws and Regulations that may apply to their business. Licensee, Justin Opel was present for the hearing as well as Bruce Opel. MD Alcohol & Tobacco Commission Agent Dave Marple, MSP D/Sgt. Sigmund, Bryce Manges of the Garrett County Health Department, and Chad Fike of the Permits & Inspections Office were also present at the hearing. Licensee, Justin Opel did not agree with the charges and admit to the violations. Chairperson Herman made a motion for a \$500 fine and letter of reprimand. The motion was seconded by Commissioner Fratz and unanimously approved by Commissioner Moe. Ms. Georg

informed the license holder that since he did not agree with the facts as presented and the Board's decision on the matter that he could appeal the Board's decision to Circuit Court within 30-days from the hearing. It was also noted that if he should change his mind on appealing the decision, the fine would within 30 days from the hearing.

A violation hearing was held at 11:00 AM as a result of violations AB Article § 6-311 – Restrictions on purchases and sales by retail dealer and AB Article § 1-408 – Record keeping and reporting requirements. Business entity name is Shrimp On The Barbie, LLC dba Shrimp On The Barbie. Licensees are Daniel B. Bosley and Christopher Watson. The business is located at 433 North Bradley Lane at the Oakland Golf Club. The hearing is a result of a failed inspection on January 4, 2021. On January 4, 2021, at approximately 4:30 PM, Maryland Comptroller Field Enforcement Agent Dave Marple and Deborah Owston of the LCB Office conducted a routine liquor dealer inspection after dropping off the amended license that licensee, Mr. Watson was to pick up on December 18, 2020. Alcoholic beverages that were not purchased from a wholesaler were found on the premises. This practice is a violation of the AB Article § 6-311 - Restrictions on purchases and sales by retail dealer and AB Article § 1-408 - Record keeping and reporting requirements. Mr. Watson was present for the hearing and acknowledged the facts of the report. Agent Dave Marple was also present for the hearing. Chairperson Herman made a motion for a \$100 fine and letter of reprimand to be placed in the license file for purchasing and record keeping violations. The motion was seconded by Commissioner Fratz and unanimously approved by Commissioner Moe. The license holder agreed with the facts as presented and the Board's decision on the matter and waived his right to appeal the Board's decision to Circuit Court. The violation fine is due within 30-days from the hearing.

Ms. Owston stated that there will be an additional monthly meeting will be May 27, 2021. She noted that the meeting will be conducted via teleconference.

There being no further business to discuss, Chairperson Herman adjourned the meeting.

Lisa Herman
Chairperson

May 27, 2021

Date