

Tom: A week ago, Maryland small businesses were transitioning into the opening as COVID restrictions were being loosened. As we speak this morning, during the protests of riots, will businesses be held under the same standards, that remains the question joining us this morning via Skype managing partner with Gilman and Bedigian, attorney Charles Gilman. Good morning, Charles.

Charles Gilman: Hi Tom. How are you?

Tom: I'm doing well. This is, let's start with the confusion that's been going on for quite some time now because earlier you had the president saying certain things that he pushed it down to governors saying, okay, you guys make the calls. Governor Hogan took over. We're saying these are the restrictions. Then all of a sudden out of nowhere, a couple of weeks ago, he says, you know what? I'm going to let each executive make the call. So there's confusion because now business owners, small business owners struggling to do it under certain restrictions, they don't understand is it feasible for them to open up, still winning to get PPP or even to get some funding for it, all that stress and then they're going, okay, now if we open up and somebody happens to get COVID nearest, can they blame us?

Gilman: Well, Tom, we've talked about this in the past and you know, six to eight weeks ago we said we weren't sure if anybody was going to be able to hold a business liable if they contracted COVID at that business. But I think now that we know much more about the disease and there are guidelines to follow, if a business opens, for example, whether it be a restaurant or a shoe store or whatever it may be, a dentist office, if they violate the guidelines and somebody can prove it, that every violation of the guidelines caused them to contract COVID, there may be a liability.

We're still in a world of the unknown when it comes to COVID. But the thing that I think the business owners need to focus on is to keep everybody safe and follow the guidelines. The guidelines set up a "best-practices" situation and if you follow best practices, it's going to be very hard to be held liable if somebody can prove that they contracted the disease at your business.

Tom: Charles, under those best practices though, it says reasonable measures taken. So can you explain, I mean reasonable sounds like it's very subjective?

Gilman: It is and unfortunately for business owners and for all of us alike that they might patronize a business, the reasonable measures are changing day by day. It's six feet apart. It might change eight feet apart. It's wear a mask, don't wear a mask. It's very, very hard right now.

So a business owner now has another job besides making payroll, besides paying rent, worrying about their PPP: they have to read the CDC guidelines that are applicable to their particular business every single day and see if there are any changes. For example, do restaurants have to move the tables further apart? Do shoe stores or dentists have

to react differently than they did the day before to protect their patients or clients or customers.

It's a moving target, Tom, and we're all trying to do the best that we can but for these business owners to avoid liability, the best thing they can do is stay on top of these new guidelines, even though they're constantly evolving.

Tom: There you go. You said it best right there. Thank you, Charles. We appreciate your time.

Gilman: All right. Thank you, Tom. It was good to talk to you.

Tom: Good to talk to you too. Charles Gilman with Gilman and Bedigian.