

# **Alcohol and Tobacco Commission (ACT)**

## **Meeting Minutes**

**January 29, 2021**

**Time 1:00 p.m. to 1:35 p.m.**

1:00 p.m. Bill O'Leary announced that the recording had started for the meeting.

### Call to order and Introduction

Anthony Hatcher introduced himself as the Acting Executive Director of the Alcohol and Tobacco Commission.

### Anthony Hatcher introduced the members of the commission and took roll call.

Elizabeth (Betty) J. Buck – Present

Len Foxwell – Present

Eric Morrissette - Present

Robert H. Poole - Present

Barbara Wahl – Present

### Anthony Hatcher introduced the non-voting members

James Hock (Bureau of State Police, Chief of Staff)– Present

Kathleen Rebbert-Franklin (Director of Service Access and Practice Initiatives, Behavioral Health Administration, Department of Health – Present

Anthony Hatcher declared that there is a quorum present for the commission to conduct business today.

### Anthony Hatcher introduced other participants of the meeting:

Murray Singerman – Assistant Attorney General, to assist the Commission with its functions - Present

Karyle Fogan – Employee FED of the ATC will take notes for the meeting - Present

Jeff Kelly – The Director of the Field Enforcement Bureau, Comptroller of Maryland - Present

ATC Acting Director Hatcher gave a brief background to the formation of the Alcohol and Tobacco Commission, it became live January 1, 2021. Staffed on January 20, 2021, when Anthony Hatcher came on Board as Acting Director of the Commission. The ATC is in a position of transition.

### Comments – Acting Executive Director Hatcher

A Website is being developed for the Commission to post information about its activities.

The ATC is in the process of transitioning Personnel – 27 PINS have been assigned to the ATC at this point to get the necessary means to do the processing of licensing and enforcement and whatever else is needed to do what the Field Enforcement Unit did under the Comptrollers Office and will now be endeavored by Field Enforcement Division of the Alcohol and Tobacco Commission.

It is important that the MOU that is being presented to the commission be signed and put in force.

We are at a standstill to do the functions and duties of Licensing and other issues that the Alcohol and Tobacco Commission and the Comptroller's Office do to conduct their daily business.

Anthony Hatcher directed the Commission members to elect a chair and then for the elected chair to hold nominations for the Vice-Chair and Secretary and to select a member to take the required training for the Open Meetings Act.

Barbara Wahl nominated – Len Foxwell as Chair

Robert Poole 2<sup>nd</sup> The motion and nominated – Len Foxwell

There were NO objections, Mr. Foxwell is elected as Chair of ATC

Len Foxwell as Chair opened the floor for nomination for Vice Chair

Robert Poole – Nominated Barbara Wahl as Vice Chair

Betty Buck – 2<sup>nd</sup> to Nominate Barbara Wahl as Vice Chair

No Objections – Barbara Wahl is Vice Chair of ATC

#### For Election to Secretary

Betty Buck – Nominates Robert Poole as Secretary

Eric Morrissette 2<sup>nd</sup> to Nominate Robert Poole as Secretary

No Objections – Robert Poole is Secretary to ATC

#### Request for Members to participate in the Open Meetings Act Training

As many as possible were requested to attend.

Len Foxwell volunteered to attend

Eric Morrissette volunteered to attend

1. Murray Singerman suggested that an actual vote be taken to confirm Len Foxwell as Chair. The vote was unanimous. Len Foxwell was confirmed as chair.
2. Anthony Hatcher suggested that The Attorney General's Office has a link for the online training for the Open Meetings Act Training. Murray Singerman confirmed it is online on the Attorney General's Office website and Anthony Hatcher will make sure that everyone gets the link.
3. Len Foxwell asks Anthony Hatcher to walk through the **Memorandum of Understanding (MOU)** for approval or debate.

The MOU allows for the sharing of information and sharing of responsibilities and authority to enforce the laws as they were prior to January 1, 2021. The MOU gives equal authority to the Field Enforcement Division Agents of the ATC as it does the Field Enforcement Bureau Agents under the Comptroller's Office.

4. As of January 1, 2021, the Alcohol and Tobacco Commission became an entity and agency within the State. All Authority dealing with the licensing and enforcement and regulations of alcohol and tobacco of the State of Maryland transferred to the Alcohol and Tobacco Commission. The Comptroller's Office no longer had the authority to issue licenses or perform enforcement functions. Without the MOU in place everything is at a standstill. It is important to get the Commission to approve the MOU as it is written, in place, in order to continue with the licensing and enforcement functions of the Alcohol and Tobacco Commission as written in the law in conjunction with the members of the Field Enforcement Bureau of the Comptroller's Office. It will make a seamless transition.

Chairman Foxwell asked if there questions about the MOU.

- Murray Singerman – Pointed out that this current MOU has a term of 6 months and gives Anthony Hatcher time to work with and improve on it as we go. It will bring efficiency to enforcing the law and reduce duplication of effort.
- Len Foxwell asked, for the record, if the 27 PINS (positions) have not changed or been physically moved. Anthony Hatcher confirmed that the employees of those 27 PINS have not moved and said that all employees will remain in their same office space, and at this point this will continue.
- Robert Poole asked Murray Singerman if he concurs with the wording of the MOU and Murray Singerman did concur and said that it has been reviewed by several Attorney's in his office.

Betty Buck moved to approve the MOU

Robert Poole 2<sup>nd</sup> the motion

No discussion

All in favor and approved the MOU

Len Foxwell calls for Scheduling of the next required monthly meeting. It was decided that the next meeting will be the third Thursday, February 18, 2021 at 3:00 p.m.

It was decided that the agenda for the next meeting had to be prepared for advertising by February 11<sup>th</sup>.

It was suggested that the minutes/video of this meeting would be provided on the Comptroller's website and Anthony Hatcher will provide the link once they have been posted.

Robert Poole suggested that if there is a conflict of the meeting schedule that they would consult at that time. All agreed. The next meeting was set for February 18, 2021 at 3:00pm.

Len Foxwell ask Anthony Hatcher when returning to normalcy would members assemble and conduct meetings in the Assembly conference Room on the first floor for in person meetings.

Anthony Hatcher suggested that at this time the meetings will be done virtually.

Murray Singerman requested that members who have Agenda items to provide them as soon as possible. Murray Singerman also suggest that an agenda should be put together by Monday, February 8, 2021 and published on February 11, 2021.

Len Foxwell moved to conclude the meeting at 1:35 p.m. on Thursday, January 29, 2021.

The full recording of the meeting may be found at:

<https://youtu.be/i5NS2lsOVKU>

I certify that the foregoing minutes represent the minutes of the Alcohol and Tobacco Commissions meeting on 1/29/2021.

 2/25/2021

Robert H. Poole, Secretary

Date