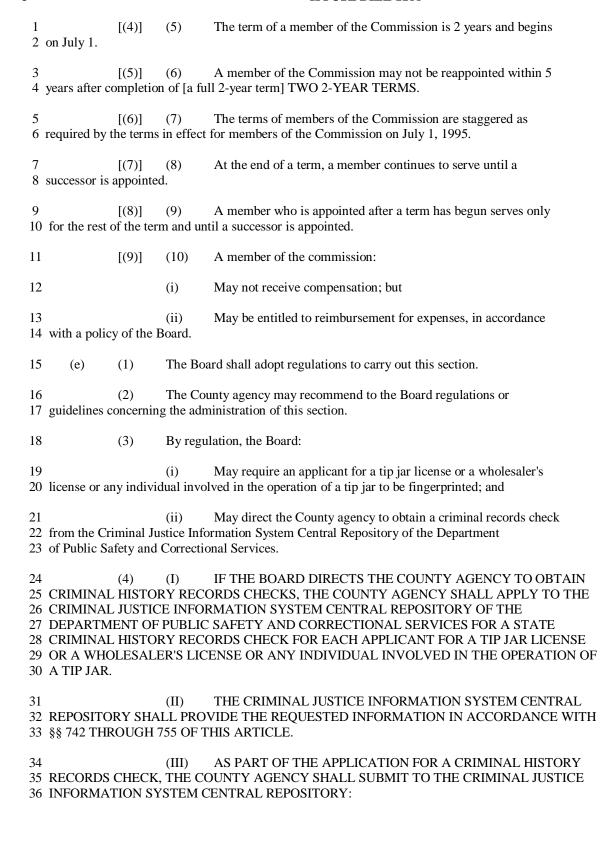
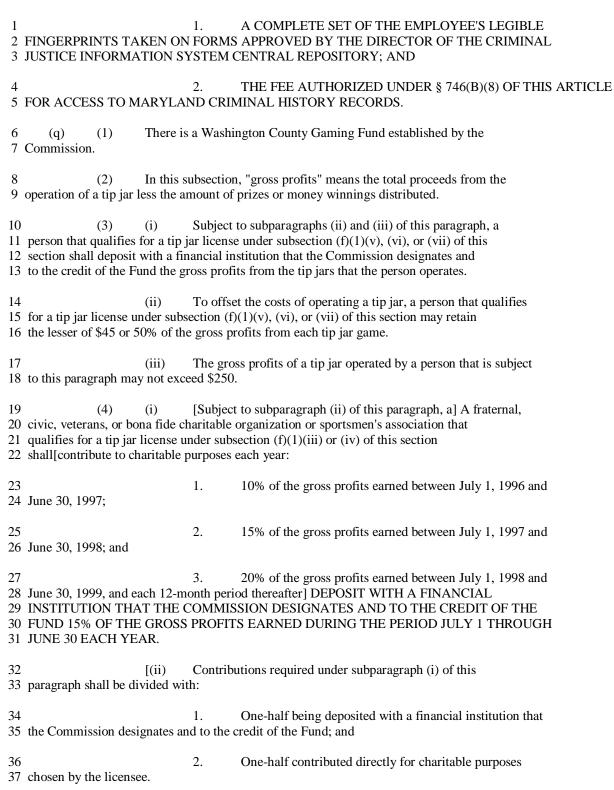
Unofficial Copy C7 1998 Regular Session 8lr1844

Intro	By: Washington County Delegation Introduced and read first time: February 13, 1998 Assigned to: Judiciary Committee Report: Favorable House action: Adopted Read second time: March 23, 1998				
Hous					
	CHAPTER				
1 .	AN ACT concerning				
2	Washington County Gaming Commission - Tip Jar Regulation				
3 1 4 5 6 7 8 9 10 11 12 13 14	FOR the purpose of altering certain eligibility criteria for membership on the Washington County Gaming Commission; authorizing a member of the Commission to serve for a certain number of terms; providing for certain procedures for obtaining criminal history records checks; altering the requirements for certain organizations to contribute certain amounts to certain charitable purposes; authorizing a certain county agency to deny a license under certain circumstances; authorizing the County Commissioners of Washington County to delegate certain hearing authority to the Office of Administrative Hearings; providing for the conditions of delegation and judicial review of the hearing authority; authorizing the County Commissioners to impose a fine under certain conditions; clarifying the applicability of certain criminal penalties; and generally relating to the Washington County Gaming Commission and regulating of tip jars in Washington County.				
16 17 18 19 20	BY repealing and reenacting, with amendments, Article 27 - Crimes and Punishments Section 255C(c), (e), (q), (t), (u), and (v) Annotated Code of Maryland (1996 Replacement Volume and 1997 Supplement)				
21 22 23 24 25	BY repealing and reenacting, without amendments, Article 27 - Crimes and Punishments Section 255C(s) Annotated Code of Maryland (1996 Replacement Volume and 1997 Supplement)				

1 2				CTED BY THE GENERAL ASSEMBLY OF of Maryland read as follows:
3				Article 27 - Crimes and Punishments
4	255C.			
5	(c)	(1)	The Cor	mmission consists of seven members appointed as follows:
6			(i)	Three members appointed by the Board;
	County House Delegation;	e of Dele	(ii) egates De	One member appointed by the Chairman of the Washington elegation, with the concurrence of the County's House
10 11	are within or	include	(iii) part of W	One member appointed by the State Senators whose districts Vashington County;
				One member from Washington County to represent coholic beverages industry in the County, appointed buse and Senate Delegations; and
15 16	appointed by	the Was	(v) shington	One member from the Washington County Clubs Association, County House and Senate Delegations.
17 18	or (iii) of this	(2) s subsect		per of the Commission appointed under paragraph (1)(i), (ii), not:
19			(i)	Hold a tip jar license or a wholesaler's license;
20 21	wholesaler's	license;	(ii)	Be employed by a person who holds a tip jar license or a
22 23	from the hold	der of a t	(iii) ip jar lice	Hold any ownership interest in or receive any direct benefit ense or a wholesaler's license; or
				Serve on any board of directors or as an officer of any under § 501(c)(3) of the Internal Revenue Code] M THE COMMISSION.
29 30	AN OFFICE COMMISSION	ON DUR R SERV	MBER C RING TH E ON TH	ORGANIZATION, THAT HAS ON ITS BOARD OF DIRECTORS OR AS OF THE COMMISSION, APPLIES FOR FUNDS FROM THE E MEMBER'S TERM, THE MEMBER OF THE COMMISSION MAY HE COMMISSION AND A NEW MEMBER SHALL BE APPOINTED
32 33	County.	[(3)]	(4)	A member of the Commission shall be a resident of Washington





1 2	paragraph:	(iii)	The direct	t contributions under subparagraph (ii)2 of this
			contributi	May include up to 5% of the gross profits earned during ions, including contributions of free food, als of space, materials, and equipment; and
		d by reg	ulation aft	Shall be contributed in accordance with guidelines ter receiving input from the Washington public hearing.
11 12	not contribute in a year paragraph, the organiz	ation in esignate	amount re the next ye s and to th	If an organization that is subject to this subsection does equired under subparagraph (i) of this ear shall deposit, with a financial institution he credit of the Fund, the balance of the
14 15				tablish the time, method of deposit, and other aphs (3) and (4) of this subsection.
		unty for	administer	nay use money in the Fund to reimburse the Board ring this section in accordance with a written ommission.
19 20	(7) I subsection, the Comm			e reimbursement under paragraph (6) of this ute:
		is in the		t of the moneys deposited in the Fund to bona fide ubject to any restrictions that the Board may
24 25	Washington County V			t of the moneys deposited in the Fund to the Rescue Association.
		ounty bu	dget belov	t reduce the total of its appropriations to nonprofit w the total appropriation to nonprofit e 1996 Fiscal Year.
		holesaleı	's license	on (u) of this section, the County agency may deny to an applicant or discipline a holder of a n.
32 33	(2) B person is subject to:	If the Co	unty agen	cy finds that a person has violated this section, the
34 35				offense, denial or suspension of the person's tip jar l fine not exceeding \$1,500; and
36	5	(ii)	For a subs	sequent offense:

1	1. A civil fine not exceeding \$5,000; and	
2 3	2. Revocation of the person's tip jar license or wholesaler's license.	
6	(3) In addition to the penalties under paragraph (2)(ii) of this subsection for a subsequent offense, if the licensee also has a liquor license, the county agency may recommend to the Board of License Commissioners that the licensee's liquor license be suspended for not less than 15 days.	
8 9	(4) Fines collected under paragraph (2) of this subsection shall be credited to the general fund of the County.	
10 11	(t) (1) A person whose tip jar license or wholesaler's license is revoked may not be issued another license.	
14 15	(2) IF A HOLDER OF A TIP JAR LICENSE OR WHOLESALER'S LICENSE REVOKED FOR TWO SEPARATE CIVIL VIOLATIONS UNDER SUBSECTION (S) OF THIS SECTION OR A CRIMINAL VIOLATION UNDER SUBSECTION (R) OR SUBSECTION (V) OF THIS SECTION, THE COUNTY AGENCY MAY DENY A TIP JAR LICENSE OR WHOLESALER'S LICENSE TO:	
	(I) A CORPORATE OR LIMITED LIABILITY ENTITY APPLICAN 50% OR MORE OF THE CAPITAL STOCK IS OWNED BY THE INDIVIDUAL WHOSE LICENSE WAS REVOKED OR BY THE IMMEDIATE FAMILY OF THAT INDIVIDUAL; OR	
20 21	(II) A PARTNERSHIP APPLICANT, IF THE INDIVIDUAL WHOSE LICENSE WAS REVOKED IS A PARTNER.	
	2 (u) (1) Before the County agency may take action under subsection (s) of this 3 section, the County agency shall give the person against whom the action is 4 contemplated the opportunity for a hearing before the Board.	
27	On request, the Board shall hold a hearing in the same manner as specified in Title 10, Subtitle 2 of the State Government Article OR MAY DELEGATE THE AUTHORITY TO HOLD THE HEARING TO THE OFFICE OF ADMINISTRATIVE HEARINGS.	
29 30	(3) [The] IF THE BOARD HOLDS A HEARING UNDER THIS SUBSECTION THE Board may administer oaths [in a proceeding under this subsection].	Ν,
31 32	(4) IF THE BOARD DELEGATES THE AUTHORITY TO HOLD THE HEAR 2 TO THE OFFICE OF ADMINISTRATIVE HEARINGS:	ING
33 34	(I) THE ADMINISTRATIVE LAW JUDGE SHALL STATE ON THE RECORD THE FINDINGS OF FACT AND CONCLUSIONS OF LAW;	Ε
	(II) THE DETERMINATION OF THE ADMINISTRATIVE LAW JUI 5 A FINAL DECISION FOR THE PURPOSE OF JUDICIAL REVIEW OF A FINAL DECISION I 7 A CONTESTED CASE UNDER § 10-222 OF THE STATE GOVERNMENT ARTICLE; AND	

			JUDICIAL REVIEW OF DISPUTED ISSUES OF FACT SHALL BE RD FOR JUDICIAL REVIEW, UNLESS THE FINES EXCEED DICIAL REVIEW SHALL BE DE NOVO.
4 5	[(4)] contemplated:	(5)	If, after notice is given, the person against whom the action is
6 7	determine the matter	(I) r; OR	[does] DOES not appear, nevertheless the Board may hear and
8 9	THE MATTER HA	(II) S BEEN I	DOES NOT REQUEST A HEARING, THE BOARD MAY DEEM THATHEARD AND MAY IMPOSE A FINE.
10 11	(v) (1) wholesale for profit		on who does not hold a wholesaler's license may not sell or backet.
12 13	(2) person a chance fro		on who does not hold a tip jar license may not offer to another or otherwise operate a tip jar.
14	(3)	A perso	on who holds a tip jar license may not:
15 16	or	(i)	Allow an individual under the age of 18 years to play a tip jar;
17 18	School Board.	(ii)	Operate a tip jar on property owned by the Washington County
	(4) person who violates conviction is subject	s this [sect	t for a violation under subsection (r)(5) of this section, a] A ion] SUBSECTION is guilty of a misdemeanor and on not exceeding:
22		(i)	For a first offense, \$5,000; and
23		(ii)	For a subsequent offense, \$10,000.
24 25	(5) offense.	Each sa	ale or offer of a chance from a tip jar is considered a separate
		l recomm	son convicted under this section has a liquor license, the end to the Board of License Commissioners that the pended for not less than 15 days.
29 30	SECTION 2. A July 1, 1998.	ND BE IT	FURTHER ENACTED, That this Act shall take effect