

TALBOT COUNTY, MARYLAND

BOARD OF LIQUOR LICENSE COMMISSIONERS

Minutes of Public Meeting

October 22, 2018

The meeting of the Talbot County Board of Liquor License Commissioners the (“Board”) was called to order at 10:05 a.m. on Monday, October 22, 2018. Present were Chairman Gary Royer, Commissioner John M. Gottschalk, Commissioner William C. Rolle, Jr., Assistant County Attorney Mary O’Donnell, and Board Secretary Patricia Finneyfrock.

OLD BUSINESS

- Upon motion by Chairman Royer, seconded by Commissioner Gottschalk, the Board voted to unanimously approve the minutes from September 24, 2018.

NEW BUSINESS

- **Violation Hearing – Sale to Intoxicated Person**

East of Toll Ventures, d/b/a Ledo Pizza and Lounge 55
108 Marlboro Ave.
Easton, MD 21601

All those in attendance to testify in the matter were sworn in (Licensees, Christian Tolson and Richard Easterling, Stephanie Harris, General Manager, Elizabeth Cooksey, Employee and Duane Gottschalk, Liquor Inspector.

Inspector Gottschalk testified to the events giving rise to the alleged violation, which occurred on September 25, 2018. Licensees, Christopher Tolson and Richard Easterling, employees, Stephanie Harris and Elizabeth Cooksey then testified as to the events on the night of September 25, 2018. Based on the evidence presented and completion of all testimony, the following motion was made:

- Motion made by Commissioner Gottschalk, seconded by Chairman Royer, the Board unanimously voted that sales to an intoxicated person did occur on the evening of September 25, 2018, in violation of Talbot County, Chapter 11, Talbot County Code, “Alcoholic Beverages” §§11-13.C, 11-14, and 11-15 and § 6-307 of the Annotated Code of Maryland, Alcoholic Beverages.

The Licensees were then instructed to give any further comment. The Licensees indicated that they agreed with the facts and the testimony given.

There being no further comments from the Licensees, the board opened a discussion as to the assessment of penalties for the violation of sales to an intoxicated person. The Board noted that this was the 4th violation in a 4-year period and the most egregious. Fines and the length of suspension of their liquor license were discussed. Upon completion of the discussion, Chairman Royer called for a motion for the assessment of penalties for the violation of sales to an intoxicated person.

- Motion made by Commissioner Gottschalk to impose a \$1,000 fine and a 30 day suspension, and was amended to a \$1,000 fine and a 14 day suspension, after a request for further discussion of the penalties, before a second was made. Upon the amendment, the motion was seconded by Commissioner Rolle, Jr. Motion was passed unanimously noting the severity of the charges.

Chairman Royer then noted that the Licensees had 30 days from the date of the Assistant County Attorney's written decision with which to appeal. The Licensees indicated that they did not have an interest in appealing, but would wait for the written decision before making a final determination.

The Board then took a 20 minute recess closing the hearing at 11:50 a.m. and re-opening at 12:10 p.m.

- **Responsible Alcohol Marketing – Alcohol Awareness Training**

Steven C. Myers, presented before the Board to offer an alternative State approved training mechanism to the Board's Liquor Inspector and licensees wherein the TIP's certification training currently approved by the State and being offered by Talbot County would be replaced with his training program. The Board finding no interest at this time thanked him for his time.

- **Prohibition of the Sale of Alcohol on Election Day**

Inspector Gottschalk received a request from a local lawyer, who after reading a Blog article that indicated Talbot County prohibits the selling of alcohol on an election day during the hours when the polls are open, for clarification of the ordinance in the event there is a conflict with State law MD. Code Ann. Alcoholic Beverages § 30-2005. It was noted that § 30-2005 has not been enforced in Talbot County for many years. It was further noted that no further legislation could be introduced by the current Talbot County Council before the November 6, 2018 Election Day, preventing the County from correcting this conflict permanently. It was further noted that Talbot County Ordinance allows a license holder to operate 365 days per year and was a sufficient basis to find that the State law MD. Code Ann. Alcoholic Beverages § 30-2005 should not be enforced for the remainder of 2018, subject to the restrictions existing on their currently issued licenses.

OLD BUSINESS

None.

ANNOUNCEMENT OF NEXT MEETING: November 26, 2018, pending an agenda

ADJOURNMENT

There being no further business to discuss, the Board moved to adjourn.

- Upon Motion by Commissioner Rolle, Jr., seconded by Commissioner Gottschalk, there being no further business to discuss, the Board voted unanimously to close the meeting at 12:53 p.m.