Rules

of the

Board of License Commissioners for Howard County, Maryland

and the

Alcoholic Beverage Hearing Board

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by
The Board of License Commissioners for Howard County
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Chapter I
General Provisions

R 1.01- General

The provisions of the Alcoholic Beverages Article of the Annotated Code of Maryland control the manufacture, sale, distribution, transportation and storage of alcoholic beverages in the State of Maryland. These Rules (RULES) are adopted by the Board of License Commissioners for Howard County pursuant to the authority of section 23-210 of the Alcoholic Beverages Article, 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. Some State law references applicable to the licenses issued in Howard County are included in these Rules for convenience. **However, provisions of State law (and any changes in State law) are applicable regardless of whether they are included in these rules. Applicants and license holders are responsible for knowing and following State law, regardless of whether a provision is included in these Rules.**

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. The Liquor Board delegates to the Hearing Board the authority to hold hearings and decide cases involving alcoholic beverage licenses in Howard County, except as otherwise provided in these Rules.

Ref: Title 23, Subtitle 2 of the Alcoholic Beverages Article

(C) The Liquor Board retains general jurisdiction over the administration of alcoholic beverage licenses in Howard County.

(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.

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 - Alcoholic Beverage Inspector

The Alcoholic Beverage Inspector in Howard County must be a sworn police officer, serving the Liquor Board and Hearing Board, designated by the Chief of the Howard County Police Department and, as such, responsible and accountable to the Chief of Police through the appropriate chain of command.

The Alcoholic Beverage Inspector has the duties set out in Rule 3.04, including the duty to investigate applications and alleged violations and to enforce all alcoholic beverage laws of the State and County.

R 1.06 - Legal Representation

Where these Rules provide for action by a party, a protestant or an applicant, such act may be performed by an attorney admitted to and in good standing with the Bar of the Court of Appeals of Maryland, 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 1.07 - Time Periods

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

R 1.08 - 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: §§ 23-203, 23-205(d)(1)(iii), 23-207(d)(3) of the Alcoholic Beverages Article

R 1.09 - Amendments to Rules

(A) The Hearing Board may propose changes to the Rules 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 may be adopted, amended, or repealed by a majority vote of the Liquor Board at any properly constituted hearing.

R 1.10 - Definitions

(A) "Alcoholic beverage" has the meaning stated in §1-101(b) of the Alcoholic Beverages Article of the Maryland Code.

(B) "Beer" has the meaning stated in §1-101(c) of the Alcoholic Beverages Article of the Maryland Code.

(C) "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.

(D) "Club" has the meaning stated in §1-101(e) of the Alcoholic Beverages Article of the Maryland Code.

(E) "Comptroller" has the meaning stated in §1-101(f) of the Alcoholic Beverages Article of the Maryland Code.

(F) "Hearing Board" means the appointed Alcoholic Beverage Hearing Board.

(G) "Hotel has the meaning stated in §1-101(k) of the Alcoholic Beverages Article of the Maryland Code.

(H) "Licensed premises" means that area specifically licensed for the sale and storage of alcoholic beverages.

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

(J) "License holder" or "license holder" means an individual to whom an alcoholic beverage license has been granted by the Board pursuant to the Alcoholic Beverages Article of the Annotated Code of Maryland and for purposes of §2-313 of the Alcoholic Beverages Article 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.

(K) "Light wine" has the meaning stated in §23-101(d) of the Alcoholic Beverages Article of the Maryland Code.

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

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

(N) "Off-sale" means the sale of alcoholic beverages that are to be consumed off the licensed premises and is synonymous with "off-premises."

(O) "On-sale" means the sale of alcoholic beverages that are to be consumed only on the licensed premises and is synonymous with “on-premises.”

(P) “Person” has the meaning stated in §1-101(u) of the Alcoholic Beverages Article of the Maryland Code.

(Q) “Record” means any document required to by kept by a license holder, or filed with the Board of License Commissioners.

(R) “Renewal” means the reissuing of an existing license for the exact premises, license holder(s), and type as was previously issued.

(S) “Resident” for the purpose of an applicant or license holder, means an individual who lives in and is a registered voter in Howard County.

(T) “Resident Agent” means the applicant or license holder who lives in Howard County and otherwise meets the requirements of §§ 23-1404 to1407 and 23-1703 of the Alcoholic Beverages Article.

(U) “Restaurant” has the meaning stated in §1-101(w)(1) of the Alcoholic Beverages Article of the Maryland Code.

(V) “Retail dealer” has the meaning stated in §1-101(x) of the Alcoholic Beverages Article of the Maryland Code.

(W) “Tavern” means a Class D license holder 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.

(X) “Wholesaler” has the meaning stated in§1-101(bb)(1) of the Alcoholic Beverages Article of the Maryland Code.

(Y) “Wine” has the meaning stated in §1-101(dd) of the Alcoholic Beverages Article of the Maryland Code.

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, and all other licenses and permits, shall be made to the Liquor Board upon printed forms approved by the Comptroller and issued by the Liquor Board. Applications must be legible and completed under the applicant's personal supervision. False statements are grounds for denial or revocation. Applicants are responsible for updating any errors or information that may change.

(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, 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.

R 2.02 - Application Requiring Public Hearing

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

Ref: Title 4, Subtitle 2 and § 23-1505 of the Alcoholic Beverages Article

(B) 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.

R 2.03 - Updating Application

(A) 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 license holder, dissolution of a corporation, change in stock ownership, change in stock percentages held by license holders, change of name, change in owner of real property, election or change of officer(s) who are license holders shall be immediately reported to the Board.

(B) To change the non-resident agent licensee on a license, the licensee must submit to the Liquor Board an application for an administrative change that includes:

(1) Completed Liquor License application;
(2) Police questionnaire form for all applicants;
(3) Company minutes that approve the change of the non-resident agent licensee;
(4) Shareholder list;
(5) Affidavit containing the substitution of the non-resident agent and an explanation for the substitution; and
(6) Check for $5 to cover the license change fee.

Ref § 23-1705 of the Alcoholic Beverages Article

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 $270.00 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.

(C) Upon written request and demonstration of hardship, the Liquor Board may waive the application fee.

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 license holders under the provisions of the Alcoholic Beverages and the Tax-General articles of the Annotated Code of Maryland.

Ref: § 4-202(B) of the Alcoholic Beverages Article

(B) (1) An applicant for a license in the county shall include on the application:
(i) a statement whether the applicant is a natural–born citizen or a naturalized citizen; or
(ii) if the applicant is not a natural–born citizen or a naturalized citizen, information or documentation required by the board to show proof of immigration status.
(2) The Liquor Board may obtain information from the Social Security Administration and the Department of Homeland Security – Immigration and Customs to verify the citizenship or immigration status of the applicant.

Ref: § 23-1405 of the Alcoholic Beverages Article

(C) (1) In the determination of the Board, each applicant shall:
(i) be of good character; and
(ii) include the following information with the application:
1. a statement that the applicant is at least 18 years old; and
2. a background questionnaire and police consent form.

Ref: §23-1407 of the Alcoholic Beverages Article

(D) At least one of the applicants shall include with the application a petition of support signed by at least three residents who are owners of real property and registered voters in the district where the business is to be conducted stating that the applicant:
(1) is known personally to the residents; and
(2) subject to Rule 2.06, has been a resident of the County for 2 years immediately preceding the presentation of the application to the residents.

Ref: § 23-1406 of the Alcoholic Beverages Article

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 § 23-1406 of the Alcoholic Beverages Article, the length of residency is waived by the Boards 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 §§ 4-103, 4-109, 4-202, 23-1406, and 23-1407 of the Alcoholic Beverages Article

(B) The Resident Agent Applicant shall include with the application a petition of support signed by at least three residents who are owners of real property and registered voters in the district where the business is to be conducted stating that the applicant:
(1) is known personally to the residents; and
(2) subject to Rule 2.06, has been a resident of the County for 2 years immediately preceding the presentation of the application to the residents.

(C) The Resident Agent applicant shall certify that he or she meets the following requirements and that he or she will continue to meet the requirements during the term of the license:
(1) that the Howard County resident owns a minimum of 10% of the business that benefits from the license; 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: § 23-1404 of the Alcoholic Beverages Article.

(D) 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 the Alcoholic Beverages Article or these Rules is filed, shall personally attend the hearing.

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

(F) (1) The resident agent requirements of this section do not apply to an application for or renewal of a Class C (Continuing Care Retirement Community) beer, wine, and liquor license by a nonprofit organization if the manager or supervisor of the continuing care retirement community:

(i) is identified on the application;

(ii) receives alcohol awareness training from an approved alcohol awareness training program; and

(iii) is physically present at the continuing care retirement community on a full–time basis.

(2) A continuing care retirement community license shall be issued to:

(i) a manager or supervisor; and

(ii) two officers, one of whom shall have been a resident of the County for at least 2 years before the application is filed and be a registered voter and taxpayer of the County when the application is filed.

Ref: § 23-1404 of the Alcoholic Beverages Article.

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: § 4-202 of the Alcoholic Beverages Article.

(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: § 4-104 of the Alcoholic Beverages Article.

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

Ref: § 23-1404(b)(1) of the Alcoholic Beverages Article.

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: § 4-105 of the Alcoholic Beverages Article.

(B) An executed copy of the articles of organization, operating agreement, 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: § 23-1404(b)(1) of the Alcoholic Beverages Article.

R 2.10 - 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) At least one licensee 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.

Ref: § 23-1404(c)(1)(ii) of the Alcoholic Beverages Article.

(C) Corporations or limited liability companies subject to this Rule are not required to submit a schedule of stockholders holding a minimum of 5% of stock or a minimum of 5% of the interest of the corporation or limited liability company.

R 2.11 - Interest in More Than One License; Chain Stores, etc. - Prohibited

(A) Except as otherwise provided by law, a person may not have an interest in more than one license issued by the Board, regardless of whether that interest is held or controlled by

direct or indirect ownership, stock ownership, interlocking directors or interlocking stock ownership, or any other direct or indirect manner.

(B) This provision does not apply to an application for a B or a BLX license.

(C) (1) (i) The Liquor Board may issue to an individual or for the use of a person one of the following groups of licenses but not both:

1. one Class D (on– and off–sale) beer, wine, and liquor license, five class B (on–sale) beer, wine, and liquor licenses and six class BLX (luxury restaurant) (on–sale) beer, wine, and liquor licenses; or
2. one Class D (on– and off–sale) beer, wine, and liquor license and eight class BLX (luxury restaurant) (on–sale) beer, wine, and liquor licenses.

(ii) the licenses specified in paragraph (1)(i) of this subsection are for separate premises.

(2) A person may not have a direct or indirect interest in any combination of more than one Class D and nine Class B and Class BLX licenses.

Ref: § 23-1606 of the Alcoholic Beverages Article.

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

Ref: § 4-205 of the Alcoholic Beverages Article.

(E) 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: § 4-203 of the Alcoholic Beverages Article.

(F) A Class A or Class D license may not be issued to a person that holds an out-of-state alcoholic beverages license.

Ref: §§ 4-203 and 23-1502 of the Alcoholic Beverages Article.

R 2.12 - 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:

(1) would not impact existing retail license holders in the immediate vicinity of the premises, including those license holders that may be in a contiguous county or city;
(2) would serve the public need;
(3) receives the written approval of the State Comptroller; and
(4) otherwise complies with § 4-206 of the Alcoholic Beverages Article.

R 2.13 - 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, except as provided by law.

Ref: § 23–1602 of the Alcoholic Beverages Article.

R 2.14 - Drive Through Purchase Service

A license may not be issued with an off–sale privilege 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: § 23-1603 of the Alcoholic Beverages Article.

R 2.15 - 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:

- (i) the granting of the application is not necessary for the accommodation of the public;
- (ii) the applicant is not a fit person to receive the license;
- (iii) the applicant has made a material false statement in the application;
- (iv) applicant has practiced fraud in connection with the application;
- (v) 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
- (vi) 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:

- (i) the public need and desire for the license;
- (ii) the number and location of existing licenses and potential effect on existing license holders of the license applied for;
- (iii) the potential commonality or uniqueness of the services and products to be offered by the applicant's business;
- (iv) impact on the health, safety, and welfare of the community, including issues relating to crime, traffic conditions, parking, or convenience; and
- (v) any other necessary factors as determined by the Board.

Ref: § 4-210 of the Alcoholic Beverages Article.

(B) 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 license holder(s) shall have complied with the following conditions, as appropriate:

(1) the requirements of the Alcoholic Beverages Article, paying all retail sales

and withholding taxes, and with the Workers Compensation Act, as required;

(2) all federal, State, and local laws, such as these Rules, including full payment of all taxes, fines, or debts owed to the County;

(3) required Alcohol Awareness certification; and

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

R 2.16 - 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 2.17 - Renewal Applications

(A) Applications for renewal of licenses must 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. The application must be postmarked by May 1 or delivered to the Liquor Board office by 5 p.m. on May 1 or a license expires by operation of law and may not be renewed.

Ref: §§ 4-404, 4-408, and 23-1802 of the Alcoholic Beverages Article.

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

(C) Renewal applications for Class B and Class D licenses must be accompanied by a statement of the information required by Rule 4.01.

(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;

(2) the Liquor Board or the Hearing Board in its discretion deems it necessary.

Ref: § 4-406 of the Alcoholic Beverages Article.

(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 license holder is repairing or replacing the structure, and the Liquor Board agrees to accept the application for renewal.

R 2.18 - Transfer

(A) Licenses are not for sale in Howard County. Offering a license for sale is a violation of these Rules. Selling a business operating under a license, or the bulk of the assets of such a business, is a violation of the Rules if the business continues to operate under the license.

(B) 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 license holder nor are licenses subject to a distraint for rent.

Ref: § 23-1506 of the Alcoholic Beverages Article.

(C) 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.

(D) A license shall not be transferred unless the license holder 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.

(E) An application for a transfer of a license, to become effective before May 1st of that year, shall not be processed by the Board after March 1st of that year.

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

(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: § 23-1702 of the Alcoholic Beverages Article.

(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 of the Maryland Code has been filed with the board.

Ref: § 4-304 of the Alcoholic Beverages Article.

(I) License holders 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: § 4-302 of the Alcoholic Beverages Article.

(J) When a license holder 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 license holder(s) remain responsible for the compliance with all of the alcoholic beverage laws and these Rules until such time as the license is transferred.

A licensee may not sell the business or the assets of the business before the Board grants an application for a transfer of the alcoholic beverage license. A licensee who sells the business or the assets of the business before the grant of an application for a transfer of the alcoholic beverage license, forfeits the license, which terminates when the business or its assets are sold.

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

(L) 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 2.19 - 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. During the current state of emergency related to COVID-19, Licensees may apply for a temporary extension of premises for on premises consumption in an outdoor serving area on a form provided by Howard County without the requirement of public notice, public hearing, or liquor board application.

R 2.20 - 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: § 23-1507 of the Alcoholic Beverages Article.

(B) After revoking a license, the Board:
(1) may not issue another license to the person whose license is revoked;
(2) may not issue any license for the same premises for 6 months after the revocation; and
(3) may decide not to issue another license for the same premises.

Ref: § 4-606 of the Alcoholic Beverages Article

R 2.21 - 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, or the Inspector's designee, with cooperation of the applicant. The posting shall exist for no less than fifteen days prior to the hearing.

Ref: §§ 4-208, 4-209, and 23-1505 of the Alcoholic Beverages Article.

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

R 2.22 – Special Temporary Licenses - Class C, Class C Per Diem Entertainment Venue, Class D Per Diem Entertainment Venue

(A) Class C

(1) A qualified bona fide religious, fraternal, veterans, political, civic, educational, athletic or other nonprofit organization may apply for a special Class C license for use at a function at which there will be a cash bar and/or admission charge, on the condition that at least 50% of the profits generated from alcohol sales is devoted to charitable causes.

(2) 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.

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

(4) Advertisements for the function shall not state or imply that the function would operate outside the hours of operation allowed by R 5.07.

(5) The application shall show that the non-profit organization has authority to use the premises.

(B) Per Diem Entertainment Venue Licenses

(1) "Entertainment venue" means a facility that is used as a cinema, theater, amphitheater, concert hall, or sports stadium.

(2) The holder of a Seven-Day Class C BWL license may apply for a Class C per diem entertainment venue license for use in an entertainment venue that is at least 200,000 square feet. The holder of a Class D BWL license may apply for a Class D per diem entertainment venue license for use in an entertainment venue that is at least 200,000 square feet.

(3) A Class C per diem entertainment venue license or a Class D per diem entertainment venue license authorizes the holder to sell beer, wine, and liquor on an immediately adjacent licensed premises of 200,000 square feet or more for consumption on the premises of the holder of the per diem license and on the adjacent licensed premises.

(4) License holders are responsible for:

(i) all sale and consumption under their control or on their premises; and

(ii) compliance with all applicable provisions of State and County laws and

regulations.

(5) The Liquor Board may not issue a per diem license to sell beer, wine, and liquor on an immediately adjacent licensed premises unless the property owner of the adjacent licensed premises provides the Liquor Board with a notarized statement authorizing the use of the licensed premises.

(6) During the duration of the per diem license, the license holder may sell beer, wine, and liquor Monday through Sunday from 10 a.m. to 11 p.m.

(C) Applications under this Rule shall be made on forms that the Liquor Board provides and at least 10 days before the event for which the application is sought.

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

(E) 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.

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

(G) Advertisements for the function shall not state or imply that the function would operate outside the hours of operation allowed by R 5.07.

Ref. §§ 23-1312, 23-1313 & 23-1314 of the Alcoholic Beverages Article.

R 2.23 - 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 license holder if the event is held on licensed premises, or the owner, if the event is held on non- licensed premises.

(C) The license holder 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: § 23-1306 of the Alcoholic Beverages Article.

(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 2.24 - Wine Festival - WF License

(A) The Liquor Board may issue a Wine Festival (WF) license in Howard County in accordance with the Alcoholic Beverages Article.

(B) The WF license permits the license holder to display and sell wine that is produced and processed in Maryland, for consumption on or off the licensed premises on the days and for the hours designated and approved by the Liquor Board.

Ref: § 23-1305 of the Alcoholic Beverages Article.

(C) 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.

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

R 2.25 – Beer and Wine Tasting - BWT 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) license holder 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) license holder 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, in addition to the fee of any other alcoholic beverages license.

Ref: § 23-1308 of the Alcoholic Beverages Article.

R 2.26 - 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: § 23-1308 of the Alcoholic Beverages Article.

R 2.27 - 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 license holder 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: § 23-1002 of the Alcoholic Beverages Article.

R 2.28 -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.

(C) Refillable containers for beer must:
(1) have a capacity of not less than 32 ounces and not more than 128 ounces;
(2) be sealable;
(3) be branded with an identifying mark of the seller of the container;
(4) bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;
(5) display instructions for cleaning the container; and
(6) bear a label stating that:
(i) cleaning the container is the responsibility of the consumer; and
(ii) the contents of the container are perishable and should be refrigerated immediately and consumed within 48 hours after purchase.

(D) Refillable containers for wine must:
(1) have a capacity of not less than 17 ounces and not more than 34 ounces;
(2) be sealable;
(3) be branded with an identifying mark of the seller of the container;
(4) bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;
(5) display instructions for cleaning the container; and
(6) bear a label stating that cleaning the container is the responsibility of the consumer.

(E) 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.

(F) 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.

(G) The holder of a refillable container permit may refill a refillable container originating from inside or outside the State that meets the standards adopted by the Comptroller.

Ref: §§ 4-1104, 4-1105, 4-1106, & 23-1102 of the Alcoholic Beverages Article.

R 2.29 - 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.

(F) The permit holder is subject to the restrictions of *§ 2-207* of the Alcoholic Beverages Article, including restrictions on hours of operation.

Ref: § 2-207 of the Alcoholic Beverages Article.

R 2.30 - 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: § 4-1102 of the Alcoholic Beverages Article.

R 2.31 - Beer Festival License

(A) The Liquor Board may issue a Beer Festival License in accordance with the Alcoholic Beverages Article.

(B) A Special Beer Festival License entitles the holder to display and sell at retail beer for consumption on or off the licensed premises on the days and for the hours designated and approved by the Liquor Board.

(C) This section does not prohibit the license holder from holding another alcoholic beverages license of a different class or nature.

(D) The license fee is $50 for a 1–day or 2–day festival.

R 2.32 - Educational Event Licenses –beer and wine tasting (BWT) and beer, wine and liquor tasting (BWLT)

(A) The Liquor Board may issue an Educational Event BWT or BWLT license, for an event at which a speaker provides instruction on how to develop a foundation of alcoholic beverages knowledge, in accordance with the alcoholic beverages article.

(B) An Educational Event license authorizes the on–premises consumption, for tasting or sampling by a consumer who has preregistered for an educational event, for a prorated charge that covers the cost of the event, including alcoholic beverages, snacks, and a speaker.

(C) (1) An Education Event BWT license may only be issued to a holder of a Class A beer and wine license, or a holder of a Class A beer, wine, and liquor license.

(2) An Educational Event BWLT license may only be issued to a holder of a Class A beer, wine, and liquor license.

(D) A holder of an Educational Event license may not serve:

(i) wine in a quantity of more than 1 ounce from any individual brand and no more than 6 ounces in the aggregate to any one person in a single day; or

(ii) beer in a quantity of more than 2 ounces from any individual brand and no more than 6 ounces in the aggregate to any one person in a single day.

(iii) liquor at all unless the license is a BWLT license, and then, no more than 1/2 ounce from any individual brand and not more than 3 ounces in the aggregate to any one person in a single day.

(E) The annual fee for an Educational Event license is $100 in addition to the fee for any other alcoholic beverages license.

ref: § 23-1309 of the Alcoholic Beverages Article

R 2.33 - The Off-Sale Authority of Class B Licenses

(A) In addition to the authority to sell alcoholic beverages for on-premises consumption and subject to the requirements of subsection (b) of this Rule:
- (1) the holder of a Class B beer license may sell beer at a hotel or restaurant at the place described in the license for off–premises consumption;
- (2) the holder of a Class B beer and light wine license may sell beer and light wine at a hotel or restaurant at the place described in the license for off–premises consumption; and
- (3) the holder of a Class B beer, wine, and liquor license may sell beer and light wine subject to the requirements of the holder's SBW permit.

(B) (1) A licensee may sell beer and wine for off–premises consumption only to persons who:
- (i) have purchased food from the licensed premises; or
- (ii) have rented a bedroom in the hotel that includes the licensed premises.

(2) A licensee may not display or provide shelving for beer or wine for off–premises sales in areas of the establishment that are accessible to the public.

(3) Off–sale alcoholic beverages receipts shall be included in the calculation of average daily receipts from the sale of alcoholic beverages in the restaurant or hotel.

(4) A licensee may only sell alcoholic beverages for off-premises consumption during the hours that alcoholic beverages are sold for on-premises consumption.

R 2.34 - Marketplace License

(A) The Liquor Board may issue a Marketplace License. The Board may issue a marketplace license only to individuals on behalf of the person, firm, or corporation that owns, manages, or leases the marketplace. A Marketplace License authorizes the sale of beer, wine, and liquor through vendors or agents from one or more outlets within the marketplace by the drink or by the bottle for on-premises consumption. A license holder may also obtain a refillable container permit and a nonrefillable container permit.

(B) An applicant for a marketplace license shall include with their application the list of the names of each vendor or agent from the outlets within the marketplace that will be authorized to sell alcoholic beverages. The hours of sale under the license is from 6:00 a.m. to 2:00 a.m. the following day.

(C) A marketplace under a Marketplace License must have:
- (1) a minimum capital investment, excluding the cost of land and buildings, of $1 million for marketplace facilities;
- (2) a minimum seating capacity of 75 individuals;
- (3) average daily receipts from the sale of food of at least 51% of the total daily receipts of the marketplace; and
- (4) a minimum total capacity of 200 individuals and a maximum capacity of 500 individuals, as determined by the HC Dept of Fire and Res Serv.

(D) The licensed property may not sell alcoholic beverages on a day when a ticketed public event

is held on the same property as the licensed premises but under a different license, if the property has a capacity of at least 4,000 individuals nor on a property adjacent to the licensed premises, if the adjacent property has a capacity of at least 4,000 people. The licensed property, however, may sell alcoholic beverages on a day when a ticketed public event is held if the license holder obtains written permission of the promoter of the event before the event takes place.

(E) The annual license fee is $6,000 plus:
(1) $500, if the holder provides live entertainment; and
(2) $200, if the holder provides outdoor table service.

ref: § 23–1004.1. of the Alcoholic Beverages Article

R 2.35 - "On–site Consumption Permit" for Class 1 Distillery License.

(A) The Liquor Board may issue an on–site consumption permit for use at the location of a Class 1 Distillery License to a holder of a Class 1 Distillery License after the applicant meets the same application, advertising, posting of notice, and public hearing requirements as those required for an alcoholic beverages license.

(B) The permit authorizes the holder to sell mixed drinks made from liquor that the holder produces that is mixed with other nonalcoholic ingredients for on–premises consumption. The holder may not use more than an aggregate of 7,750 gallons annually of liquor the holder produces for mixed drinks sold under an on-site consumption permit.

(C) The permit holder shall comply with the alcohol awareness requirements under § 4–505 of the Alcoholic Beverages Article of the Maryland Code and shall abide by all applicable trade practice restrictions.

(D) The annual permit fee under this Rule is $500.00.

ref: § 2–202 of the Alcoholic Beverages Article

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 the Alcoholic Beverages Article of the Annotated Code of Maryland and these Rules.

(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, the Department of Finance, 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 License holders

Every license holder and applicant for a license 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, Department of Finance, 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 license holder, or any agent or employee of the license holder, 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 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) License holders must 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) License holders 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) License holders 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) License holders 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 license holder closes the business for a period of more than ten days, the license holder 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 license holder 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: § 4-702 of the Alcoholic Beverages Article.

R 4.03 - Curtains, Blinds, or Other Screening Devices

On sale license holders 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

License holders 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 Boards for review.

R 4.06 - Display of Licenses

Each license holder 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 each license so that it shall be conspicuous and easily read in his or her place of business.

R 4.07 - Trade Name

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

R 4.08 – License holder's Responsibility

Each license holder shall be personally responsible for the operation of the licensed premises and shall be responsible for violations committed not only by the license holder personally, but also by the license holders' agents, employees, and operators. Whenever a Rule requires a license holder to take an action or refrain from acting, the license holder is responsible for ensuring compliance by all persons acting for license holder. Any Rule that prohibits an activity or directs a license holder not to allow or permit an activity, imposes a responsibility on the license holder to take affirmative action to prevent the prohibited activity.

R 4.09 - Agreement in Anticipation of Transfer of License (moved to R 2.18)

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 4-1202 of the Alcoholic Beverages Article 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 license holder 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 license holder who violates the provisions of this regulation and Section 23-1903 of the Alcoholic Beverages Article 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 a fine and a suspension or revocation.

Ref: 23-1903 of the Alcoholic Beverages Article.

R 4.11 - Beer Keg Registration

(A) License holders holding a Class A license may not sell kegs of beer for consumption off premises unless:
(1) license holder provides a keg registration form to purchaser; and
(2) license holder 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) license holder attaches the completed registration form to the keg.

(B) License holder 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 license holder 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: § 5-306 of the Alcoholic Beverages Article.

(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 these Rules, 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: § 4-1103 of the Alcoholic Beverages Article.

R 4.13 – Holiday Hours

Notwithstanding any restrictions as to hours imposed by these Rules, a license holder, except any Class A (off-sale) license holder, may remain open and sell alcoholic beverages authorized by his license at all times on January 1 of any year.

Notwithstanding any other Rule, a Class A beer, wine and liquor license holder 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: § 23-2205 of the Alcoholic Beverages Article.

Chapter V
Prohibited Practices

R 5.01 – Employees and agents

For purposes of this Chapter V, a reference to a license holder includes the license holder's employees and agents.

R 5.02 - Sales to Minors

(A) A license holder shall not sell or furnish any alcoholic beverage to anyone under the age of 21.

Ref: § 6-304 of the Alcoholic Beverages Article.

(B) Each license holder 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 license holder did not participate in the violating action or actions.

(C) A license holder shall not allow a minor to possess or consume an alcoholic beverage on licensed premises.

R 5.03 - Presence of Minors on Licensed Premises

A license holder holding a Class B, C, or D license shall not 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 5.04 – Minor's Use of Gambling Devices

A license holder 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 or her licensed establishment unless those persons under 18 years are accompanied by a parent or guardian.

Ref: § 23-2705 of the Alcoholic Beverages Article.

R 5.05 - Sale to Intoxicated or Disorderly Persons

(A) A license holder shall not sell or provide alcoholic beverages to an individual who, at the time of the sale or delivery, is visibly under the influence of an alcoholic beverage.

Ref: § 6-307 of the Alcoholic Beverages Article.

(B) A license holder shall not sell or provide alcoholic beverages to, or permit an alcoholic beverage to be consumed by, an individual visibly under the influence of narcotic drug or who is acting in a disorderly manner.

R 5.06 - Age of Employees

(A) A license holder shall 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 license holder for any purpose except the sale, dispensing, or delivery of alcoholic beverages.

Ref: § 4-504 of the Alcoholic Beverages Article.

(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: § 23-1902 of the Alcoholic Beverages Article.

R 5.07 - Consumption, Open Container or Sale During Prohibited Hours

(A) A license holder shall not 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.

(B) Alcoholic beverages shall not be open, served, dispensed, consumed, furnished, or given away by a license holder or any patron on any part of the licensed premises during the hours prohibited by law, license restriction, or these Rules. No open alcoholic beverage containers shall be on the premises between 2:00 a.m. and 6:00 a.m.

(C) License holders holding a Class A, B, C, or D six-day license may sell alcoholic beverages authorized by the 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. License holders 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) An establishment shall not 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 license holder holding a Class B or BLX license to serve food until a specified hour, on the condition that the license holder 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) A license holder shall not be under the influence of alcoholic beverages or a narcotic drug while working at the licensed premises.

R 5.08 - Acts Contrary to Law

A license holder shall not commit or allow the commission on the licensed premises of any act that is contrary to any federal, State, or local statute, law, or ordinance, or against the public peace, safety, health, or welfare.

R 5.09 - Gambling

Licensed premises shall not be used for 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

R 5.10 - Narcotic Drug

Licensed premises shall not be used for the sale, transfer, or possession of controlled dangerous substances, as defined in the Annotated Code of Maryland.

See generally Title 5 of the Maryland Criminal Law Article

R 5.11 - Relation with Wholesalers

(A) A license holder shall not purchase any alcoholic beverage except from a duly licensed manufacturer, wholesaler or private bulk sale permit holder; and a license holder shall not sell any alcoholic beverage to any other license holder (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: § 6-311 of the Alcoholic Beverages Article.

(B) A license holder shall not 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 advertising the products of a particular manufacturer, wholesaler, distiller, brewer, or the like.

Ref: §§ 2-216 and 2-315 of the Alcoholic Beverages Article.

(C) A license holder shall not 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 license holder.

Ref: §§ 2-216 and 2-315 of the Alcoholic Beverages Article.

R 5.12 - Solicitation

(A) A license holder shall not employ any solicitor or salesperson for the purpose of soliciting, outside of the licensed premises, orders for the sale of alcoholic beverages and a sale shall

not be consummated outside of the licensed premises.

Ref: § 3-502 of the Alcoholic Beverages Article.

(B) A license holder shall not employ any solicitor or permit any person on the licensed premises, to solicit drinks from a customer.

(C) A license holder shall not 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 5.13 - Free Food, Merchandise and Prizes

(A) A license holder shall not offer free merchandise to encourage the sale of alcoholic beverages except that calendars and favors for amusement may be given away.

(B) A license holder shall not 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: § 6-310 of the Alcoholic Beverages Article.

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

R 5.14 - Alcoholic Beverage Containers/Refilling or Tampering

(A) Except in accordance with a valid Refillable Container Permit, a license holder shall not reuse or refill any bottle or other container of alcoholic beverages; nor shall any license holder adulterate, dilute, or fortify the contents of any such bottle or container.

Ref: § 6-313 of the Alcoholic Beverages Article.

(B) A license holder shall not 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 5.15 - Consumption on Off Sale Premises

Except for alcohol 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 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 5.16 - Limits on Licensed Premises

A holder of any "on sale" license may permit alcoholic beverages to be sold, served, and consumed only on that part of the premises that has been specifically licensed for such use.

R 5.17 - Sexual Practices and Obscenity

(A) A license holder shall not allow the premises to be used for the purpose of any sexual activity, nor shall any license holder allow any employee, patron, or frequenter to solicit any person for prostitution or other immoral purposes.

(B) (1) A license holder shall not allow any conduct or entertainment by any person who 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 license holder shall not knowingly allow the premises to be used for:

(i) any conduct or entertainment that includes or simulates sexual intercourse, masturbation, sodomy, bestiality, oral copulation, or 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

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

(3) This subsection 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.

(C) A license holder shall not allow the premises to become a disorderly house.

(D) A license holder shall not 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 the license holder permit any person to accept any money or gratuity in the manner above described.

R 5.18 - Attire and Conduct of Employees

An establishment shall not 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 5.19 - Exhibiting Obscene Films or Pictures

A licensed premises shall not 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 5.17(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 5.20 - False Statements

An applicant, license holder, or any agent or employee of an applicant or license holder, shall not make any false statement in any application for an alcoholic beverage license, written statement, in

testimony before the Boards, or statements made to any other representative of the Boards conducting an investigation.

R 5.21 - Storage

A license holder or establishment shall not 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 Alcoholic Beverages Article of the Annotated Code of Maryland, and alcoholic beverages shall not be stored in trailers or trucks on or about the licensed premises.

Ref: 4-502 of the Alcoholic Beverages Article.

R 5.22 - Beverages from Faucets, Spigots, etc., Labeling

A license holder shall not 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 appears in full sight of the customer in legible lettering upon the dispensing apparatus.

R 5.23 - Discrimination

A license holder shall not directly or indirectly refuse, withdraw from, or deny to any person the services, accommodations, advantages, facilities, and privileges offered on the license holder'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 5.24 - Gifts

(A) Unless permitted by the Howard County Public Ethics Law found in Title 22, Subtitle 2 of the Howard County Code, a license holder, a person applying for an alcoholic beverage license, or a person engaged in the manufacture or sale of alcoholic beverages, shall not directly or indirectly offer to pay a commission, profit, or remuneration or make a gift 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 license holder for violating this prohibition, a violation of this prohibition is a misdemeanor and carries a maximum fine of $1,000.

Ref: § 23-2706 of the Alcoholic Beverages Article.

R 5.25 - Noise; Disturbance of the Neighborhood

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

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

R 5.26 - Alterations

(A) A license holder shall not make any installation or structural alteration on a licensed premise that 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) A license holder shall not 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 5.27 – 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) A person shall not consume on the licensed premises of any license holder any alcoholic beverages not purchased from the license holder on the premises. A license holder shall not permit any person to consume any alcoholic beverages not purchased from the license holder on the premises covered by the license and not permitted by law to be consumed on the premises.

Ref: § 6-308 of the Alcoholic Beverages Article.

R 5.28 - Retail Delivery

(A) Retail delivery to a purchaser of alcoholic beverages is prohibited unless:
(1) a retail license holder obtains a letter of authorization from the Board to make deliveries; and
(2) the delivery is made from the licensed premises by the retail license holder or an employee of the retail license holder.

Ref: § 4-507 of the Alcoholic Beverages Article.

(B) A license holder may not make a retail delivery of alcoholic beverages unless the purchaser:
(1) is physically present on the licensed premises when the purchaser orders the alcoholic beverages; and
(2) pays for the purchase at the time of the order.

Ref: § 23-1904 of the Alcoholic Beverages Article.

R 5.29 - Maximum Alcohol Content

A person shall not sell at retail an alcoholic beverage with an alcohol content by volume of 95% (190 proof) or more.

Ref: § 6-316 of the Alcoholic Beverages Article.

R 5.30 - Possession or Use of Alcohol Without Liquid Machine

State law prohibits the sale or use of alcohol without liquid devices including vaportinis, or any similar device that mixes an alcoholic product with pure oxygen or other gas to produce a vaporized product that can be inhaled.

Ref: § 6-323 of the Alcoholic Beverages Article.

R 5.31 – Sale of Powdered Alcohol - Prohibited

State law prohibits the sale or offer for sale of alcoholic beverages that are sold in powder or crystalline form for direct use or use in combination with water or any other substance.

Ref: § 6-326 of the Alcoholic Beverages Article.

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 license holders 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 and making findings 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 license holders, 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 license holders 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 2.21.

R 6.05 - Subpoenas and Summonses

(A) The Board, at the request of an applicant, a license holder 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. An applicant must submit a request at least 14 days before the initial hearing.

(C) The party requesting a summons or subpoena shall be responsible for arranging for service of the summons or subpoena by the Sheriff.

(D) 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: §§ 6-204and 23-2602 of the Alcoholic Beverages Article.

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 individuals who are called to testify or desire to testify at a hearing shall sign their own names to the roster immediately prior to a hearing. In the case of a hearing on a application, the individual shall also indicate any stance in favor of or opposed to the application before the Board. If a hearing is continued, only the individuals who had signed a roster prior to the end of the Applicant's case or are called by the Applicant in rebuttal may testify.

(C) 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?”

(D) 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.

(E) 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 or her name.
- His or 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 Chairperson.

(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 Chairperson.

(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 Chairperson.

(C) License holders Presentation:
(1) Direct examination of each license holder's witness.
(2) Cross-examination of each license holder's witness by the petitioner's attorney.
(3) Examination of witnesses by members of the Board, upon recognition of the Chairperson.

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

(E) Surrebuttal by License holders. The license holders 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 License holders.

(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 the Alcoholic Beverages Article of the Annotated Code of Maryland shall be the same as that set forth in R 6.09 of these Rules 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 §§ 4-603, 4-604, and 23-2102 of the Alcoholic Beverages Article, 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) License holders' Presentation:
(1) Direct examination of license holders' witnesses.
(2) Examination of license holders by member of the Board or by complaining residents, upon recognition by the Chairperson.

(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 License holders, but no new evidence may be introduced at this time.

(E) Surrebuttal Testimony – The License holders 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 License holders.

(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 § 23-208 of the Alcoholic Beverages Article, 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.

(C) If a request is submitted to the Board of License Commissioners, the proposed decision of the Hearing Board is stayed until resolution of the case by the Board of License Commissioners.

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 § 4-903 of the Alcoholic Beverages Article 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 license holder as to the use of the license.

(B) The procedure for notification to the license holder 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 license holders 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 license holder, and/or impose a fine, if it finds that a license holder or any agent, servant, or employee of a license holder has violated any of the provisions of the Alcoholic Beverages Article, any violations of these Rules, 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: §§ 4-604 and 23-2102 of the Alcoholic Beverages Article.

(B) The Board is required, except as provided in § 3 -606 of the Alcoholic Beverages Article, to revoke or suspend the license of any individual issued under the provisions of the Alcoholic Beverages Article for the following reasons:

(1) conviction of the license holder for violation of any of the provisions of the Tax - General Article that relate to the alcoholic beverage tax or the provisions of the Alcoholic Beverages Article;
(2) willful failure or refusal of any license holder 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 the Alcoholic Beverages Article, or any rule or regulation that may be adopted in pursuance of the Alcoholic Beverages Article 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 license holder under the provisions of the Alcoholic Beverages Article 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 §§ 2-216 and 2-315 of the Alcoholic Beverages Article, precluding manufacturers from having an interest in a retail establishment;
(7) willful failure of any license holder to keep the records required by the Alcoholic Beverages Article 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 license holder 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 license holder 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 the Alcoholic Beverages Article within fifteen days after notice from the Comptroller.

Ref: § 4-604 of the Alcoholic Beverages Article

R 7.03 - Notice of Hearings

(A) Any license holder 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 holders 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, except as provided by Rule 6.02.

(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, or revoke a license for any violation of the Alcoholic Beverages Article or these Rules. All moneys collected under this subsection shall be deposited into the general fund of the County.

Ref: § 23-2802 of the Alcoholic Beverages Article

(B) The Boards may also impose a fee of $270 for costs of the hearing and the sign.

(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 that was alleged to be violated, the amount of the fine to be imposed, and an explanation of the options available to the license holders.

(B) The Alcoholic Beverage Inspector shall deliver notice of violation to the license holder who is the Howard County Resident Agent and the Administrator shall mail or deliver copies of the notice to all other license holders.

(C) No later than 10 days after the date the notice is served on the Resident Agent, license holders 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 license holders, a petition will be issued by the Alcoholic Beverage Inspector.

Rule 2.03 – Updating Applications	$100
Rule 4.01(A) – Records	$100
Rule 4.01(D) – Records	$100
Rule 4.02(A) – Closing of Licensed Establishments	$100
Rule 4.03 – Curtains, Blinds or Other Screening Devices	$100
Rule 4.06 – Display of Licenses	$50
Rule 4.07 – Trade Name	$100
Rule 4.10 – Alcohol Awareness Program	$100
Rule 4.11 – Beer Keg Registration	$100
Rule 5.02 – Presence of Minors on Licensed premises	$200
Rule 5.05 – Age of Employees	$300
Rule 5.06 – Unauthorized Person on Premises After Hours	$200
Rule 5.10 (A) – Improper Sale, Purchase, Possession of all Beverages on Premises	$500
Rule 5.11 – Solicitation	$150
Rule 5.12 – Free Food, Merchandise and Prizes	$200
Rule 5.13 – Alcoholic Beverage Containers/Refilling or Tampering	$500
Rule 5.14 – Consumption on Off-Sale Premises	$200
Rule 5.15 – Limits on Licensed Premises	$200
Rule 5.20 – Storage	$100
Rule 5.21 – Beverage from Faucets, Spigots, etc., Labeling	$50
Rule 5.25 – Alterations	$200
Rule 5.26 – Illegal Possession	$300
Rule 5.27 – Retail Delivery	$500

Chapter VIII Classes and Fee

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.

Certain license fees may be prorated for the first year the license is issued, in accordance with § 4-114 of the Alcoholic Beverages Article. For other provisions, requirements, and restrictions related to a particular license, refer to the Alcoholic Beverages Article of the Maryland Code.

R 8.02 - Classes and Fees - The Alcoholic Beverages Article section is indicated in parentheses.

Class A - Package Goods	
Class A Beer (§ 23-601)	$ 150
Class A Beer & Light Wine (§ 23-801)	$ 175
Class A-1 (7-day) Beer, Wine & Liquor (§ 23-901)	$ 900
Class A-2 (6-day) Beer, Wine & Liquor (§ 23-901)	$ 700
Class A (Winery) Light Wine (§ 23-701)	$ 50
Class B - Restaurant and Hotels	
Class BLX -Luxury Restaurant (§ 23-903)	$2,000
Class B Beer, Wine & Liquor (§ 23-902)	$1,000
Class B Beer, Restaurant (§ 23-602)	$ 150
Class B Beer & Light Wine, Restaurant (§ 23-802)	$ 175
Class B-SBW – Restaurant and Class B Beer, Wine, & Liquor (B-SBW) (§ 23-902)	$ 500
Class C – Beer, Wine, and Liquor 7 day (§ 23-904)	$ 250
Class C – Clubs, Conference Centers, Retirement Communities, etc.	
Class C Clubs, Beer & Light Wine (§ 23-803)	$ 150
Country Clubs, Beer, Wine & Liquor (§ 23-1003)	$1,500
Veterans Clubs, Beer only (§ 23-603)	$ 25
Beer, Wine & Liquor (§ 23-1007)	$ 250
Conf. Center, Beer, Wine & Liquor (§ 23-1001)	$ 700
Class C, Affiliate of International Organization of Police Officers (§ 23-1005)	$ 500
Class C, Continuing Care Retirement Community (§ 23-1002)	$ 250
Class D - Taverns	
A Class D tavern license issued prior to November 1, 1981, may continue to be renewed on the same terms and conditions in effect at that time.	
Class D Beer § 23-604)	$ 150
Class D Beer & Light Wine (§ 23-804)	$ 175
Class D Beer, Wine & Liquor (§ 23-905)	
7 day consumption only on licensed premises	$1,000
6 day consumption only on licensed premises	$ 600
7 day on & off premise consumption	$1,000
6 day on & off premise consumption	$ 800
Class GC - Golf Course (§ 23-1004)	
Beer, Wine & Liquor	$1,500
Beer and Light Wine	$ 350
Race Track License (§ 23-1006)	**$1,000**

Marketplace License (§23–1004.1.) Plus $500, if the holder provides live entertainment; and Plus $200, if the holder provides outdoor table service	**$6,000**
On–site consumption permit for Class 1 distillery licensee (§ 2-202)	**$500**

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 the Alcoholic Beverages Article of the Maryland Code that establishes the license. For other provisions, requirements, and restrictions related to a particular license, refer to the Alcoholic Beverages Article. The section of the Alcoholic Beverages Article is indicated in parentheses.

Except for Class D Entertainment Venue Licenses, temporary licenses are only issued to non-profit organizations for events where at least half of the profits generated is devoted to charitable causes.

The fees are in addition to the fee for any other required license.

Class C - Beer; Beer & Light Wine and Class C Beer, Wine & Liquor (§ 23-1312)	$ 15 / day
Disposal of Stock License (§ 4-1206)	$ 5 / day
Wine Festival License (§ 23-1305)	$ 15 / weekend
Wine Sampling License (§ 23-1306)	$ 15 / day
Beer and Wine Tasting License (§ 23-1307)	$100 / year
Beer, Wine and Liquor Tasting License (§ 23-1308)	$100 / year
Beer Festival License (§ 23-1304)	$50 / 1 or 2-day event
Educational Event BWT or BWLT License (§ 23-1309)	$100 / year
Class C Per Diem Entertainment Venue License	$100/day
Class D Per Diem Entertainment Venue License	$100/day

R 8.04 - Refillable Container, On-Site Consumption, and Corkage Permits

Refillable Container Permit (§ 23-1102)	No charge
On-site Consumption Permit (§ 2-207)	$ 500
Corkage Permit (Rule 2.31)	No charge

R 8.05 - Administrative Changes to a License

A fee of $5 is administered for all changes on licenses which do not require a hearing but involve an issuance of a corrected license.

R. 8.06 – License Transfers

A fee of $20 is charged for all license transfers.

Ref: §4-305 of the Alcoholic Beverages Article