

# SENATE BILL 608

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CF HB 80

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By: **Senators Brinkley and Mooney**

Introduced and read first time: February 6, 2009

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County - Alcoholic Beverages - Part-Time Inspectors**

3 FOR the purpose of authorizing the Frederick County Liquor Board to appoint a  
4 certain number of part-time alcoholic beverages inspectors; specifying certain  
5 requirements that a person must meet to qualify for appointment; specifying  
6 certain powers, duties, and compensation of part-time inspectors; making  
7 certain prohibitions against conflict of interest applicable to part-time  
8 inspectors; and generally relating to part-time alcoholic beverages inspectors  
9 in Frederick County.

10 BY repealing and reenacting, with amendments,  
11 Article 2B – Alcoholic Beverages  
12 Section 15–103  
13 Annotated Code of Maryland  
14 (2005 Replacement Volume and 2008 Supplement)

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

17 **Article 2B – Alcoholic Beverages**

18 15–103.

- 19 (a) (1) There is a Board of License Commissioners in Frederick County.
- 20 (2) The Board consists of 3 members.
- 21 (3) The Governor shall appoint the members of the Board.
- 22 (4) To qualify for appointment to the Board, a person:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) Shall be of good moral character and integrity;
- 2 (ii) Shall reasonably reflect the citizenry of the county; and
- 3 (iii) Shall be a registered voter of the county and shall continue  
4 to be a registered voter of the county during the person's term of office.
- 5 (5) The term of a member is 5 years.
- 6 (6) The terms of the members are staggered as required by the terms  
7 provided for members of the Board on July 1, 1989.
- 8 (7) A member who is appointed after a term has begun serves only  
9 until a successor is appointed and qualifies.
- 10 (8) The Governor may remove a member for incompetence,  
11 misconduct, neglect of a duty required by law, unprofessional conduct, or dishonorable  
12 conduct.
- 13 (9) The removal procedure is as provided in this article.
- 14 (b) From among its members, the Board shall elect a chairperson.
- 15 (c) (1) A majority of the members then serving on the Board is a quorum.
- 16 (2) The Board shall meet at least once a month.
- 17 (3) The chairperson of the Board shall receive an annual compensation  
18 of \$7,000 and be reimbursed for reasonable expenses.
- 19 (4) The members shall receive an annual compensation of \$6,500 and  
20 be reimbursed for reasonable expenses.
- 21 (d) (1) The Governor shall appoint 1 alcoholic beverages inspector, with  
22 the advice and consent of:
- 23 (i) The Senate; or
- 24 (ii) If there is no resident Senator, then with the consent of the  
25 members of the Frederick County delegation of the General Assembly.
- 26 (2) To qualify for appointment as an alcoholic beverages inspector, a  
27 person:
- 28 (i) Shall be of high moral character;
- 29 (ii) Shall possess a sound reputation for sobriety, honesty, and  
30 integrity; and

- 1 (iii) Shall devote full time to the duties of the office.
- 2 (3) (i) The term of an inspector is 5 years.
- 3 (ii) An inspector who is appointed after a term has begun serves  
4 only until a successor is appointed.
- 5 (4) The Governor may remove an inspector with the advice and  
6 consent of:
- 7 (i) The Senate; or
- 8 (ii) If there is no resident Senator, then with the consent of the  
9 members of the Frederick County delegation of the General Assembly.
- 10 (5) Grounds for removal are:
- 11 (i) Incompetence;
- 12 (ii) Misconduct while performing the duties as an inspector;
- 13 (iii) Neglect of a duty required by law; or
- 14 (iv) Unprofessional or dishonorable conduct in performing the  
15 duties as an inspector.
- 16 (6) (i) An inspector shall receive an annual salary as set by the  
17 County Commissioners, be reimbursed for reasonable expenses, and receive mileage at  
18 the standard rate set by the County Commissioners.
- 19 (ii) Mileage does not include travel to and from the inspector's  
20 home and office.
- 21 (7) An inspector shall:
- 22 (i) Possess the power of a peace officer of this State with respect  
23 to the enforcement of the alcoholic beverages laws of Frederick County;
- 24 (ii) Make monthly reports in writing to the Board covering the  
25 activities and setting forth any complaints or violations that may have been observed  
26 or reported;
- 27 (iii) Assist the Board in enforcing the alcoholic beverages laws;  
28 and
- 29 (iv) Have any other duties as the Board may prescribe.

1           **(E) (1) THE BOARD MAY APPOINT NOT MORE THAN TWO PART-TIME**  
2 **ALCOHOLIC BEVERAGES INSPECTORS.**

3                   **(2) TO QUALIFY FOR APPOINTMENT AS A PART-TIME ALCOHOLIC**  
4 **BEVERAGES INSPECTOR, A PERSON SHALL:**

5                           **(I) BE OF HIGH MORAL CHARACTER; AND**

6                           **(II) POSSESS A SOUND REPUTATION FOR SOBRIETY,**  
7 **HONESTY, AND INTEGRITY.**

8                   **(3) A PART-TIME ALCOHOLIC BEVERAGES INSPECTOR SHALL:**

9                           **(I) POSSESS THE POWER OF A PEACE OFFICER OF THE**  
10 **STATE WITH RESPECT TO THE ENFORCEMENT OF THE ALCOHOLIC BEVERAGES**  
11 **LAWS OF FREDERICK COUNTY;**

12                           **(II) MAKE MONTHLY REPORTS IN WRITING TO THE BOARD**  
13 **COVERING THE ACTIVITIES AND SETTING FORTH ANY COMPLAINTS OR**  
14 **VIOLATIONS THAT MAY HAVE BEEN OBSERVED OR REPORTED;**

15                           **(III) ASSIST THE BOARD IN ENFORCING THE ALCOHOLIC**  
16 **BEVERAGES LAWS; AND**

17                           **(IV) HAVE ANY OTHER DUTIES THAT THE BOARD MAY**  
18 **REQUIRE.**

19                   **(4) A PART-TIME INSPECTOR SHALL:**

20                           **(I) RECEIVE THE COMPENSATION SET BY THE COUNTY**  
21 **COMMISSIONERS AND PROVIDED FOR IN THE COUNTY BUDGET;**

22                           **(II) BE REIMBURSED FOR REASONABLE EXPENSES; AND**

23                           **(III) RECEIVE REIMBURSEMENT FOR MILEAGE AT THE**  
24 **STANDARD RATE SET BY THE COUNTY COMMISSIONERS.**

25                   **(5) REIMBURSEMENT FOR MILEAGE DOES NOT INCLUDE TRAVEL**  
26 **TO AND FROM THE PART-TIME INSPECTOR'S HOME AND OFFICE.**

27           **[(e)] (F)** The chairperson of the Board, with the approval of the County  
28 Commissioners, may employ the clerical assistants necessary to carry out the duties of  
29 the Board and the salary of the clerical assistants shall be set by the County  
30 Commissioners and provided for in the county budget.

1            [(f)] (G)    (1)    (i)    A Commissioner, **FULL-TIME OR PART-TIME**  
2 inspector, or employee of the Board may not:

3                            1.    Have any interest, directly or indirectly, either  
4 proprietary or by means of any loan, mortgage, or lien, or in any other manner, in or to  
5 any premises where alcoholic beverages are manufactured or sold;

6                            2.    Have any interest, directly or indirectly, in any  
7 business wholly or partially devoted to the manufacture or sale of alcoholic beverages;  
8 or

9                            3.    Own any stock in any corporation which has any  
10 interest, proprietary or otherwise, directly or indirectly, in any premises where  
11 alcoholic beverages are manufactured or sold or in any business wholly or partially  
12 devoted to the manufacture or sale of alcoholic beverages, or hold any other public  
13 office or employment.

14                            (ii)    A Commissioner, **FULL-TIME OR PART-TIME** inspector, or  
15 employee of the Board may not solicit or receive, directly or indirectly, any  
16 commission, remuneration, or gift whatsoever from any person or corporation engaged  
17 in the manufacture or sale of beer or other alcoholic beverages, from any licensee,  
18 licensed under the provisions of this article.

19                            (iii)    A person or corporation engaged in the manufacture or sale  
20 of beer or other alcoholic beverages, any agent or employee of that person or  
21 corporation, and any licensee licensed under the provisions of this article may not,  
22 directly or indirectly, offer to pay any commission, profit, or remuneration or make any  
23 gift to any Commissioner, **FULL-TIME OR PART-TIME** inspector, or employee of the  
24 Board.

25                            (2)    Violations of this subsection are a misdemeanor punishable by a  
26 fine of not more than \$1,000.

27            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 June 1, 2009.