

## Article - Alcoholic Beverages

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§15–107.1.

- (a) (1) In this section the following words have the meanings indicated.
  - (2) “County” means Howard County.
  - (3) “County Council” means the County Council for Howard County.
  - (4) “Hearing Board” means the Appointed Alcoholic Beverage Hearing Board in Howard County.
  - (5) “Hearing Board member” means a member of the Appointed Alcoholic Beverage Hearing Board in Howard County.
  - (6) “Liquor Board” means the Board of License Commissioners for Howard County.
- (b) The County Council for Howard County shall ex officio constitute on a permanent basis the Board of License Commissioners for Howard County.
- (c) (1) There is an Appointed Alcoholic Beverage Hearing Board in Howard County.
  - (2) Except as otherwise provided in this section, the Liquor Board shall delegate to the Hearing Board its authority to conduct hearings and render decisions on cases involving alcoholic beverage licensees in the county.
  - (3) The Hearing Board consists of five members, one from each councilmanic district.
  - (4) (i) Not more than three members shall be registered with the same political party.
    - (ii) Each political party that polled at least 25% of the total vote cast for all candidates for the office of County Executive in the most recent general election shall have at least one representative on the Hearing Board.
    - (iii) If a political party that polled at least 25% of the total vote cast for all candidates for the office of County Executive in the most recent general election does not have at least one representative on the Hearing Board, the next vacancy on the Hearing Board shall be filled with an individual registered with that party.
  - (5) (i) Each member of the County Council shall nominate to the County Executive three qualified individuals who live in the district of the member of the County Council.

(ii) The County Executive shall appoint to the Hearing Board one individual from the list of nominees that each member of the County Council submits.

(iii) The County Council by resolution shall confirm the appointment of Hearing Board members.

(6) To qualify for appointment as a Hearing Board member, an individual shall be:

(i) Of good moral character and integrity;

(ii) A registered voter of the county immediately prior to the appointment; and

(iii) At least 21 years of age.

(d) (1) A Hearing Board member may not hold another public office or be employed by the Howard County government.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a Hearing Board member may not have a direct or indirect interest in any premises where alcoholic beverages are manufactured or sold, or in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages.

(ii) A Hearing Board member may be a holder of a 1-day or 2-day alcoholic beverage license.

(3) A Hearing Board member is required to be a registered voter of the county during the Hearing Board member's term of office.

(4) (i) Except for the terms of some of the initial Hearing Board members, the term of a Hearing Board member is 5 years.

(ii) The terms of Hearing Board members are staggered as required by the terms provided for Hearing Board members on October 1, 1998.

(5) A Hearing Board member who is appointed to fill a vacancy shall serve the remainder of the unexpired term.

(6) A Hearing Board member whose term has expired and who has served 8 or more consecutive years on the Hearing Board is not eligible for immediate reappointment to the Hearing Board.

(7) The County Council may remove a Hearing Board member for incompetence, misconduct, neglect of a duty required by law, unprofessional conduct, dishonorable conduct, a violation of any of the provisions of paragraph (2)(i) of this subsection or failure to meet the qualifications of subsection (c)(6)(i), (ii), or (iii) of this section.

- (e) (1) From among its members, the Hearing Board shall elect a chairperson.
  - (2) (i) A majority of the members then serving on the Hearing Board is a quorum.
  - (ii) A majority of the authorized membership of the Hearing Board is needed to take action.
  - (3) The Hearing Board shall meet at least once each month and may meet more often if needed.
- (f) (1) The compensation of the Hearing Board members for the performance of their duties shall be the amount set by the Howard County Council; and
- (2) The compensation of the Liquor Board members for the performance of their duties shall be:
- (i) For the chairperson, \$55 per meeting attended, not to exceed \$1,300 in a fiscal year regardless of the number of meetings attended; and
  - (ii) For other Liquor Board members, \$50 per meeting attended, not to exceed \$1,200 in a fiscal year regardless of the number of meetings attended.
- (g) (1) Personnel needed to carry out the duties of the Hearing Board and the Liquor Board shall be:
- (i) Included in the staff of the County Council; and
  - (ii) Supervised by the County Council Administrator.
- (2) The Chief of the County Police Department shall provide a sworn member of the County Police Department as an inspector to assist the Hearing Board and the Liquor Board in carrying out their responsibilities and in enforcing the law.
- (h) The Hearing Board shall propose reasonable regulations to enable it to discharge its duties, including the issuance of alcoholic beverage licenses, and shall submit proposed regulations to the Liquor Board for approval.
- (i) (1) The Hearing Board and the Liquor Board shall submit an annual budget request to the County Council not later than January 15 in each year for the ensuing fiscal year.
- (2) A budget request shall include:
- (i) Salaries of the chairperson and Hearing Board members;
  - (ii) Compensation of personnel assigned to the Hearing Board; and
  - (iii) Expenses for office supplies, equipment, and services necessary

for carrying out the responsibilities of the Hearing Board.

(3) (i) The County Council shall review the budget requests and shall submit budgets for the Hearing Board and the Liquor Board to the County Executive in the amounts that the County Council determines are adequate to support the duties and responsibilities of the Hearing Board and the Liquor Board.

(ii) The County Executive shall include the budget for the Hearing Board and the Liquor Board as submitted by the County Council in the county budget that is prepared in accordance with Article VI of the Howard County Charter.

(j) A member or employee of the Hearing Board and the Liquor Board is subject to the public ethics laws of the county.

(k) (1) After the Hearing Board proposes a decision regarding any case before it, a party or other participant in the case or other person who would be aggrieved by the decision may request the Liquor Board to conduct a hearing and make a final decision on the case.

(2) A person that makes a request to the Liquor Board must:

(i) Make the request in writing;

(ii) Include a copy of the proposed decision and order;

(iii) State the reasons why the person believes that the proposed decision is wrong; and

(iv) Send a copy of the request and accompanying materials to all other parties in the case.

(3) If a request is submitted to the Liquor Board, the proposed decision of the Hearing Board is stayed.

(4) After a request for a hearing is submitted to the Liquor Board, any other party to the proceeding may submit to the Liquor Board a response stating why the proposed decision by the Hearing Board should be upheld.

(l) After the period to file a response ends, the Liquor Board shall:

(1) Schedule a public meeting to decide whether to hear the case; and

(2) Notify the parties of the meeting date.

(m) The proposed decision of the Hearing Board becomes final if:

(1) No request for a hearing is submitted to the Liquor Board within the time allotted for a request; or

(2) The Liquor Board decides not to hear the case.

(n) (1) After deciding to hear a case, the Liquor Board shall:

(i) Schedule a hearing de novo at which the Liquor Board may hear witnesses; and

(ii) Notify the parties of the hearing date.

(2) After the close of the hearing record, the Liquor Board shall issue to the parties a final decision.

(o) The Hearing Board shall give the Liquor Board regular and prompt notice of the filing of:

(1) Each application for an alcoholic beverage license or change in license; and

(2) Each petition alleging that a violation of an alcoholic beverage law or regulation has occurred.

(p) By giving notice to the Hearing Board and the applicant or the affected licensee, the Liquor Board may:

(1) Assume initial jurisdiction of any matter before the Hearing Board; and

(2) Hear the case in the first instance when the Liquor Board determines that exercising initial jurisdiction is desirable and in the public interest.

(q) (1) A holder of a license, a person applying for an alcoholic beverage license, or a person engaged in the manufacture or sale of alcoholic beverages may not directly or indirectly offer to pay a commission, profit, or remuneration or make a gift of more than nominal value to:

(i) A member of the Hearing Board or of the Liquor Board;

(ii) An employee of the member of the Hearing Board or of the Liquor Board; or

(iii) An agent acting on behalf of a member of the Hearing Board or of the Liquor Board or employee assigned to the Hearing Board or the Liquor Board.

(2) A person who violates this subsection is guilty of a misdemeanor and subject to a fine of not more than \$1,000.

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