
By: Senator Sfikas

Introduced and read first time: January 10, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Alcoholic Beverages**
3 **(Board of License Commissioners)**

4 FOR the purpose of prohibiting a commissioner or employee of the Board of License
5 Commissioners for Baltimore City from soliciting or receiving, directly or on behalf
6 of another person, a political contribution from certain persons; prohibiting a
7 licensee or a person who is engaged in the manufacture or sale of alcoholic
8 beverages from making a political contribution to certain persons; authorizing the
9 Chairman of the Board to authorize the Executive Secretary of the Board to
10 supervise certain activities of certain employees of the Board; requiring employees
11 of the Board to be in the classified civil service of the City of Baltimore; specifying
12 that the Board may appoint and remove employees only in accordance with the
13 provisions of law governing classified civil service employees of the City of
14 Baltimore; providing for the appointment of certain employees of the Board to the
15 classified civil service of the City of Baltimore; making certain technical changes;
16 making certain stylistic changes; and generally relating to the Board of License
17 Commissioners in Baltimore City.

18 BY repealing and reenacting, without amendments,
19 Article 2B - Alcoholic Beverages
20 Section 15-112(b)
21 Annotated Code of Maryland
22 (1996 Replacement Volume)

23 BY repealing and reenacting, with amendments,
24 Article 2B - Alcoholic Beverages
25 Section 15-112(e)
26 Annotated Code of Maryland
27 (1996 Replacement Volume)

28 BY repealing
29 Article 2B - Alcoholic Beverages
30 Section 15-112(e-1)
31 Annotated Code of Maryland
32 (1996 Replacement Volume)

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1 BY adding to
2 Article 2B - Alcoholic Beverages
3 Section 15-112(e-1)
4 Annotated Code of Maryland
5 (1996 Replacement Volume)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article 2B - Alcoholic Beverages**

9 15-112.

10 (b) The respective board shall be authorized to employ a secretary and such
11 inspectors, clerical and other assistance as may be necessary, and to fix the compensation
12 of such employees, except as otherwise provided by this article.

13 (e) In Baltimore City (1) no commissioner, or employee of the Board shall have
14 any interest, direct or indirect, either proprietary or by means of any loan, mortgage or
15 lien, or in any other manner, in or on any premises where alcoholic beverages are
16 manufactured or sold; nor shall he have any interest, direct or indirect, in any business
17 wholly or partially devoted to the manufacture or sale of alcoholic beverages, or own any
18 stock in any corporation which has any interest, proprietary or otherwise, direct or
19 indirect, in any premises where alcoholic beverages are manufactured or sold or in any
20 business wholly or partially devoted to the manufacture or sale of alcoholic beverages, or
21 hold any other public office or employment, federal, State or local.

22 (2) Every employee of said Board shall devote his whole time and attention
23 to the business of the Board during the hours designated by the Board for the
24 performance of his or her official duties, and shall not engage in any occupation, business
25 or profession in any way connected or associated, directly or indirectly, with the
26 manufacture or sale of alcoholic beverages and shall transact no business of any kind
27 whatsoever beyond his or her official duties with any licensee, or in connection with the
28 operation of any establishment licensed for the manufacture or sale of alcoholic
29 beverages. [Not more than eighteen persons shall be employed at any one time by the
30 Board on a part-time basis.] Any employee of said Board who violates any of the
31 provisions of this section shall be removed.

32 (3) [No commissioner or employee of the Board shall solicit or receive
33 directly or indirectly any commission, remuneration or gift whatsoever from any person,
34 or corporation engaged in the manufacture or sale of beer or other alcoholic beverages,
35 nor from any agent or employee of such person or corporation, or from any licensee,
36 licensed under the provisions of this article. No person or corporation engaged in the
37 manufacture or sale of beer or other alcoholic beverages, nor any agent or employee of
38 such person or corporation, and no licensee licensed under the provisions of this article,
39 shall, either directly or indirectly, offer to pay any commission, profit or remuneration or
40 make any gift to any commissioner or employee of the Board or to anyone on behalf of
41 such commissioner or employee of said Board.]

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1 (I) A COMMISSIONER OR EMPLOYEE OF THE BOARD MAY NOT
2 SOLICIT OR RECEIVE, DIRECTLY OR ON BEHALF OF ANOTHER PERSON, A
3 COMMISSION, POLITICAL CONTRIBUTION, REMUNERATION, OR GIFT FROM:

4 1. A LICENSEE OR OTHER PERSON WHO IS ENGAGED IN THE
5 MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR

6 2. AN AGENT OR EMPLOYEE OF A LICENSEE OR OTHER
7 PERSON WHO IS ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC
8 BEVERAGES.

9 (II) A LICENSEE OR OTHER PERSON WHO IS ENGAGED IN THE
10 MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES MAY NOT:

11 1. PAY OR OFFER TO PAY A COMMISSION OR
12 REMUNERATION TO A COMMISSIONER, EMPLOYEE OF THE BOARD, OR PERSON ON
13 BEHALF OF A COMMISSIONER OR EMPLOYEE OF THE BOARD; OR

14 2. MAKE A POLITICAL CONTRIBUTION OR GIFT TO A
15 COMMISSIONER, EMPLOYEE OF THE BOARD, OR PERSON ON BEHALF OF A
16 COMMISSIONER OR EMPLOYEE OF THE BOARD.

17 (4) [The chairman of said Board shall be the administrative officer thereof
18 and charged with the duty of enforcing the provisions of this article. It shall be his duty
19 personally to supervise the activities and investigations of the several inspectors and other
20 employees of the Board. He shall examine the location and general character of the
21 licensees in said City and make recommendations to the Board concerning zoning of
22 licensees, methods of enforcement, and promulgation of rules and regulations to carry out
23 the purposes of this article.]

24 (I) THE CHAIRMAN OF THE BOARD IS THE ADMINISTRATIVE
25 OFFICER OF THE BOARD AND SHALL ENFORCE THE PROVISIONS OF THIS ARTICLE.

26 (II) THE CHAIRMAN SHALL:

27 1. SUPERVISE THE ACTIVITIES AND INVESTIGATIONS OF
28 THE INSPECTORS AND OTHER EMPLOYEES OF THE BOARD; OR

29 2. AUTHORIZE THE EXECUTIVE SECRETARY TO SUPERVISE
30 THE ACTIVITIES AND INVESTIGATIONS OF THE INSPECTORS AND OTHER
31 EMPLOYEES OF THE BOARD.

32 (III) BASED ON THE LOCATION AND GENERAL CHARACTER OF THE
33 LICENSEES, THE CHAIRMAN SHALL MAKE RECOMMENDATIONS TO THE BOARD
34 CONCERNING:

35 1. ZONING OF LICENSEES;

36 2. METHODS OF ENFORCEMENT; AND

37 3. ADOPTION OF RULES AND REGULATIONS TO CARRY OUT
38 THE PURPOSES OF THIS ARTICLE.

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1 (5) Rules and regulations adopted by the Board in said City shall be
2 published and distributed to such licensees as may be affected thereby. The Board in said
3 City shall have the power to require any licensee to display prominently in his place of
4 business any rule or regulation of said Board, or any excerpt or statement from this
5 article.

6 (6) IN ADDITION TO ANY OTHER PROVISION IN THIS SUBSECTION,
7 COMMISSIONERS AND EMPLOYEES OF THE BOARD SHALL COMPLY WITH THE
8 MARYLAND PUBLIC ETHICS LAW.

9 (7) ON OR BEFORE JANUARY 30 OF EACH YEAR, THE BOARD SHALL
10 SUBMIT TO THE GOVERNOR A WRITTEN REPORT ON ALL MATTERS CONCERNING
11 THE OPERATION OF THE BOARD FOR THE PRECEDING CALENDAR YEAR.

12 [(e-1) In Baltimore City, the Board of License Commissioners shall:

13 (1) Employ 18 permanent part-time inspectors; and

14 (2) Set the annual salary for permanent part-time inspectors at not less than
15 \$1,200.]

16 (E-1) (1) THIS SUBSECTION APPLIES ONLY TO BALTIMORE CITY AND DOES
17 NOT ALTER THE METHOD BY WHICH THE SALARIES OF THE EMPLOYEES OF THE
18 BOARD OF LICENSE COMMISSIONERS IN BALTIMORE CITY ARE CURRENTLY
19 FUNDED.

20 (2) (I) THE EMPLOYEES OF THE BOARD OF LICENSE COMMISSIONERS
21 SHALL BE IN THE CLASSIFIED CIVIL SERVICE OF THE CITY OF BALTIMORE.

22 (II) THE BOARD OF LICENSE COMMISSIONERS MAY APPOINT AND
23 REMOVE EMPLOYEES ONLY IN ACCORDANCE WITH THE PROVISIONS OF LAW THAT
24 GOVERN CLASSIFIED CIVIL SERVICE EMPLOYEES OF THE CITY OF BALTIMORE.

25 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE BOARD
26 OF LICENSE COMMISSIONERS MAY NOT EMPLOY MORE THAN 18 PERMANENT
27 PART-TIME INSPECTORS.

28 SECTION 2. AND BE IT FURTHER ENACTED, That each individual who is an
29 employee of the Board of License Commissioners for Baltimore City on the effective date
30 of this Act shall be appointed to the classified service of the City of Baltimore as of the
31 effective date of this Act without further examination or qualification. The employee shall
32 be placed in a classification that is comparable in duties and responsibilities to the
33 employee's former position. The employee may not suffer a diminution of salary or wages,
34 accrued leave, whether earned or granted, or seniority rights.

35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 1997.