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STATE OF MARYLAND
BOARD OF LIQUOR LICENSE COMMISSIONERS
FOR BALTIMORE CITY
1 N. CHARLES STREET, SUITE 1500
BALTIMORE, MARYLAND, 21201-3724
PHONE: (410) 396-4377

February 17, 2020

The Honorable Derek Davis
Chairman
House Economic Matters Committee
Maryland House of Delegates
House Office Building, 6 Bladen Street
Annapolis, Maryland 21401

Re: HB509 – Baltimore City – Alcoholic Beverages Licenses – Grounds for Suspension

Chairman Davis,

On behalf of the Board of Liquor License Commissioners for Baltimore City (BLLC) I respectfully request an unfavorable report from the House Economic Matters Committee on HB509 – Baltimore City – Alcoholic Beverages Licenses – Grounds for Suspension.

This bill would provide the Executive Secretary the authority to suspend immediately a license if he or she "has probable cause to believe that the license holder failed to take reasonable measures to prevent an act of violence that resulted in death or bodily injury" from within the licensed premises, any premises immediately adjacent to the licensed premises that are owned or leased by the license holder, and with respect to a licensed premises located in a unit block where five or more licensed premises are located, within the licensed premises.

This bill presents two major issues to the BLLC. First, the bill imposes upon a non-sworn, non-attorney, civil service employee the obligation to interpret a probable cause standard, normally performed by professional law enforcement or officers of the Court, in determining whether or not a licensed premise took "reasonable measures to prevent an act of violence that resulted in death or bodily injury."¹ The Board believes that providing the Executive Secretary, who is not required to be an attorney nor is a sworn officer of the State of Maryland, with this power could create a dangerous precedent: one appointed individual serves as judge, juror, and executioner. The Board believes that it, and not the Executive Secretary, is the duly sworn entity appointed with quasi-judicial authority to apply the liquor laws within the City. Second, the BLLC is concerned that the bill does not afford constitutional due process to a license holder as he or she has no opportunity to be heard prior to the immediate suspension of his or her license. A suspension by the Executive Secretary, which is subject to later review by the Board and further judicial review might expose the Board to liability for economic damages.

For the aforementioned reasons above, the BLLC opposes passage of HB509 – Baltimore City – Alcoholic Beverages Licenses – Grounds for Suspension.

Thank you for the opportunity to submit this written testimony.

Sincerely,

A handwritten signature in blue ink that reads "Albert J. Matricciani, Jr. (TRJ)".

Albert J. Matricciani, Jr.
Chairman
Board of Liquor License Commissioners
For Baltimore City

¹ It should be noted that only the Commissioners of the BLLC are sworn officers of the State of Maryland. No other agency staff member, including those of the inspection division, are sworn officers of the State of Maryland.