Article - Alcoholic Beverages

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§15–112.

(a) (1) The boards of license commissioners in this State may issue the alcoholic beverages licenses provided for by this article in their respective jurisdictions.

(2) Each board may employ a secretary and inspectors, clerical and other assistance as is necessary, and fix the compensation of the employees, except as otherwise provided by this article.

(3) In this section, "Board" means the Board of License Commissioners, unless otherwise noted.

(b) (1) This subsection applies only in Allegany County.

(2) The inspectors shall:

(i) Have all the powers of a peace officer or a constable or sheriff of this State;

(ii) Make oath to faithfully perform the duties entrusted to them, as provided in Article I, § 9 of the Constitution of this State; and

(iii) Furnish bond in the penalty of $2,000 to the Board and the Board of County Commissioners jointly, conditioned, "that inspectors shall well and faithfully execute the office in all things appertaining thereto". The cost of the bond shall be paid by the County Commissioners. The inspectors shall be known as "alcoholic beverage inspectors for Allegany County".

(c) (1) (i) This subsection applies only in Anne Arundel County.

(ii) Except for paragraph (2) of this subsection, it does not apply in the City of Annapolis.

(2) (i) This paragraph applies only in the City of Annapolis.

(ii) The Mayor, Counsellor and Aldermen of Annapolis may make and enforce regulations and restrictions, in addition to, or in substitution of, those contained in this article, but not inconsistent therewith, as in their judgment would give the municipality more effective control of each of the places of business.

(3) (i) In addition to the powers given to the Board in subsection (a) of this section, the Board may employ one part–time chief inspector at an annual salary of $10,000, one part–time deputy chief inspector at an annual salary of $8,000 and 18 part–time inspectors at an annual salary of $6,000 each.

(ii) In addition to a salary stated in subparagraph (i) of this paragraph, each of the inspectors shall receive a monthly expense of $300 per month, subject to the approval of the State Comptroller.

(4) The 20 inspectors shall:

(i) Have all the powers of a peace officer or a constable or sheriff of this State;

(ii) Make oath to faithfully perform the duties entrusted to them, as provided in Article I, § 9 of the Constitution of this State; and

(iii) Furnish bond in the penalty of $2,000 to the Board and the County Council jointly, conditioned "that inspector shall well and faithfully execute the office in all things appertaining thereto". The cost of the bond shall be paid by the county. The inspectors for Anne Arundel County are known as the "liquor inspectors for Anne Arundel County".

(5) The Board of License Commissioners:

(i) May employ up to two full–time administrators whose annual salaries shall be fixed by the Board as in a general Anne Arundel County classified salary schedule, within pay grade 16;

(ii) Shall employ a full–time secretary whose annual salary shall be fixed by the Board as in a general county classified salary schedule, within pay grade 13; and

(iii) Shall employ an attorney at an annual salary of $20,000.

(6) (i) The Board of License Commissioners may suspend immediately an alcoholic beverages license if a person authorized under § 16–405 of this article alleges that the licensee has sold or furnished alcoholic beverages to a person under the age of 21 years with such frequency and during such a limited time period so as to demonstrate a willful failure to comply with § 12–108(a) of this article.

(ii) A suspension under this paragraph may not exceed 7 days.

(iii) If a license is suspended under this paragraph, the Board shall:

1. Hold a hearing on the matter within 7 days after the suspension; and

2. Give notice to the licensee at least 2 days before the hearing.

(iv) If the Board fails to provide the licensee with notice of a hearing before the end of the fifth day following a suspension, the suspension shall end, and the licensee shall be allowed to resume the sale of alcoholic beverages on the next day

allowed under the license.

(v) This paragraph does not prevent a licensee whose license is suspended under this paragraph from seeking an injunction or other appropriate relief.

(d) (1) This subsection applies only in Baltimore City.

(2) A member or employee of the Board:

(i) May not have any direct or indirect interest in or on any premises where alcoholic beverages are manufactured, distributed, or sold whether the interest is:

1. Proprietary;

2. Held by means of a loan, mortgage, or lien;

3. Beneficially owned through an investment vehicle, estate, trust, or other intermediary when the beneficiary does not control the intermediary or may supervise or participate in the intermediary's investment decisions; or

4. Held in any other manner;

(ii) May not have any interest, direct or indirect, in any business wholly or partially devoted to the manufacture, distribution, or sale of alcoholic beverages;

(iii) May not own any stock in any corporation which has any interest, proprietary or otherwise, direct or indirect, in any premises where alcoholic beverages are manufactured, distributed, or sold or in any business wholly or partially devoted to the manufacture, distribution, or sale of alcoholic beverages;

(iv) May not receive any salary or other compensation or any other thing of value from a business engaged in the manufacture, distribution, or sale of alcoholic beverages;

(v) May not solicit or receive directly or indirectly or on behalf of another person, a commission, political contribution, remuneration or gift, from:

1. A person who is engaged in the manufacture, distribution, or sale of alcoholic beverages; or

2. An agent or employee of a person who is engaged in the manufacture, distribution, or sale of alcoholic beverages; and

(vi) Shall comply with Baltimore City public ethics laws and financial disclosure provisions enacted by the Mayor and City Council.

(3) A member or an employee of the Board may hold any other public office or employment, federal, State or local, unless that public office or employment would pose a conflict of interest.

(4) A member of the Board who applies for government employment that would pose a conflict of interest as determined by the Baltimore City Board of Ethics shall resign from the Board by a letter addressed to the Governor.

(5) (i) On filing a certificate of candidacy for election to a public office or within 30 days before the filing deadline for the primary election for the public office sought, whichever occurs later, an individual who is a member of the Board or an employee of the Board shall certify to the City Board of Elections under oath that the individual is no longer a member of the Board.

(ii) The certification shall be accompanied by a letter addressed to the Governor containing the resignation of the member of the Board.

(6) (i) Every employee of the Board:

1. Shall devote that employee's whole time and attention to the business of the Board during the hours designated by the Board for the performance of official duties;

2. May not engage in any occupation, business or profession in any way connected or associated, directly or indirectly, with the manufacture or sale of alcoholic beverages; and

3. May not transact business of any kind whatsoever beyond his or her official duties with any licensee, or in connection with the operation of any establishment licensed for the manufacture or sale of alcoholic beverages.

(ii) Any employee of the Board who violates any of the provisions of this subsection shall be removed.

(7) (i) As to any entity licensed under the provisions of this article, a member or an employee of the Board may not solicit or receive directly or indirectly any commission, remuneration or gift whatsoever from any:

1. Person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages;

2. Agent or employee of that person or corporation; or

3. Licensee licensed under the provisions of this article.

(ii) A person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages, any agent or employee of that person or corporation, and a licensee licensed under the provisions of this article may not, either directly or

indirectly, offer to pay any commission, profit or remuneration or make any gift to any member or employee of the Board or to anyone on behalf of that member or employee of the Board.

(8) The Board or the Board's designee governs, administers, and enforces the provisions of this article in Baltimore City, including performing such tasks as:

(i) Supervising the activities and investigations of the several inspectors and other employees of the Board;

(ii) Examining the location and general character of the licensees in the City;

(iii) Reviewing the zoning of licenses during the license application, license transfer, and license renewal processes; and

(iv) Adopting regulations concerning zoning of licensees and methods of enforcement to carry out the purposes and enforcement of this article.

(9) (i) Before the Board may adopt a regulation:

1. The Board shall provide a period of at least 30 days for public comment; and

2. The City Solicitor shall review the regulations to ensure that the regulations comply with the authority granted to the Board by the State.

(ii) Regulations adopted by the Board shall be published, posted online, and distributed to whichever licensees are affected by them.

(iii) The Board may require any licensee to display prominently in the licensee's place of business any regulation of the Board, or any excerpt or statement from this article.

(iv) The Board shall review its regulations on or before October 31, 2015, and at least once every 5 years thereafter, to ensure that the regulations comply with:

1. Current policies and practices of the Board; and

2. Federal, State, and local law.

(10) The Board shall:

(i) Subject to paragraph (13) of this subsection, employ a qualified attorney to serve as appellate counsel for the Board in actions of appeal;

(ii) Use as needed the advice of the Baltimore City Law Department;

(iii) Employ an executive secretary and a deputy executive secretary, who both shall serve at the pleasure of the Board; and

(iv) Employ inspectors, clerical staff, and other assistants as necessary to fulfill the mission of the Board and enforce the alcoholic beverages laws of the State.

(11) The salary for the position of attorney specified under paragraph (10)(i) of this subsection shall be at least the salary assigned on May 30, 2014, to that position.

(12) All employees of the Board, except for the executive secretary and the deputy executive secretary, are in the classified civil service of the City and may be hired and removed only in accordance with the law that governs classified civil service employees of the City.

(13) To the extent possible, all employees of the Board shall be residents of Baltimore City.

(14) (i) The Board shall provide to the Director of Finance the estimates of the Board for the next fiscal year of the appropriations needed to effectively and efficiently achieve the mission and goals of the Board, in accordance with Art. VI, Section 4 of the Baltimore City Charter.

(ii) Subject to subparagraphs (iii) and (iv) of this paragraph, the members of the Board shall determine the salaries of employees of the Board.

(iii) For civil service employees, salary levels and adjustments shall conform to the policies of the City's Board of Estimates, Civil Service Commission, and Department of Human Resources, including the City Union of Baltimore salary scales.

(iv) The Board may consider an employee's length of service, performance, and experience in determining the appropriate salary level.

(15) (i) Subject to subparagraph (ii) of this paragraph, each inspector employed by the Board may examine any identification used as proof of age by a person for the purchase of alcoholic beverages in the City.

(ii) An examination shall be made on the premises of the licensed establishment where the purchase is attempted.

(16) An action of a member or employee of the Board is subject to State requirements for open or public meetings, including requirements for open sessions under Title 3 of the General Provisions Article.

(17) A person who violates this subsection is subject to the penalties specified in § 16–503 of this article.

(e) (1) This subsection applies only in Baltimore County.

(2) The Board may appoint a Chief License Inspector and at least 14 license inspectors. The salaries shall be as determined by the county, but the salary of the Chief License Inspector may not be less than $9,500 a year and the salary of each of the remaining license inspectors may not be less than $9,000 a year. Each license inspector and the Chief License Inspector may request and examine any identification used as proof of age by any person for the purchase of alcoholic beverages provided that the request and examination are made on the licensed premises in the county.

(3) In addition to the other powers and duties conferred on them, the Board may prescribe regulations:

(i) Regarding the presence of any person not designated under § 1–102(a)(6) of this article on any premises licensed to sell alcoholic beverages; and

(ii) Concerning the granting and the date of issuing licenses when the actual use of the license is to be deferred until the completion of construction work or alterations on the premises.

(f) (1) This subsection applies only in Calvert County.

(2) The Board may appoint:

(i) A clerk and an attorney at a salary to be set by the County Commissioners; and

(ii) With the approval of the County Commissioners, full–time or part–time alcoholic beverages inspectors whose salary shall be set by the County Commissioners on an annual or per diem basis, and who shall be paid reasonable expenses related to performance of duties.

(g) (1) This subsection applies only in Caroline County.

(2) (i) The county codes administrator is the inspector for the Board of License Commissioners.

(ii) The salary of the inspector shall be as provided in the county budget. The duties of the inspector shall be as specified by the Board, including the proper administration and enforcement of the alcoholic beverages laws of Caroline County.

(3) (i) The Board may appoint an attorney for the Board.

(ii) The compensation for the attorney shall be set by the County Commissioners.

(iii) The attorney is subject to the county ethics ordinance.

(h) Reserved.

(i) (1) This subsection applies only in Cecil County.

(2) The Board shall issue all retail alcoholic beverages licenses authorized under this article, except Class E, F, and G licenses.

(3) The Board may employ one full–time alcoholic beverages inspector and may also employ as many additional part–time alcoholic beverages inspectors as it deems necessary. The salary shall be as provided in the annual budget of the Board of County Commissioners for part–time inspectors and within the total appropriations for this purpose. The employment of the alcoholic beverages inspectors shall be subject to the provisions of the Cecil County Personnel Policy and Procedure Manual. The salaries and travel expenses of the alcoholic beverages inspectors shall be established by the Board of County Commissioners of Cecil County using county personnel department regulations and guidelines.

(4) The inspector shall investigate all applicants for an alcoholic beverages license or transfer of license, enforce all alcoholic beverages laws, and investigate all violations of the alcoholic beverages laws and report them to the Board.

(5) The inspector shall:

(i) Have all the powers of a peace officer of this State in respect to the enforcement of the alcoholic beverages laws of the county;

(ii) Make an oath, as provided in the Constitution of Maryland, to faithfully perform the duties entrusted to him;

(iii) Visit and inspect at unannounced times every licensed premises in the county at least every 90 days; and

(iv) Make monthly reports in writing to the Board covering his activities, setting forth any complaints, and listing any violations that may have been observed or reported to the inspector.

(6) A person may not accept appointment or continue as an inspector if either the inspector or any member of the inspector's immediate family has any personal or financial interest either directly or indirectly in any license or in any licensed premises under the provisions of this article.

(j) (1) This subsection applies only in Charles County.

(2) The Board is the alcoholic beverages license issuing authority.

(k) (1) This subsection applies only in Dorchester County.

(2) (i) A member or employee of the Board may not:

1. Have any financial interest, directly or indirectly, in the

manufacture of any alcoholic beverage or in any alcoholic beverage purchased or sold under the provisions of this article; or

2. Derive any profit or remuneration from the purchase or sale of any alcoholic beverage, other than the salary or wages payable for the performance of the duties of the office or position as required and authorized under this section.

(ii) A person who violates this paragraph is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $2,000 or a term of imprisonment not exceeding 30 days.

(3) (i) With the approval of the Dorchester County Council, the Board may employ an inspector and a recording secretary who shall be employees of the county as provided in the county budget.

(ii) With the approval of the Dorchester County Council, the Board may appoint legal counsel.

(iii) Restrictions applicable to Board members shall apply to legal counsel and staff assigned to the Board.

(iv) County personnel policies and rules shall apply to:

1. Staff assigned to the Board; and

2. Board and staff expenses.

(v) Board and staff expenses shall be provided for in the county budget.

(l) (1) This subsection applies only in Frederick County.

(2) The appointment of an inspector and the employment of clerical assistants are provided for in § 15–103 of this article.

(m) Reserved.

(n) (1) This subsection applies only in Harford County.

(2) The Board and general manager may appoint inspectors as necessary to provide appropriate control over newly created licensees.

(o) Repealed.

(p) (1) This subsection applies only in Kent County.

(2) Notwithstanding §§ 10–401 and 10–403 of this article, the Board may suspend any alcoholic beverages license for any violation of this article for not less than 15 nor more than 90 days. An appeal does not stay the order of the Board suspending

a license.

(3) The Board:

(i) Shall employ one full–time alcoholic beverages inspector whose salary shall be set by the County Commissioners; and

(ii) May employ one additional part–time or full–time alcoholic beverages inspector whose compensation shall be set by the County Commissioners.

(4) (i) Each inspector is entitled to reimbursement for travel expenses at a rate determined by the Board.

(ii) The compensation and travel expenses of each inspector shall be paid by the County Commissioners.

(5) An alcoholic beverages inspector has the following powers and duties:

(i) To investigate all applicants for an alcoholic beverages license or transfer of license;

(ii) To enforce all alcoholic beverages laws of Kent County with the same powers as a law enforcement officer of the State;

(iii) To inspect, at unannounced times, every licensed premises at least once every 90 days;

(iv) To investigate all violations of the alcoholic beverages laws;

(v) To report all violations of the alcoholic beverages laws to the Board; and

(vi) To give monthly written reports to the Board covering all:

1. Inspection activities;

2. Complaints; and

3. Violations, either observed or reported.

(6) Before a person qualifies as an alcoholic beverages inspector, the person shall make an oath to faithfully perform the duties entrusted, as provided in Article I, § 9 of the Constitution of Maryland.

(7) A person may not qualify nor continue service as an alcoholic beverages inspector if the inspector or the inspector's immediate family has any personal or financial interest, either directly or indirectly, in any license, licensee, or in any premises licensed under the provisions of this article.

(8) (i) After appointment, an alcoholic beverages inspector shall serve as such and shall be discharged only for cause involving dishonesty, incompetence, or immoral conduct while in the performance of duty.

(ii) Before the discharge of an alcoholic beverages inspector, the Board shall give the inspector written notice of all pending charges and shall afford the inspector an opportunity to reply in an open hearing before the Board, either in person or by counsel.

(iii) The Board shall give notice and hold the hearing in accordance with the Administrative Procedure Act.

(q) (1) This subsection applies only in Montgomery County.

(2) The office of the County Attorney and other county departments shall be made available to the Board.

(3) (i) A member of the Board may not:

1. Have any interest, direct or indirect, either proprietary or by means of any loan, mortgage or lien, or in any other manner, in or on any premises where alcoholic beverages are manufactured or sold;

2. Have any interest, direct or indirect, in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages;

3. Own any stock in any corporation which has any interest, proprietary or otherwise, direct or indirect, 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; or

4. Hold any other public office, federal, State or local.

(ii) Subject to the provisions of the Montgomery County public ethics law, a commissioner of the Board may be an employee of the federal, State, or local government. However, a commissioner may not be an employee of the county department of liquor control.

(4) (i) A commissioner or county employee may not solicit or receive directly or indirectly any commission, remuneration or gift whatsoever from any:

1. Person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages;

2. Agent or employee of that person or corporation; or

3. Licensee licensed under the provisions of this article.

(ii) A person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages, or any agent or employee of that person or corporation, and a licensee licensed under the provisions of this article may not offer, either directly or indirectly, to pay any commission, profit or remuneration or make any gift to any commissioner or county employee or to anyone on behalf of the commissioner or county employee.

(5) Notwithstanding any other law, the Board shall collect the license fees and issue the alcoholic beverages licenses provided for in this article.

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

(2) The Board shall appoint an administrator, an attorney, and all inspectors for the Board.

(3) (i) The inspectors shall:

1. Each have all the powers of a peace officer or a constable or sheriff of this State;

2. Make oath to faithfully perform the duties entrusted to them, as provided in Article I, § 9 of the Maryland Constitution;

3. Be known as "alcoholic beverages inspectors for Prince George's County";

4. Have the duty of visiting and inspecting every licensed premises periodically;

5. Have the authority to order that a bottle club be closed immediately under § 20–108.1 of this article; and

6. Carry on the other duties the Board prescribes.

(ii) There are three full–time and 24 part–time inspectors, all of whom shall be county residents. The three full–time inspector positions shall be designated as the chief inspector and the deputy chief inspectors. The three full–time inspectors who meet the standards set out by the Prince George's County merit board and who are certified by the personnel director as meeting these standards shall be entitled to the provisions of the county merit system.

(iii) Each part–time inspector shall receive an annual salary of $13,900.

(iv) The Board shall designate annually a chief inspector from among the three full–time inspectors. The chief inspector, under the direction of the Board, shall regulate the duties, hours, and assignments of the various inspectors.

(4) A commissioner, inspector, or employee of the Board may not:

(i) Have any interest, either proprietary or by means of any loan, mortgage, or lien, or in any other manner, in or on any premises in this State where alcoholic beverages are manufactured or sold; and

(ii) Have any interest in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages in this State, or own any stock in any corporation which has any interest, proprietary or otherwise, direct or indirect, in any premises in this State where alcoholic beverages are manufactured or sold or in any business wholly or partially devoted to the manufacture or sale of alcoholic beverages in this State.

(5) Employees of the Board:

(i) Shall devote their whole time and attention to the business of the Board during the hours designated by the Board for the performance of their official duties;

(ii) May not engage in any occupation, business, or profession in any way connected or associated with the manufacture or sale of alcoholic beverages; and

(iii) May not transact any business of any kind whatsoever beyond their official duties with any licensee, or in connection with the operation of any establishment licensed for the manufacture or sale of alcoholic beverages.

(6) Any employee of the Board who violates any of the provisions of this section shall be removed.

(7) A commissioner, inspector, or employee of the Board may not solicit or receive any commission, remuneration, or gift whatsoever from any person or corporation engaged in the manufacture or sale of beer or other alcoholic beverages, or from any agent or employee of the person or corporation, or from any licensee, licensed under the provisions of this article.

(8) A commissioner shall immediately forfeit his office as a license commissioner for the county if the commissioner:

(i) Ceases to reside in the county; or

(ii) Ceases to be a registered voter of the county.

(9) A license commissioner may not serve in any other position of public office. At the time of filing a certificate of candidacy for election to a public office, or within 30 days prior to the filing deadline for the primary election for the public office sought, whichever occurs later, a license commissioner shall certify to the local Board of Supervisors of Elections under oath that the individual is no longer a license commissioner. The certification shall be accompanied by a letter addressed to the

Governor containing the resignation of the commissioner from the Board.

(10) (i) In this paragraph, "candidate", "contribution", and "political committee" have the meanings stated in § 1–101 of the Election Law Article.

(ii) A commissioner, inspector, or employee of the Board may not solicit or transmit any contribution for the benefit of any candidate or political committee from any:

1. Person or corporation engaged in the sale of beer or other alcoholic beverages in the county;

2. Agent or employee of the person or corporation; or

3. Licensee licensed under the provisions of this article.

(s) (1) This subsection applies only in Queen Anne's County.

(2) The Board shall appoint an inspector and fix the inspector's compensation at an amount not less than $3,000 a year, plus a mileage allowance as determined by the County Commissioners. The inspector shall visit and inspect every premises in the county licensed under the provisions of this article at least every 60 days.

(3) The Board of County Commissioners also shall appoint an attorney to handle legal matters for the Board and set the attorney's compensation.

(t) Reserved.

(u) (1) This subsection applies only in Somerset County.

(2) The Board:

(i) Shall appoint a clerk to the Board at an annual salary of $3,500; and

(ii) May designate an attorney for the Board at an annual salary of $4,000.

(v) Reserved.

(w) (1) This subsection applies only in Washington County.

(2) The Board annually shall engage an independent certified public accounting firm to conduct an audit in accordance with government auditing standards to express an opinion on the fair presentation of the financial statements of the Board.

(3) By November 1 after the close of each fiscal year, the firm shall provide copies of the audit report to the members of the Board and the senators and delegates

who constitute the Washington County Delegation to the Maryland General Assembly.

(x) (1) This subsection applies only in Wicomico County.

(2) (i) The Board shall appoint both an inspector and a part–time inspector whose salaries shall be as provided in the county budget.

(ii) The Board shall specify both the duties of the inspector and the part–time inspector, which shall be for the proper administration and enforcement of the alcoholic beverages laws in the county. For the purposes of the alcoholic beverages laws, both the inspector and the part–time inspector have the powers of a peace officer or sheriff of this State.

(iii) Both the inspector and the part–time inspector shall make oath faithfully to perform the duties entrusted to them, as provided in Article I, § 9 of the Maryland Constitution.

(iv) Both the inspector and part–time inspector shall separately furnish a bond in the amount of $2,000 to the Board and the county, jointly, conditioned that the inspector and the part–time inspector will well and faithfully execute their offices in all things pertaining to them. The cost of the bonds shall be paid by the county.

(3) The Board shall coordinate the enforcement of all alcoholic beverages licensing laws for the county.

(4) (i) The Board may designate an attorney for the Board.

(ii) The annual salary is $10,000 which shall be provided in the county budget.

(y) (1) This subsection applies only in Worcester County.

(2) (i) The Board, with the consent of the County Commissioners, may appoint an inspector.

(ii) 1. The salary of the inspector shall be as provided in the county budget.

2. The duties of the inspector shall be as specified by the Board, including the proper administration and enforcement of the alcoholic beverages laws in the county.

(iii) For the purpose of the alcoholic beverages laws, the inspector shall have all the powers of a peace officer or sheriff of this State.

(iv) The inspector shall make an oath to perform the duties entrusted, as provided in Article I, § 9 of the Constitution of Maryland.

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