

MINUTES

The Garrett County Board of License Commissioners / Liquor Control Board held their monthly meeting on Thursday, April 13, 2023. The meeting was conducted at 10:00 AM in the Garrett County Commissioners Public Meeting Room 209. Present at 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 March 9, 2023 Minutes. Commissioner Moe made the motion to approve the Minutes. The motion was second by Commissioner Herman and unanimously approved by Chairperson Fratz.

There was general discussion before the hearings. Ms. Owston gave an update on the 2023 legislation and the Garrett County Alcoholic Beverages Act of 2023. The local bill appears to be on track to pass without any amendments. The cocktail to-go temporary privilege looks like it will be sunset on June 30, 2023. The Caddyshack Bar & Grill, LLC was licensed on April 1, 2023. There were no updates on the Red Barn Events, LLC renovations and pending U&O issuance. Rick Libby of the Traveling Vineyard contacted Ms. Owston about some of the Deep Creek Wine Tasting advertised events that are not approved of. The Chamber of Commerce BAH events were held March 9, 2023 at Deep Creek Colon & Rectal Office and April 13, 2023 at the Oakland Library. Oakland VFD held a Gun & Cash Bash on March 11, 2023. Deep Creek VFC held a Gun & Cash Bash on March 25, 2023. Grantsville VFD will conduct a Gun & Cash Bash on April 22, 2023. The Manor Restaurant is expected to file an application for the May or June meeting. Midway is still closed due to fire damage. Big Funky Blues Music Festival sponsored by Randy Anderson of OMG Relax was discussed. The event will benefit Camp Caring of Garrett County. S&S Store notified the office of the status of their pending building permit. Oakland Shop N Save Express ESOP resident license holder changes were discussed. The Roosters Nest has been closed for several months.

The transfer hearing that was scheduled for 10:20 AM was not conducted. BFS Foods Inc. withdrew the application to transfer their Class A Beer Off-Sale 7-Day License from 1801 Maryland Highway in Mt. Lake Park to 2815 Chestnut Ridge Road in Grantsville. This was a result of a prohibition of alcohol sales on the property. They will resubmit an application to transfer the license to one of their other stores in Garrett County.

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 March 10, 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. Mr. Cayer was present for the hearing and acknowledged the facts of the report. Agent Dave Marple was also present for the hearing. A discussion took place about the matter and that they were on probation for a previous violation. 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 go into Executive Session. The motion was seconded by Commissioner Herman and unanimously approved by Chairperson Fratz. Commissioner Moe made a motion for a \$150 fine, a two-week suspension, an extension of their probationary period by an additional 3 months and a requirement that they have to forward copies of all receipts for alcohol for one year. The motion was seconded by Commissioner Herman and unanimously approved by Chairperson Fratz. 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 suspension will be served from April 17, 2023 to May 2, 2023 at 6:00 AM. The violation fine is due within 30-days from the hearing. In addition, the alcohol seized will be forfeited to the ATC.

The next regular meeting of the Board of License Commissioners is scheduled for Wednesday, May 17, 2023.

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.

Michael Fratz
Chairperson

May 17, 2023
Date