

## MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their monthly meeting on Monday, October 3, 2022. The meeting was conducted at 9:00 AM in the Garrett County Law Library, Room 107. Present for the meeting was Chairperson Michael Fratz, Commissioner Lisa Herman, Commissioner David Moe, Administrator to the Board Deborah Owston, Attorney to the Board, M. Elizabeth Georg and Agent Dave Marple of the Maryland Alcohol and Tobacco Commission.

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

The Board approved the August 11, 2022 Minutes. Commissioner Moe made the motion to approve the Minutes. The motion was second by Commissioner Herman made unanimous by Chairperson Fratz.

There was general discussion before the hearings. Ms. Owston stated that the September 8, 2022 meeting was not conducted due to no applications being filed. The Trader's License for Short Story Brewing was issued on September 2, 2022. Sipside Lounge closed July 23, 2022. Pat Franc requested his license be on hold while seeking a buyer. He also asked about transferring the license. Ms. Owston mentioned the possibility of transferring the license to Brodak's Banquet Hall. A brief discussion took place about transferring licenses and conditions that allow a license to be transferred as well as feedback from the Alcohol Tobacco Commission. Vintage Café closed the end of August. They do not plan to re-open elsewhere in Garrett County so that license is null and void. Places for sale, include The Long Branch Saloon, The Alley, Sipside, Winner's Circle, Brodak's Liquor Store, Hen House & possibly Home Town Pizzeria. Savage River Lodge is no longer listed as for sale. A discussion took place about licenses for sale and the prohibition of subleasing the business as well as reaching out to business owners or real estate listing agents when appropriate. There were no updates on the Red Barn Events, LLC renovations update from Permits Office and Fire Marshal. Wildom Farm will conduct a food & music event October 8, 2022. The event will benefit Meal on Wheels. The administrative hearing was September 27, 2022. On September 14, 2022 Ms. Owston, Bryce Manges from the Health Department and Chris Cieslarczyk from the Garrett County Fire Marshal's office all went and did a pre-event site visit. The Board discussed New Year's Eve hours. It was mentioned that the Board has not extended the New Year's Eve hours for on-premises license holders the last several years. Ms. Owston noted that she sent the license holders an email a couple weeks ago to let her know if they planned to stay open past 2:00 AM since the Board would consider the extension of hours. No responses were given. Ms. Owston said that other counties that do extend hours on New Year's Eve request a written document so they know how many places to stay open. She asked if the Board wanted to wait until the November meeting to decide. Commissioner Herman said yes. The Board paused the General Discussion items so that the 9:20 AM hearing could start on time.

A hearing was held at 9:20 AM for a new Gift Basket Permit in accordance with the Alcoholic Beverages Article § 21-1001.2. The applicant for the license is Lora Lohr. Ms. Lohr is the sole applicant and applying as a sole proprietorship. The trade name is Crate and Basket. The basket business will operate out of 153 Red Run Heights in Oakland, Maryland. Ms. Lohr was present for the hearing. Ms. Owston noted there are some outstanding administrative items that are expected soon. Those items include a copy of the Sales Use Tax License and No Hold Letter from the Comptroller's Office as well as a current certificate for alcohol awareness training. A brief discussion took place about the license privileges and the business. In summary, this new permit allows limited quantities of alcoholic beverages to be included in a gift basket of items and delivered to a recipient. The Garrett County delivery forms will also be required. In accordance with the AB Article § 21-1001.2 (f) alcohol contained in the gift basket must be purchased from a retailer. A discussion took place about a possible legislative change to also allow purchase from a manufacturer or wholesaler. Ms. Owston reviewed the license issuance procedures and regulations. Commissioner Moe made a motion to approve the Gift Basket Permit application pending the outstanding administrative items. The motion was second by Commissioner Herman and unanimously approved by Chairperson Fratz. The license will be issued upon receiving the outstanding administrative items and payment.

The Board went back in to General Discussion after the 9:20 AM hearing. The 2023 Legislative requests were briefly discussed and will need to be finalized for the November 10, 2022 meeting. Ms. Owston stated that the Garrett County Delegation legislative meeting will be in November. Possible amendments include expanding Sunday sales hours, residency change with a local resident agent or resident of the State versus resident of the County, banquet facility, sales to minor administrative hearing and Gift Basket Permit.

The Board went in to Executive Session. Commissioner Moe made the motion. The motion was seconded by Commissioner Herman and unanimously approved by Chairperson Fratz. The Board came out of Executive Session. Commissioner Moe made the motion. The motion was seconded by Commissioner Herman and unanimously approved by Chairperson Fratz.

A violation hearing scheduled for 9:40 AM began at 10:00 AM. The hearing is a result of alleged violations of AB Article § 6-311 – Restrictions on purchases and sales by retail dealer, AB Article § 1-408 – Record keeping and reporting requirements, AB Article § 4-508 Display of License and Section 3.9 of the Rules and Regulations of the Board of License Commissioners of Garrett County Section – Sanitation. Business entity name is Shrimp On The Barbie, LLC dba Shrimp On The Barbie. Licensees are Jolie Rineer and Christopher Watson. The business is located at 433 North Bradley Lane at the Oakland Golf Club. Both Licensees were present. Ms. Georg swore in the license holders as well as Agent Dave Marple. The hearing is a result of a failed inspection on September 15, 2022. A routine liquor dealer inspection was conducted at the licensed establishment. The inspection was conducted by Alcohol Tobacco Commission Field Enforcement Agent Dave Marple and Deborah Owston of the LCB Office. Receipts for alcoholic beverages that were on the premise were not available for inspection. 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. The current alcoholic beverage license was not displayed. This is a violation of the AB Article § 4-508. Various health and sanitation issues

were also observed. Ms. Georg asked the license holders if they agree with the charges and admit to the violations. Mr. Watson said he admits to what they found there that day, yes. Ms. Georg asked Agent Marple to tell the Board what he found that day. Agent Dave Marple stated what he encountered that day from his report. He also stated he contacted Ms. Owston at her office to come join him at the business. Agent Marple concluded his testimony by stating that he's been in the business four times and three out of the four times there were violations. Mr. Watson stated that had he been there that day, he would have presented the license that had fallen from the top of the fridge. He also spoke about the recent orders that were delivered and that staff was working on putting them away. He mentioned that due to the limited space of the office there is not much space for orders and files therefore he may have moved some after four or five months. Commissioner Moe made a motion of a \$500 fine and suspend the license for two-weeks beginning today. The motion was seconded by Commissioner Herman and unanimously approved by Chairperson Fratz. Ms. Georg asked the licensees if they understand that they have 30-days to appeal the Board's decision to the Circuit Court for Garrett County Maryland. Mr. Watson said yes. Ms. Georg noted that it can't go in to effect today since he has 30 days to appeal. She instructed Mr. Watson to notify the Board if he plans to appeal this decision. Ms. Owston told Mr. Watson that the law reads that you have to keep invoices for two years and they must be readily available. Ms. Owston noted that Shrimp On The Barbie will be hosting a TIPS class next week. Ms. Owston noted that she would follow up with the Board's decision in a letter stating that the license holders have 30 days to appeal the Board's decision to Circuit Court. Agent Dave Marple stated that he would ask that alcohol be forfeited to the State. Commissioner Moe made a motion that the seized alcohol be forfeited to the State of Maryland. Commissioner Herman seconded the motion. The motion was unanimously approved by Chairperson Fratz.

A discussion session took place with Lisa Pratt of LakeFront Lodge in McHenry about the potential to upgrade the license to a BWL license. Bruce Metz from the Planning and Land Management Office was also present to discuss the zoning on the property. Ms. Pratt talked about the potential spa packages and smore packages with distilled spirits. The permitted use of the property was also discussed.

After the hearings, the General Discussion continued. The Board spoke about New Year's Eve hours again. Commissioner Moe made a motion not to extend New Year's Eve serving times. Commissioner Herman second the motion. The motion was unanimously approved by Chairperson Fratz. The Chamber of Commerce conducted Business After Hours at the Garrett County Courthouse on September 8, 2022. Deep Creek Lake Art & Wine Festival was conducted on September 10, 2022. Deep Creek VFC held a crab feast event on September 10, 2022. Wilhelm Recreation held a Bull Roast on September 10, 2022. Eastern Garrett County VFRD held a comedy show event on September 17, 2022. Grantsville VFD held a Gun Bash on September 24, 2022. Habitat for Humanity held an event on September 24, 2022 at Garrett College. The administrative hearing was September 8, 2022. Grantsville Lions Club held an Oktoberfest event on October 1, 2022 at the Grantsville Town Park. Friendsville VFRD held a Gun Bash on October 1, 2022. Monique Mehring for Delegate will hold an event on October 8, 2022 at Wildom Farm. The administrative hearing was held September 27, 2022. Casa Della Fenice, Inc. dba Reflection House will conduct a fundraiser on October 9, 2022 at Brodaks Banquet Hall. The administrative hearing was held September 13, 2022. Oakland VFD will not be

conducting their annual Oktoberfest event this year during the Autumn Glory celebration. Oakland VFD will conduct a Gun & Cash Bash on November 5, 2022

The next regular meeting of the Board of License Commissioners is scheduled for November 10, 2022.

There being no further business to discuss, Commissioner Herman made a motion to adjourn. The motion was seconded by Commissioner Moe and unanimously approved by Chairperson Fratz.

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Michael Fratz  
Chairperson

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August 11, 2022  
Date