

MINUTES

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

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

The Board approved the August 12, 2021 minutes. Commissioner Herman made the motion. The motion was seconded by Commissioner Fratz and made unanimous by Chairperson Moe.

There was general discussion before the hearings. The Board signed the approved 2021-2022 license renewal cover sheet page for the applications that were approved remotely on June 21, 2021. Chairperson Moe made the motion to approve the renewal applications. The motion was second by Commissioner Herman and unanimously approved by Commissioner Fratz. The Health Department notified the office of an interim seating increase at Home Town Pizzeria to 35 individuals until the septic system expansion is approved. Don Patron Oakland, LLC is in the process of changing their local licensee. The Wildom Farm Music festival event was postponed until 2022 due to the rise in COVID numbers. Shooters Bar & Grill has closed. They request the license be placed on hold while seeking new owners or location. The Board approved their request. Smoke N Mirrors requested approval for the Beer & Wine Tasting Option. The Board approved the request pending application and payment. Ed King is seeking history on alcoholic beverages in Garrett County pertaining to prohibition, Sunday sales and current licensing in the Deep Creek Lake area. The DCL Art & Wine Festival will be held on September 10, 2021 and September 11, 2021. They were issued the State Non-Profit B&W Festival 2-Day License. The Deep Creek VFC Crab Feast will be held on September 11, 2021 and their Gun Bash will be held on October 16, 2021. Wilhelm Recreation will conduct their annual Bull Roast on September 11, 2021. It was noted that some of the Autumn Glory events have been canceled due to the recent COVID-19 spikes. The Oakland VFD will not be having their Oktoberfest event. They do however plan a fundraising event on November 6, 2021.

A hearing was held at 9:20 AM for a Special Class C Per Diem Multiple Event (5) BWL License in accordance with the Alcoholic Beverages Article § 21-1310. The qualifying non-profit organization is the Grantsville Lions Club. Applicants for the license are Paul C. Edwards and Duane Stein II. Mr. Edwards was present for the hearing. The Grantsville Lions Club decided to apply for the Special Class C Per Diem Multiple Event (5) BWL License in order to have several annual licensed fundraisers each year. Mr. Edwards stated that they will use the license on October 2, 2021 for their Oktoberfest fundraiser and two-days during the annual Grantsville Days community event in June. They also are considering two other events during the year. Commissioner Herman made a motion to approve the Special Class C Per Diem Multiple Event (5) BWL License. The motion was second by Commissioner Fratz and unanimously approved by Chairperson Moe. The license was issued upon payment.

A license hearing was held at 10:00 AM for the new issuance of a Class B Beer & Wine On-Sale 7-Day License to Edward A. Helbig and Mark A. Scaffela. The license issuance will be in accordance with the Maryland Annotated Code, Alcoholic Beverages Article § 21-803. The legal entity name and trade name is Sophies Serendipity, LLC dba Vintage Cafe. Mr. Helbig has 1% membership and Mr. Scaffela has 99% membership. The license will be issued for use at 216 East Alder Street in downtown Oakland. Both applicants were present for the hearing and spoke about the new restaurant. Ms. Owston reviewed the license issuance procedures and regulations. In addition, Ms. Owston noted the outstanding administrative items that are due including Fire Marshal and Health Department approval. Commissioner Herman made a motion to approve the license pending the outstanding administrative items. The motion was second by Commissioner Fratz and unanimously approved by Chairperson Moe. The license will be issued upon receiving the outstanding administrative items and fees.

A violation hearing that was scheduled at 9:40 AM was held after the 10:00 AM hearing. The hearing was a result of violations of the AB Article § 6-311 – Restrictions on purchases and sales by retail dealer and the AB Article § 1-408 – Record keeping and reporting requirements. The business entity name is Proctor Kildow Post #71 American Legion Inc. dba Oakland American Legion. Licensees are Mark A. Grimm, Moses Miller and Michael Beard. The business is located at 423 Memorial Drive in Oakland. None of the licensees or representatives of the organization were in attendance for the hearing. Ms. Georg stated that the Board could proceed or reschedule. She also noted that Ms. Owston gave them notice of the hearing in person. Chairperson Moe stated he was going to recuse himself from consideration on the topic. Commissioner Herman and Commissioner Fratz stated they would like to proceed. Ms. Georg stated the hearing was a result of a failed inspection on July 6, 2021 at the licensed establishment. On July 6, 2021 at approximately 1:00 PM, Maryland Alcohol & Tobacco Commission Field Enforcement Agent Jeff Herndon and Deborah Owston of the LCB Office conducted a routine liquor dealer inspection. 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 the AB Article § 1-408 - Record keeping and reporting requirements. Ms. Georg stated that Board has the authority to issue a violation penalty based on the violation of the Alcoholic Beverages Code. Commissioner Herman asked Ms. Owston if this was their first offense. Ms. Owston stated that it was their first offense for failure to keep records and receipts for alcohol on site. Commissioner Herman made a motion to impose a letter of reprimand from the Board to the Oakland American Legion Post #71 for record keeping and reporting requirements. The motion was second by Commissioner Fratz. Ms. George noted for the record that Mr. Moe was present as a customer at the time of the inspection and is abstaining from any activity as far as voting. The motion was approved by mutual consent. Ms. Owston said she will send them a letter of reprimand. She also stated that they (Oakland Legion) had a question about wine BYOB. Ms. Owston stated that they are not permitted for wine BYOB. She said she will probably include that in the letter to make it clear that it only applies to Class B restaurants. Ms. Georg agreed to include that information.

The general discussion continued after the hearings. Ms. Owston mentioned the upcoming legislative session and few requests and suggestions. She said there was interest in a hair salon license and request for information about the various licensing options for the salon.

She mentioned that they could just apply for a beer and wine license. She then mentioned that most Salon Licenses in the Alcoholic Beverages Article put a restriction on the amount of servings. Additional conversation took place about streamlining the non-profit licenses to allow more flexibility in approving additional days of the events.

The next regular meeting of the Board of License Commissioners is scheduled for Monday, October 4, 2021.

There being no further business to discuss, Commissioner Herman made a motion to adjourn. The motion was unanimously approved.

David L. Moe
Chairperson

October 4, 2021
Date