

TALBOT COUNTY, MARYLAND
BOARD OF LIQUOR LICENSE COMMISSIONERS

Minutes of Public Meeting
January 13, 2025

The meeting of the Talbot County Board of Liquor License Commissioners was called to order at 10:00 a.m. on Monday, January 13, 2025. Present were Chairman Jack M. Gottschalk, Commissioner Edward M. Bridges, Jr., Commissioner David Fike and Board Secretary Victoria E. Bradley.

OLD BUSINESS

- Upon motion by Commissioner Fike, seconded by Commissioner Bridges, the minutes of the meeting of October 28, 2024, were unanimously approved.

NEW BUSINESS

Granddipioggia23, LLC – Violation Hearing

All those in attendance to testify in the matter were sworn in, (Anthony Gussregen and his attorney Douglas Walker, Talbot County Liquor Inspector Nickole Whitmer).

The Chairman gave a brief description about how the violation hearing will take place. The Chairman testified the violation hearing was set in at the request of the Talbot County Liquor Inspector for violations of Talbot County Code, Chapter 11, “Alcoholic Beverages” § 11-14(A)(1)(c), “Failure to comply with any local, county, or state law, rule or regulation”, and Section 1-408, “Record keeping and reporting requirement”, Section 6-311 “Restriction on purchases and sales by retail dealers”, and Section 6-313 “Tampering with alcoholic beverage containers” of the Annotated Code of Maryland.

At this point, the Chairman called Nickole Whitmer, Talbot County Liquor Inspector to answer questions regarding the documents submitted before she presented her testimony.

Chairman Gottschalk asked what the Inspector’s written comments are at the bottom of the Compliance Report because they did not copy well and where not very legible. Inspector Whitmer testified that she had written “Multiple bottles were purchased at local liquor stores, a Woodford whiskey bottle was filled with Kentucky Gentlemen, Invoices were not available, nine (9) bottles were confiscated that were purchased from liquor stores.”

Chairman Gottschalk asked about the chain of custody document, the description stated 9 bottles but the notation states 8 bottles. Inspector Whitmer testified that there were two (2) bottles of Kentucky Gentlemen therefore they were both listed as item number five (5) and the form shows a quantity of 2.

Inspector Whitmer read the narrative from her Incident Report dated October 23, 2024, which details the alleged violation. Inspector Whitmer testified that On Wednesday, October 23rd, she responded to Anthony's Italian Restaurant, located at 26342 Oxford Rd., Oxford MD 21654 to conduct a Liquor License Inspection due to a complaint made on October 16, 2024. James Mullikin and Duane Gottschalk accompanied her during this inspection. She made contact with the owner, Anthony Guessregen and requested several items for inspection. While Guessregen searched for those items, Mr. Mullikin and Inspector Whitmer looked through the liquor bottles behind the bar.

As they were examining the liquor bottles behind the bar, they noticed several bottles had a sticky residue where a price tag would have been. Inspector Gottschalk questioned Mr. Guessregen regarding these bottles and was informed by Mr. Guessregen that they were bought from a local liquor store, Hair O' The Dog. She then asked Mr. Guessregen to please point out any other bottles that were unlawfully acquired. He proceeded to hand them more bottles of liquor that were unlawfully acquired.

Through their examination of the bottles behind the bar Mr. Mullikin noticed that there were two opened bottles of Woodford Reserve. After examining these bottles more closely Inspector Gottschalk noticed that the liquid in one bottle was darker than the other indicating that this Woodford bottle was filled with a different brand of whiskey. Inspector Gottschalk then noticed there was a Kentucky Gentleman bottle sitting right by the Woodford Reserve bottle. After smelling the contents of both the Woodford bottle and the Kentucky Gentleman bottle, it was confirmed that the Woodford bottle was filled with Kentucky Gentleman. They asked Mr. Guessregen's opinion, and he confirmed that Inspector Gottschalk was correct and that it was filled with Kentucky Gentlemen. While examining behind the bar they also found a funnel sitting next to the sink. When questioned about this, Mr. Guessregen said the funnel is to put water in the glass water bottles.

Mr. Guessregen could only provide the inspectors with recent invoices from one distributor (Winebow). All the other distributor's recent invoices were not available; when asked where the invoices may be he could not tell them. Inspector Whitmer informed him that he will need to make sure he has all invoices readily available for inspections in the future.

Inspector Whitmer further testified that she documented each bottle of unlawfully acquired alcoholic beverage via photograph and noted there to be nine (9) bottles total. The list of unlawfully acquired alcoholic beverages is as follows:

- (1) 1.0L Grey Goose Vodka
- (1) 750ML Grand Marnier
- (1) 750ML Myer's Rum Reserve Dark
- (1) 1.0L Woodford Reserve Bourbon
- (2) 1.0L Kentucky Gentleman Whiskey
- (1) 750ML Van Gogh Dutch Chocolate Vodka
- (1) 750ML Breckenridge Espresso Vodka
- (1) 750ML 360 Double Chocolate Vodka

Chairman Gottschalk asked if Inspector Whitmer could tell them what initiated this inspection. Inspector Whitmer testified that her office had received an email and a few phone calls from previous employees who stated they had witnessed the bottles being purchased from local liquor stores and bottles being tampered with by taking bottles of higher priced alcohol and filling it with lower priced alcohol and charging it for the higher price.

Chairman Gottschalk asked how many employees had made complaints. Inspector Whitmer testified that it was two (2) previous employees. Chairman Gottschalk asked if the inspectors office had their names. Inspector Whitmer testified that she did have their names and contact information.

Chairman Gottschalk asked if the complaints from the previous employees were identical. Inspector Whitmer testified that the complaints were similar in nature, one individual gave more information than the other.

Chairman Gottschalk asked if the inspectors office received any written correspondence with regard to the alleged violations. Inspector Whitmer testified that their office did receive emails from the two (2) previous employees. Chairman Gottschalk stated the packet submitted to the Liquor Board had one (1) email sent to Mr. James Mullikin. Inspector Whitmer confirmed that was the email in question.

Chairman Gottschalk asked if this document had been shared with the licensee or his attorney. Inspector Whitmer was not aware if it had been. Secretary Bradley confirmed it had been shared with Mr. Walker's office.

Chairman Gottschalk asked if either of the people who made a complaint stated if they would be willing to serve as a witness at this hearing. Inspector Whitmer testified that they would.

Chairman Gottschalk asked based on the photographs provided, from an inspector's point of view if there was anything readily apparent about the bottles. Inspector Whitmer states that you could not see the sticky residue on the bottles in the photographs. Chairman Gottschalk asked for the

inspector to elaborate on the residue was on all nine (9) bottles. Inspector Whitmer testified that the residue could not be seen but you could feel it was in the same shape of a price tag sticker that you would find at a liquor store.

Chairman Gottschalk asked if this was on all nine (9) bottles. Inspector Whitmer testified that it was not. When it was discovered Mr. Gottschalk had asked Mr. Guessregen if there were any other bottles to give to the inspectors. Mr. Guessregen, willing, provided the other bottles.

Chairman Gottschalk asked the inspector if she knew when the confiscated bottles were purchased and by whom. Inspector Whitmer testified that she did not know that information.

Chairman Gottschalk asked the inspector to give further testimony regarding the bottles of alcohol that had different shades of brown. Inspector Whitmer testified that in the photographs of the Woodford Reserve you can see that one bottle is a lighter shade of brown than the other. Inspector Whitmer further testified that she had previous experience in the restaurant industry and knew that nothing would change the color of Woodford Reserve naturally. Inspector Whitmer further testified that Mr. Gottschalk noticed the Kentucky Gentlemen sitting next to the Woodford Reserve and the shades of brown matched. Mr. Gottschalk smelled the bottles and was able to confirm that the Woodford Reserve bottle held Kentucky Gentlemen.

Chairman Gottschalk asked if the Woodford Reserve was more expensive than the Kentucky Gentlemen. Inspector Whitmer testified that it was. Chairman Gottschalk asked if Mr. Guessregen admitted to tampering with the bottles. Inspector Whitmer testified that he did not state that he tampered with the alcohol but that he did state the content of the bottle was Kentucky Gentlemen not Woodford Reserve.

Chairman Gottschalk asked the inspector to give further testimony regarding the funnel that was found. Inspector Whitmer testified that Mr. Guessregen stated the funnel was to fill glass bottles with water.

Chairman Gottschalk asked the inspector to give further testimony regarding the missing invoices. Inspector Whitmer testified that there were only a few invoices from one distributor for wine, but no invoices for any of the liquor on premises to tell where they come from or when they were purchased.

Chairman Gottschalk asked Secretary Bradley the date of the license application for the business alcohol license. Secretary Bradley testified that the license was received in April of 2024 and the application was submitted in February of 2024. Chairman Gottschalk asked if there was a Bulk Transfer Permit for this business. Secretary Bradley testified that there was no Bulk Transfer Permit for the original application and it was not required for their application.

Inspector Whitmer testified that Mr. Guessregan was cooperative and forthcoming during the entirety of the inspection.

At this point, the Chairman called the Licensee, Mr. Guessregan and his Attorney to come forward to give testimony.

Mr. Walker gave opening remarks on behalf of his client Mr. Guessregan. Mr. Walker stated this is Mr. Guessregan's first offense and he is currently taking measures to make sure this does not happen again. Mr. Guessregan was forthcoming and cooperative with the inspectors. Mr. Walker testifies that the tampering allegations are very serious and to his knowledge the County has not seen any. Mr. Walker further testified that his client Mr. Guessregan has not had a violation in any other jurisdiction, and he does not have a criminal record. Mr. Walker and Mr. Guessregan do not dispute the alleged violation of buying alcohol from someone other than a wholesaler, a mistake was made, and he is correcting it so it will not happen in the future.

Chairman Gottschalk asked of the nine (9) bottles found during this inspections if Mr. Guessregan knew who purchased them. Mr. Guessregan testified that he purchased all but one (1) he could not account for.

Chairman Gottschalk asked if Mr. Guessregan if at any time asked or directed anyone to purchase alcohol from a local liquor store. Mr. Guessregan testified no. Chairman Gottschalk asked if Mr. Guessregan purchased all the bottles at the same time or as it was as needed. Mr. Guessregan testified that he would purchase them as needed in between orders with wholesalers due to the three-hundred-dollar (\$300) minimum they charge.

Chairman Gottschalk asked if all bottles were purchased from Hair O the Dog. Mr. Guessregan testified that they were. Chairman Gottschalk asked if he remembered who sold him the bottles. Mr. Guessregan testified he did not, it would always be whoever happened to be at the counter that day. Chairman Gottschalk asked if the clerk knew he was buying the alcohol to sell at his restaurant and if he ever ask for a discount. Mr. Guessregan testified the clerk did not know his intentions and he never made it known or asked for a discount.

Chairman Gottschalk asked if he admitted to tampering with the Woodford Reserve bottle and to give testimony regarding that. Mr. Guessregan testified he did not admit to tampering with the bottles. Mr. Guessregan further testified that the inspector asked him if he tampered with the bottle and if he knew it was Kentucky Gentlemen in the bottle. Mr. Guessregan testified that he told the inspector "If you are telling me this is not Woodford Reserve in this bottle than, I guess your right. You are the professional." He did not admit to tampering.

Chairman Gottschalk asked if Mr. Guessregan ever asked any employees to transfer and tamper with bottles. Mr. Guessregan testified he did not, and it would not make sense for him to do so, if he wanted to get away with it he would hide it in the back and do it himself that way no one could come in and testify against him.

Mr. Walker asked his client if there were multiple bottles of liquor open. Mr. Guessregan testified there were. Mr. Walker asked if the inspectors inspected any of those other open bottles. Mr. Guessregan testified they did not. Chairman Gottschalk asked if by opened did he mean uncorked or partially consumed. Mr. Walker testified he meant partially consumed.

Mr. Walker asked his client why there might be multiple bottles of the same alcohol opened. Mr. Guessregan testified that at times the wait staff might be in a rush and not paying attention, this happens all the time and is common.

Mr. Walker asked his client if he could explain the age of one of the bottles collected, photo 7. Mr. Guessregan testified that one of the inspectors stated the bottle was produced three (3) years prior to him being in business and there was no way possible for a distributor to have a bottle sitting for that long.

Mr. Walker asked his client how much of a percentage of his business is selling alcohol. Mr. Guessregan testified that it is about 25% and about 15% of that is hard liquor. Mr. Walker asked if he sells Woodford Reserve at this time. Mr. Guessregan testified that he does not sell it any longer because he has limited his distributors.

Mr. Walker asked if the last photo of Grand Marnier [the bottle with the older date] was a bottle he purchased. Mr. Guessregan testified he did not. Mr. Walker asked if he knew how it had got on premises. Mr. Guessregan testified that he did not. Mr. Guessregan further testified that he has no record of purchasing the bottle in question and it was never listed in his inventory. Mr. Walker asked if there was ever an employee of his who discussed a need to have Grand Marnier. Mr. Guessregan testified that a previous employee of his Ms. Cook often expressed a need to purchase that brand of alcohol.

Mr. Walker asked when Ms. Cook became a business partner or employee. Mr. Guessregan testified that she became a part time manager and sometimes bartender on September 9, 2024. Mr. Walker asked if he employed any of her family members. Mr. Guessregan testified that he hired her sister as a bartender. Mr. Walker asked when that business relationship end. Mr. Guessregan testified that it ended in October.

Mr. Walker asked the Board to confirm how many emails regarding a complaint were received, because his office only received the one email chain sent to Mr. Mullikin. The Chairman stated that the Board only had the one email chain as well.

At this time Mr. Guessregan and Mr. Walker asked for a brief recess, and the hearing went into recess for about five minutes.

At this time the hearing resumed and Mr. Walker asked Mr. Guessregan if both Ms. Clark and her sister left his employment at the same time. Mr. Guessregan stated they did. Mr. Walker asked if on the following day, October 9th if he allowed them to come back on the property. Mr. Guessregan testified that he did to allow Ms. Cook to pick up her personal property. Mr. Guessregan further testified that Ms. Cook told him how she did not like how he ran his business and threatened to put him out of business.

Mr. Walker asked if at any time on October 9th if either of the women had unfathered [unsupervised] access to the bar. Mr. Guessregan testified that Ms. Cooks was left alone at the bar while he went to get a wine key. Mr. Guessregan further testified that he thought they were recording the conversation.

Mr. Walker asked his client to explain the purpose of the funnel that the inspectors found. Mr. Guessregan testified that he does not like to use tap water because it is not cold enough. They use the funnel to add the water to the glass bottle to refrigerate them.

Mr. Guessregan testified that he thought the residue on the bottle could have been from his hands, not from tampering the bottles.

Mr. Walker asked how long Mr. Guessregan has been in the restaurant business. Mr. Guessregan stated for about fifty (50) years. Mr. Walker asked if during his time in the business if he had ever tampered with bottles and Mr. Guessregan testified, he had not. Mr. Walker asked if Mr. Guessregan could tell by just from view of the photos if the bottles had different alcohol in them. Mr. Guessregan testified that he could not.

Chairman Gottschalk asked him what method Mr. Guessregan uses to document where he obtains all of his liquor. Mr. Guessregan testified that he was not expecting this inspection, and he did provide them with a purchase order. Mr. Guessregan further testified that he did not say he didn't have the invoices but that he could not find them.

Mr. Walker asked his client where dose he currently keep all of his records from alcohol purchases. Mr. Guessregan stated they are stored in separate folders based on type of alcohol; wine, beer, liquor and the folders are all in his desk.

Chairman Gottschalk asked inspector Whitmer to explain the difference between a purchase order and a receipt and why the difference is important to an inspector. Inspector Whitmer testified that a purchase order is not a final order of what was bought and received, the only way to confirm without a doubt is a receipt invoice. Inspector Whitmer further testified that a purchase order is not always what is delivered, and this is why an invoice is required.

Mr. Walker asked Inspector Whitmer about the complaints that were provided. Inspector Whitmer testified that she received phone calls and an email from Cherly Cook and Casie Martin.

Mr. Walker asked if the inspector looked at any of the other open bottles. Inspector Whitmer testified that they did look at the other bottles open and did not see any issues with them so they were left. Mr. Walker asked about the 3-year-old bottle and if it was impossible for it to be purchased legally. Inspector Whitmer testified that it was not impossible, and it did happen from time to time for a few reasons.

Mr. Walker asked if she remembers what Mr. Guessregan said about the Woodford Reserve. Inspector Whitmer testified that she did not remember word for word but he did agree that it was a different substance in the bottle. Mr. Walker asked if Mr. Guessregan and Inspector Whitmer smelled the bottles. Inspector Whitmer testified that they both did.

Mr. Walker asked if the complaints by phone or email stated what bottles would be tampered with. Inspector Whitmer testified that that the only bottles discussed were vodka not whiskey. The vodka was inspected during the inspection and there were no issues found.

Commissioner Fike asked Mr. Guessregan to confirm that he did not tamper with the bottles. Mr. Guessregan testified that he did not tamper with the bottles and the one bottle he could not account for was not there until after Ms. Cook and her sister arrived. Commissioner Fike asked if he does a regular inventory. Mr. Guessregan testified that he keeps an eye on the bar and get bottles as needed but he does not take an official inventory.

Commissioner Fike asked for confirmation that Ms. Cook quit. Mr. Guessregan testified that she did quit, and he was not sure why, but knew she was not happy. Commissioner Fike asked why Mr. Guessregan had a reaction when Ms. Martin was mentioned as someone who complained. Mr. Guessregan testified that he was simply surprised that she would file a complaint; she also quit at the same time as Ms. Cook and her sister.

Commissioner Fike asked Mr. Guessregan if the inspector checked today that all his receipt and invoices would be in order. Mr. Guessregan testified that they are in the file now.

Chairman Gottschalk asked how Mr. Guessregan does his inventory. Mr. Guessregan testified that he has a small location and his inventory is not large. Chairman Gottschalk asked how many bottles dose he have at his location roughly. Mr. Guessregan testified that he has about 22 to 25 bottles.

The Chairman gave a rundown of the facts and testimony that where presented. The Board discussed at length the facts of the case that were presented. The Board agreed that three violations did occur.

- Motion made by Commissioner Bridges, seconded by Commissioner Fike to state that a violation of improper documentation did occur on October 23, 2024, at Anthony’s Italian Restaurant located at 226342 Oxford Rd., Oxford, MD 21654. Motion passed unanimously; [Section 1-408] 1 Count.
- Motion made by Commissioner Fike, seconded by Commissioner Bridges to state that a violation of tampering did occur on October 23, 2024, at Anthony’s Italian Restaurant located at 226342 Oxford Rd., Oxford, MD 21654. Motion passed unanimously; [Section 6-313] 1 Count.
- Motion made by Commissioner Bridges, seconded by Commissioner Fike to state that a violation of improper purchases did occur on October 23, 2024, at Anthony’s Italian Restaurant located at 226342 Oxford Rd., Oxford, MD 21654. Motion passed unanimously; [Section 311] 9 Counts.

The Board discussed their opinions on appropriate punishment for the violations that occurred. Commissioner Fike stated that the Board should try and be consistent. Chairman Gottschalk stated that they have not had any tampering violations in his time and the unlawful procurement of alcohol has not been at this level. Chairman Gottschalk stated that nine (9) bottles are a systemic issue.

Commissioner Fike stated tampering is the biggest concern, it is a safety issue. Chairman Gottschalk agreed and that it also affects the trust of the community. Chairman Gottschalk stated a fine could be \$100 or more for each count and each violation but did not feel that was appropriate, the other members agreed.

The Board agreed a fine and suspension is the appropriate penalty in this case. After much consideration of the severity of the violations and facts of the case the Board agreed to a one (1) week suspension of the license and fine in the amount of two thousand dollars (\$2,000) for all of the violations; tampering \$1000; documentation \$500; illegal purchase \$500.

- Motion made by Commissioner Fike, seconded by Commissioner Bridges to impose a fine of two thousand dollars (\$2,000) on Granddpioggia23, LLC for their three (3) violations. Motion passed unanimously.

Old Business

The Board discussed keeping the chair and vice chairs the same. It was voted that Chairman Gottschalk will remain the Chair and Commissioner Bridges will remain the Vice Chair.

Secretary Bradley asked the Board to check their County Emails for any applications that are pending administrative approval and possible upcoming meeting dates.

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

- Upon motion by Commissioner Fike, seconded by Commissioner Bridges, there being no further business to discuss, the Board voted unanimously to close the meeting at 11:57 a.m.