

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their monthly meeting on Thursday, June 8, 2023. The meeting was conducted at 10:00 AM in the Garrett County Commissioners Public Meeting Room 209. Present at the meeting was Chairperson David Moe, Commissioner Lisa Herman, Commissioner Michael Fratz, Administrator to the Board Deborah Owston, and Attorney to the Board, M. Elizabeth Georg.

Chairperson Moe called the meeting to order. The Board signed mileage sheets. There were no Minutes for approval.

Prior to the general discussion the Board went into Executive Session. Commissioner Moe made the motion to go into Executive Session. 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 to come out of Executive Session. The motion was seconded by Commissioner Herman and unanimously approved by Chairperson Fratz.

A hearing was held at 10:20 AM for a Special Class C Per Diem Multiple-Event (5) BWL License in accordance with the Alcoholic Beverages Article 21-1310. Applicants for the license are Mikal McCartney, Charles Anthony Wroten & Stephanie Murphy. The qualifying non-profit organization is Garrett County Arts Council Inc. The licensed events will take place throughout the year at the Garrett County Performing Arts Center or possibly at other non-licensed location in the county. Mr. Wroten was present for the hearing. He provided details of their upcoming events to the Board. Ms. Owston reviewed the rules and regulations. Commissioner Moe made a motion to approve the Special Class C Per Diem Multiple-Event (5) BWL License effective July 1, 2023. The motion was seconded by Commissioner Herman and unanimously approved by Chairperson Fratz.

A violation hearing was held at 10:40 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. The business entity name is Deep Creek Bar & Grill, LLC dba Deep Creek Bar & Grill. Licensees are Drew Algeo and Jason Cayer. The business is located at 17869 Garrett Highway, Oakland, Maryland. The hearing is a result of a failed inspection on Friday, May 26, 2023. A routine liquor dealer inspection was conducted at the licensed establishment. The inspection was conducted by Alcohol Tobacco Commission (ATC) Field Enforcement Agent David Marple and Deborah Owston of the LCB Office. Receipts for some 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. As well as TG 5-302 – Possession of an alcoholic beverage upon which the tax has not been paid. Both licensees were present for the hearing. Agent Dave Marple was also present for the hearing. Ms. Georg swore in the licensees and Agent Dave Marple. Ms. Georg read the following. The hearing is a result of a failed inspection on Friday, May 26, 2023. 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. TG 5-302 – Possession of an alcoholic beverage upon which the tax has not been paid. She then asked the licensees if they agree to the charges and admit to the violations. Mr. Cayer responded by saying not as stated. Additional testimony and a discussion took place. The Board went into Executive Session. Commissioner Herman made the motion to go into Executive Session. The motion was seconded by Commissioner Moe and unanimously approved by Chairperson Fratz. The Board came out of Executive Session. Commissioner Herman made the motion to come out of Executive Session. The motion was seconded by Commissioner Moe and unanimously approved by Chairperson Fratz. Commissioner Moe made a motion that a violations did occur. The motion was seconded by Commissioner Herman and unanimously approved by Chairperson Fratz. Commissioner Moe made a motion to suspend the license immediately until July 1, 2023 and a \$500 fine. The motion was seconded by Commissioner Herman and unanimously approved by Chairperson Fratz. Commissioner Moe moved to amend his motion to include that the alcohol seized would be forfeited to the State. The motion was second by Commissioner Herman and made unanimous by Chairperson Fratz. 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. It was determined that the suspension will be served from June 9, 2023 to July 1, 2023 at 6:00 AM. The violation fine is due before July 1, 2023. Ms. Owston informed the license holders about the restrictions during the suspension period. She also told them the license needs to be brought to the LCB Office on Friday, June 9, 2023.

There was general discussion after the hearings. Ms. Owston presented the 2023-2024 renewal applications for approval. Commissioner Herman made a motion to approve the renewal applications. The motion was second by Commissioner Moe and made unanimous by Chairperson Fratz. The Board decided on the late fees to be imposed on the several late renewal applications. The Manor restaurant license was issued on May 30, 2023. They plan to open to the public the second week of June. OMG Relax LLC requested approval for an anniversary event. The request was approved on May 25, 2023. Commissioner Moe made a motion to approve the renewal applications. The motion was second by Commissioner Herman and made unanimous by Chairperson Fratz. The Zoning Office also approved the request. A discussion took place about Red Barn Events, LLC. Their U&O was issued on May 23, 2023 for lower level. The Board would like to set up a discussion session with the license holders at the next meeting. The Chamber of Commerce BAH event will be held at Thousand Acres Golf Club on June 8, 2023. Garrett Trails Gran Fondo event will be June 17, 2023 at Garrett College in Parking Lot B. The administrative hearing was on May 24, 2023. GLAF has fundraising events on June 10, 2023 and June 17, 2023. The administrative hearing was held on May 30, 2023. Garrett Arts Council had an event on June 7, 2023. The administrative hearing was held on May 24, 2023. Midway is still closed due to fire damage. Ms. Owston did a site visit on June 1, 2023. There were no building permit construction updates on S&S Store. The hearing was conducted on December 9, 2021. A new application will be required. Wisp Resort inquired about licensing musical performances at ASCI amphitheater. They will need to apply for another license. Town of Oakland will conduct the Kick Off to Summer Street Festival June 10, 2023. There was an anonymous complaint about after-hours activities.

The next regular meeting of the Board of License Commissioners is scheduled for Thursday, July 13, 2023.

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

Michael Fratz
Chairperson

July 13, 2023
Date