

## Article - Alcoholic Beverages

[Previous][Next]

§10–401.

(a) (1) In this section “issuing authority” means, as appropriate, the:

(i) Comptroller with respect to licenses or permits issued by the Comptroller’s Office; or

(ii) Board of license commissioners, with respect to licenses approved by them, for Baltimore City or any county.

(2) Any license or permit issued under the provisions of this article may be revoked or suspended by the issuing authority for any cause which in the judgment of the official, court or board, is necessary to promote the peace or safety of the community in which the place of business is situated.

(3) The license or permit must be revoked or suspended, except as provided in § 10–402 of this subtitle or § 15–112(c)(6) or (p) of this article, for the following causes:

(i) Conviction of the licensee or permittee for violation of any of the provisions of the Tax – General Article that relate to the alcoholic beverage tax or the provisions of this article;

(ii) Willful failure or refusal of any licensee or permittee to comply with the provisions of the Tax – General Article that relate to the alcoholic beverage tax or any provisions of this article, or any rule or regulation that may be adopted in pursuance of this article or the provisions of the Tax – General Article that relate to the alcoholic beverage tax;

(iii) Making of any material false statement in any application for a license or permit;

(iv) Two or more convictions of one or more of the clerks, agents, employees and servants of a licensee or permittee under the provisions of this article or the provisions of the Tax – General Article that relate to the alcoholic beverage tax of any violation on the premises subject to the license or permit, within a period of two years;

(v) Possession upon the premises of any retail dealer other than the holder of a Class E, Class F or Class G license of any alcoholic beverage upon which the tax imposed by § 5–102 of the Tax – General Article has not been paid;

(vi) Violation of the provisions of § 12–104 of this article;

(vii) Willful failure of any licensee or permittee to keep the records required by this article or the provisions of the Tax – General Article that relate to the

alcoholic beverage tax or to allow any inspections of such records by a duly authorized person;

(viii) Possession of any alcoholic beverage which any licensee or permittee other than the holder of a Class E, Class F or Class G license is not licensed to sell;

(ix) Suspension or revocation of a permit issued to any licensee or permittee by the Federal Bureau of Alcohol, Tobacco and Firearms or for conviction of violating any federal laws relating to alcoholic beverages; and

(x) Failure to furnish bond as required by this article within fifteen days after notice from the Comptroller.

(4) Revocation and suspension of licenses is also authorized for such other offenses as specified in other parts of this article.

(b) In Allegany County the license shall be revoked or suspended following conviction of the licensee or of any one or more of the clerks, agents, employees and servants of a licensee for any violation on the part of any such persons of any of the provisions of this article.

(c) (1) This subsection applies only in the following election districts in Anne Arundel County:

- (i) First;
- (ii) Second;
- (iii) Third;
- (iv) Fourth;
- (v) Fifth;
- (vi) Seventh; and
- (vii) Eighth.

(2) In this subsection “lesser” or “more restricted” license means a license under which the sale of alcoholic beverages of a lower alcoholic content, or of a more limited kind, only may be sold, than were sold under the license ordered transferred, or deemed to be a license having fewer privileges, or one containing more or greater restrictions, than were permitted to be exercised under the license ordered transferred.

(3) After a hearing and upon a finding by the Board of License Commissioners that any licensee or that the operation of any licensed premises, operating under a license issued by the Board, has violated or is violating any

provision of this article, the penalty for a violation of which provision requires or permits licenses to be revoked or suspended, the Board may order and direct the licensee to exchange that license for a “lesser” or “more restricted” license instead of ordering the revocation or suspension of the license.

(4) The Board may determine if any license is to be suspended or revoked for the violation of any of the provisions of this section or any other provisions of this article, the penalty for a violation of which provision requires or permits licenses to be suspended or revoked.

(d) In Garrett County, in addition to any other provisions of this article, the license of any person may be suspended for a period of time to be determined by the Board not to exceed 1 year, for any of the following grounds: (1) sale of alcoholic beverages to a person under 21 years of age, (2) possession on the licensed premises by any person of any liquor or wines not purchased from the Garrett County liquor dispensaries, if the Garrett County Liquor Control Board maintains county liquor dispensaries, or (3) sale of alcoholic beverages on Sunday. The decision of the Board in these cases is conclusive.

(e) (1) (i) In Harford County the Liquor Control Board and general manager shall make or have frequent inspections made of the premises of all licensees.

(ii) If it is found that any licensee or an agent or employee of the licensee is violating any of the provisions of this article, or the regulations promulgated under it, or is failing to observe in good faith the purposes of it, or is not maintaining the premises in a clean, sanitary manner, the Board, after a public hearing, may impose the penalties provided in this subsection.

(iii) The Board shall report its findings at the next regularly scheduled meeting of the Board or within 14 calendar days of the hearing, whichever is earlier.

(iv) The Board shall report those cases to the State’s Attorney and the Sheriff. The Sheriff and the State’s Attorney shall prosecute the licensee under the provisions of this article.

(v) The Board may impose the penalty provisions provided in this subsection upon any licensee on whose premises any gambling devices are found, which are illegal under the laws of the State of Maryland, or any illegal gambling of any character found, or any alcoholic beverage found, in violation of the appropriate license, or if the licensee has been convicted in federal or State court of a felony.

(2) Whenever any licensee operates a pool or billiard parlor on premises licensed hereunder, the licensee may not permit minors under 18 years of age to enter into or loiter about that part of the premises devoted to the playing of pool or billiards unless accompanied by a parent. The Board may impose the penalty provisions provided in this subsection upon the licensee for a violation of this paragraph (2).

(3) If the Liquor Control Board after a public hearing determines that a licensee or an agent or employee of the licensee has violated a provision of this subsection, then the Liquor Board may impose the following penalties:

(i) For a first offense within the licensing period, a fine of not less than \$250 or more than \$2,000 or suspension or revocation of the license; or

(ii) For a subsequent offense within the same licensing period as the first offense, a fine of not less than \$250 or more than \$2,000 and suspension or revocation of the license.

(f) In Howard County, in addition to the grounds for the revocation and suspension of alcoholic beverages licenses and permits provided for in this section, the Howard County Board of License Commissioners may revoke or suspend a license if it finds that a licensee or any agent, servant, or employee of a licensee has violated any of the provisions of this article or any rule or regulation of the Board.

(g) (1) This subsection applies only in Prince George's County.

(2) (i) The term "conviction" in this subsection includes:

1. A verdict or plea of guilty; or

2. The forfeiture of a bond or collateral accepted on any pending charge, warrant, or indictment before any court; or

3. The revocation or suspension of an alcoholic beverage license by the Board because of a violation of any provision of this article or regulations promulgated under it.

(ii) For the purpose of this subsection two or more violations against the same licensee, agent, servant or employee or affecting the same premises occurring on the same day shall be considered to be one offense. The provisions of this subsection are applicable only to violations and offenses occurring after June 1, 1957.

(3) Notwithstanding any other provisions of this article, but in addition to them, the Board of License Commissioners may suspend any license issued under the provisions of this article for a minimum period of 30 days for:

(i) Any conviction of the licensee of a violation in or on the licensed premises of any of the provisions of this article concerning an illegal sale of alcoholic beverages on Sunday, or for two or more convictions of different clerks, agents, employees or servants of a licensee under the provisions of this article for a violation in or on the licensed premises of any of the provisions of this article concerning an illegal sale of alcoholic beverages on Sunday.

(ii) The Board of License Commissioners may revoke any license issued under the provisions of this article if within a period of two years any licensee

is convicted twice for violating in or on the licensed premises any of the provisions of this article concerning an illegal sale of alcoholic beverages on Sunday, or if within that period there are two convictions of the same clerk, agent, employee or servant of a licensee under the provisions of this article, for any violation in or on the licensed premises concerning illegal sales of alcoholic beverages on Sunday.

(iii) The Board of License Commissioners may revoke or suspend any license issued under the provisions of this article for any conviction of the licensee of any violation in or on the licensed premises of any of the laws of the State of Maryland concerning gambling or gaming, or for any two convictions of one or more of the clerks, agents, employees or servants of a licensee under the provisions of this article of violations in or on the licensed premises concerning gambling or gaming, which offenses occurred within a period of two years.

(4) The Board may revoke or suspend a license, whether new or by transfer, when the license has not been placed in operation after a period of six months from the date of the approval by the Board of the new license or transfer of license.

(5) In addition to the above, the Board may revoke the license of a licensee for:

(i) A felony conviction of a licensee or any stockholder of a corporation having the use of an alcoholic beverages license;

(ii) Failure to comply with § 6–201(r)(15)(ix) of this article; or

(iii) Closing the licensed premises for more than 30 days without the Board’s permission. The Board may allow a closing of the licensed premises for a reasonable period of time.

(6) If a sole proprietorship, partnership, corporation, club, or association has not complied with the residency requirements as specified in § 9–101 of this article, the Board of License Commissioners may revoke or suspend the license of a licensee.

(7) The Board may revoke, suspend, or refuse to renew the license of a licensee, or refuse to issue a license to an applicant, if the licensee or applicant willfully failed or refused to pay hotel/motel taxes due and owed to the county within 60 days after the licensee or applicant received the first notice of delinquency.

(h) In Wicomico County, the Board may revoke or suspend a license, whether new or by transfer:

(1) When the license has not been placed in operation after a period of 6 months from the date of the approval of the Board of the new license or the transfer of the license.

(2) For any conviction of the licensee of any violation in or on the licensed premises relating to the laws of the State of Maryland concerning gambling or gaming.

(i) In Worcester County, the Board of License Commissioners may revoke or suspend an alcoholic beverages license if the license has not been placed in operation after a period of 6 months from the date the Board approved:

- (1) The issuance of the license; or
- (2) The transfer of the license.

[Previous][Next]