

Rules and Regulations



of the

Board of License Commissioners for
Howard County, Maryland

and the

Alcoholic Beverage Hearing Board

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by

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TABLE OF CONTENTS

Chapter I

General Provisions

R 1.01 General	1
R 1.02 Organization	1
R 1.03 Administrator	2
R 1.04 County Solicitor	2
R 1.05 Legal Representation	2
R 1.06 Time Periods	2
R 1.07 Conflicts of Interest	2
R 1.08 Amendments to Rules and Regulations	2
R 1.09 Definitions	3

Chapter II

License Application and Issuance

R 2.01 Application and Check List	6
R 2.02 Application Requiring Public Hearing	6
R 2.03 Updating Application	7
R 2.04 Application Fee	7
R 2.05 Applicants	7
R 2.06 Resident Agent	7
R 2.07 Partnerships	8
R 2.08 Corporations or Clubs	8
R 2.09 Limited Liability Companies	8
R 2.10 Special Requirements for the Resident Agent	9
R 2.11 Special Provisions for Certain Corporations and Limited Liability Companies	9
R 2.12 Interest in More Than One License; Chain Stores, Etc. – Prohibited	9
R 2.13 Limitation of Size of Premises	11
R 2.14 Limitation of Distance from Public School	11
R 2.15 Drive Through Purchase Service	11
R 2.16 Standards for and Conditions of Issuance of License	11
R 2.17 Effective Date of Licenses	12
R 2.18 Renewal Applications	12
R 2.19 Transfer	13
R 2.20 Extension of Premises	14
R 2.21 Subsequent Applications Following Denial or Revocation	14
R 2.22 Advertising and Posting of Property	14
R 2.23 Special Licenses – Class C	15
R 2.24 Wine Sampling – WS License	15
R 2.25 Wine Festival – WF License	16
R 2.26 Wine Tasting – WT License	16
R 2.27 Beer, Wine and Liquor Tasting – BWLT License	17

R 2.28 Class C (CCRC) Beer, Wine and Liquor License	17
R 2.29 Refillable Container Permit	18
R 2.30 On-site Consumption Permit – Brewery	19
R 2.31 Corkage Permit	19

Chapter III
Inspection and Supervision of Licensed Establishments

R 3.01 The Licensing Authorities	21
R 3.02 Inspections	21
R 3.03 Cooperation by Licensees	21
R 3.04 Alcoholic Beverage Inspector	21

Chapter IV
Standards of Operation

R 4.01 Records	23
R 4.02 Closing or Vacating Licensed Establishments	23
R 4.03 Curtains, Blinds, or Other Screening Devices	21
R 4.04 Compliance with Laws and Regulations	24
R 4.05 Emergency Order of Closing	24
R 4.06 Display of Licenses	24
R 4.07 Trade Name	24
R 4.08 Licensee’s Responsibility	24
R 4.09 Agreement in Anticipation of Transfer of License	25
R 4.10 Alcohol Awareness Program	25
R 4.11 Beer Keg Registration	26
R 4.12 Removal or Partially Consumed Wine Bottles	26
R 4.13 Holiday Hours	26

Chapter V
Prohibited Practices

R 5.01 Sales to Minors	27
R 5.02 Presence of Minors on Licenses Premises	27
R 5.03 Minor’s Use of Gambling Devices	27
R 5.04 Sale to Intoxicated or Disorderly Persons	27
R 5.05 Age of Employees	28
R 5.06 Consumption, Open Container or Sale During Prohibited Hours	28
R 5.07 Acts Contrary to Law	29
R 5.08 Gambling	29
R 5.09 Narcotic Drug	29
R 5.10 Relation with Wholesalers	29
R 5.11 Solicitation	29
R 5.12 Free Food, Merchandise and Prizes	30

R 5.13 Alcoholic Beverage Containers/Refilling or Tampering	30
R 5.14 Consumption on Off-Sale Premises	30
R 5.15 Limits on Licensed Premises	31
R 5.16 Sexual Practices and Obscenity	31
R 5.17 Attire and Conduct of Employees	31
R 5.18 Exhibiting Obscene Films or Pictures	32
R 5.19 False Statements	32
R 5.20 Storage	32
R 5.21 Beverages from Faucets, Spigots, etc., Labeling	32
R 5.22 Discrimination	32
R 5.23 Gifts	32
R 5.24 Noise; Disturbance of the Neighborhood	33
R 5.25 Alterations	33
R 5.26 Illegal Possession	33
R 5.27 Retail Delivery	33

Chapter VI
The Hearing Process

R 6.01 Application of Rules to Liquor Board and Hearing Board	34
R 6.02 Meetings and Hearings	34
R 6.03 Notice to Liquor Board; Decision to Hear Case	34
R 6.04 Scheduling and Notification of Hearings	34
R 6.05 Subpoenas and Summonses	34
R 6.06 Record of Hearings	35
R 6.07 Public Attendance: Maintenance of Order	35
R 6.08 Conduct of Hearings	35
R 6.09 Procedure for Hearings Other Than Petitions Alleging Violations	36
R 6.10 Procedure for Hearings Involving Petitions Alleging Violations	37
R 6.11 License Renewal Hearings	37
R 6.12 Procedure for Hearings initiated by the Liquor Board	38
R 6.13 Decision by Hearing Board	38
R 6.14 Request for New Hearing Before the Liquor Board	39
R 6.15 Action on Request by Liquor Board	40
R 6.16 Decision of the Liquor Board	40
R 6.17 Appeals and Preparation of Record	40
R 6.18 Procedure for Hearing on the Closing of Licensed Premises	41

Chapter VII
Revocation, Suspension and Fines

R 7.01 Application of Rules to Liquor Board and Hearing Board	42
R 7.02 General	42
R 7.03 Notice of Hearings	43
R 7.04 Hearing	43
R 7.05 Penalties	43

R 7.06 Administrative Fine Procedure44
R 7.07 Offenses and Amounts Assessed Under Fine Administrative Procedure44

Chapter VIII
Classes and Fees

R 8.01 General46
R 8.02 Classes and Fees46
R 8.03 Temporary and Special Licenses47
R 8.04 Refillable Container, On-site Consumption, and Corkage Permits.....48
R 8.05 Administrative Changes to a License48

Chapter I General Provisions

R 1.01- General

The provisions of Article 2B (Alcoholic Beverages) of the Annotated Code of Maryland control the manufacture, sale, distribution, transportation and storage of alcoholic beverages in the State of Maryland. These Rules and Regulations are adopted by the Board of License Commissioners for Howard County pursuant to the authority of Sections 16-301 and 15.107.1 of Article 2B, to implement the powers conferred by State law on the local licensing authorities in Howard County.

State law imposes requirements and restrictions on the issuance of alcoholic beverage licenses and on the conduct of individuals to whom alcoholic beverage licenses are issued. State law references applicable to the licenses issued in Howard County are included in this booklet, for convenience. Matters governed by State law are printed in italics followed by a citation to the specific section of the Annotated Code of Maryland which the Rule reflects.

HOWEVER, PROVISIONS OF STATE LAW (AND ANY CHANGES IN STATE LAW) ARE APPLICABLE REGARDLESS OF WHETHER THEY ARE INCLUDED IN THIS BOOKLET. APPLICANTS AND LICENSEES ARE RESPONSIBLE FOR KNOWING AND FOLLOWING STATE LAW, REGARDLESS OF WHETHER A PROVISION IS INCLUDED IN THIS BOOKLET.

R 1.02 - Organization

(A) The members of the County Council in Howard County, *ex officio*, constitute the Board of License Commissioners for Howard County (Liquor Board). The Liquor Board delegates to the Alcoholic Beverage Hearing Board the authority to hear and decide all cases unless the Liquor Board decides to hear a case in the first instance, as provided in R 6.03, or decides to re-hear a case *de novo*, after requested to do so pursuant to R 6.14 and R 6.15.

(B) The Alcoholic Beverage Hearing Board (Hearing Board) consists of five members, appointed by the Executive and confirmed by the County Council as provided by State law. Pursuant to the delegation from the Liquor Board, the Hearing Board is responsible for hearing and deciding all cases involving alcoholic beverage licenses in Howard County, except as otherwise provided in these Rules and Regulations.

Ref: Art. 2B §15.107.1

(C) Actions relating in general to the administration of alcoholic beverage licenses in Howard County, not involving a hearing, is the responsibility of the Liquor Board, unless otherwise provided in the Rules and Regulations.

(D) The Liquor Board and the Hearing Board shall each elect a Chairperson and Vice Chairperson, annually, in December.

R 1.03 - Administrator

The Administrator to the Liquor Board and the Hearing Board, an employee of the County Council, is assigned to staff the Boards and is responsible to the Chairperson of each Board. The Administrator is responsible for the overall coordination and administration of the alcoholic beverage licenses in Howard County. The Administrator shall be the custodian of all records of the Liquor Board and the Hearing Board, including the record of proceedings in each case. The Administrator has the authority to correct any errors in sections, references, numbers, capitalization, spelling, grammar, headings and the like in these Rules and Regulations.

R 1.04 - County Solicitor

The County Solicitor or an attorney designated by the County Solicitor shall be the legal advisor to the Boards. The attorney shall attend all meetings and hearings of the Liquor Board and the Hearing Board and shall provide legal advice and assistance to the Chairpersons, the Administrator and all Liquor Board and Hearing Board members, as required.

R 1.05 - Legal Representation

Where these Rules and Regulations provide for action by a party, a protestant or an applicant, such act may be performed by an attorney except as otherwise provided. Where any notice is to be given by or to a party, a protestant, or an applicant, such notice may be given by or to the attorney for such party.

R 1.06 - Time Periods

In computing any period of time prescribed or allowed by these Rules and Regulations, the method of computation of time provided by the Maryland Rules of Procedure promulgated by the Court of Appeals of Maryland shall govern.

R 1.07 - Conflicts of Interest

The members of the Liquor Board and the Hearing Board and their employees are subject to the Howard County Public Ethics Law found in Subtitle 2 of Title 22 of the Howard County Code. Ref: Art. 2B, §15-107.1(j)

R 1.08 - Amendments to Rules and Regulations

(A) The Hearing Board may propose changes to the Rules and Regulations and shall submit any proposed changes to the Liquor Board for its approval.

(B) The Liquor Board shall publish notice of its intended action and afford interested persons the opportunity to comment on the adoption, amendment or repeal of any rule or regulation. A rule or regulation may be adopted, amended or repealed by a majority vote of the Liquor Board at any properly constituted hearing.

R 1.09 - Definitions

(A) *Alcoholic beverages: means alcohol, brandy, whiskey, rum, gin, cordial, beer, ale, porter, stout, wine, cider, and any other spirituous, vinous, malt or fermented liquor, liquid, or compound, by whatever name called, containing one half of one percent or more of alcohol by volume, which is fit for beverage purposes.*

Ref: Art. 2B, §1-102(a)(2)

(B) **Alcoholic Beverage Inspector:** means a sworn police officer, serving the Liquor Board and the Hearing Board, whose duties shall include investigations of applications, alleged violations, and enforcement of all alcoholic beverage laws of the State and county.

(C) **Attorney:** means an attorney of law admitted to, and in good standing with, the Bar of the Court of Appeals of Maryland.

(D) *Beer: means any brewed alcoholic beverage, and includes beer, ale, porter, stout, hard cider and alcoholic beverages that contain: 6% or less alcohol by volume, derived primarily from the fermentation of grain, with not more than 49% of the beverage's overall alcohol content by volume obtained from flavors and other added non-beverage ingredients containing alcohol; or more than 6% alcohol by volume, derived primarily from the fermentation of grain, with not more than 1.5% of the beverage's overall alcohol content by volume obtained from flavors and other added non-beverage ingredients containing alcohol.*

Ref: Art. 2B, §1-102(a)(3)

(E) **Board:** means either the Board of License Commissioners for Howard County or the Alcoholic Beverage Hearing Board, whichever Board is exercising the authority referred to in the Rule; "Boards" means both.

(F) *Club: means an association or corporation which is organized and operated exclusively for educational, social, fraternal, patriotic, political or athletic purpose and not for profit.*

Ref: Art. 2B, §1-102(a)(4)

(G) *Comptroller: means the Comptroller of the Treasury of the State of Maryland.*

Ref: Art. 2B, §1-102(a)(5)

(H) **Hearing Board:** means the appointed Alcoholic Beverage Hearing Board established by State law.

(I) *Hotel: means an establishment for the accommodation of the public, equipped with not less than ten bedrooms and a dining room with facilities for preparing and serving regular meals and in which the average daily receipts from the hire of rooms and the sale of foods exceed the average daily receipts from the sale of alcoholic beverages.*

Ref: Art. 2B, §1-102(a)(10)

(J) **Licensed premises:** means that area specifically licensed for the sale and storage of alcoholic beverages.

(K) License: means the certificate issued by the Liquor Board which identifies the licensee(s), the class of license, and the exact square footage on which alcoholic beverages may be sold, consumed, or stored.

(L) License holder or licensee: means an individual to whom an alcoholic beverage license has been granted by the Board pursuant to Article 2B of the Annotated Code of Maryland and for purposes of §2-401 (b) relating to sales and deliveries, also means a corporation, partnership or limited liability company on behalf of which an individual or individuals has obtained a license.

(M) *Light wine: means any fermented wine containing not in excess of 15.5% of alcohol by volume.*

Ref: Art. 2B, §1-102(a)(17)

(N) Liquor Board: means the County Council sitting as the Board of License Commissioners for Howard County.

(O) Non-profit organization: means a club, society or association with by-laws, charter or other supporting documentation, whose proceeds benefit a non-profit purpose.

(P) "Off-sale" means the sale of alcoholic beverages that are to be consumed off the licensed premises.

(Q) "On-sale" means the sale of alcoholic beverages that are to be consumed only on the licensed premises

(R) *Person: means a natural person, an association, a partnership, a corporation, or a state, political subdivision, or municipality, or any agency or instrumentality of the State, any political subdivision, or municipality.*

Ref: Art. 2B, §1-102(a)(21)

(S) Renewal: means the reissuing of an existing license for the exact premises, licensee(s), and type as was previously issued.

(T) Resident: for the purpose of an applicant or licensee, means an individual who lives in and is a registered voter in Howard County.

(U) Resident Agent: means the qualifying individual who lives in Howard County and meets the requirements of Section 9-101(e) of Article 2B.

(V) *Restaurant: means an establishment for the accommodation of the public equipped with a dining room with facilities for preparing and serving regular meals, wherein the average daily receipts from the sale of foods exceed the average daily receipts from the sale of alcoholic beverages.*

Ref: Art. 2B, §1-102(a)(22)(i)

(W) Retail dealer: means a person who deals in or sells any alcoholic beverage to any person other than a license holder.

(X) Tavern: means a Class D licensee. In a tavern with off-sale privileges, the average daily receipts from the sale of alcoholic beverages sold for consumption on the premises must equal or exceed the average daily receipts from the sale of food, and the area designated for the sale of package goods may not exceed 25% of the total licensed area.

(Y) Wholesaler: means a person who purchases or imports any alcoholic beverage for sale to wholesale or retail dealers only.

(Z) *Wine: means any fermented beverage, including light wines, and wines, the alcoholic contents of which has been fortified by the addition of alcohol, spirits or other ingredients.*
Ref: Art. 2B, §1-102(a)(28)

Chapter II

License Application and Issuance

R 2.01 - Application and Check List

(A) An application for a new license, transfer, renewal, extension of the premises, change of officers, change in resident agent, or class change of a license, shall be made to the Liquor Board upon printed forms prescribed by the Comptroller and issued by the Liquor Board. The information requested therein shall be filled in by the applicants or under the applicants' personal supervision and shall be typewritten or printed in black ink so as to be legible.

(B) The application shall be accompanied by the information and documentation required by the checklist issued by the Liquor Board.

(C) The application and checklist shall be fully completed and the checklist, extension of premises information and documentation provided before the application will be processed by the Administrator and a hearing date scheduled.

(D) Applications for new licenses, transfers and extensions of premises shall include the completion and signing of the Statement of the Owner of the Premises authorizing the inspection and search of the licensed premises and elsewhere by the government agencies named in the Statement.

(E) The Administrator for the Boards will not accept or process an application for a license for a class except for any class of B license, if the alcoholic beverage licensing records indicate that one or more of the applicants is currently listed as a licensee on an existing license in Howard County.

(F) The Administrator for the Boards will not accept or process an application for a license except a Wine Sampling (WS), Beer and Wine Tasting (BWT), or Beer, Wine and Liquor Tasting (BWL) if the application is being requested for a location that is covered by an existing Howard County license. See R 8.02 and R 8.03 for definitions.

R 2.02 - Application Requiring Public Hearing

(A) *A public hearing shall be held on an application for a new license, a transfer, an extension of the premises, and a change in the class of license.*

Ref: Art. 2B, §10-202(a); (n)

(B) A public hearing shall be held on an application for a Howard County resident agent change.

(C) No hearing is required for temporary and special licenses listed in R 8.03, unless an organization requests more than twelve (12) licenses in a year or if a hearing is requested by an applicant after the Chairperson or Vice Chairperson declines to grant the license pursuant to R 2.23(C) and/or R 2.24(F).

R 2.03 - Updating Application

Any change altering pertinent information contained in the original or any subsequent application filed with the Boards, including but not limited to change of telephone number, change of address, death of a licensee, dissolution of a corporation, change in stock ownership, change in stock percentages held by licensees, change of name, election or change of officer(s) who are licensees shall be immediately reported to the Board.

R 2.04 - Application Fee

(A) No application for the issuance of a license, transfer, extension of premises or for any other matter requiring the holding of a public hearing shall be accepted unless accompanied by an application fee of \$260.00 to defray the cost of the hearing.

(B) No County application fee shall be required for temporary and special licenses listed in R 8.03, unless a hearing is required.

R 2.05 - Applicants

(A) An alcoholic beverage license may not be issued to a business entity, such as a partnership, a corporation or a limited liability company, but only to individuals acting on behalf of the business entity who shall be personally responsible for all penalties, conditions and restrictions imposed upon licensees under the provisions of the Article 2B and the Tax-General Article of the Annotated Code of Maryland.

Ref: Art. 2B, §9-101 (a)

(B) (1) An application for a license shall contain a statement indicating whether the applicant is a natural-born citizen or a naturalized citizen. If the applicant is not a natural-born citizen or a naturalized citizen, the applicant shall provide the information or documentations required by the Liquor Board to show proof of alien status.

(2) The Liquor Board may obtain information from the Social Security and the Department of Homeland Security – Immigration and Customs to verify the applicant's citizenship or alien status.

Ref: Art. 2B, §10-103(b)(3-a)

R 2.06 - Resident Agent

(A) One applicant, the Resident Agent, must be a registered voter in Howard County, a resident of Howard County for at least 2 years immediately preceding the filing of the application, unless, pursuant to Article 2B, Section 10-104(o), the length of residency is waived by the Board for an applicant who is a bona fide purchaser of an ongoing business or who has owned the premises for two years. The Resident Agent shall continue to reside in Howard County as long as the individual holds the alcoholic beverage license.

Ref: see generally Art. 2B, §9-101(a); §10-103(b)(4)(i); and §10-104(o)

(B) The Resident Agent shall complete an approved alcohol awareness course before the license is issued and, if a petition alleging a violation of the provisions of Article 2B or these Rules and Regulations is filed, shall personally attend the hearing.

R 2.07 - Partnerships

(A) *If the application is for a partnership, the license shall be applied for and be issued to all the partners as individuals, all of whom shall be registered voters of Howard County, shall have resided in Howard County for at least two years prior to the application, and shall continue to reside in Howard County as long as they hold the license.*

Ref: Art.2B, §9-101(a)

(B) Applicants filing on behalf of a partnership must submit an executed copy of the Partnership Agreement with their original application.

R 2.08 - Corporations or Clubs

(A) *An application for a license on behalf of a corporation or a club (whether incorporated or unincorporated) shall be applied for by and be issued to three of the officers or directors of that corporation or club, as individuals for the use of the corporation or club at least one of whom shall be a registered voter and taxpayer of the county, and shall have resided therein for at least two years prior to the application. Where there are fewer than three officers or directors of the corporation, all officers or directors shall apply. If there are no officers or directors in a close corporation, at least one stockholder may make the application, if there is an affirmative vote of the stockholders holding a majority of the stock. The application shall list the names and addresses of all the officers of the corporation or club; the names, addresses and of all stockholders who hold at least 5% of the shares; shall be signed by the president or vice-president, in addition to the applicants.*

Ref: Art. 2B, §9-101(b)

(B) *The applicants shall submit an executed copy of the articles of incorporation with the application.*

Ref: Art. 2B, §9-101(e)(4)

R 2.09 - Limited Liability Companies

(A) *An application for a license on behalf of a limited liability company shall be applied for by and be issued to 3 of the authorized persons of that limited liability company, as individuals, for the use of the limited liability company. At least one of the applicants shall be a registered voter and taxpayer of the county, and shall have resided therein for at least two years prior to the application. The application shall list the names and addresses of each of the authorized persons and shall be signed by the 3 authorized persons to whom the license will be issued. In the case of a limited liability company having fewer than three authorized persons, all authorized persons shall apply.*

Ref: Art. 2B, § 9-10(c)

(B) *An executed copy of the articles of organization and a list of all members who hold a minimum of 5% of the interests of the limited liability company shall be submitted with the application.*

Ref: Art. 2B, §9-101(e)(4)

R 2.10 - Special Requirements for the Resident Agent

(A) *Applicants for a new license or the transfer of a license for the use of a corporation or limited liability company shall certify that the following requirements are met by the applicant who is a Howard County resident and that they will continue to be met as long as the individual holds the license:*

(1) That the Howard County resident owns a minimum of 10% of the stock in the corporation or 10% interest in the limited liability company; or

(2) That the Resident Agent will serve as manager or supervisor and shall be physically present on a full time basis at the licensed premises to conduct the daily business concerning alcoholic beverage sales.

Ref: Art.2B, §9-101(e)

(B) The provisions of R 2.10 do not apply to licenses existing on July 1, 1982 until the license is transferred or there is a change in the Howard County licensee.

(C) The resident agent must give notice, in advance, to the Liquor Board that the Agent is resigning and upon receipt of notice, the Administrator will send remaining license holders notice that a new Howard County resident agent application is required within thirty days.

R 2.11 - Special Provisions for Certain Corporations and Limited Liability Companies

(A) *The special provisions of this rule apply:*

(1) To a corporation or limited liability company, the stock or interests of which are authorized for sale by the Securities and Exchange Commission of the United States, or

(2) To a corporation in which a majority of the shares of stock or a limited liability company in which the majority of the interests are owned or controlled either directly or indirectly by one or more corporations or limited liability companies whose shares of stock or interests are so traded.

(B) *Instead of the requirements of R 2.10, one of the applicants shall serve as a full-time manager or supervisor who is physically present on a full-time basis at the licensed premises to conduct the daily business involving transactions concerning alcoholic beverage sales.*

(C) *Applicants are not required to submit a list of shareholders or members holding a minimum of 5% of stock or 5% of the interests of 5% of the corporation or limited liability company.*

Ref: Art. 2B, §9-101(e)

R 2.12 - Interest in More Than One License; Chain Stores, Etc. - Prohibited

(A) *A person, partnership, firm, or corporation, may not have any interest in more than one license in Howard County, whether held or controlled by direct or indirect ownership, by stock ownership, interlocking directors or interlocking stock ownership, or in any other manner, directly or indirectly. It is the intention of this rule to prohibit any person, firm, partnership, or*

corporation from having any interest, directly or indirectly, in more than one license. This provision does not apply to an application for a B or a BLX license.

Ref: Art. 2B, §9-301

(B) (1) Subject to paragraphs (2) and (3) of this subsection, and notwithstanding any other provision of law, the Board of License Commissioners may issue 2 Class B (on-sale) beer, wine and liquor licenses, and 7 Class BLX (luxury restaurant) (on-sale) beer, wine and liquor licenses, or 9 Class BLX (luxury restaurant) (on-sale) beer, wine and liquor licenses for separate premises:

(I) To an individual; or

(II) For the use of a partnership, corporation, or unincorporated association.

(2) A person, including a corporation, limited liability company, partnership, limited partnership, joint venture, association, or other combination of persons, whether natural or otherwise, and for whatever reason formed, may not have a direct or indirect interest in any combination of more than 9 Class B and Class BLX licenses.

(3) For purposes of this subsection, an indirect interest is presumed to exist between two persons, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other combination of persons, whether natural or otherwise, if any of the following conditions exist between them:

(I) A common parent company;

(II) A franchise agreement;

(III) A Licensing agreement;

(IV) A concession agreement;

(V) Both are part of a chain of businesses commonly owned and operated;

(VI) They share:

1. Directors, stockholders, partners, or members; or

2. Directors, stockholders, partners, or members of parents or subsidiaries;

(VII) They commonly share, directly or indirectly, profit from the sale of alcoholic beverages; or

(VIII) They share a common trade name, trademark, logo or theme, or mode of operation identifiable by the public.

(C) A license may not be issued for the premises of business establishments commonly known as chain stores, supermarkets, or discount houses.

Ref: Art. 2B, §9-102(a-1)

(D) No more than one Class A, Class C or Class D alcoholic beverage license may be issued in the State of Maryland to an individual or for the use of the individual or for the use of any partnership, corporation, unincorporated association, or limited liability company.

Ref: Art. 2B, §9-107

(E) A Class A or Class D beer, beer and light wine, or beer, wine and liquor license may not be issued, except by way of renewal, to a person, corporation, or limited liability company holding an alcoholic beverages license in any other state or in Washington, D.C.

Ref: Art. 2B, §9-102(B-3)(8)

R 2.13 - Limitation on Size of Premises

An off sale alcoholic beverage license may not be issued for more than 10,000 square feet of space devoted to the sale of alcoholic beverages for off premises consumption, unless, after a public hearing, the board hearing the matter determines that the issuance of the license would not impact existing retail licensees in the immediate vicinity of the premises, including those licensees that may be in a contiguous county or city, would serve the public need and receives the written approval of the State Comptroller.

Ref: Art. 2B, §9-108

R 2.14 - Limitation on Distance from Public School

A Class B license to sell alcoholic beverages may not be issued for a restaurant located within 400 feet from the nearest point of a public school building. No other alcoholic beverage license will be issued for any building located within 500 feet of the nearest point of a public school building.

Ref: Art. 2B, § 9-214(b)

R 2.15 - Drive Through Purchase Service

The Board will not issue, transfer or approve an application on behalf of an off sale alcoholic beverage license of any class for the use in a business that is intended to be operated as a drive through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off premises consumption.

Ref: Art. 2B, §9-214(c)

R 2.16 - Standards for and Conditions of Issuance of License

(A) Standards for granting or denying a license and matters to be considered by the Boards in reaching their decisions are provided in State law and are set forth below.

- (1) *An application shall be disapproved and the license refused, if the Board finds that:*
 - (a) *The granting of the application is not necessary for the accommodation of the public;*
 - (b) *The applicant is not a fit person to receive the license;*
 - (c) *The applicant has made a material false statement in the application;*
 - (d) *The applicant has practiced fraud in connection with the application;*
 - (e) *The operation of the business will unduly disturb the peace and safety of residents in the neighborhood in which the business is to be located; or*
 - (f) *There are other reasons, in the discretion of the boards, why the license should not be issued.*
- 2) *Before approving an application and issuing a license the Board shall consider:*
 - (a) *the public need and desire for the license;*
 - (b) *the number and location of existing licenses and potential effect on existing*

licensees of the license applied for;

(c) the potential commonality or uniqueness of the services and products to be offered by the applicant's business;

(d) the impact on the health, safety, and welfare of the community, including issues relating to crime, traffic conditions, parking, or convenience; and

(e) any other necessary factors as determined by the Board.

Ref: Art. 2B, §10-202(a)(2)

(B) On determining whether to approve an application for a new Class A license, regardless of kind, the Alcoholic Beverage Hearing Board shall include in its written decision findings as to each of the factors set forth in §10-202(a)(2)(i) of Article 2B and as referenced above.

Ref: Art. 2B §9-214(e)

(C) Before any new license, transfer of an existing license, extension of the premises of an existing license establishment or a renewal of an existing license shall be issued, the licensee(s) shall have complied with the following conditions, as appropriate:

(1) the requirements of Article 2B, including obtaining a Bulk Transfer Permit, paying all retail sales and withholding taxes, and with the Workers Compensation Act, as required;

(2) the rules and regulations of all State and County agencies; and

(3) any other conditions and restrictions placed upon the issuance of the license by the Board.

R 2.17 - Effective Date of Licenses

(A) All licenses issued shall be dated as of the date of issue and shall expire, unless otherwise provided, on April 30th, next, after its issuance. Temporary and special licenses however, become effective and expire as stated on the license.

(B) In the case of an establishment not yet open to the public, the license shall be conditional upon the establishment's opening to the public within a reasonable time which shall be set by the Board based on the evidence presented, and the issue date of such a license shall be the date the establishment is ready to open to the public.

R 2.18- Renewal Applications

(A) *Applications for renewal of licenses shall be filed between March 1st and April 1st of each year. Failure to do so shall result in non-renewal of the license or a penalty of \$50 per day for every day the application is late.*

Ref: Art. 2B, § 10-301(a); (h)

(B) Applications for renewal shall be on forms furnished by the Boards.

(C) Renewal applications shall be accompanied by a statement, if applicable, information required by Rule 4.01(B).

(D) *No hearing shall be required on a renewal unless:*

(1) *a protest against the granting of the renewal is filed at least 30 days before the expiration of the license for which renewal is sought and signed by at least ten residents or real estate owners in the immediate vicinity in which the licensed place of business is located;*
Ref. Art. 2B, §10-301(a)

(2) *there has been a change in the identity of the only Howard County resident (Resident Agent) on the license; or*
Ref: see generally, Art. 2B, §9-101(a); §10-103(b)(4)(i); and §10-104(o)

(3) *the Liquor Board or the Hearing Board in its discretion deems it necessary.*
Ref: Art. 2B, §10-301(a)

(E) The business conducted under the alcoholic beverage license must be in active operation at the time the application for renewal is filed unless an application for a transfer of the license is pending or there are extraordinary circumstances, such as destruction of the premises and licensee is repairing or replacing the structure, and the Liquor Board agrees to accept the application for renewal.

R 2.19 - Transfer

(A) Applications for transfer of licenses shall be considered by the Board after public notice and hearing using the same criteria as in the case of new application.

(B) No license shall be transferred unless the licensee has actively engaged in the sale of alcoholic beverages as authorized by the license within six months prior to the date of application for transfer.

(C) No application for a transfer of a license, to become effective before May 1st of that year, shall be processed by the Board after March 1st of that year.

(D) Any petition filed against a transferring licensee shall be heard and a decision made by the Boards before the license can be transferred.

(E) Licenses are not for sale in Howard County.

(F) *Licenses shall not be regarded as property or as conferring any property rights. Licenses shall not be subject to writs of execution by a judgment creditor of a licensee nor are licenses subject to a distraint for rent.*

Ref. Art. 2B, §10 -501(d)

(G) *After a transfer of a license is approved, the license may not be issued until all State and Local Personal Property taxes owed by the transferor have been paid.*

Ref: Art. 2B, §10-503(o)

(H) *After a transfer of a license is approved, the license may not be issued until an affidavit certifying compliance with the Bulk Transfers Act of the commercial law article has been filed*

with the board.

Ref: Art. 2B, §10-503(a)(4)

(I) Licensees shall comply with all applicable federal and state laws, including obtaining a bulk transfer permit from the Comptroller's office, if alcoholic beverage stock is being transferred, irrespective of whether consideration is paid.

Ref: Art. 2B, §10-503 (a)(2)(iii)

R 2.20 - Extension of Premises

Applications for the extension of a licensed premises shall be considered after public notice and hearing using the same criteria as in the case of a new application.

R 2.21- Subsequent Applications Following Denial or Revocation

(A) If a license is refused, no further application shall be considered from the applicant or for the premises for a period of one year from the date of the first refusal. If a subsequent application by the same applicant or for the same premises is again refused within the two year period immediately following the date of the first refusal, no further application shall be considered from such applicant or for such premises, as the case may be, until the two year period above provided for has elapsed.

Ref: Art. 2B, §10-208(g)

(B) When an alcoholic beverage license is revoked, any individual who was a holder of the license may not obtain any other alcoholic beverage license, at any time. No other person is entitled to obtain an alcoholic beverage license for the same premises until the expiration of six months from the date of the revocation, and not at all in the discretion of the Board.

Ref: Art. 2B, §10-404(a)

R 2.22 - Advertising and Posting of Property

(A) Notice of an application for a new license, transfer of a license, extension of premises, request for change in class or change in the name of the Resident Agent, shall be published two successive weeks, in at least two newspapers of general circulation in Howard County. The notice shall specify the name(s) of the applicant(s), the nature of the application, the location of the existing or proposed premises, and the time and place fixed by the Board for hearing the application. Said hearing shall not be less than seven nor more than thirty days after the last publication.

(B) All expenses for the published notification shall be borne by the applicant.

(C) In the case of an application for a new license, an application for a transfer of a license, an application for a change in a class of the license or an application for an extension of the premises, the pertinent information shall be posted on the property in a manner and form on file with the Board. The posting shall be made by the Alcoholic Beverage Inspector with cooperation of the applicant. The posting shall exist for no less than fifteen days prior to the hearing.

Ref: Art. 2B, §10-202(a); (n)

(D) The Board of License Commissioners shall supply the posters, and the expense for the posters shall be borne by the applicant.

R 2.23 - Special Licenses - Class C

(A) Application by any qualified bona fide religious, fraternal, veterans, political, civic, educational, athletic or other nonprofit organization for a special license for use at a function at which there will be a cash bar and/or admission charge shall be made on forms provided by the Liquor Board at least 10 days prior to the event for which the application is sought.

(B) Each application made pursuant to this section shall be accompanied by a copy of the organization's by-laws or charter, or other similar documents.

(C) The Chairperson and Vice Chairperson of the Liquor Board are authorized to grant such licenses on behalf of the Board.

(D) If the Chairperson and Vice Chairperson of the Liquor Board decline to grant the license, upon request of the applicant, the matter shall be scheduled for hearing before the Hearing Board or the Liquor Board as soon as is practical.

(E) No organization shall be granted more than 12 special licenses in any year, unless the Hearing Board, after a public hearing, has determined otherwise.

R 2.24 - Wine Sampling - WS License

(A) Application by any qualified bona fide religious, fraternal, veterans, political, civic, educational, athletic or other nonprofit organization for a special Wine Sampling (WS) license permitting the consumption of wine only for tasting and sampling purposes. Application shall be made at least 15 days prior to the day on which the license will be used.

(B) This license shall permit the applicant to carry wine onto the premises for wine sampling purposes only with the authorization of the Class B licensee if the event is held on licensed premises, or the owner, if the event is held on non- licensed premises.

(C) The licensee may not serve more than two ounces of wine from each varietal offering to any person.

(D) The Liquor Board may not issue more than 12 WS licenses to the same organization in any given license year.

Ref: Art. 2B, §8-408

(E) Each application made pursuant to this section shall be accompanied by a copy of the organization's by-laws or charter, or other similar documents.

(F) The Chairperson or Vice Chairperson of the Liquor Board is authorized to grant such licenses on behalf of the Board.

R 2.25 - Wine Festival - WF License

- (A) *The Liquor Board may issue special Wine Festival (WF) licenses in Howard County.*
- (B) *The sponsor of the wine festival in Howard County shall submit a request to the Liquor Board to approve one weekend a year (provided that the dates are not the dates on which the following wine festivals are held: Cumberland and Shenandoah Valley Wine Festival in Washington; the Maryland Wine Festival in Carroll County; the Baltimore County Wine Festival; and the Annapolis Wine Festival in the City of Annapolis) and to approve a location for the festival, which location does not hold an alcoholic beverages license.*
- (C) *An applicant for a Wine Festival license shall be a holder of an existing retail alcoholic beverages license issued in the State of Maryland and authorized under the license to sell wine; a holder of an existing State Class 3 winery license; or a State Class 4 winery license.*
- (D) *The WF license permits the holder to display and sell wine for consumption on or off the licensed premises on the days and for the hours designated and approved by the Liquor Board.*
- (E) *A WF licensee shall only display and sell wine that is produced and processed in Maryland. Ref: Art. 2B, §8-310*
- (F) *Each application made pursuant to this section shall be accompanied by a copy of the organization's by-laws or charter, or other similar documents.*
- (G) *The Chairperson or Vice Chairperson of the Liquor Board is authorized to grant such licenses on behalf of the Board.*

R 2.26- Wine Tasting - WT License

- (A) *The Liquor Board may issue a Beer and Wine Tasting (BWT) license to holders of a Class A Beer, Wine and Liquor (BWL) license or a Class A Beer and Wine (BW) license.*
- (B) *A BWT license authorizes the on-premises consumption for tasting or sampling only under the following conditions:*
 - (1) *Beer; or*
 - (2) *Wine containing not more than 15.5% of alcohol by volume; and*
 - (3) *Licensee may not serve wine in a quantity of more than 1 ounce from each given brand and no more than 4 ounces from all brands to any one person in a single day; and*
 - (4) *Licensee may not serve beer in a quantity of more than 3 ounces from each given brand and no more than 8 ounces from all brands to any one person in a single day.*
- (C) *Application for a BWT license shall be on forms prescribed by the Liquor Board.*
- (D) *The annual license fee for a BWT license is \$100.00, in addition to the fee of any*

other alcoholic beverages license.

Ref: Art. 2B, § 8-408.1

R. 2.27 - Beer, Wine and Liquor Tasting – BWLT License

(A) *The Liquor Board may issue a Beer, Wine and Liquor Tasting (BWLT) license to a holder of a Class A Beer, Wine and Liquor license.*

(B) *A BWLT license authorizes the on-premises consumption, for tasting or sampling only, of*

(1) Beer;

(2) Wine containing not more than 15.5% of alcohol by volume; or

(3) Liquor.

(C) *A holder of a BWLT license may not serve:*

(1) Wine in a quantity of more than 1 ounce from each given brand and not more than 4 ounces from all brands to any one person in a single day;

(2) Beer in a quantity of more than 3 ounces from each given brand and not more than 8 ounces from all brands to any one person in a single day; or

(3) Liquor in a quantity of more than ¼ ounce from each given brand and not more than 1 ounce from all brands to any one person in a single day.

(D) *Application for a BWLT license shall be on forms prescribed by the Liquor Board.*

(E) *The annual license fee for a BWLT license is \$100, in addition to the fee for any other alcoholic beverages license.*

Ref: Art. 2B, § 8-408.1

R. 2.28 - CLASS C (CCRC) BEER, WINE AND LIQUOR LICENSE

(A) *The Liquor Board may issue a Class C (CCRC) beer, wine and liquor license to a continuing care retirement community that:*

(1) is composed of residents of a continuing care retirement community that has obtained a certificate of registration from the State Department of Aging under Title 10, Subtitle 4 of the Human Services Article of the Maryland Code;

(2) operates solely for the use of its residents and guests of the community; and

(3) is not directly or indirectly owned or operated as a public business.

(B) *A C (CCRC) license authorizes a licensee to keep for sale and sell at retail to a resident or a guest of the continuing care retirement community beer, wine, and liquor for consumption on the licensed premises.*

(C) *An application for a C (CCRC) license shall be on the form that the Liquor Board*

requires.

(D) *The annual license fee is \$250.*

Ref. Art. 2b, §6–301(o)(6)

R. 2.29 -REFILLABLE CONTAINER PERMIT

(A) *The Liquor Board may issue a refillable container permit to a holder of any class of alcoholic beverages license that the Liquor Board issues except a Class C license or a Class GC license:*

- (1) *on completion of the application form that the Board provides; and*
- (2) *at no cost to the license holder.*

(B) *A refillable container permit entitles the holder to sell:*

- (1) *draft beer for consumption off the licensed premises in a refillable container with a capacity of not less than 32 ounces and not more than 128 ounces; and*
- (2) *if the holder is licensed to sell wine, wine for consumption off the licensed premises in a refillable container with a capacity of not less than 17 ounces and not more than 34 ounces, if the holder is licensed to sell wine.*

(C) *To be used as a refillable container under paragraph (B) of this section, a container shall:*

- (1) *be sealable;*
- (2) *be branded with an identifying mark of the license holder;*
- (3) *bear the Federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;*
- (4) *display instructions for cleaning the container; and*
- (5) *bear a label stating:*
 - (I) *that cleaning the container is the responsibility of the consumer; and*
 - (II) *if the container contains beer, that the contents are perishable and should be refrigerated immediately and consumed within 48 hours after purchase.*

(D) *The term of and hours of sale for a refillable container permit issued to an applicant are the same as that of the applicant's alcoholic beverages license.*

(E) *An applicant who holds an alcoholic beverages license without an off-sale privilege shall meet the same advertising, posting of notice, and public hearing requirements as those for the alcoholic beverages license that the applicant holds.*

(F) *A holder of a refillable container permit may refill only a refillable container that was branded by the permit holder.*

Ref. Art. 2b, §7–101(p–1)(11)

R. 2.30 -- ON-SITE CONSUMPTION PERMIT - BREWERY

- (A) (1) *The Liquor Board may issue an on-site consumption permit only to an applicant that holds a Class 5 manufacturer's license and a Class D beer license.*
- (2) *If the Comptroller revokes or suspends the Class 5 license, then the Class D license and the on-site consumption permit are also deemed revoked or suspended.*
- (B) *An application for the on-site consumption permit shall be on the form that the Liquor Board requires.*
- (C) *An on-site consumption permit entitles the holder to:*
- (1) *sell beer brewed at the brewery for on-premises consumption to persons that have attained the legal drinking age;*
 - (2) *provide beer for free only as allowed by the holder's Class 5 manufacturer's license; and*
 - (3) *provide beer for off-premises consumption only as allowed by the holder's Class 5 manufacturer's license.*
- (D) *The fee for an on-site consumption permit is \$500.*
- (E) *At the time of application, a permit holder must send the Liquor Board a copy of each application that the permit holder submits to the Comptroller for a special event.*

Ref. Art. 2B, § 2-206(b)(2)

R. 2.31 – CORKAGE PERMIT

- (A) (1) *The Liquor Board may issue a Corkage Permit to the holder of a Class B or Class C license that allows the sale of wine in the license holder's restaurant, club, or hotel.*
- (2) *Under a Corkage Permit, the permit holder may allow an individual in the permit holder's premises to consume wine not purchased from or provided by the permit holder.*
- (B) *There is no fee for a Corkage Permit.*
- (C) *An individual may consume wine under a Corkage Permit only if:*
- (1) *the wine is consumed with a meal during the hours of sale specified by the permit holder's license;*
 - (2) *the individual receives the approval of the permit holder; and*
 - (3) *the wine is not available for sale on the permit holder's wine list.*
- (D) *A Corkage Permit holder may determine and charge the consumer a fee for the privilege, on which a sales tax shall be imposed.*
- (E) *After the meal, a partially consumed bottle of wine:*

- (1) *may be removed from the licensed premises by the consumer if the permit holder inserts a cork in or places a cap on the bottle; or*
 - (2) *shall be discarded by the permit holder.*
- (F) *A bottle of wine that is removed from the licensed premises under paragraph (e) of this rule is an “open container” for purposes of § 10–125 of the Criminal Law Article of the Maryland Code.*
- (G) *A permit holder may not allow an individual who is under 21 years old or who is visibly under the influence of an alcoholic beverage the privilege of consuming wine under this rule.*

Ref. Art. 2b, § 12-107(b)(10)

Chapter III

Inspection and Supervision of Licensed Establishments

R 3.01 - The Licensing Authorities

(A) The Boards have the authority to administer and enforce the provisions of Article 2B of the Annotated Code of Maryland and these Rules and Regulations.

(B) The Alcoholic Beverage Inspector shall report in matters affecting the Boards to the Chairperson of each Board.

(C) Inspection reports filed by the Alcoholic Beverage Inspector shall be reviewed by the Chairperson of each of the Boards.

R 3.02 - Inspections

Inspections will be conducted by the Department of Fire and Rescue Services, the Department of Inspections, Licenses and Permits, the Health Department, and the Department of Planning and Zoning when there is an application for a new license, transfer of an existing license, extension of the premises of an existing licensed establishment, or a renewal of an existing license.

R 3.03 - Cooperation by Licensees

Every license holder shall cooperate with and shall cause all employees and agents to cooperate with representatives of the Boards, members of the Police Department, Fire Department, Health Department, Department of Public Works, the Department of Inspections, Licenses and Permits, Bureau of Life Safety and the Department of Planning and Zoning, Grand Jury, and representatives of other authorized agencies whenever any of these persons are engaged in official business. Each licensee, his/her agents, and employees shall also comply with any lawful order of such authorities or other public authority designed to promote the health, safety and general welfare of the public at large.

R 3.04 - Alcoholic Beverage Inspector

The Alcoholic Beverage Inspector in Howard County shall be a sworn police officer, designated by the Chief of the Howard County Police Department and, as such, is responsible and accountable to the Chief of Police through the appropriate chain of command. The Alcoholic Beverage Inspector shall have the following duties and responsibilities:

- (1) Provide assistance to the Boards in any matter pertaining to alcoholic beverages.
- (2) Conduct background investigations and record checks on all applicants for an alcoholic beverage license.
- (3) Make routine inspections of licensed establishments in the County to ensure that they are in compliance with all appropriate state laws, local laws, restrictions and Rules

and Regulations.

- (4) Coordinate information with other appropriate regulatory agencies.
- (5) Take appropriate action on any written report of violations forwarded by a uniformed officer of either the Howard County Police Department or the Maryland State Police.
- (6) Investigate complaints made against a licensed establishment.
- (7) Initiate covert inspections and investigations of licensed establishments that may be necessary to ensure compliance, or to prove/disprove alleged violations.

Chapter IV Standards of Operation

R 4.01 - Records

(A) Licensees shall keep accurate records of all purchases of alcoholic beverages for a period of two years from the date of each purchase, the quantity purchased, and the name and address of each seller. The records and accompanying wholesaler's invoices shall be maintained on the licensed premises and shall be open for inspection at all times by the Alcoholic Beverage Inspector and all other duly authorized representatives of the Boards.

(B) Licensees for Class B and Class D licensed establishments shall submit an annual statement from a Certified Public Accountant, or equivalent statement, certifying the percentage of gross revenue from the sale of food and the percentage of gross revenue from the sale of alcoholic beverages for the purpose of ensuring the renewal of a proper class of license.

(C) Licensees whose licenses authorize both on and off sales shall keep accurate records for a period of two (2) years of all sales of alcoholic beverages so that a determination may be made of what portion or percentage of such sales are in sealed packages or containers for consumption off the licensed premises. The records shall be maintained on the licensed premises and open for inspection at all times by the Alcoholic Beverage Inspector, police officer and all other duly authorized representatives of the Boards.

(D) Licensees shall keep on their licensed premises records containing the legal names, aliases, addresses, date of birth, and social security numbers of all persons currently employed by the establishment and of persons so employed during the preceding 12 month period. Such records shall be open at all times for inspection by duly authorized representatives of the Boards, the Howard County Police Department and other governmental agencies.

R 4.02 - Closing or Vacating Licensed Establishments

(A) If a licensee closes the business for a period of ten days or more, licensee shall so inform the Board in writing immediately upon closing, giving the reason for closing, the estimated time the business will not be operated, and the future intentions as to the use of the license. Failure to notify the Administrator of a closing for a period exceeding ten days shall be sufficient cause for revocation of the alcoholic beverage license.

(B) If a licensee vacates or is evicted from the licensed premises, the license shall expire on the 10th day unless an application for approval of a transfer of the license has been approved or is pending. However, the Board may postpone the expiration for an additional 20 day period to avoid undue hardship.

Ref: Art. 2B, §10-504

R 4.03 - Curtains, Blinds, or Other Screening Devices

On sale licensees who utilize curtains, blinds, or other devices over exterior windows and doors of the establishment to ensure privacy during hours of operation shall open all curtains, blinds, or other screening devices from the time of legal closing until the time of legal opening, so as to allow visual inspection of the premises from the outside.

R 4.04 - Compliance with Laws and Regulations

Licensees shall operate their establishments at all times in accordance with the requirements of all federal, state and local laws and regulations.

R 4.05 - Emergency Order of Closing

In the event an emergency situation or other exigent circumstances relating to the public welfare or safety is found to exist at or in the vicinity of a licensed establishment and, in the opinion of the Alcoholic Beverage Inspector or any supervisor of the Howard County Police Department or the Maryland State Police, the continued operation of the licensed business would be an immediate threat to the peace, safety, quiet or general welfare of the community, the Inspector and police supervisor are individually authorized to order the establishment closed for the hours remaining prior to legal closing.

The Boards shall be notified in writing of any such closing by the officer involved within forty-eight (48) hours, and a detailed report of the incident shall be submitted to the Alcoholic Beverage Inspector and the Chairperson of the Board for review.

R 4.06 - Display of Licenses

Each licensee shall place the Alcoholic Beverage License, Maryland Traders License, Maryland Sales and Use Tax License and Howard County Environmental Health License in a frame under glass and place the license so that it shall be conspicuous and easily read in his/her place of business.

R 4.07 - Trade Name

No licensee shall change the trade name of his/her establishment without notifying the Boards, in writing, at least ten days prior to the change.

R 4.08 – Licensee’s Responsibility

Each licensee shall be personally responsible for the operation of the licensed premises and shall be responsible for violations committed not only by licensee personally, but also by the licensees’ agents, employees and operators. Whenever a rule requires a licensee to take an action or refrain from acting, the licensee is responsible for ensuring compliance by all persons acting for licensee. Any rule that prohibits an activity or directs a licensee not to allow or permit an

activity, imposes a responsibility on the licensee to take affirmative action to prevent the prohibited activity.

R 4.09 - Agreement in Anticipation of Transfer of License

(A) When a licensee enters any agreement for a prospective purchaser to manage the business in contemplation of an application for a transfer of the alcoholic beverage license, the management agreement must be provided to the Administrator of the Boards within ten (10) days. Any management agreement must acknowledge that the existing licensee(s) remain responsible for the compliance with all of the alcoholic beverage laws and these Rules and Regulations until such time as the license is transferred.

(B) A transfer application must be filed within four (4) months of the execution of the management agreement.

(C) If a transfer of a license does not occur within six (6) months of submission of the management agreement, said management agreement will be invalid and a new management agreement will be required.

R 4.10 - Alcohol Awareness Program

(A) A holder (or an employee designated by a holder) of any class of retail alcoholic beverages license, except for a temporary license issued pursuant to Section 7-101 of Article 2B of the Annotated Code of Maryland, shall complete training in an alcohol awareness program which is approved and certified by the State Comptroller. The training is valid for a period of 4 years. Every 4 years the holder (or designated employee) shall complete retraining in an approved alcohol awareness program.

(B) The current alcohol awareness wallet card or certificate for the designated employee shall be posted within the establishment.

(C) A licensee or person in a supervisory capacity shall be certified by an approved alcohol awareness course and be on the premises during the hours in which alcohol may be sold, unless the person is required to be absent for no more than 2 hours in the case of a bona fide emergency. A log book documenting the length of each temporary absence and the reason for the absence shall be kept on the premises and made available, upon request to the Alcoholic Beverage Inspector.

(D) Any licensee who violates the provisions of this regulation and Section 13-101 of Article 2B is subject to: (1) For the first offense, a \$100 fine; (2) For each subsequent offense, a fine not to exceed \$500 or a suspension or revocation of the license or both.

Ref: Art. 2B, §13-101

R 4.11 - Beer Keg Registration

(A) *Licensees holding a Class A license may not sell kegs of beer for consumption off premises unless: (1) Licensee provides a keg registration form to purchaser; and (2) Licensee obtains identification from the purchaser which shows purchaser's name and address, enters the identification information and the date of purchase on the form and the purchaser signs the completed form; and (3) Licensee attaches the completed registration form to the keg.*

(B) *Licensee must provide for the removal of the keg registration on returnable kegs and indicate on the registration form if a keg is made of disposable material.*

(C) *A properly completed and signed registration form creates a presumption that the requirements of the law have been met.*

(D) *A licensee who violates the keg registration law is subject to a fine not exceeding \$100 or a suspension or revocation of the license, or both a fine and a suspension or revocation.*
Ref: Art. 2B, §21-106

(E) *Beer keg registration books shall be maintained on the licensed premises, available for review by the alcoholic beverage inspector, for one full calendar year after the last sale listed in the registration book.*

R 4.12 – Removal of Partially Consumed Wine Bottles

Notwithstanding any other provision of this article, a person who purchases at a licensed premises a meal and a bottle of wine, the contents of which are partially consumed with the meal, may remove the bottle and its contents from the licensed premises if the license holder or an employee of the license holder inserts a cork in or places a cap on the bottle.
Ref: Art.2B, § 12-107.1

R 4.13 – Holiday Hours

Notwithstanding Section 11-304(a), Section 11-514 and any other restrictions as to hours imposed by this article, a licensee, except any Class A (off-sale) licensee, may remain open and sell alcoholic beverages authorized by his license at all times on January 1 of any year.

Notwithstanding Sections 6-101, 11-403, and 11-514, a Class A beer, wine and liquor licensee may sell beer, wine and liquor between the hours of 6:00 a.m. and midnight on any December 24 or December 31 regardless of which day of the week these dates fall on.
Ref: Art. 2B, § 11-402(o)

Chapter V Prohibited Practices

R 5.01 - Sales to Minors

(A) *No licensee, or any agent or employee of licensee shall sell or furnish any alcoholic beverage to anyone under the age of 21.*

Ref: Art. 2B, § 12-108

(B) Each licensee shall take full responsibility to determine, with reasonable certainty, that the person to whom the alcoholic beverage is sold or furnished is of the age specified for the sale of the alcoholic beverage to be purchased and consumed. In disciplinary proceedings, it shall be no defense that an agent or employee of the establishment acted contrary to orders or that a licensee did not participate in the violating action or actions.

(C) No licensee, or any agent or employee of licensee shall allow a minor to possess or consume an alcoholic beverage on licensed premises.

R 5.02 - Presence of Minors on Licensed Premises

No licensee holding a Class B, C, or D license shall allow any person under the age of 18 years to enter or remain upon the bar or lounge portion of the licensed premises between the hours of 9:00 p.m. and 6:00 a.m., unless such person is under the supervision of a person who is of legal drinking age.

R 5.03 – Minor’s Use of Gambling Devices

A licensee, agent or employee of licensee shall not allow persons under the age of 18 years to engage in pool, billiards, shuffleboard or the playing of pinball or console machines or in any other game of chance or skill in his/her licensed establishment unless those persons under 18 years are accompanied by a parent or guardian.

Ref: Art. 2B, § 12-214

R 5.04 - Sale to Intoxicated or Disorderly Persons

(A) *No license holder, or any agent or employee of licensee shall sell or deliver to or permit an alcoholic beverage to be consumed by any person visibly under the influence of any alcoholic beverage.*

Ref: Art. 2B, §12-108

(B) No license holder, or any agent or employee of licensee shall sell or deliver to or permit an alcoholic beverage to be consumed by any person visibly under the influence of narcotic drug or who is acting in a disorderly manner.

R 5.05 - Age of Employees

(A) *A licensee may not allow a person under the age of 18 to sell or serve alcoholic beverages of any type.*

(B) *In the case of a Class D license, only a person who is at least 21 years old may sell or serve alcoholic beverages of any type.*

(C) *This rule shall not prohibit the employment of anyone under the age of 18 by a licensee for any purpose except the sale, dispensing or delivery of alcoholic beverages.*

Ref: Art. 2B, §12-302

(D) *The holder of a Class A, B, or C license may employ an individual who is at least 18 years old to sell or serve alcoholic beverages.*

Ref: Art. 2B, §12-214(c)

R 5.06 - Consumption, Open Container or Sale During Prohibited Hours

(A) No licensee, or any agent or employee of licensee, shall consume or permit the consumption of alcoholic beverages by anyone on the licensed premises during the hours when such sales or consumption is prohibited by law (between 2:00 a.m. and 6:00 a.m.), license restriction or these Rules and Regulations.

(B) No alcoholic beverages shall be open, served, dispensed, consumed, furnished or given away by a licensee, his/her agent or employee or any patron on any part of the licensed premises during the hours prohibited by law, license restriction or these Rules and Regulations.

(C) Licensees holding a Class A, B, C, or D six day license may sell alcoholic beverages authorized by their license from 6:00 a.m. until 2:00 a.m. of the following day, Monday through Saturday, unless otherwise restricted by a Decision and Order. Licensees holding a Class A, B, or D seven day license may sell alcoholic beverages from 6:00 a.m. until 2:00 a.m. of the following day Monday through Sunday, unless otherwise restricted by a Decision and Order.

(D) No establishment shall remain open to anyone who is not an employee on duty for any purpose for more than 15 minutes after the legal closing time, regardless of the fact that no sales are made and no alcoholic beverages are consumed after the hours of closing.

(E) As an exception to section (D) above and provided that, upon application and after a public hearing, the Board may, in its discretion, permit a licensee holding a Class B, or BLX, license to serve food until a specified hour, on the condition that the licensee proves to the satisfaction of the Board that suitable precautions have been taken to prevent the sale and consumption of alcoholic beverages after legal closing time.

(F) No licensee, or any agent or employee of licensee, shall be under the influence of alcoholic beverages or a narcotic drug while working at the licensed premises.

R 5.07 - Acts Contrary to Law

No licensee, or any agent or employee of licensee, shall commit or allow the commission on the licensed premises of any act which is contrary to any federal, state, or local statute, law or ordinance, or against the public peace, safety, health, or welfare.

R 5.08 - Gambling

No licensed premises may be used for the purpose of bookmaking or gambling in any form, regardless of who owns the equipment or device involved, except when specifically authorized by law.

See generally; Maryland Criminal Law Article 13-1601 through 1604, for guidance.

R 5.09 - Narcotic Drug

No licensed premises may be used for the sale, transfer, or possession of controlled dangerous substances, as defined in the Annotated Code of Maryland.

R 5.10 - Relation with Wholesalers

(A) No licensee shall purchase any alcoholic beverage except from a duly licensed manufacturer, wholesaler or private bulk sale permit holder; and no licensee shall sell any alcoholic beverage to any other licensee (except to the holder of a special Class C license); and shall not keep or permit to be kept upon the licensed premises any alcoholic beverages except those so purchased.

Ref: Art. 2B, §12-107

(B) No licensee shall solicit or accept, directly or indirectly, any gift or alcoholic beverages, any tie-up advertisements in newspapers or other periodicals, or any gift or rebate of any sort from a manufacturer or wholesaler, or from any other person or corporation engaged in the distribution of alcoholic beverages except a sign display or any other form of advertisement of a value not in excess of \$150.00 advertising the products of a particular manufacturer, wholesaler, distiller, brewer, or the like.

Ref: Art. 2B, §12-104(d)

(C) No licensee shall have any interest in the business of any manufacturer or wholesaler of alcoholic beverages, nor shall any such manufacturer or wholesaler have any interest in the business of any licensee.

Ref: Art. 2B, §12-104(b)

R 5.11 - Solicitation

(A) No licensee, or any agent or employee of licensee, shall employ any solicitor or salesman for the purpose of soliciting, outside of the licensed premises, orders for the sale of alcoholic beverages and no sale shall be consummated outside of the licensed premises.

Ref: Art. 2B, §12-301(a)

(B) No licensee, or any agent or employee of licensee, shall employ any solicitor or permit any person on the licensed premises, to solicit drinks from a customer.

(C) No licensee, or any agent or employee of licensee, shall employ or use any loud speaker or other sound making or amplifying device which projects the sound outside the licensed premises for the purpose of soliciting orders for the sale of alcoholic beverages.

R 5.12 - Free Food, Merchandise and Prizes

(A) No licensee, or any agent or employee of licensee, shall offer free merchandise to encourage the sale of alcoholic beverages except that calendars and favors for amusement may be given away.

(B) No licensee shall offer free food or lunch for the purpose of inducing persons to purchase alcoholic beverages. This does not prohibit a person holding "on sale" licenses from offering, free of charge, pretzels, potato chips, peanuts, cheese, crackers, or hors d'oeuvres in connection with the consumption of alcoholic beverages on the premises.

Ref: Art. 2B, §12-106

(C) Provisions under this Rule do not apply to holders of a Special Class C license.

R 5.13 - Alcoholic Beverage Containers/Refilling or Tampering

(A) Except in accordance with a valid Refillable Container Permit, no licensee, or any agent or employee of licensee, shall reuse or refill any bottle or other container of alcoholic beverages; nor shall any licensee adulterate, dilute, or fortify the contents of any such bottle or container.

Ref: Art. 2B, §12-113

(B) No licensee, or any agent or employee of licensee, shall sell, serve or furnish any alcoholic beverage (other than beer or wine) by the bottle for consumption on the premises, except Class "B" licenses serving alcoholic beverages to patrons in rented or leased private rooms.

R 5.14 - Consumption on Off Sale Premises

Except for wine consumed pursuant to a BWT or a BWLT license and in compliance with the restrictions imposed, a holder of a Class A "off sale" license, and any agent or employee of licensee, shall not permit any person to consume or open any alcoholic beverage on the licensed premises or on any other portion of the property on which the licensed establishment is located, including parking areas adjacent to the licensed establishment.

R 5.15 - Limits on Licensed Premises

A holder of any “on sale” license, and any agent or employee of licensee, may permit alcoholic beverages to be sold, served, and consumed only on that part of the premises which has been specifically licensed for such use.

R 5.16 - Sexual Practices and Obscenity

(A) No licensee, or any agent or employee of licensee, shall allow his premises to be used for the purpose of any sexual activity, nor shall any licensee, his/her agent or employee allow any employee, patron or frequenter to solicit any person for prostitution or other immoral purposes.

(B) (1) No licensee, or any agent or employee of licensee, shall allow any conduct or entertainment by any person that is unclothed or in such attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

(2) A licensee shall not knowingly allow the premises to be used for:

(a) Any conduct or entertainment that includes or simulates sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any act that includes or simulates the penetration, however slight, by any object into the genital or anal opening of a person’s body; or

(b) Any conduct or entertainment that includes the fondling of the breasts, buttocks, anus, vulva, or genitals.

(3) This section does not apply to theaters, concert halls, art centers, museums, or similar establishments that are primarily devoted to the arts or theatrical performances, when the performances are presented are expressing matters of serious literary, artistic, scientific or political value.

(C) No licensee, or any agent or employee of licensee, shall allow the premises to become a disorderly house.

(D) No licensee or agent or employee of licensee, shall permit any person to place any money or gratuity on or in the costume or clothing of, or on or about the person of, any individual who is performing or entertaining, whether for pay or otherwise; nor shall they permit any person to accept any money or gratuity in the manner above described.

R 5.17 - Attire and Conduct of Employees

No establishment shall employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

R 5.18 - Exhibiting Obscene Films or Pictures

No licensed premises may be used to exhibit or show on the licensed premises any motion picture film, still pictures, electronic reproduction or other visual reproductions that display any of the activities prohibited in R 5.16(B). This section does not apply to theaters, concert halls, art centers, museums, or similar establishments that are primarily devoted to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

R 5.19 - False Statements

No applicant, licensee, employee or agent shall make any material false statement in any original application for an alcoholic beverage license, renewal application, letter or written statement, in testimony before the Boards or to any other representative of the Boards who may be conducting an official investigation.

R 5.20 - Storage

It shall be unlawful for any licensee or establishment to store or keep any alcoholic beverages, except on the premises covered by the license or at a public or government controlled warehouse having a permit issued under the provisions of Article 2B of the Annotated Code of Maryland, and no alcoholic beverages may be stored in trailers or trucks on or about the licensed premises.

Ref: Art. 2B, §12-105

R 5.21 - Beverages from Faucets, Spigots, etc., Labeling

No holder of any alcoholic beverage license, his agents or employees, shall furnish or serve any malt or brewed beverage from any faucet, spigot or other dispensing apparatus unless the trade name or brand name of the product served shall appear in full sight of the customer in legible lettering upon the dispensing apparatus.

R 5.22 - Discrimination

No licensee, or any agent or employee of licensee, shall directly or indirectly refuse, withdraw from, or deny to any person the services, accommodations, advantages, facilities and privileges offered on said licensee's premises on the grounds of race, creed, religion, physical or mental handicap, color, sex, national origin, age, occupation, marital status, political opinion, sexual orientation, or personal appearance, except that dress codes may be utilized where posted notice is given.

R 5.23 - Gifts

(A) A holder of a license, a person applying for an alcoholic beverage license, or a person engaged in the manufacture or sale of alcoholic beverages, may not directly or indirectly offer to pay a commission, profit, or remuneration or make a gift, unless permitted by the Howard

County Public Ethics Law found in Title 22, Subtitle 2, Section 22.204(c) of the Howard County Code, to a member of the Hearing Board or the Liquor Board or an employee or agent acting on behalf of the Hearing Board or Liquor Board.

(B) In addition to administrative action which may be initiated against a licensee for violating this prohibition, the violation of this prohibition is a misdemeanor and carries a maximum fine of \$1,000.00.

Ref: Art. 2B, §15.107.1(q)

R 5.24 - Noise; Disturbance of the Neighborhood

(A) Licensee's operation shall not adversely impact its surrounding neighborhood. All establishments shall be operated in such a manner that will not disturb the peace or safety of the neighborhood, or violate Section 8.900, *et seq.* of the Howard County Code.

(B) Undue noise emanating from the licensed premises and anti-social, illegal, boisterous, and unsafe activities are prohibited.

R 5.25 - Alterations

(A) No licensee shall make any installation or structural alteration on a licensed premises which changes the size of the licensed area or changes the manner in which alcoholic beverages are dispensed without notifying the Board and obtaining applicable approval, as necessary.

(B) No licensee shall make any installation or alteration on the licensed premises until a permit therefore has been obtained from the Department of Inspections, Licenses and Permits, and until the approval of the Fire Department and Health Department of Howard County has been secured, where such approval is required.

R 5.26 - Illegal Possession

(A) This Rule does not apply to the case of a permanent Class C, V.F.W. (Veterans of Foreign Wars) Club license or a Corkage Permit issued by this Board.

(B) It shall be unlawful for any person to consume on the licensed premises of any license holder any alcoholic beverages not purchased from the license holder on said premises. It shall be unlawful for any license holder to permit any person to consume any alcoholic beverages not purchased from the said license holder on the premises covered by the license and not permitted by law to be consumed on the premises.

Ref: Art. 2B, §12-107(b)

R 5.27 - Retail Delivery

An alcoholic beverage licensee may not make a retail delivery of alcoholic beverages unless the purchaser is physically present on the licensed premises when the purchaser orders the alcoholic beverages and makes payment for the purchase at the time of the order.

Ref: Art. 2B, §12-301(c)

Chapter VI The Hearing Process

R 6.01 - Application of Rules to Liquor Board and Hearing Board

The authority to hear and decide cases involving the alcoholic beverage applicants and licensees is delegated in R 1.02 to the Hearing Board, except as provided in R 6.03, R 6.12, R 6.14 and R 6.15. Chapter 6 of the Rules and Regulations applies to both the Hearing Board and the Liquor Board, unless the Rule provides otherwise. The term “Board” refers to the Hearing Board or the Liquor Board, whichever Board is exercising the authority to hear and decide the case.

R 6.02 - Meetings and Hearings

The Boards shall hold such meetings, hearings, and sessions as may be required, from time to time, and will be scheduled by the Chairperson or at least three members of their respective Boards. The Hearing Board shall meet at least twelve times per year. The meetings shall be conducted in compliance with Subtitle 5 Title 10 of the State Government Article of the Annotated Code of Maryland. The Boards may meet in closed session for the purpose of discussing evidence received in hearings relating to petitions alleging violations.

R 6.03 - Notice to Liquor Board; Decision to Hear Case

Each week, the Administrator shall give to each member of the Liquor Board a list which identifies all applications requiring a hearing and all petitions charging a violation which were filed during the preceding week. Any member who desires to hear a matter in the first instance shall notify the Administrator, in writing, within seven days of the date of the list. If three members of the Liquor Board give notice of a desire to hear a case, the Administrator shall notify the Hearing Board members, the applicants, the affected licensees, and the Alcoholic Beverage Inspector, as applicable, that the Liquor Board has assumed jurisdiction and will hear the case.

R 6.04 - Scheduling and Notification of Hearings

The Administrator shall schedule a hearing on each case before the Hearing Board or the Liquor Board, if the Liquor Board has assumed jurisdiction, and shall give written notice of the time, date and location of the hearing to the applicants, the licensees who are the subject of the case to be heard, or, if represented by an attorney, their respective counsel. The Alcoholic Beverage Inspector shall cause the premises to be posted and the Administrator shall cause the required advertisements to be published as required by R 2.22.

R 6.05 - Subpoenas and Summonses

(A) The Board, at the request of an applicant, a licensee who is the subject of the case to be heard, the alcoholic beverage inspector or a member of the Board, may issue summonses for witnesses and subpoenas for records or papers pertaining to a licensed business.

(B) Requests for summonses or subpoenas shall be in writing and submitted to the Administrator. The party requesting a summons or subpoena shall be responsible for arranging for service of the summons or subpoena by the sheriff.

(C) If a person refuses to attend in response to a subpoena or refuses to produce records in response to a summons, the Board shall notify the Circuit Court for the County and the court shall proceed by attachment against the witness in all respects as if the witness summoned or the records refused had been in the court in a case pending before it had neglected or refused to do so.

Ref: Art. 2B, §16-410

R 6.06 - Record of Hearings

The Board shall cause to be prepared an official record of its proceedings in each case. The Record of the Proceedings shall include testimony and exhibits, but testimony shall not be transcribed unless requested. The party requesting the transcription shall pay the Administrator, in advance, the cost of transcribing the record.

R 6.07 - Public Attendance: Maintenance of Order

The general public is encouraged and invited to attend all hearings, and reasonable seating facilities shall be provided. The Chairperson shall maintain order during the hearing. Whenever confusion or disorder arises in the hearing room, or demonstrations of approval or disapproval are indulged in by persons in attendance, the Chairperson shall enforce order. Under circumstances of confusion and disorder, the Chairperson shall have the power to order the hearing room cleared or to recess the hearing. The Chairperson may order the hearing adjourned to a fixed hour and date without a motion second or putting the matter to a vote.

R 6.08 - Conduct of Hearings

(A) The Chairperson shall call the docket at the beginning of all hearings. In the discretion of the Chairperson, all preliminary matters may be heard and disposed of first.

(B) All persons testifying shall be required to take the following oath: “Do you solemnly promise to speak truthfully in the testimony you are about to give?”

(C) Prior to the time set for a hearing, any member may view the real property where the existing licensed premises or a proposed licensed premise is located. Those members who viewed the property shall so state for the record.

(D) The Chairperson shall sustain or overrule any objections made during the hearing, but all objections shall be entered in the record and shall be made a part of the record of the proceedings.

R 6.09 - Procedure for Hearings other than Petitions Alleging Violations

(A) Introduction of reports and official documents pertaining to the case by the County Solicitor or designated attorney.

(B) Presentation by Applicants:

(1) Direct examination of each witness called by applicants.

(2) Cross-examination of each witness called by applicants. Any person desiring to question the witness shall first address the Chair and be recognized. Upon initial recognition by the Chair, the person shall give the following information before questioning the witness:

His/her name.

His/her home address and its approximate location with reference to the premises licensed or to be licensed.

Questions shall be brief, shall pertain only to statements made by the witness, shall be interrogatory in nature and not argumentative. Questions shall not be preceded by statements. In the discretion of the Chair, questions on cross-examination shall be reduced to writing and asked by the attorney advising the Board.

(3) Examination of witness called by applicants by any member of the Board, upon recognition by the Chair.

(C) Presentation by Protestants

(1) Direct examination of each witness testifying in opposition.

(2) Cross-examination of each witness testifying in opposition.

(3) Examination of each witness by any member of the Board, upon recognition by the Chair.

(D) Rebuttal by Applicants. After the witnesses in opposition have been examined, the applicants may present evidence to rebut any evidence introduced by the opposition, but no new evidence may be introduced at this time.

(E) Surrebuttal by Protestants. A protestant may present evidence to rebut any evidence introduced by the applicants, but no new evidence may be introduced at this time.

(F) Summation by Applicants.

(G) Summation by Protestants.

(H) Board Action. The Board may recess the case to receive additional evidence at a later time prior to deliberation and the filing of the Decision and Order by the Liquor Board, or the Proposed Decision and Order by the Hearing Board. Either Board may, on its own, reopen a case to receive additional evidence, if it deems it essential in making the proper decision.

R 6.10 - Procedure for Hearings Involving Petitions Alleging Violations

(A) Introduction of reports and official documents pertaining to the case by the County Solicitor or designated attorney.

(B) Petitioner's Presentation:

- (1) Direct examination of each witness of Petitioner.
- (2) Cross-examination of each witness of Petitioner.
- (3) Examination of witnesses by any member of the Board, upon recognition by the Chair.

(C) Licensees Presentation:

- (1) Direct examination of each licensee's witness.
- (2) Cross-examination of each licensee's witness by the petitioner's attorney.
- (3) Examination of witnesses by members of the Board, upon recognition of the Chair.

(D) Rebuttal by Petitioner. The petitioner may present evidence to rebut any evidence introduced by the licensees, but no new evidence may be introduced at this time.

(E) Surrebuttal by Licensees. The licensees may present evidence to rebut any evidence introduced by the petitioner, but no new evidence may be introduced at this time.

(F) Summation by Petitioner.

(G) Summation by Licensees.

(H) Board Action. The Board may recess the case to receive additional evidence at a later time prior to deliberation and the filing of the Decision and Order by the Liquor Board, or the Proposed Decision and Order by the Hearing board. Either Board may, on its own, reopen a case to receive additional evidence, if it deems it essential in making the proper decision.

R 6.11 - License Renewal Hearings

The procedure in a license renewal hearing conducted pursuant to Section 10-301 of Article 2B of the Annotated Code of Maryland, shall be the same as that set forth in R 6.09 of these Rules and Regulations and the case shall be heard and determined as in the case of original applications.

R 6.12 - Procedure for Hearings Initiated by the Liquor Board

In the event the Liquor Board, on its own initiative or upon written complaint of ten or more citizens, residents, real estate owners and voters of the precinct in which any licensed place of business is situated, institutes a hearing involving alleged violations pursuant to Section 10-401 and 10-403 of Article 2B, the following procedure shall apply:

(A) Introduction of reports, complaints and official documents pertaining to the case by the County Solicitor or the designated attorney.

(B) Examination by the Liquor Board or the complaining residents.

(1) Direct examination of each witness summoned by the Board or called by the complaining residents.

(2) Cross examination of each witness summoned by the Board or called by the complaining residents.

(C) Licensees' Presentation:

(1) Direct examination of licensees' witnesses.

(2) Examination of licensees by member of the Board or by complaining residents, upon recognition by the Chair.

(D) Rebuttal Testimony – The Board or the complaining residents may call upon the witnesses it has summoned or brought to the hearing to answer questions relating to evidence introduced by the Licensees, but no new evidence may be introduced at this time.

(E) Surrebuttal Testimony – The Licensees may present evidence concerning any evidence introduced by the witnesses summoned by the Board or called by the complaining residents in rebuttal, but no new evidence may be introduced at this time.

(F) Summation by complainants, if any.

(G) Summation by Licensees.

(H) Board Action. The Board may recess the case to receive additional evidence at a later time prior to deliberation and the filing of the Decision and Order by the Liquor Board, or the Proposed Decision and Order by the Hearing Board. Either Board may, on its own, reopen a case to receive additional evidence, if it deems it essential in making the proper decision.

R 6.13 - Decision by Hearing Board

(A) The Hearing Board shall issue a Proposed Decision and Order containing findings of fact and conclusions of law and the order of the Hearing Board. The proposed Decision and Order

shall be issued as soon as practical after the conclusion of the Hearing Board's deliberations. The Proposed Decision and Order shall be dated, signed by the members of the Hearing Board, and witnessed by the Administrator.

(B) Any Hearing Board member absent from all or any part of a hearing may take part in the Hearing Board's decision by listening to the recording of the hearing and reviewing the exhibits presented in the case. Any absent Board member who takes part in the Hearing Board's decision shall certify in the Proposed Decision and Order that he or she listened to the recording of the hearing and reviewed the exhibits in the case prior to rendering a decision.

(C) The Administrator shall mail copies of the Proposed Decision and Order to all parties who participated in the hearing with a notice that the Proposed Decision and Order will become the final decision of the Liquor Board, unless, within 10 days, a request pursuant to R 6.14 is made asking the Liquor Board to conduct a new hearing and render the final decision in the case.

(D) The Proposed Decision and Order shall become final on the earlier of:

(1) the 11th day after the proposed decision and order is signed, if no request for the Liquor Board to hear the case is filed pursuant to R 6.14; or

(2) the date the Liquor Board decides not to hear the case, if a request has been filed but rejected; or

(3) the date the order is signed by the Hearing Board, if no one appeared in opposition to the application at the hearing and the applicant(s) waived the right to request the Liquor Board to hear the case, orally at the hearing, or in writing, if subsequent to the hearing.

(E) The Administrator shall enter on the docket of the case, the date on which the Proposed Decision and Order becomes final and shall give written notice of date the Proposed Decision and Order is final to all parties to the case.

R 6.14 - Request for New Hearing Before the Liquor Board

(A) In accordance with Article 2B Section 15.107.1(k), after the Hearing Board proposes a decision regarding any case before it, a party or other participant in the case or other person who would be aggrieved by the decision may request the Liquor Board to conduct a new hearing. The request shall: (1) be in writing; (2) include a copy of the Proposed Decision and Order of the Hearing Board; (3) state the reasons why the person requesting the hearing believes the Proposed Decision and Order is wrong; (4) contain a statement certifying that the person filing the request has sent a copy to all other parties in the case; and (5) be filed with the Liquor Board no later than 10 days after the date of the Proposed Decision and Order.

(B) Any other party to the case may file a written response to the request. The response shall be: (1) in writing; (2) filed within 10 days of the date of the request for a new hearing; (3) state

why the Proposed Decision and Order should stand; and (4) contain a statement that the person filing the response has sent a copy to the person requesting a new hearing.

R 6.15 - Action on Request by Liquor Board

(A) The Administrator shall schedule a public meeting of the Liquor Board to consider a request for a new hearing as soon as possible after the time for the filing of a response has elapsed and shall notify the parties of the date, time and location.

(B) The Liquor Board shall, at the public meeting, decide whether to hold a new hearing on the case. The decision to hear a case is solely within the discretion of the Liquor Board and the Liquor Board is not required to hear oral argument by the parties, but may do so if the Liquor Board determines that oral argument would aid the Liquor Board in reaching its decision. If oral arguments are heard no evidence will be taken, including testimony as to material facts of the case, at this public meeting.

(C) The Administrator shall mail a written notice of the Liquor Board's decision to all parties and, if the decision is to hear the case, schedule a de novo hearing and notify the parties of the date, time and location.

R 6.16 - Decision of the Liquor Board

(A) For each hearing conducted by the Liquor Board, the Liquor Board shall issue a Decision and Order containing findings of fact and conclusions of law and the order of the Liquor Board. The Decision and Order shall be issued as soon as practical after completion of the Liquor Board's deliberations.

(B) Any Liquor Board member absent from all or any part of a hearing may take part in the Liquor Board's decision by listening to the recording of the hearing and reviewing the exhibits presented in the case. Any absent Liquor Board member who takes part in the Liquor Board's decision shall certify in the Decision and Order that he or she listened to the recording of the hearing and reviewed the exhibits in the case prior to rendering a decision.

R 6.17 - Appeals and Preparation of Record

Persons authorized by Article 2B, Section 16-101 to appeal from a final decision of the Board may do so by filing a petition for judicial review with the Clerk of the Circuit Court for Howard County within 30 days of the date of the final decision. The cost of the transcription of testimony and the submission of the record to the Court shall be borne by the person seeking judicial review. The estimated cost for transcription of the testimony shall be paid in advance, before the transcript is prepared. The actual cost of the transcription of testimony and the cost of copying the documents in the record must be paid in full before the record is transmitted to the Clerk of the Circuit Court for Howard County.

R 6.18 - Procedure for Hearing on the Closing of Licensed Premises

- (A) When the Hearing Board receives information as to the closing of any licensed premises, whether pursuant to R 4.02, or otherwise, the Board may initiate a hearing to determine the status of the license and future intentions of the licensee as to the use of the license.
- (B) The procedure for notification to the licensee shall be contained in R 7.03
- (C) The procedure for the conduct of the hearing shall be as contained in R 6.12.
- (D) The decision of the Board shall be in accordance with R 6.13.
- (E) This rule is in addition to any other rule or regulation regarding petitions affecting licenses.

Chapter VII

Revocation, Suspension and Fines

R 7.01 - Application of Rules to Liquor Board and Hearing Board

The authority to hear and decide cases involving the alcoholic beverage applicants and licensees is delegated in R 1.02 to the Hearing Board, except as provided in R 6.02, R 6.12, R 6.14, and R 6.15. Chapter 7 of the Rules and Regulations applies to both the Hearing Board and the Liquor Board, unless the Rule provides otherwise. The term “Board” refers to the Hearing Board or the Liquor Board, whichever Board is exercising the authority to hear and decide the case.

R 7.02 - General

(A) The Board may revoke or suspend the license of any licensee, or impose a fine in lieu thereof, if it finds that a licensee or any agent, servant, or employee of a licensee has violated any of the provisions of Article 2B, any violations of these Rules and Regulations, or for any other cause which in the judgment of the Board shall be necessary to promote the peace and safety of the community in which the place of business is located.

Ref: Art. 2B, §10-401(a)(2); (f)

(B) The Board is required, except as provided in section 10-402, to revoke or suspend the license of any individual issued under the provisions of Article 2B for the following reasons:

(1) Conviction of the licensee for violation of any of the provisions of the Tax - General Article that relate to the alcoholic beverage tax or the provisions of Article 2B;

(2) Willful failure or refusal of any licensee to comply with the provisions of the Tax - General Article of the Maryland Annotated Code that relate to the alcoholic beverage tax or any provisions of Article 2B, or any rule or regulation that may be adopted in pursuance of Article 2B or the provisions of the Tax - General Article that relate to the alcoholic beverage tax;

(3) Making of any material false statement in any application for a license or permit;

(4) Two or more convictions of one or more of the clerks, agents, employees and servants of a licensee under the provisions of Article 2B or the provisions of the Tax - General Article that relate to the alcoholic beverage tax of any violation on the premises subject to the license or permit, within a period of two years;

(5) Possession upon the premises of any retail dealer other than the holder of a Class E, Class F or Class G license of any alcoholic beverage upon which the tax imposed by section 5-102 of the Tax - General Article has not been paid;

(6) Violation of the provisions of section 12-104 of Article 2B, precluding manufacturers from having an interest in a retail establishment;

(7) *Willful failure of any licensee to keep the records required by Article 2B or the provisions of the Tax - General Article that relate to the alcoholic beverage tax or to allow any inspections of such records by a duly authorized person;*

(8) *Possession of any alcoholic beverage which any licensee other than the holder of a Class E, Class F or Class G license is not licensed to sell;*

(9) *Suspension or revocation of a permit issued to any licensee by the Federal Bureau of Alcohol, Tobacco and Firearms or for a conviction of violating any federal laws relating to alcoholic beverages; and*

(10) *Failure to furnish bond as required by Article 2B within fifteen days after notice from the Comptroller.*
Ref: Art. 2B, §10-401(a)(3)

R 7.03 - Notice of Hearings

(A) Any licensee who faces possible suspension or revocation of the license or a fine in lieu thereof, shall be notified in writing as soon as it has been determined that a public hearing will be held on the matter.

(B) That notice, which shall be sent to all license holders of the establishment at least ten days before such hearing, will advise the license holder(s) of the time and place of the public hearing and of the right to be represented by counsel.

(C) A petition, setting forth the nature of the alleged violation(s) and the approximate time during which the violation(s) allegedly occurred, shall accompany the notice.

(D) The licensed premises will be posted by the Alcoholic Beverage Inspector with a notice of the alleged violation and the time and place of the hearing.

R 7.04 - Hearing

(A) A hearing concerning an allegation of a violation which could result in a suspension or revocation or a fine in lieu thereof shall be open to the public.

(B) The order of presentation at the hearing is set forth in R 6.10 of these Rules and Regulations.

R 7.05 - Penalties

(A) *The Board may impose a fine of not more than two thousand dollars (\$2,000) for each violation, or suspend a license or both, for any violation which is cause for suspension under the alcoholic beverage laws affecting Howard County. All moneys collected under this subsection shall be deposited into the general funds of the county.*

Ref: Art. 2B, §16-507(o)

(B) The Boards may also impose a fee of \$260 for costs of the hearing.

(C) Orders of the Board shall take effect immediately. Suspensions and revocations of license privileges shall begin within ten days of the Order, unless the Board determines otherwise.

R 7.06 - Administrative Fine Procedure

(A) The Alcoholic Beverage Inspector may issue a notice of violation and administrative fine for any of the offenses listed in R 7.07 in the amount there designated. The notice shall set forth the nature of the alleged violation, the approximate time during which the alleged violation occurred, the section of law or rules of the Boards which was alleged to be violated, the amount of the fine to be imposed and an explanation of the options available to the licensees.

(B) The notice of violation shall be served on the licensee who is the Howard County Resident Agent and copies of the notice shall be mailed or delivered to all other licensees.

(C) No later than 10 days after the date the notice is served on the Resident Agent, licensees shall pay the fine or may request that a hearing be held to contest the alleged violation. If the fine is not paid within 10 days after the date the notice is served, the Alcoholic Beverage Inspector shall proceed with the process provided in R 7.03, R 7.04 and R 7.05.

R 7.07 - Offenses and Amounts Assessed under Fine Administrative Procedure

An administrative fine in the amount listed may be issued for a first violation of the Rules set forth below. If there are subsequent violations involving the same licensees, a petition will be issued by the Alcoholic Beverage Inspector.

Rule 2.03 – Updating Applications	\$100.00
Rule 4.01 – (A) – Records	\$100.00
Rule 4.01 (D) – Records	\$100.00
Rule 4.02 (A) – Closing of Licensed Establishments	\$100.00
Rule 4.03 – Curtains, Blinds or Other Screening Devices	\$100.00
Rule 4.06 – Display of Licenses	\$50.00
Rule 4.07 – Trade Name	\$100.00
Rule 4.10 – Alcohol Awareness Program	\$100.00
Rule 4.11 – Beer Keg Registration	\$100.00
Rule 5.02 – Presence of Minors on Licensed premises	\$200.00
Rule 5.05 – Age of Employees	\$300.00
Rule 5.06 – Unauthorized Person on Premises After Hours	\$200.00
Rule 5.10 (A) – Improper Sale, Purchase, Possession of all Beverages on Premises	\$500.00
Rule 5.11 – Solicitation	\$150.00
Rule 5.12 – Free Food, Merchandise and Prizes	\$200.00
Rule 5.13 – Alcoholic Beverage Containers/Refilling or Tampering	\$500.00
Rule 5.14 – Consumption on Off-Sale Premises	\$200.00

Rule 5.15 – Limits on Licensed Premises	\$200.00
5.20 – Storage	\$100.00
5.21 – Beverage from Faucets, Spigots, etc., Labeling	\$50.00
5.25 – Alterations	\$200.00
5.26 – Illegal Possession	\$300.00
Rule 5.27 – Retail Delivery	\$500.00

Chapter VIII Classes and Fees

R 8.01 - General

License fees shall be paid in full by the applicant at the time of the issuance of the license. All checks shall be made payable to the Director of Finance.

R 8.02 - Classes and Fees

The permanent licenses available in Howard County are listed below with a reference to the section of Article 2B establishing the license and the annual fee for the license. State law should be consulted for special requirements and restrictions on each class of license;

Class A - Package Goods

Off-Sale only; no consumption on the licensed premises. Hours of operation: 6 a.m. to 2 a.m.

Class A Beer (§3-101)	\$ 150.00
Class A Beer & Light Wine (§5-101).....	\$ 175.00
Class A-1 (7-day) Beer, Wine & Liquor (§6-101(o)(2))	\$ 900.00
Class A-2 (6-day) Beer, Wine & Liquor (§ 6-101(o)(3))	\$ 700.00

Class B - Restaurant and Hotels

Hours of operation: 6 a.m. to 2 a.m.

Class BLX -Luxury Restaurant (On-Sale) (§8-214.....	\$2,000.00
Class B Beer, Wine & Liquor (On-Sale) (7-day, Hotels and Restaurants; (§6-201).....	\$1,000.00
Class B Beer, Restaurant (On-Sale) (§ 3-201).....	\$ 150.00
Class B Beer & Light Wine, Restaurant (On-Sale) (§5-201(o)).....	\$ 175.00

Hours of operation 10 a.m. to 12 a.m. (midnight)

Class B-SBW – Restaurant (on-and off-sale) (hours of operations 10 A.M. to midnight), and Class B Beer, Wine, & Liquor (B-SBW) (§7-101(p-1)) (7 day, on & off premise consumption)	\$ 500.00
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Class C – Clubs, Conference Centers, Retirement Communities, etc.

On-Sale only; consumption only on the licensed premises. Hours of operation: 6 a.m. to 2 a.m.

Class C Clubs, Beer & Light Wine (§5-301 (o))	\$ 150.00
Country Clubs, Beer, Wine & Liquor (§ 6-301(o)(2)).....	\$1,500.00
Veterans Clubs, Beer only (§ 3-301(o)).....	\$ 25.00
Beer, Wine & Liquor (§6-301(o)(3)).....	\$ 250.00
Conf. Center, Beer, Wine & Liquor (§6-301(o)(4))	\$ 700.00
Class C, Affiliate of International Organization of Police Officers (§6-301(o)(5)).....	\$ 500.00
Class C, Continuing Care Retirement Community (§ 6-301(o)(6)).....	\$ 250.00

Class D - Taverns

On- and Off-Sale, as defined in R 1.09, unless issued prior to November 1, 1981. A Class D tavern license issued prior to November 1, 1981 may continue to be renewed under the same terms and on conditions in effect at that time.

Hours of operation: 6 a.m. to 2 a.m.

Class D (On-Sale) Beer (§ 3-401(o)).....	\$ 150.00
Class D (On-Sale) Beer & Light Wine (§5-401(o)).....	\$ 175.00
Class D Beer, Wine & Liquor (§6-401(o))	
7 day consumption only on licensed premises.....	\$1,000.00
6 day consumption only on licensed premises.....	\$ 600.00
7 day on & off premise consumption.....	\$1,000.00
6 day on & off premise consumption.....	\$ 800.00

Class GC - Golf Course

On-Sale 7 day, hours of operation 6:30 a.m. to 2 a.m., unless otherwise stated in license. (§8-504)

Beer, Wine & Liquor.....	\$1,500.00
Beer and Light Wine.....	\$ 350.00

Race Track License

(§8-602)	\$1,000.00
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R 8.03 - Temporary and Special Licenses

The temporary and special licenses available in Howard County are listed below with a reference to the section of Article 2B establishing the license and the fee for the license. State law should be consulted for special requirements and restrictions on each class of license.

Class C - Beer; Beer & Light Wine; Class C Beer, Wine & Liquor (§7-101, limited to 7 consecutive days)	\$ 15.00/day
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Disposal of Stock License (§7-101 (e), limited to 10 days)	\$ 5.00/day
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Wine Festival License (§8-310)	\$ 15.00/weekend
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Wine Sampling License (§ 8-408)	\$ 15.00/day
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Beer and Wine Tasting License (§8-408.1)	\$100.00/year
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Beer, Wine and Liquor Tasting License (§8-408.1)	\$100.00/year
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R. 8.04 – REFILLABLE CONTAINER, ON-SITE CONSUMPTION, AND CORKAGE PERMITS

Refillable Container Permit (§7-101(p-1)(11).....	No charge
On-site Consumption Permit (§2-206(B)(2)(only to holders of Class D – Brewery and Class 5 Brewery License.....	\$ 500.00
Corkage Permit (Rule 2.31)(Certain Class B and Class C licensees).....	No charge

R 8.05 - Administrative Changes to a License

A fee of \$50.00 is administered for all changes on licenses which do not require a hearing, but involve an issuance of a corrected license.