

***BOARD OF LICENSE COMMISSIONERS
FOR
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DAVID SON, COMMISSIONER**

EDMOND B. O'CONNELL, COUNSEL

**Promulgated under the authority of
Section 16-301 of Article 2B of the
Annotated Code of Maryland**

Effective: October 1, 2009

**Norma Lindsay, Chief Liquor Inspector
Albert J. Fanelli, Deputy Chief
Harry Tom Martin, Deputy Chief**

DECLARATION OF POLICY

It is hereby declared, as the policy of the State that it is necessary to regulate and control the manufacture, sale, distribution, transportation and storage of alcoholic beverages within this State and the transportation and distribution of alcoholic beverages into and out of this State to obtain respect and obedience to the law and foster and promote temperance. It is hereby declared to be the legislative intent that such policy will be carried out in the best public interest by empowering the Comptroller of the Treasury, the State Appeal Board, the various local Boards of License Commissioners and Liquor Control Boards, all enforcement officers and the judges and clerks of the various courts of this State with sufficient authority to administer and enforce the provisions of Article 2B of the Annotated Code of Maryland. The restrictions, regulations, provisions, and penalties contained in Article 2B are for the protection, health, welfare, and safety of the people of this State. It shall also be the policy of the State to tax alcoholic beverages as provided in Article 2B, and to deny to any political subdivision in this State the power or authority, either by public general law or by public local law, to impose any tax on distilled spirits, beer, wine and all other alcoholic beverages on and after July 1, 1955.

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CLASSES OF LICENSES:

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| Class A License | Off Sale only, six (6) days a week; No sales of alcoholic beverages on Sunday |
| Class B License | On Sale seven (7) days for sale of beer and wine, six (6) days for sale of alcohol over 15.5% by volume |
| Class C License | On Sale only, seven (7) days |
| Class D License | On and Off Sale, seven (7) days |

DESCRIPTION OF CLASS OF LICENSES AND HOURS OF SALES

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| Class A, Beer | Hours of operation are 6:00 a.m. to 12:00 midnight, six (6) days a week, Off Sale only of Beer, no consumption on the licensed premises. No Sales Permitted On Sunday. |
| Class A, Beer and Wine | Hours of operation are 6:00 a.m. to 12:00 midnight, six (6) days a week, Off Sale only of Beer and Wine, no consumption on the licensed premises. No Sales Permitted On Sunday. |
| Class A, Beer, Wine Liquor | Hours of operation are 6:00 a.m. to midnight, six (6) days a week, Off Sale only of beer, wine and liquor no consumption on the licensed premises. No Sales Permitted On Sunday. |
| Class B, Beer | Hours of operation are 6:00 a.m. to 2:00 a.m., On Sale consumption only of beer unless grand fathered in prior to July 1, 1975. Holder of licenses prior to that date may exercise off sale privileges to include seven-(7) day license with food requirement until 12:30 a.m. |
| Class B, (GC) | This license is a seven (7) day license for the sale of beer and wine for the exclusive use on the premises of the M-NCPPC golf courses located within Prince George's County. Hours of operation are 11:00 a.m. to 10:00 p.m., daily Monday through Sunday. |
| Class B, Beer and Wine | Hours of operation are 6:00 a.m. to 2:00 a.m., On Sale consumption only of beer and wine unless grand fathered in prior to July 1, 1975. Holder of licenses prior to that date may exercise off sale privileges to include seven-(7) day license with food requirement until 12:30 a.m. |
| Class B, Beer, Wine & Liquor | Hours of operation are 6:00 a.m. to 2:00 a.m. Premises with approved live entrainment may remain open until 3:00 a.m. This license includes seven (7) days On Sale Beer and Light Wine, six (6) days On Sale Beer, Wine and Liquor. Special Sunday Sale Permit required for On Sale consumption of Liquor. (*See Rule No. 66) |

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| Class B(R), Beer, Wine & Liquor | THIS DESCRIPTION APPLIES TO LICENSES ISSUED PRIOR TO OCTOBER 1996 - For Class B, Beer, Wine and Liquor licenses issued prior to October 1996 the hours of operation are 6:00 a.m. to 2:00 a.m. except on Friday and Saturday with approved live entertainment. The licensed premise may remain open until 3:00 a.m. This license includes seven (7) days On & Off Sale Beer and Light Wine, six (6) days On & Off Sale Beer, Wine and Liquor. All off sales to be conducted over or contiguous to the main bar. Special Sunday Sale Permit required for On Sale consumption of Liquor. (*See Rule No. 66) |
| Class B+, Beer, Wine & Liquors | Hours of operation are 6:00 a.m. to 2:00 a.m. except on Friday and Saturday with approved live entertainment. The licensed premise may remain open until 3:00 a.m. This license includes seven (7) days On & Off Sale Beer and Light Wine, six (6) days On & Off Sale Beer, Wine and Liquor. (separate off sale facility to sell beer, wine and liquor off sale). Special Sunday Sale Permit required for On Sale consumption of Liquor. (*See Rule No. 66) |
| Class B, BH | Hours of operation are 6:00 a.m. to 2:00 a.m. except Friday and Saturday with live entertainment the licensed premises may remain open until 3:00 a.m. seven- (7) day On Sale Beer and Wine. Sales of alcoholic beverages over 15% by volume after noon on Sunday |
| Class B, BLX | Hours of operation are 6:00 a.m. to 2:00 a.m. except Friday and Saturday with live entertainment the licensed premises may remain open until 3:00 a.m. Six (6) day On Sale consumption of Beer, Wine and Liquor and seven (7) days On Sale Beer and Wine, No off Sale privilege at all, Sunday Sales Permit required to serve alcoholic beverages, Food must be served until 12:30 a.m. in conjunction with sale of alcoholic beverages |
| Class B, Country Inn | Hours of operation and manner of dispensing alcoholic beverages to be determined by the Board of License Commissioners consistent with Article 2B Section 6-201. All sales to be On Sale only. |
| Class B-DD | This license is available in Designated Areas Only. The restaurant must provide bi-annual certifications that the sale of food exceeds the sales of alcoholic beverages. |
| Class B, ECF | Hours of operation are 6:00 a.m. to 2:00 a.m. Monday through Saturday. This license includes seven (7) days On Sale Beer and Light Wine, six (6) days On Sale Beer, Wine and Liquor. Special Sunday Sale Permit required for On Sale consumption of Liquor. (*See Rule No. 66). This license is known as an "Education Conference Facility" license to the University of Maryland, University College Center of Adult Education for the sale of beer, wine and liquor by the drink within the center, from one or more outlets, for consumption on the license premises. |
| Class B, MB22 | This license in on sale only of liquor to a class 7 Microbrewery licensed establishment in the 22 nd Legislative District. |

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| Class B, RD | This license is an on sale only license for liquor by the drink in an establishment located in a designated Revitalization District |
| Class B, ECF/DS | Hours of operation are 6:00 a.m. to 2:00 a.m. Monday through Saturday. This license includes seven (7) days On Sale Beer and Light Wine, six (6) days On Sale Beer, Wine and Liquor. Special Sunday Sale Permit required for On Sale consumption of Liquor. (*See Rule No. 66). This license is known as an "Education Conference Facility/Dining Services" license to the University of Maryland, College Park Campus for the sale of beer, wine and liquor by the drink within the center, from one or more outlets, for consumption on the license premises. |
| Class B, ECR Equestrian Center | This license is a seven-(7) day license for the sale of beer, wine and liquor for use at the Equestrian Center. Hours of operation are Monday through Saturday from 8:00 a.m. to 2:00 a.m. Sunday sales of beer and light wine containing 15.5% or less of alcohol by volume from 8:00 a.m. to 2:00 a.m. Special Sunday Sale Permit required for On Sale consumption of Liquor. (*See Rule No. 66) |
| Class B, BCE Catering | Hours of operation are 6:00 a.m. to 2:00 a.m. Monday through Saturday. This license includes seven (7) days On Sale Beer and Light Wine, six (6) days On Sale Beer, Wine and Liquor. Special Sunday Sale Permit required for On Sale consumption of Liquor. (*See Rule No. 66). This license is limited and restricted to on sale consumption of alcoholic beverages on the licensed premises by participants of catered events. No off sale privileges will be exercised. |
| Class B, Baseball Stadium | This license is a seven-(7) day license for the sale of beer and wine for use at a Baseball Stadium. Hours of operation are Monday through Saturday from 6:00 a.m. to 2:00 a.m. and Sunday from 8:00 a.m. to 2:00 a.m. |
| Class B, Football Stadium | This license is a seven-(7) day license for the sale of beer, wine and liquor for use at the Football Stadium. |
| Class C Beer, Beer and Wine | Hours of operation are 6:00 a.m. to 2:00 a.m. seven-(7) day On Sale consumption only. |
| Class C, Beer, Wine & Liquor Fraternal Veterans Yacht Club Country Club Golf & Country Club | Hours of operation are 6:00 a.m. to 2:00 a.m., seven (7) days On Sale consumption limited to members and their guests except in the case of a Country Club - the word customer is used |

Class D, Beer
Beer and Wine

Licenses issued pursuant to Rule and Regulation Number 22 the hours of operation are 6:00 a.m. to 2:00 a.m. with no food requirements. This is a seven-(7) day On Sale only License.

Class D(R), Beer
Beer and Wine

THIS DESCRIPTION APPLIES TO LICENSES ISSUED PRIOR TO OCTOBER 1996 - Hours of operation are 6:00 a.m. to 12:00 midnight with no food requirements. Licenses issued prior to October 1996 may sell beer and wine On and Off Sale seven (7) days a week.

A. RULES GOVERNING THE HEARING PROCESS

R1. MEETING AND HEARINGS

The Board of License Commissioners shall hold meetings, hearings and sessions as scheduled. All meetings, hearings and sessions are open to the public. The Board may, from time to time, meet in closed session or adjourn an open session pursuant to an exception contained in the Open Meetings Act.

The General Assembly of Maryland pursuant to the provisions of Section 9-217 of Article 2B of the Annotated Code of Maryland, places limitations on the number of licenses the Board of License Commissioners may issue in each class.

The licenses enumerated in Section 9-217 of Article 2B shall not be construed as the number the Commissioners are obligated to issue. The Commissioners may not grant any additional license of any class that was not determined posted and advertised as available at the hearing.

R2. WHEN HEARINGS ARE REQUIRED

- A. Public hearings are required concerning all applications for all new licenses, except temporary or special licenses as defined in Section 7-101 of Article 2B of the Annotated Code of Maryland unless the Board of License Commissioners determines a temporary license requires a hearing.
- B. Public hearings are required concerning all applications for substitution of corporate officer, transfer of licensee(s), and transfer of location.
- C. Public hearings are required for a protest of the renewal of a license.

R3. TIME OF HEARING

Hearings shall be held as scheduled and advertised. The applicant shall be notified in writing concerning the time, date and location of the hearing.

R4. RECORD OF HEARINGS

The Board of License Commissioners shall prepare an official record of its proceedings, in each case, which shall include the testimony and exhibits, but it shall not be necessary to transcribe the testimony unless required for court review, or when required by any party of interest appearing at the hearing. The party initiating the appeal or ordering the record shall pay the reporter, in advance, the cost of transcribing the record.

R5. PUBLIC ATTENDANCE

The general public and representatives of the news media are encouraged to attend all hearings. It shall be the duty of the Chair to 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 it shall be the duty of the Chair to enforce order on its own initiative or through a point of order being made by a member. Under circumstances of confusion and disorder, the Chair shall have the power, and it shall be the duty of the Chair, to order the hearing room cleared or to recess the hearing, and the Chair may, upon its own motion and without a second or putting the matter to vote, order the hearing adjourned to a fixed hour and date.

R6. MATTERS OF LAW

All matters of law raised by any party during a hearing shall be ruled on by the Chair. His/her ruling shall be final and not appealable to the Board of License Commissioners, but objections thereto shall be entered in the transcript and shall be made a part of the Record of Proceedings.

R7. CONDUCT OF HEARING

- A. At the beginning of the hearing, the docket shall be called. In the discretion of the Chair all preliminary matters may be heard and disposed of first.
- B. The Board may limit the time allowed for the testimony of witnesses.
- C. All persons testifying shall be required to take the following affirmation. "Do you aver under the penalty of perjury that the testimony you are about to give in this matter will be the truth, the whole truth and nothing but the truth."

R8. ORDER OF PRESENTATION

- A. Introduction of reports and official documents
- B. Applicant's presentation:
 - 1. Direct examination of applicant's witnesses
 - 2. Cross-examination of each applicant's witness by the opposition's attorney or a spokesperson. Any person desiring to question the applicant's witness, shall first address the Chair and be recognized; request permission of the Chair to ask a question of the witness and shall not proceed until such permission is granted. Upon initial recognition by the Chair, the person shall give the following information before questioning the witness:
 - His/her name, home address, and its approximate location with reference to the subject premises or licensed premisesQuestions 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 nor shall they contain allusions to personality or motives. If the Chair rules the question out of order or objectionable, it shall be the duty of the person asking it to withdraw the question, which is out of order or objectionable. In the discretion of the Chair, questions on cross-examination shall be reduced to writing and asked by the Attorney for the Board of License Commissioners.
- C. Opposition's presentation:
 - 1. Direct examination of each opposition witness.
 - 2. Cross examination of each opposition witness.
- D. Rebuttal by applicant - the applicant may present evidence to rebut any evidence introduced by the opposition, but no new evidence may be introduced at this time
- E. Summation by applicant
- F. Summation by opposition
- G. Board of License Commissioner's Action - the Board may determine to grant or deny the application at the end of the presentation, or it may take the case under advisement for further deliberation and a later decision. For proper reasons shown, the Board may recess the case to receive additional evidence at a later time, if it deems that it is essential in making the proper decision.

B. RULES AND REGULATIONS

R.R. NO. 1 – SALES TO UNDERAGE PERSONS:

- A. Pursuant to Sections 8-217 and 12-108 of Article 2B of the Annotated Code of Maryland, a licensee or any of his/her employees or agents, may not sell, serve or furnish or allow the consumption or possession of any alcoholic beverages at any time to any person under the age of 21.
- B. It is the responsibility of the licensee to determine, with reasonable certainty that the person to whom the sale is made is of legal age to purchase and/or consume the alcoholic beverages. In disciplinary proceedings it shall not be a defense that an agent or employee of the licensee acted contrary to order or that a licensee did not participate in the violating action or actions.
- C. In determining, with reasonable certainty, that the person to whom the sale of an alcoholic beverage is made is 21 years old or older. The licensee may accept as valid proof of age only the following forms of identification, all of which contain photographs:
 - 1. U.S. Passport or U.S. Passport Card
 - 2. Permanent Resident Card (Green Card) issued by the United States Government
 - 3. Identification card issued by any State.
 - 4. Driver's License from any State.
 - 5. Identification issued by any branch of the United States Armed Forces.

In order to be acceptable the form of identification must be valid at the time of presentation.

R.R. NO. 2 – PRESENCE OF MINORS ON LICENSED PREMISES:

- A. Under the provisions of Section 8-217 of Article 2B it shall be unlawful for any person under the age of eighteen (18) years to enter or remain upon any portion of a licensed premises of the holder of any Class B or Class D license between the hours of 10:00 p.m. and 6:00 a.m. where the privileges conferred by such a license are exercised, unless such person is in the immediate company of at least one of his/her parents, or of his/her legal guardian, or spouse or where the "on sale" privilege of the license has been waived or restricted.
- B. A licensee may not permit any person under the age of 21 years old to consume or possess any alcoholic beverage on or about the licensed premises. It shall be unlawful for any person to misrepresent the age of person for the purpose to obtain alcoholic beverages for such person under the age specified in R.R. No. 1 or for any person to obtain alcoholic beverages for the use of a person not entitled by reason of his/her age to possess such alcoholic beverages.

- C. It shall be unlawful for any person to misrepresent the age of any person for the purpose of obtaining alcoholic beverages for such person under the ages specified in R.R. No. 1 or for any person to obtain alcoholic beverages for the use of a person not entitled by reason of his/her age to possess such alcoholic beverage.
- D. Licensee shall be responsible and held accountable to the Board for compliance by minors and the agents or employees of the licensee with all the provisions of this Rule and Regulation. For the purpose of R.R. No. 2(B) the word "minor" shall be construed to include anyone under the age of 21.
- E. Bowling alleys - Notwithstanding any other provision of this Rule and Regulation, a person shall be entitled to enter and remain upon any portion of the premises of the holder of a license granted under Article 2B of the Annotated Code of Maryland regardless of age, provided that there is operated on the premises a bona fide bowling alley and that the bowling alley is then in use.

R.R. NO. 3 – EMPLOYEES, AGE OF:

- A. No person under eighteen (18) years of age shall be employed to sell or serve any alcoholic beverages from any alcoholic beverage establishment.
- B. This Rule and Regulation shall not prohibit the employment of anyone under the age of eighteen (18) by the holder of any alcoholic beverage license for any purpose except the sale of alcoholic beverages.

R.R. NO. 4 – RECORDS OF EMPLOYEES:

Licensees shall maintain on their premise records containing the legal names, aliases, addresses, ages and social security numbers of all persons employed by them. Such records shall be open for inspection at any time by duly authorized representatives of the Board, all Police Departments, and other governmental agencies. Employees shall be defined to mean all permanent full and part time employees and casual labor.

R.R. NO. 5 – SALES TO INTOXICATED OR DISORDERLY PERSONS:

No licensee, his/her agents, or employees shall sell or furnish alcohol to anyone who is disorderly in conduct or is a habitual drunkard, or a mentally deficient person or to any person whose parent or parents, guardian, husband, wife, son, daughter, brother, or sister shall have given notice in writing that such person is of intemperate habits, of unsound mind, or on account of his/her physical condition and request the licensee, in writing, not to sell or in any way furnish alcoholic beverages to such person.

R.R. NO. 6 – DRINKING OR POSSESSION OF ALCOHOLIC BEVERAGES NOT AUTHORIZED UNDER LICENSE:

- A. No licensee, his/her agents, or employees shall permit any person to consume any alcoholic beverage on the licensed premises other than the alcoholic beverage or beverages permitted by the license.
- B. A license holder shall not have in his/her possession, nor shall there be in the possession of his/her agents, employees, or patrons at any place on the licensed premises any alcoholic beverage not permitted to be sold under his license.

R.R. NO 7 – CONSUMPTION OF BOTTLED GOODS ON LICENSED PREMISES:

No holder of a Class B license, his/her agents or employees shall sell, serve, or furnish any alcoholic beverage other than beer or wine by the bottle for consumption on the licensed premises where sold. This Rule and Regulation shall not apply to any Class B license serving alcoholic beverages to patrons in rented or leased private rooms as provided in R.R. 62.

R.R. NO. 8 – CONSUMPTION ON "OFF SALE" PREMISES:

No holder of a Class A, Off Sale license, his/her agents, or employees shall knowingly permit any person to consume or open any alcoholic beverage on the premises under his/her control except as provided for in Rule and Regulation #67 (Wine Tasting). This Rule and Regulation shall also apply to the holder of any Class B or Class D license where the "On Sale" privilege has been restricted by the Board of License Commissioners or waived by the licensee and such waiver has been accepted by the Board.

R.R. NO. 9 – CONSUMPTION OR SALE DURING PROHIBITED HOURS:

- A. No licensee, his/her agent, or employee shall allow consumption or possession of alcoholic beverages by patrons on the licensed premises during the hours when such sales or consumption is prohibited by law.
- B. No alcoholic beverages shall be served, dispensed, consumed, furnished, given away, or possessed by the licensee, his/her agent, or by employee of any patron on any part of the licensed premises during the hours when such sales, are prohibited by law.

R.R. NO. 10 – SALES OF DISPOSABLE OR SYNTHETIC CUPS OR GLASSES:

The holder of any Class of license with "Off Sale" Privileges of any kind is prohibited from selling, giving or otherwise providing paper, Styrofoam, or any synthetic cup or glass to patrons, except in original factory unopened packages and no ice in individual cups or glasses is to be sold, given, or in any way provided to any patron of the establishment with any alcoholic beverages.

R.R. NO. 11 – PURCHASES, BY AUTHORIZED RETAILER:

- A. No license holder shall purchase any alcoholic beverage except from a duly licensed manufacturer or wholesaler.
- B. No retail license holder shall sell to another license holder any alcoholic beverages except to the holder of Special Class C, (Club) license as defined in Section 7-101 of Article 2B of the Annotated Code of Maryland.
- C. No license holder shall at any time; keep or permit to be kept upon the licensed premises any alcoholic beverage unless purchased in accordance with this Rule and Regulation.

R.R. NO. 12 – PROHIBITED PRACTICES:

A. SOLICITATION

1. No retail license holder shall employ any solicitor or salesperson for the purpose of soliciting orders for the sale of alcoholic beverages. No sale shall be made for consumption off the licensed premises except a bona fide delivery of an unsolicited order taken over the telephone or in person from a patron.
2. No loud speaker or other sound-making device shall be employed for the sale of alcoholic beverages.
3. No retail alcoholic beverage licensee in Prince George's County shall permit any person employed by him/her or who is a frequenter of his/her establishment to solicit for himself/herself or others the purchase by patrons of food, tobacco, or drinks, whether alcoholic or nonalcoholic, or money for the purchase of same, or with which to play a music box or other entertainment device; nor shall any licensee permit any person employed in his establishment or accept food, tobacco, drinks, or money as a gift from a patron except for normal gratuities paid to waiters and waitresses.
4. No licensee, his/her agents or employees shall pay, offer to pay, or allow to be paid to any person any commission, gratuity or fee, whether in money, goods, or other consideration for, upon, or in connection with the sale of any food, tobacco or drinks, alcoholic or non alcoholic, for the use of any music box or other entertainment device.

B. GAMBLING

1. No licensee shall allow his premises to be used for the purpose of bookmaking or gambling, except the State of Maryland Lottery, in any form.

C. PERVERTED PRACTICES

1. A licensee shall not permit the premises to be used as a disorderly house, or for the purpose of perverted practices, nor shall the licensee, his/her employees, patrons, or frequenters of the establishment, solicit any person or persons for immoral purposes.

D. ILLEGAL NARCOTICS:

1. No licensee shall permit his premises to be used for the sale, transfer, or possession of narcotics or dangerous substances, as defined in the Annotated Code of Maryland. No licensee, his/her agents, or employees shall use or permit to be used or dispensed on the licensed premises any drugs, or violent emetics or purges.

E. FALSE STATEMENTS

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

R.R. NO. 13 – SALES ON CREDIT:

No licensee, his/her agents, or employees shall sell any alcoholic beverages at retail except for cash or upon presentation of a bona fide and generally recognized credit card. It shall be understood that the licensee accepts such credit card at his/her own risk.

R.R. NO. 14 – INDEPENDENCE CARD (FOOD STAMPS); PROHIBITED PRACTICES FOR PURCHASE OF ALCOHOLIC BEVERAGES:

No licensee, his/her agent or employees may accept Independence Cards (Food Stamps) issued under the Federal Food Stamp Act in partial or full payment for any alcoholic beverage.

R.R. NO. 15 – FREE MERCHANDISE OR PRIZES:

- A. No licensee, his/her agents, or employees shall offer free merchandise or coupons to encourage the sale of alcoholic beverages except calendars and favors for amusement may be given away.
- B. No alcoholic beverages may be sold or given away as prizes in connection with the playing of any claw, pin ball, slot machine or other similar devices such as punch cards, drawings, or the winner of any games nor to participants in any contest whether amateur or professional.
- C. All persons holding "On Sale" licenses may offer free of charge snacks in connection with the consumption of alcoholic beverages on the premises.

R.R. NO. 16 – NOISE:

All licensees shall operate their establishment in such a manner that will not disturb the peace, safety and tranquility of the neighborhood where located.

All unnecessary noise emanating from the licensed premise at unreasonable times is prohibited.

The intent of this Rule is that the licensee's operation shall not adversely impact its surrounding neighborhood in terms of noise and/or antisocial, illegal, boisterous, and unsafe activities.

R.R. NO. 17 – BEVERAGES FROM FAUCETS, SPIGOTS, ETC.; LABELING:

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

R.R. NO. 18 –REFILLING OR TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINERS:

No licensee, his/her agents, or employees shall reuse, refill, tamper with, adulterate, dilute, or fortify the contents of any original container of alcoholic beverage.

R.R. NO. 19 – INTEREST IN MORE THAN ONE LICENSE PROHIBITED: (Section 9-217(f) Art. 2B):

In Prince George's County, a person whether acting on the person's behalf or on the behalf of another person or entity, corporation, association, partnership, limited partnership or other combination of persons (natural or otherwise) for whatever reason formed, may not have an interest in more than one license authorizing the retail or wholesale sale of alcoholic beverages.

An interest shall be conclusively presumed to exist between two (2) licensees or a licensee and an applicant for a license if any of the following conditions exist between them:

- A. A franchise agreement;
- B. A licensing agreement;
- C. A concession agreement;
- D. Where both are part of a chain of businesses commonly owned and operated and so portrayed to the public;
- E. Any sharing of directors or stockholders or any sharing of directors or stockholders of parents or subsidiaries;
- F. Common direct or indirect sharing of profit from the sale of alcoholic beverages; or
- G. Sharing of a common trade name, trademark, logo or theme, or mode of operation identifiable by the public, except hotels and motels.

The Board of License Commissioners shall make determinations under this subsection without regard to whether a particular licensee or proposed licensee is or may be an independent contractor for purposes other than the application of this subsection.

A holder of a wholesale alcoholic beverage license is considered a licensee for purposes of this subsection and may not hold or have interest, directly or indirectly, in an alcoholic beverage license of any class that authorizes retail sale of alcoholic beverages in Prince George's County.

This subsection does not apply to licenses issued under the provisions of Article 6-201(r)(3)(4)(6)(8) or (10), 7-101, 8-501 of Article 2B or to Club licenses.

If the Board of License Commissioners determines after a hearing that an interest exists in more than one license, the Board shall refuse to approve the issuance of a new license or revoke an existing license, unless the license is operational and complied with law applicable at the time of its issuance.

Notwithstanding other provisions of this subsection or other provisions of this Article, the Board of License Commissioners may permit an individual, partnership, or corporation to hold or have an interest in not more than four (4) B(BH) Beer, Wine and Liquor licenses.

R.R. NO. 20 – MANUFACTURERS AND WHOLESALERS INTEREST IN RETAIL ESTABLISHMENTS:

It shall be unlawful for any holder of a manufacturer's or wholesaler's license, or anyone connected with the business of the holder, or any distiller, nonresident dealer, brewer, rectifier, blender, or bottler of alcoholic beverages to have any financial interest in the premises upon or in which any alcoholic beverage is sold at retail by any licensee, or in business conducted by the licensee; and shall be unlawful also for any person or anyone connected with his/her, or their business, to lend any money or other thing of value, or make any given or to offer any gratuity to any retail dealer, and it shall be unlawful also for any brewer or beer wholesaler to furnish any sign, display, or other form of advertisement of any value in excess of \$50.00, advertising the beer or malt beverage products of a particular wholesaler or brewer to the holder of any retail license issued under the provisions of Article 2B of the Annotated Code of Maryland. Except as provided for, a retail dealer may not accept, receive or make use of any money, gift, sign or display furnished by any manufacturer or wholesaler, or any distiller, brewer, rectifier, nonresident dealer, blender or bottler, or become indebted to any person except for the purchase of alcoholic beverages and allied products purchased for resale. It shall be unlawful also for any manufacturer, distiller, nonresident dealer, rectifier, blender or bottler, or wholesaler of alcoholic beverages other than beer and malt beverages to furnish any sign, display or other form of advertisement of value except as hereinafter provided. Signs, posters, placards, devices, graphic displays, bearing advertising matter or any other forms of advertising for use in windows or elsewhere on a retail liquor establishment may be given or furnished to a retailer by a brand owner who is engaged in the business as a distiller, nonresident dealer, rectifier, blender, bottler or wholesaler of alcoholic beverages other than beer and malt beverages provided:

- A. The utilitarian value is secondary and only incidental to the value as an advertisement, and provided;
- B. The total value of any item furnished by any brand owner for each of its individual brands for use in any one retail establishment at any one time does not exceed the sum of \$75.00 for each individual brand, and provided;
- C. The cost of installation of these materials does not exceed that which is usual and customary in that particular locality.

Materials and labor may be furnished by a brand owner for the custom manufacture of an advertising display not to exceed \$75.00. Which is temporary in nature and has no other utilitarian value. A manufacturer or nonresident dealer or brand owner may not undertake any plan or design which directly or indirectly results in the purchase of advertising materials or supplies and advertising services by any wholesale or retail licensee; neither shall a wholesale or retail licensee participate directly or indirectly in any transaction in which he pays for or shares in the cost for any value of the advertising materials, supplies, services, or mailing expenses utilized to promote the brand owners products; nothing contained herein is intended to prevent wholesale licensees from furnishing brand owners, as defined, with display materials and installation service charges, computed at not less than the fair market value for these services.

R.R. NO. 21 – SUPERMARKETS, CHAIN STORES, FRANCHISERS; LICENSES WITH "OFF SALE" PRIVILEGES:

In Prince George's County no alcoholic beverage license with an off sale privilege of any class, except by way of renewal, shall be transferred or issued to any business establishment of the type commonly known as chain stores, supermarkets, discount houses or their franchisers and franchisees or concessionaires except, however, that those establishments holding an alcoholic beverage license prior to the enactment of Section 9-217(h) of Article 2B of the Annotated Code of Maryland may continue to hold such license and may, at the discretion of the Board of License Commissioners, change the classification of their license.

R.R. NO. 22 – RESTRICTION AGAINST ISSUANCE OF LICENSES WITH OFF SALE PRIVILEGES

Pursuant to Section 9-217, effective October 1996, of Article 2B of the Annotated Code of Maryland, the Prince George's County Board of License Commissioners may not issue any new beer, beer and wine, or beer wine and liquor licenses with an off sale privilege within, or transfer any additional beer, beer and wine, or beer, wine and liquor license that has an off-sale privilege into the boundaries as prescribed in Section 9-217(2)(l) of Article 2B of the Annotated Code of Maryland.

R.R. NO. 23 – PROHIBITION AGAINST DELIVERY OF ALCOHOLIC BEVERAGES TO DORMITORY OR SORORITY/FRATERNITY ASSOCIATED WITH THE UNIVERSITY OF MARYLAND, COLLEGE PARK CAMPUS

It shall be unlawful for any retail licensee to deliver alcoholic beverages of any kind to a dormitory or residence hall at the University of Maryland Campus or any fraternity/sorority house associated with the University of Maryland, College Park Campus.

R.R. NO. 24 – LICENSES NOT PROPERTY:

Licenses issued under the provisions of Article 2B of the Annotated Code of Maryland shall not be regarded as personal property or as conferring any property rights. All licenses shall be subject to revocations, suspension, restriction and/or fines and to all Rules and Regulations contained herein.

Security Interests as defined in Section 10-501 of Article 2B of the Annotated Code of Maryland are permitted provided that the agreement is filed with the Board at the time of execution.

R.R. NO. 25 – CONDITIONS AND/OR RESTRICTIONS ON A LICENSE:

Pursuant to authority contained in Section 16-301 of Article 2B of the Annotated Code of Maryland, the Commissioners for Prince George's County shall have the authority to promulgate Rules and Regulations and the Board hereby in its discretion shall have authority to set conditions and/or restrictions on the granting of a new license, the granting of a transfer of an existing license, or the renewal of a license when it feels that these conditions are in the best interest of public accommodation and the need to protect the peace and safety of the community.

As authorized and directed by the Annotated Code of Maryland, Article 2B, Section 10-501(b)(3), the Board of License Commissioners of Prince George County may, prior to the issuance, renewal or transfer of any license, or during the license year impose upon the license restrictions and conditions regarding the operation of the premises or the appearance and maintenance of the premises including, but not limited to, activities, entertainment, promotions, or method of operation which in the opinion of the Board of License Commissioners would be likely to adversely affect the peace and safety of the surrounding community. These conditions and restrictions may prescribe or regulate any activity, which, in the discretion of the Board of License Commissioners, has a deleterious effect on the community.

The Board of License Commissioners shall enforce these conditions and restrictions using procedures which are in conformity with the Annotated Code of Maryland, Article 2B, provided that any enforcement action be taken only after a public hearing for which adequate notice has been given according to law.

R.R. NO. 26 – SUSPENSIONS, REVOCATIONS, FINES:

- A. The Board will suspend or revoke any license issued under the provisions of Article 2B of the Annotated Code of Maryland or fine the licensee in lieu of such suspension or revocation for the following causes.
1. Two or more violations by the licensee, his/her agents or employees of any provision of Article 2B or the local Rules and Regulations within a two year period.
 2. Two or more convictions of one or more agents or employees of the licensee of any provision of Article 2B or the Tax Articles of the Maryland Code.
 3. Failure to comply with any provision of Article 2B or any Rule and Regulation that has been adopted by the Board of License Commissioners.
 4. Making any material false statement in any application for a new license or for the transfer or renewal of an existing license.
 5. Possession upon the licensed premises of any alcoholic beverages upon which the appropriate taxes have not been paid.
 6. Violation of the provisions of Section 12-104 of Article 2B.
 7. Failure of any licensee to keep records required by the Maryland Code or by the Rules and Regulations of this Board or the refusal to allow inspection of such records by duly authorized persons.
 8. Possession on the licensed premises by the licensee, his/her agents, employees or patrons, of any alcoholic beverage that the licensee is not authorized to sell.
 9. Suspension or revocation of a permit issued to any licensee by the Federal Bureau of Alcohol Tobacco and Firearms or by the Comptroller of the Treasury of the State of Maryland or for conviction of violating any Federal or State laws relating to alcoholic beverages.
 10. Violation by the licensee, his agents or employees of any law of the State of Maryland concerning gambling or gaming.
 11. Failure to furnish bond as required by Article 2B of the Annotated Code of Maryland within fifteen days after notice from the Comptroller.
 12. Closing the licensed premises for more than 30 days without the Board's permission.
 13. Conviction of a felony.
 14. Any change in the manner of operation, which indicates that the license is no longer necessary for the accommodation of the public.
 15. Failure to comply with any provision of the Tax General Article or any statute, rule or regulation that relates to the tax on alcoholic beverages.
 16. Permitting trash or debris to accumulate in an unsightly manner on the property on which the premises is located.

- B. The Board may suspend or revoke any license issued under the provision of Article 2B for any cause which in the judgment of the Board shall be necessary to promote the peace and safety of the community in which the business is situated. This cause includes but is not limited to:
1. Any illegal sale after hours by the licensee, his/her agents or employees.
 2. Any illegal Sunday sale by the licensee, his/her agents or employees.
 3. Any illegal sale to an underage person as defined in Article 2B and the Rules and Regulations by the licensee, his/her agents or employees.
 4. Any violation by the licensee, his/her agents or employees of a reasonable order issued to the licensee by the Board of License Commissioners or any other Public authority which, in the judgment of the Board, was intended to promote the health, safety and general welfare of the public.
 5. Any sale of alcoholic beverages to an intoxicated person, disorderly person, or other person described in Rule No. 5, by the licensee, his/her agents or employees.
 6. Any sales on credit or paid for by Federal Food Stamps.
 7. Repetitive disturbances or disorders occurring on or about the licensed premises.
 8. Failure of the licensee, his/her agents or employees, to obey any order of the Board or its authorized agents regarding keeping the premises clear of trash and debris.
 9. Permitting juveniles on the premises during the hours prohibited by the statute or by these Rules and Regulations.
 10. Permitting any intoxicated or disorderly person to remain or loiter on the licensed premises.
 11. Conviction of the licensee in a criminal court of any offense involving moral turpitude.
 12. Violation of any of the restrictions or provisions of Article 2B of the Annotated Code of Maryland or these Rules and Regulations.
 13. Permitting lewdness, immoral activities, brawls, unnecessary noises, including loud and disturbing music, on or about the licensed premises.
 14. The commission of any act by the licensee, his/her agents or employees that constitutes a danger to the peace and good order of the neighborhood.
- C. In this Rule the word “conviction” shall mean a finding of guilt. The entry of a plea of nolo contendere or the forfeiture of a bond or collateral in any case in a court of law.

R.R. NO. 27 – LOCK UP OF ALCOHOLIC BEVERAGES:

The holder of any Class A, off sale license who offers for sale in his/her licensed premises commodities other than alcoholic beverages and is open on Sunday for the sale of such commodities shall keep all alcoholic beverages upon the premises in a separate department, securely closed and locked in a compartment, compartments, or enclosure between the hours of 12:00 a.m. (midnight) Sunday until 6:00 a.m. the following Monday. The provisions of this Rule and Regulation shall not apply to alcoholic beverages in storage areas, which are not open to the public.

R.R. NO. 28 – STORAGE OF ALCOHOLIC BEVERAGES:

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

R.R. NO. 29 – LICENSEE'S RESPONSIBILITY:

1. The licensee shall be personally responsible for the operation of the licensed premises and shall be responsible for violations committed not only by him/her but also by his/her agents, employees and operators.
2. Licensee shall be responsible for all employees engaged in the sale and handling of alcoholic beverages to have a working knowledge of these Rules and Regulations. This book shall be kept on the licensed premises at all times and shall be available at the request of the Board or it's duly authorized Agents.

R.R. NO. 30 – DISPLAY OF LICENSE:

Each licensee shall place the alcoholic beverage license in a separate frame, under glass and place the license so that it shall be conspicuous and easily read in his/her place of business by his/her customers and the agents of the Board and the general public.

R.R. NO. 31 –CHANGE OF HOME ADDRESS OF LICENSEE:

Any person whose name appears on an alcoholic beverage license, either as an owner, partner, or corporate officer, must notify the Board within fifteen days of changing their home address and furnish the Board with their new home address and telephone number.

R.R. NO. 32 – INSPECTIONS:

All license holders, their agents and employees, must cooperate with representatives of the Board of License Commissioners, members of the Police Department, Fire Authorities, Health Department, Department of Licenses and Permits, Grand Jury, and representatives of other authorized agencies whenever any of these persons are on the licensed premises on official business and shall comply with any reasonable order of such authorities or other public authority designed to promote the health, safety and general welfare of the public at large.

R.R. NO. 33 –EVICTIONS FROM, VACATING OF PREMISES:

- A. On the tenth day after the holder of any license issued under the provision of Article 2B has vacated or been evicted from the premises of which the license was issued, the license shall expire unless an application for approval of a transfer to another location or assignment to another person pursuant to Section 10-503 of Article 2B or an application pursuant to Section 10-504 of Article 2B has been approved or is then pending. However, the Board of License Commissioners, in their discretion may postpone the expiration in any case to avoid undue hardship.
- B. This Rule does not apply to the holder of any license whose premises has been acquired for public use.
- C. The license for a premises acquired for public use shall expire within 180 days of acquisition unless an application for approval of a transfer of the license to another location or assignment to another person pursuant to Section 10-503 of Article 2B or an application pursuant to Section 10-504 of Article 2B has been approved or is then pending.

R.R. NO. 34 – FOOD AVAILABILITY - CLASS B, BEER, WINE AND LIQUOR LICENSES:

All Class B, Beer, Wine and Liquor licenses must have a fully equipped kitchen have complete facilities for preparing hot and cold meals during the hours alcoholic beverages are sold and served. Food must be available when alcoholic beverages are being served on all Class B, Beer, Wine and Liquor licensed premises (Article 2B Section 6-201(r)).

R.R. NO. 35 – TRADE NAME:

No licensee shall change the trade name of his/her establishment without the approval of the Board. Requests for permission to change the trade name shall be submitted to the Board in writing, giving the specific reason, if any, for the requested change. Upon approval of the Board and payment of the Administrative Processing Fee the trade name will be officially changed.

R.R. NO 36 – ENTERTAINMENT:

- A. At the time of issuance of a new license, the transfer or renewal of a license, or during the license year, the Board shall have the power and authority to prohibit, condition, or restrict the type of entertainment offered on a licensed premise.
 - 1. This power shall include but not limited to restricting the entertainment known as lewd, exotic or go go dancing, topless, bottomless, striptease and loud and raucous entertainment.
- B. The Board shall prohibit, condition, or restrict any class of license after a hearing when a determination is made that this type of business and entertainment conducted under the license adversely impacts or unduly disturbs the community as a public nuisance and is not harmonious to the peace, health, welfare and safety of the residents of Prince George's County.

R.R. NO. 37 – ALTERATIONS AND ADDITIONS:

- A. No license holder shall make any alteration or addition on a licensed premise or change the manner in which alcoholic beverages are dispensed without first obtaining permission from the Board.
- B. No license holder shall make any installations or alterations on the licensed premises until a permit has been obtained from the appropriate public authority for Prince George's County and until the approval of the Fire Authority, Health Department, and Department of Licenses and Permits has been obtained where such approval is required by law.
- C. All approved plans must be completed within six months of the date of approval by the Board; failure to do so rescinds authorization previously granted.
- D. In the event a licensee decides to significantly alter the mode of operation and the format of presentation of alcoholic beverages to the public from that contained in the original application approved by the Board at the time of issuance of the license, such change must first be presented to the Board for approval. Changes in the mode of operation would include entertainment, alteration of physical premises, presentation of food, alcoholic beverages, seats, physical environment both inside and outside of the licensed premises. The intent of this section is that when a license significantly deviates from the original application, as issued, the changes in the mode of operation must be reviewed so consideration can be given to the testimony presented on the original application by the parties of record so as to have assurances that the best interest of the public is accommodated and the operation of the business to be conducted under the license does not adversely impact or unduly disturb the community and further that it is harmonious to the peace, health, welfare, and safety of the residents of Prince George's County.

R.R. NO. 38 – DRIVE-IN WINDOW:

In the event a licensee decides to alter the mode of operation of a licensed establishment by adding a drive-in Window to the premises, the licensee shall be required to notify the Board of License Commissioners in writing, specifically setting forth the physical alterations or other changes in the mode of operation which are requested, and to provide the Board of License Commissioners with a plan, drawn to scale, of both the interior and the exterior of the licensed premises in which all desired physical alterations are described, and a written narrative describing all physical and other changes in the mode of operation.

Upon receipt of such a request the Board of License Commissioners shall require that the licensed premises be posted, that the desired change be advertised, and that a public hearing be held at which time the licensee shall have the burden of proof to establish that the change in mode of operation will serve to better accommodate the public and will not constitute a danger to the peace, health or safety of the residents of the neighborhood in which the premises is located. All interested parties will be allowed to testify and to present evidence.

The intent of this Rule is to provide a public hearing prior to the approval or disapproval of a request for a drive-in Window since it is a significant deviation from the original mode of operation of a licensed premise.

R.R. NO. 39 – HOURS AND DAYS OF SALE FOR ALL CLASS A, OFF SALE LICENSES:

No holder of any Class A license, his/her agents or employees, shall be permitted to make any sale of alcoholic beverages between the hours of 12:00 a.m. (midnight) and 6:00 a.m. or between the hours of 12:00 a.m. Sunday until 6:00 a.m. the following Monday.

R.R. NO. 40 – HOURS AND DAYS OF SALE FOR "ON SALE" LICENSES:

No holder of any Class B, Beer; Class B, Beer and Light Wine; Class D, Beer; or Class D, Beer and Light Wine, his/her agents or employees, shall sell or serve any alcoholic beverage or permit any alcoholic beverage to be consumed or possessed by patrons or his/her agents or employees on the licensed premises between the hours of 2:00 a.m. and 6:00 a.m.

No holder of any Class B, Beer, Wine and Liquor license, his/her agents or employees, shall be permitted to sell any alcoholic beverage containing more than 15.5% of alcohol by volume or permit such alcoholic beverages to be consumed on the licensed premises between the hours of 12:00 a.m. (midnight) Sunday until 12:01 a.m. Monday except for holder of a Special Sunday On Sale Permit as provided in R.R. No. 66.

R.R. NO. 41 – HOURS OF OPERATION ON CHRISTMAS AND NEW YEAR'S EVE:

As provided in Section 11-517(a) of Article 2B of the Annotated Code of Maryland, a holder of any Class B, Restaurant license, with or without a Sunday Sale Permit, may sell Beer, Wine and Liquor on Sunday, when it falls on Christmas Eve (December 24th) or New Year's Eve (December 31st) between the hours of 8:00 a.m. and 12:00 midnight.

A holder of any Class A, Beer, Wine and Liquor license shall be permitted to sell on December 24th and December 31st when these dates fall on a Sunday, between the hours of 8:00 a.m. and 12:00 midnight.

R.R. NO. 42 – PROVISION FOR SPECIAL HOURS FOR LICENSES IN THE 24TH AND 25TH DISTRICT:

Pursuant to Section 11-517(h) of Article 2B of the Annotated Code of Maryland, regarding early closure of liquor establishments in the 24th and 25th Legislative District.

- A. When a bona fide complaint is received, the Board will vote on whether to generate an investigation. If the Board initiates an Investigation pursuant to a vote, the Inspection Staff will be assigned the Investigation and the licensee shall be cited if a violation occurs. A public hearing will then be conducted. The Board shall have the sole discretion, after a full hearing and a finding of violation on the part of the licensee, to impose penalties or conditions in accordance with provisions of Article 2B of the Annotated Code of Maryland.

R.R. NO. 43 – FEES/PAYMENTS:

All fees must be paid by certified check, cashiers check, or money order and paid to the order of Prince George's County. No CASH will be accepted.

R.R. NO. 44 – APPLICATIONS BY:

A. SOLE OWNERS:

1. Persons applying for an alcoholic beverage license as sole owners must have resided in Prince George's County for two years immediately preceding the application for the license, be registered voters in Prince George's County, and must continue to reside in Prince George's County as long as they hold the alcoholic beverage license.

B. PARTNERSHIPS:

1. If an application is made by a partnership, the license shall be applied for and be issued to all partners as individuals, all of whom shall have resided in Prince George's County for at least two years prior to the application, be registered voters in Prince George's County, and must continue to reside in Prince George's County as long as they hold the alcoholic beverage license.

C. CORPORATION:

1. If a corporation or club makes an application, whether incorporated or unincorporated, the license shall be applied for by and be issued to three of the officers of the corporation or club as individuals for the use of the corporation or club. In the case of a corporation where there are less than three officers or directors of the corporation, all officers or directors shall make the application as provided in this section, at least one of whom shall have resided in Prince George's County for at least two years prior to the application, is registered to vote in Prince George's County, and shall remain a resident as long as the license is in effect. The application shall also set forth the names and addresses of all of the officers of the corporation or club and shall be signed by the President or Vice President as well as by the three officers to whom the license shall be issued. The application for every license shall disclose the name and address of the corporation, partnership or association as well as the names and addresses of the applicants.
2. Applicants for a new license or a transfer, effective, April 14, 1982, must certify that one of the applicants meet the above stated residency requirements and that the designated Prince George's County resident serves in the capacity of Resident Agent. Additionally, the Resident Agent shall certify that he/she holds 25% of the outstanding stock of the corporation. All other applicants must certify that he/she holds one share of the outstanding stock of the corporation.
3. In the event there are no officers or directors of a closed corporation, at least one stockholder may make the application if there is an affirmative vote of the stockholder holding a majority of the stock.
4. The requirements of stock ownership shall not apply in the case of a

corporation whose sale of stock is authorized for sale by the Securities and Exchange Commission of the United States.

5. The term "Applicant" for the purpose of this Rule means a corporate officer who will be issued the license as an individual on behalf of the corporation.

D. LIMITED LIABILITY COMPANY (LLC):

1. If an application is made by a limited liability company the license shall be issued to the member or authorized person for the use of the LLC.
2. Applicants must certify that one of the applicants meets the above stated residency requirements and that the designated Prince George's County resident serves in the capacity of Resident Agent. Additionally, the Resident Agent shall certify that he/she holds 25% of the outstanding stock of the LLC.

R.R. NO. 45 – AFFIDAVITS:

A. CORPORATION/LIMITED LIABILITY COMPANIES

1. STOCKHOLDER/MEMBER/AUTHORIZED PERSON AFFIDAVITS:
 - a. Applicants for alcoholic beverage license must file Ownership Affidavits as provided for in the application.
 - b. At the time of renewal, any of the applicants and stockholders of licenses issued (effective 1982-1983 Renewal) of this Rule will be required to file the Stockholder Affidavit.
 - c. This affidavit may not be required for Corporations whose stock is authorized for sale by the Securities and Exchange Commission of the United States.

B. SOLE PROPRIETORSHIPS/PARTNERS/INDIVIDUALS

1. INDIVIDUAL/APPLICANT AFFIDAVIT:
 - a. Applicants for alcoholic beverage license must file the ownership affidavits as provided for in the application.
 - b. At the time of renewal, each applicant will be required to file the affidavit. (Effective 2001-2002 Renewal Year).

R.R. NO. 46 –GUIDELINES FOR GRANTING LICENSES:

In addition to the requirements set forth in Section 10-103 and 10-202 of Article 2B of the Annotated Code of Maryland, applicants for any class of alcoholic beverage license are subject to the following guidelines and all license applicants must prove the following facts:

- A. That the granting of the license is necessary for the accommodation of the public.
- B. That the granting of the license would not adversely impact or unduly disturb the peace, safety and harmony of the neighborhood.
- C. That the granting of the license would not impede or injure the operation of a school within close proximity to the proposed site.
- D. That the applicants are sufficiently knowledgeable of the laws and Rules and Regulations regarding the sale of alcoholic beverages.
- E. That the area surrounding the proposed site does not contain a sufficient number of licenses.
- F. That the license application satisfies all the requirements of Section 9-217 of Article 2B of the Annotated Code of Maryland.
- G. That the applicants did not falsely answer questions contained in the license application or the Stockholder/Authorized Person/Member Affidavit Individual/Applicant Affidavit.
- H. That there are other reasons at the discretion of the Board why the license should not be issued.
- I. That the applicants are fit and proper people to hold such a license.
- J. That the applicants provided identification or any other documentation necessary to verify or ensure compliance with applicable regulations of the stature.

In conclusion, the failure of the applicants to prove, by evidence and testimony, that their application conforms with these guidelines, shall be sufficient cause for the Board to deny the application.

R.R. NO. 47 – APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE OR TRANSFER OF LICENSE:

Applications for new licenses, transfer of licenses, and transfer of location of licenses shall be made on standard forms provided at the Board office. Information requested on all such forms shall be typewritten or printed in ink to be legible.

All applications must be **fully** completed and filed on or before the filing date designated for the hearing. A schedule of filing dates, hearing dates, and availability of new licenses can be obtained at <http://www.princegeorgescountymd.gov/bol/> or by contacting the Board's office.

Pursuant to Section 10-103 applicants for an alcoholic beverage license shall provide proof of the applicant's legal status at the time of filing the application. In order to meet the requirement the Board we will accept:

1. United States Passport or United States Passport Card or
2. Naturalization Certificate or
3. Permanent Resident Card (Green Card)

Or One Document from Column A and One from Column B

Column A

- Driver's License
- ID Card issued by federal, state or local government
- US Military Card
- Military dependent's ID Card

Column B

- Social Security Card
- Certificate of Birth Abroad
- Certificate of Birth issued by the Department of State
- Original or certified copy of birth certificate
- US Citizen ID Card
- Identification Card for Use of Resident

Alcoholic beverage licenses, transfer of licenses or transfer of location of licenses having approval from the Board shall be officially effectuated when applicants submit the following items:

- Current Use and Occupancy Permit;
- Bulk Sales permit or Letter to release Bulk Sales if no bulk is to be transferred;
- Minutes of the Corporation;
- Certified Articles of Incorporation;
- Stock Certificates;
- Operating Agreement for LLC
- Workmen's Compensation Certification;
- Lease - Deed;
- Interior Design Layout of licensed premises (file size copy);
- All Taxes paid to the Comptroller of the Treasury for the State of Maryland;
- Five day notification to Board when license is ready for issuance (New or transfer of location only);
- Commercial Code Affidavit (must be dated within 10 days of the actual issuance of the transfer (Section 6-102 Affidavit);
- Proof of compliance with Alcohol Awareness Training;
- Criminal Background Investigation Report;
- Sales Tax Number.

R.R. NO. 48 – LIMITATION ON NUMBER OF LICENSES:

When an application for a new license is filed, the applicant should be aware that there are limitations on the number of licenses authorized by the Maryland General Assembly. The licenses enumerated in Section 9-217 of Article 2B of the Annotated Code of Maryland may not be construed as the number the Board of License Commissioners is obligated to issue. The Commissioners may not grant any additional licenses of any class that were not determined and posted as available for the hearing. The Board of License Commissioners may adopt a calendar for establishing the issuance of licenses:

- A. A Hearing date;
- B. An Application Filing deadline date.

When establishing this calendar the format below will be followed:

- A. The Board of License Commissioners shall determine the number of licenses of each Class that may be applied for at a Hearing.
- B. The number of licenses that the Board made available for issuance at a Hearing may be less than the total number of licenses in each Class that remain unissued by the Board.
- C. The Board of License Commissioners shall advertise the Hearing Notice in not less than two (2) newspapers of general circulation in Prince George's County.
- D. The Hearing Notice shall be posted not less than 30 days before the filing deadline date for the Hearing.
- E. The Notice shall contain:
 - 1. The number of licenses in each Class that are available for issuance.
 - 2. A description of each of these Classes.
 - 3. The Filing deadline for the Hearing.
 - 4. The scheduled Hearing date.
- F. If, after a Hearing, there are more applicants who are qualified for the issuance of a license than there are licenses of the Class authorized to be issued at that Hearing, then the Board of License Commissioners shall determine the applicants who are best qualified to be licensees.
- G. The Board may not grant any additional license of any Class that was not determined and posted as available for the Hearing under this Section.
- H. If any application for license in Prince George's County is denied, no further application for a license for the same premises shall be made until a period of six months shall expire from the date of such refusal. This subsection shall not apply in the case of applicants:
 - 1. That are rejected because of legal defect or omission in the application; or
 - 2. If such refusal was solely directed against the person or persons applying for the prior license and expressly stated as the reason for refusal, and not against the premises in question; or
 - 3. That after a Hearing, were denied on the grounds that the Board of License Commissioners determined that another applicant was better qualified to be a licensee.

R.R. NO. 49 – LICENSE DENIAL:

Whenever any application for a license is denied, no further application for a license for the same premises shall be made for a period of six months from the date of such denial. This Regulation shall not apply in the case of applications rejected because of a legal defect or omission in the application; or if such denial was solely directed against the person or persons applying for the prior license, and expressly stated as the reasons for denial, and not against the premises in question, or where more than one applicant applies for the license.

R.R. NO. 50 – CRIMINAL BACKGROUND INVESTIGATION REPORTS:

Criminal Background Investigation Reports for all applicants, stockholder, member, owners or partners applying for new or transfer applications must be received by the Board of License Commissioners from the Maryland State Police. These Criminal Background Investigation Reports must be received prior to an application for alcoholic beverage license being presented for hearing. A Criminal Background Investigation Application will be made available from the Board's Office. The Criminal Background Investigation Application shall be obtained at the time of filing the application for an alcoholic beverage license. The Criminal Background Investigation Application for each applicant must be filed with an accompanying check for the required fee to the Maryland State Police.

R.R. NO. 51 – HEALTH DEPARTMENT CLEARANCE:

No Class A, B, C, D license approved by the Board of License Commissioners shall be issued by the Board until the premises has been approved by the Health Department of Prince George's County and no license holder of such licenses, his/her agents or employees shall be permitted to sell any alcoholic beverages without a current Health Department Permit.

All present holders of such licenses who do not or cannot qualify by Health Department standards to dispense alcoholic beverages "On Sale" shall be furnished with a non-conforming permit to be attached to the license permitting "Off Sale" privileges when the licensee has petitioned the Board for a waiver of the "On-Sale" privileges and such waiver has been approved by the Board.

This Rule and Regulation shall not apply to Class B and Class D licenses where the "On Sale" privilege has been restricted by the Board or where a waiver of the "On Sale" privileges by the licensee has been accepted by the Board.

R.R. NO. 52 – TITLE 6 AFFIDAVIT FOR ALL TRANSFER APPLICATIONS:

Pursuant to Section 10-503 of Article 2B and the Commercial Law Article of the Annotated Code of Maryland an affidavit must be filed in order to have an approved transfer issued. If the license is held for the benefit of a corporation or a limited liability company the bulk sales affidavit may be executed by one licensee who is also an officer of that corporation or an authorized person of that limited liability company.

If the license is held by a single proprietorship or a partnership the affidavit must be signed by all licensees.

On the day of issuance, a notarized affidavit signed by the transferor must be submitted. THE DATE OF THE AFFIDAVIT SHALL BE WITHIN 10 DAYS OF ISSUANCE OF THE LICENSE so as to comply with the Bulk Transfer Act of the Maryland Uniform Commercial Code. (Section 6-102 of Commercial Code)

R.R. NO. 53 – APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE OR TRANSFER OF LICENSE (INTERIOR DESIGN LAYOUT)

Applications for new licenses, transfer of licenses, and transfer of location of licenses shall be made on standard forms provided at the Board's office. All applications must be accompanied at the time of filing with an Interior Design Layout of the establishment. This Interior Design Layout is to be a file size copy, 8 1/2 x 11 or 8 1/2 x 14. Specific details must be provided as to the square footage of on and off sale areas.

R.R. NO. 54 – TRANSFER OF STOCK OWNERSHIP: SUBSTITUTION OF CORPORATE OFFICERS:

- A. Whenever more than the cumulative amount of 50% of the stock in a corporation has been transferred since the issuance of a new or transfer application, an application for transfer must be filed with the Board and approved at a Regular Public Session as in the case of a new license.
- B. Whenever less than the cumulative amount of 50% of the stock in a corporation is being transferred since the last transfer or new application, and the stock in the corporation is being transferred among existing corporate officers or stockholders, then, all that is necessary to effectuate this transfer is a letter of request to the Board of License Commissioners for permission to issue the new stock. Additionally, the stock certificates (a copy) must be provided to our office.
- C. Whenever less than the cumulative amount of 50% of the stock in a corporation is being transferred since the last transfer of new application, then, where an election of new corporate officers takes place, a Substitution of Corporate Officers' Application must be filed. This Rule would apply to those situations where an existing officer is elected to an office other than the one for which the original license was issued. The filing and hearing dates may be obtained through the Board's offices.
- D. Pursuant to Section 9-217(g) of Article 2B, which is listed below, the Board will schedule during Public Session in Preliminary Matters, an applicant or applicants listed in the Substitution of Corporate Officers applications and those prospective applicants will be sworn, questioned and approved or disapproved by the Board members. The Board finds, that Section 9-217(g) of Article 2B in stating "upon proper showing", constitutes that this application is to be processed through a hearing procedure.

R.R. NO. 55 – SUBSTITUTION OF OFFICERS: CLASS C LICENSES (CLUB):

Notwithstanding any other provisions of Article 2B, any non-profit corporation or club holding a Class C license may, during any license year, substitute the name of any one officer for the name of any other officer on the license when the deleted officer has died, retired, been removed from office, or no longer holds an office in the corporation. The corporation shall file an affidavit with the Board showing the Substitution of an Officer or Officers with an explanation of substitution. Upon receipt of the Affidavit, the Board shall amend its records and issue a new license with the corrected names.

R.R. NO. 56 – DEATH OF A LICENSEE:

Upon the death of any licensee a "Death of a Licensee" application must be filed with the Board of License Commissioners. After approval permission shall be granted to continue the current operation to the surviving spouse, surviving partner for the benefit of the partnership, or the senior surviving corporate officer for the benefit of the corporation, without the necessity of any further proceeding for the balance of the current license year. A renewal license may be issued to the surviving spouse or to the surviving members of a partnership or corporation.

R.R. NO. 57 – RENEWAL OF ALCOHOLIC BEVERAGE LICENSES:

(Section 10-301 and 10-302 of Article 2B)

The holder of any class of alcoholic beverage license must file an annual renewal stating that the facts presented in the renewal are unchanged from the original application

The renewal dates and license expiration dates are as follows (when the renewal date falls on Saturday, Sunday or legal holiday the application shall be due on the next business day:

| <u>License Class</u> | <u>Renewal Application Filed By</u> | <u>License Expiration Date</u> |
|----------------------|-------------------------------------|--------------------------------|
| A | March 1 | April 30 |
| B | April 1 | May 31 |
| C & D | May 1 | June 30 |

Renewal applications will be mailed via the United States Postal Service to each licensed premise, approximately 60 days prior to the filing deadline. It is incumbent upon the licensee to make certain that this renewal application has been received. Failure to receive the renewal application does not relieve the licensee of the requirement to file the renewal application. Applications filed after the deadline are subject to assessment of an Administrative Processing Fee set by the Board of License Commissioners.

If the holder of an expiring license, other than a special license, decides to renew the license with the Board of License Commissioners, the holder shall, on or before the renewal application deadline date provided in this subsection, file a written application, duly verified under oath, together with the license fee for the renewal of that license.

The required statement in the renewal application must contain the consent statement.

- A. The renewal application shall state that the facts in the original application are unchanged.
- B. The renewal application shall be accompanied by a signed statement.
 - 1. The statement shall be signed by the owner of the premises in which the business is conducted that is subject to the license renewal.
 - 2. The owner shall consent:
 - (a) To renewal of the license; and
 - (b) To search and seizure as in the case of the original application;
 - (c) A signed consent statement provided for in this subsection is not required:
 - (1) If a signed statement has been previously filed with the original application or a renewal application and the owner's consent is valid for the term of the lease between the owner and the applicant and the lease does not expire prior to expiration of the license renewal term; or
 - (2) If the renewal applicant has a lease for the entire building in which the business is conducted and the lease is not less than the term of the renewal license, and the owner's consent statement has been previously filed with the original application or the renewal application.

In the requirements concerning the lease, the Prince George's County Board of License Commissioners shall not require an applicant to hold a lease on the premises that contained the licensed business for the full term or any portion of the license renewal period.

R.R. NO. 58 – “RESTAURANT” DEFINITION, CLASS B, BEER, WINE AND LIQUOR ESTABLISHMENT:

A "restaurant" shall be defined as any establishment located in a permanent building with ample space and accommodations commonly known as a restaurant wherein hot meals are habitually prepared, sold and served to the public during the hours it is regularly open for business.

It shall have at least the minimum sanitary facilities required for such an establishment by the regulations of the County Health Department and shall meet the minimum Health requirements of such Rules and Regulations. It shall have a dining area or areas with sufficient tables, chairs and/or booths to comfortably seat and accommodate patrons.

The restaurant shall be equipped with a kitchen having complete facilities and utensils for preparing hot and cold meals to the public. There shall be employed a sufficient number of cooks, wait staff to serve the number of patrons provided for in the dining area or areas.

Each restaurant shall maintain and display a menu advertising the serving of a variety of hot meals. There shall be on the premises at all times sufficient food to fill orders made from the menu.

Any interruption of restaurant facilities for any reason whatsoever must be reported to the Board promptly. No drug, candy or confectionery store shall be construed to be a restaurant.

R.R. NO. 59 – CLASS B BEER, WINE AND LIQUOR LICENSE ISSUED PRIOR TO OCTOBER 1996 - RESTAURANT - HAVE A PROVISION WHICH ALLOWS OFF SALE OVER THE MAIN BAR IN THE MAIN DINING ROOM:

No holder of a Class B, Beer, Wine and Liquor license shall establish separate "Off Sale" facilities for the purpose of selling alcoholic beverages off the licensed premises unless such facility meets the following standards:

- A. The "Off Sale" shelves must be an "integral" part of the main bar in the main dining room facilities with a minimum of ten linear feet common to the two areas, not more than fifty percent of which shall be closed or partitioned and where regular meals are served and consumed in that portion of the building which is being used for "Off Sale" purposes. An "integral part" of the main bar is defined as any portion of the main bar which forms an actual continuation of the main bar in the restaurant facilities without regard to seating which permits unobstructed passage behind the bar from one section to the other and is not separated from the remaining portion of the main bar by more than fifty percent partitioning.
- B. No Class B, Beer, Wine and Liquor licensee may increase, expand, or intensify the off sale portion of an establishment without specific approval of the Board of License Commissioners.

R.R. NO. 60 – CLASS B+ BEER, WINE AND LIQUOR LICENSE - RESTAURANT - OFF SALE SEPARATE SHELVES OR PACKAGE STORE:

No holder of a Class B+, Beer, Wine and Liquor License, his/her agents or employees may sell any alcoholic beverages containing more than 15.5% by volume for consumption off the licensed premises between the hours of 12:00 midnight and 6:00 a.m., or between 12:00 midnight on Sunday until 6:00 a.m. the Monday following from any separate store established on the premises as an "Off-Sale Store" or to keep the "Off Sale Store" open for business during these hours.

For the purpose of this rule and regulation, an "Off Sale Store" is defined as any separate portion of the premise equipped with "Off Sale" shelves or counter that is not an integral part of either the restaurant facilities or the main bar as described in Rule No. 59.

Nothing contained herein shall prohibit any sale of alcoholic beverages for consumption off the licensed premises between 6:00 a.m. and 12:00 midnight of any day except Sunday provided the sale is made from the main bar in the restaurant facilities of the licensed premises.

No Class B+, Beer, Wine and Liquor licensee may increase, expand, or intensify the off sale portion of an establishment without specific approval of the Board of License Commissioners.

Food must be available when alcohol is being served in the restaurant facility or sold from the off sale portion of the premises on all Class B+, Beer, Wine and Liquor Licensed premises.

R.R. NO. 61 – BLX DEFINITION:

As authorized and directed under Section 6-201(r)(6) of Article 2B of the Annotated Code of Maryland, the Board of License Commissioners for Prince George's County defines a luxury type restaurant as the following:

A BLX luxury license must contain all of the requirements of a restaurant as outlined in Article 2B, Section 6-201(r)(6) with a minimum seating capacity of 100 and a capital investment of \$800,000 as characterized by high quality furnishings, service, food products, and atmosphere for dining room facilities and kitchen equipment. The Board may determine in its sole discretion, whether these items are of high quality. In keeping with the intended purpose of this license, the Board holds the following as minimum criteria for issuance:

- a. The restaurant provides a minimum seating capacity of 100 persons;
- b. The restaurant will have a minimum capital investment of \$800,000; that sum shall include all expenses incurred on the interior construction of the restaurant which includes, but is not limited to, the costs of materials and labor to install flooring, ceilings, plumbing, electrical fixtures and wiring, heating, air conditioning, ventilation systems, kitchen equipment, electronic systems, furnishings and interior decoration. Expenses incurred outside the four walls of the restaurant are excluded.

All requirements as set forth in Section 6-201(r)(6) by the Maryland General Assembly must be met including the minimum expenditure within the four walls and applicants must submit all invoice receipts, cancelled checks, etc., for consideration by the Board of License Commissioners in order for an approved application to be processed for issuance. The Board of License Commissioners shall have full discretion as to whether an applicant meets the criteria and to whom shall be granted a Class B, BLX license.

A Certified Public Accountant must verify the expenditures of \$800,000 by reviewing the cancelled checks and invoices. The Accountant's verification along with the cancelled checks and invoices must be filed in this office at least 30 days prior to the issuance of the license.

R.R. NO. 62 – HOTEL LICENSES (Section 6-201(r)(4)(i))

There is a Class B license known as Class B, BH, Beer, Wine and Liquor License that shall be issued only to hotels.

In this section "hotel" means an establishment recognized as a hotel for the accommodation of the public providing services ordinarily found in hotels and equipped with not less than 45 bedrooms, a lobby with registration and mail desk and seating facilities and dining room with facilities for preparing and serving regular meals, where the average daily receipts from the hire of rooms and the sale of food exceeds the average daily receipts from the sale of alcoholic beverages. The capital investment in the facility, including the building or buildings and all fixtures and systems contained therein and components thereof, parking compound, swimming pool and other recreational areas, landscaping, site preparation and improvements and infrastructure, engineering, architectural and other similar costs but excluding the cost of land, furnishings and removable equipment and personal property, may not be less than \$30,000 per bedroom.

These licenses to be subject to all other provisions pertaining to beer, wine and liquor licenses Class B, in force and effect in Prince George's County, except that any restrictions against the sale of alcoholic beverages on Sunday appearing in Section 11-517 and elsewhere in this article do not apply; and any alcoholic beverages may not be sold, served or consumed on the licensed premises on Sunday after 2:00 a.m. and before 12:00 noon.

Notwithstanding the provisions of Section 9-102 or other provisions of Article 2B, an individual, partnership, or corporation may not hold or have an interest in more than four Class BH licenses.

A Certified Public Accountant must verify the expenditure of \$30,000.00 by reviewing the cancelled checks and invoices. The Accountant's verification along with the cancelled checks and invoices must be filed in this office at least 30 days prior to the issuance of the license.

Alcoholic beverages in sealed containers may be sold to a room guest of a hotel who is 21 years of age or older only from a locked pre-stocked private bar located within individual guest rooms and charges must be reflected upon the respective guest room bill.

If a room is rented to a guest under the age of 21 the hotel management will be responsible for removing the bar key from the room.

R.R. NO. 63 – CLASS B-BCE-BWL, CATERING LICENSE (ON SALE ONLY):

Under the provisions of Section 6-201(r)(8)(iii) of Article 2B of the Annotated Code of Maryland, the Board of License Commissioners is authorized to issue a special Class B, Beer, Wine and Liquor license to be known as a BCE license (Catering - On Sale Only).

This license shall be issued under the following provisions:

- A. The applicant must be a bona fide catering establishment;
- B. The application must be filed under the procedure established by the Board of License Commissioners;
- C. The premises where the license is to be issued must document that a minimum of \$500,000.00 has been expended for the dining room and kitchen equipment. This sum may not include the cost of the land or building. The applicant must submit all invoices and cancelled checks for certification of compliance with the \$500,000.00 capital investment;
- D. The subject premise must have a minimum seating capacity of 150 persons;
- E. The sale of alcoholic beverages is restricted to On Sale Only. There is no Off Sale privileges;
- F. Food shall be served at all times in conjunction with the sale and service of alcoholic beverages;
- G. Alcoholic beverage shall be served only to the patrons of a scheduled catered event;
- H. Whenever there is substantial evidence that the sale of alcoholic beverages at a scheduled event might unduly disturb the peace, health, safety and welfare of the community, then the Board may prohibit, restrict or condition the sale of alcoholic beverages;
- I. The licensee shall insure that all of the licensee's employees are adequately instructed regarding the prohibition against selling alcoholic beverages to anyone whom the licensees or their employees have reason to believe has consumed alcoholic beverages to excess or is intoxicated;
- J. All alcoholic beverages must be safely secured and attended at all times;
- K. The Board of License Commissioners shall have full discretion as to whether an applicant meets these requirements and who shall be granted a Class B, BCE, BWL License;
- L. Between the hours of 2:00 a.m. and 6:00 a.m. on any day (Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday), no person shall sell, possess or consume any alcoholic beverages on the licensed premises, and no owner, agent, operator, manager or employee of said licensed premises shall knowingly permit such sale, possession or consumption;
- M. The licensed premises must have the capability to provide catering service to all groups, large or small, and shall not discriminate;
- N. Under the provisions of Section 6-201(r)(5)(i) of Article 2B of the Annotated Code of Maryland and Rule Number 66 of the Local Rules and Regulations, the licensee must make application for Sunday Sales Permit for the Sale of alcoholic beverages containing in excess of 15.5% by volume. This license may only be utilized for contractual catering events;
- O. A catering establishment shall be defined by the Board of License Commissioners as an establishment that provides food, drink and entertainment on the prearranged, contractual basis with any and all groups on the designated and approved license premises and further meets the criteria contained in Article 2B, Section 6-201(r)(8)(iii) of the Annotated Code of Maryland and abides by the Rule adopted by the Board of License Commissioners regarding catering establishments.

R.R. NO. 64 – CLASS B-BWL-CI: COUNTRY INN LICENSE (On Sale Only):

The Class B-CI license shall be issued only to a bona fide Country Inn. A "Country Inn" shall mean:

- A. An establishment for the accommodation of the public equipped with a dining room with facilities for preparing and serving regular meals, wherein the average daily receipts from the sale of foods exceed the average daily receipts from the sale of alcoholic beverages, and which is located within:
 - 1. A building that has been certified and appears on the National Register of Historic Places; or
 - 2. A building that has historic, cultural, or architectural significance because it:
 - a. Has character, interest or value as part of the development, heritage, or cultural characteristics of the County, State, or Nation; or
 - b. Is the site of a significant historic event; is identified with a person or a group of persons who influenced society; or
 - c. Exemplifies the cultural, economic, industrial, social, political, or historical heritage of the community; or
 - d. Embodies the distinctive characteristics of a type, period, or method of construction; or
 - e. Represents an established and familiar visual feature of the neighborhood, community, or Prince George's County due to its singular physical characteristic or landscape; and
 - f. Possesses high artistic values;
 - g. A building that has been constructed or reconstructed on a site that is classified as a historic site in the historic sites and districts plan for Prince George's County, and that meets the criteria of Parts 2, d, e and f of this paragraph.
- B. In addition to the criteria in subparagraph 1 of this paragraph, a Country Inn must meet all the following criteria:
 - 1. The exterior of the building must give the appearance of appropriate age;
 - 2. The grounds must include appropriate landscaping, gardens and appurtenances;
 - 3. Except for rest rooms, the interior of the building in all areas open to the public must be decorated and furnished in the style appropriate to the period the building was constructed to exemplify. However, electric lighting may be used if the lighting fixtures are of a style compatible with the decor of the Inn;
 - 4. The employees of the Country Inn who regularly and customarily are in view of patrons in the dining area must be attired in clothing or costume appropriate to the period exemplified by the Inn;
 - 5. Any entertainment provided by the Country Inn must exemplify the kind of entertainment typical of the period represented by the Inn.
- C. The Board of License Commissioners may adopt additional standards and criteria consistent with this Section.
- D. The Board of License Commissioners may determine to whom these licenses shall be issued, the number to be issued, and whether an existing license holder of an alcoholic beverage license in Prince George's County may also have an interest in a Class B-CI license.
- E. A licensee may not hold more than two Class B-CI licenses.
- F. Class B-CI licenses are limited and restricted to the purpose of providing alcoholic beverages for consumption on the licensed premises only, with no off-sale privileges to be exercised therewith. Food shall be served at all times in conjunction with the sale and service of alcoholic beverages.

The licensee must maintain an accurate schedule of the location of the representative or manager for the licensee, in the event that there may be an occasion to reach said party, if a problem arises during the hours of operation on the licensed premises.

The licensee shall provide the Board of License Commissioners with a description of the location where alcoholic beverages are to be sold and stored. Any changes in these locations must be submitted to the Board for consideration and approval.

All alcoholic beverages must be safely secured and attended at all times.

The days of operation shall be:

- A. Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday, and hours as prescribed by law.
- B. Application for a Sunday Sale Permit should be made following the procedure in Rule 66 of the local Rules and Regulations.

The Class B-CI license shall be applied for in the regular manner. The license year is from June 1st through May 31st.

R.R. NO. 65 – CLASS B-ECF/DS - UNIVERSITY OF MARYLAND COLLEGE PARK DEPARTMENT OF DINING SERVICES:

Under the provision of Section 6-201(r)(12)(i) of Article 2B of the Annotated Code of Maryland, the Board of License Commissioners is authorized to issue a Special Class B, Beer, Wine and Liquor license to be known as a Class B-ECF/DS Beer, Wine and Liquor license (on sale only).

- A. The licensee must advise the Board of License Commissioners of the date and location of each event.
- B. The application must be filed under the procedures established by the Board of License Commissioners.
- C. The Board of License Commissioners may regulate the manner in which alcoholic beverages are dispensed.
- D. Alcoholic beverages shall be served only to the participants of a scheduled event.
- E. The hours and days of sale under this license are as provided for under the provision set forth in Section 11-517(a) of Article 2B of the Annotated Code of Maryland.
- F. Class B, BWL, ECF/DS license is restricted to on-sale privileges only.
- G. Alcoholic beverages must be sold at designated locations within the confines of the University of Maryland, College Park.
- H. The licensee shall report to the Board of License Commissioners at least five (5) days in advance of all University related catered events at which Beer, Wine and Liquor is to be sold or served.
- I. The Board of License Commissioners shall process this license in the same manner as any other license issued by the Board.

R.R. NO. 66 – SPECIAL SUNDAY, ON SALE PERMIT:

- A. The holder of a Class B, Beer, Wine and Liquor License meeting the qualifications set forth below may be issued a Special Sunday On Sale Permit.
- B. The Permit will allow the holder to sell at retail, liquor on Sunday by the drink (glass) only, for consumption on the licensed premises.
 - 1. **The hours conferred by this license shall be twelve o'clock (12:00) noon on Sunday, until two o'clock (2:00) a.m. on Monday.**
- C. In order to qualify for the Permit, the daily On Sale food receipts must equal 40% of the total combined On Sale receipts for food and alcoholic beverages. Such a ratio of food sales to the total daily On Sale receipts must be maintained for at least six months prior to the application for the Permit. The Board may waive the six-month period in its discretion. The Board may grant a 90-day temporary license in its discretion.
- D. In order to substantiate the qualifications for the permit the licensee shall submit a Sunday Sales Affidavit, providing in dollar amounts a record of on sale food and alcoholic beverages for a six-month period, as provided by the Board of License Commissioners. This affidavit shall be submitted semiannually on or before October 15th and April 15th of each year. The required renewal fee shall be due on or before April 15th. The Board has authority to audit the financial records and the backup material used to compile the affidavit. The Board reserves the right to audit the financial information and revoke the license if the information does not support the affidavit filed.

R.R. NO. 67 – CLASS WT: WINE TASTING LICENSE:

In accordance with the provision of Section 8-409 of Article 2B of the Annotated Code of Maryland, the Board of License Commissioners may issue a Wine Tasting license.

A Wine Tasting license may be issued only after the appropriate application has been filed and approved by the Board of License Commissioners. A request for Wine Tasting license shall be made in the form of a letter to the Board of License Commissioners.

The holder of an expiring Wine Tasting license shall file with the Board of License Commissioners, an annual renewal for the Wine Tasting license. The form may be obtained from the office of the Board of License Commissioners. The Wine Tasting renewal application shall accompany the annual renewal application for the specified class of alcoholic beverage license. Upon proper filing of the Wine Tasting renewal application and payment of the annual fee, a new license will be issued.

| <u>CLASS OF LICENSE</u> | <u>FILING DATE</u> | <u>EXPIRATION DATE</u> |
|-------------------------|-----------------------|------------------------|
| Class A | March 1 st | April 30 th |
| Class B | April 1 st | May 31 st |
| Class C | May 1 st | June 30 th |
| Class D | May 1 st | June 30 th |

The hours of operation for the Wine Tasting license are to be in conjunction and accordance with the hours of the various classes of licenses as provided for in Article 2B of the Annotated Code of Maryland.

The bottles of wine to be sampled - once opened - must be accurately and specifically marked that these wine bottles are for sampling purposes only.

The licensee may not serve more than one (1) ounce from each given brand of wine to each patron.

The age and sobriety of any person tasting or sampling wine must be in accordance with the provisions of Article 2B of the Annotated Code of Maryland and the local Rules and Regulations and all restrictions apply.

The fee will be as provided for in Section 8-407 of Article 2B.

Under no circumstances are these samples to be consumed off the licensed premises. Wine Tasting is for consumption "On" the licensed premises only.

Wine Tasting sampling may not be conducted from a drive-in Window.

Any alleged violations that occur in conjunction with the Wine Tasting license, will be processed in the same manner as a violation that occurs in conjunction with any other license. A Show Cause hearing will be scheduled, and if the Board members make a determination that a violation has occurred in conjunction with the Wine Tasting license, then as a result of the said violation, the Wine Tasting Permit may be revoked or suspended or a fine may be imposed.

R.R. NO. 68 – SPECIAL AND TEMPORARY LICENSE; CLASS C (CLUB):

- A. General: Special and Temporary licenses shall be required in accordance with Section 7-101 of Article 2B and shall be issued by the Board of License Commissioners to any qualified, bona fide religious, fraternal, veterans, political, civic, or other nonprofit organization, when organizations are having a function at which there will be a cash bar or admission charge or both, provided that the application for the license is filed with the Board at least ten (10) days prior to the effective date of the license and the sponsoring group is responsible for enforcing compliance with current Alcoholic Beverage Laws and Regulations, etc.
- B. Commercial Licenses: Where a commercially licensed establishment provides a separate section of the licensed premises for private, non-profit functions which functions have a cash bar or admission charge or both, either of which is maintained by the sponsor of the private function, the sponsor shall be required to obtain a Special One Day License. If the cash bar or admission charge is maintained by the holder of the commercial license or if the sponsor or guests of the private function provide their own alcoholic beverages with the sale of alcoholic beverages without an admission charge, no Special license is required. The area servicing any of the private functions referred to above shall, in all cases, be closed off from the remaining licensed premises, with no access to or view by the general public; provided further, that in all cases the commercial licensee shall be responsible for enforcing compliance with current Alcoholic Beverage Laws and Regulations, including sales to minors and hours of sale and consumption.
- C. Class C (Club) Licenses: When such private functions are held on the licensed premises of a Class C (Club) license, which private function maintains a cash bar or admission charge, the sponsor of the private function shall be required to obtain Special One Day licenses and shall file application for the license with the Board at least ten days prior to the effective date of the license; provided further, that the primary licensees shall be responsible for enforcing compliance with current Alcoholic Beverage Laws and Regulations, including sales to minors and hours of sale and consumption.
- D. The Board may deny an application for this license if it is determined that the application does not qualify under the provisions of Article 2B of the Annotated Code of Maryland. Nothing herein shall authorize the sale of alcoholic beverages by licensed clubs to non-members in violation of Section 6-301(r) of Article 2B or authorize consumption on the specially licensed premises of either clubs or commercial licenses of any alcoholic beverages other than as authorized and permitted under the Special license, provided that Special licenses issued pursuant to these Rules and Regulations shall be applied for and utilized exclusively by and for the organization sponsoring the function.
- E. The Board of License Commissioners for Prince George's County shall have full power and authority to deny an application for a Special or Temporary license as authorized under Section 7-101, Article 2B of the Annotated Code of the State of Maryland, if in its discretion it determines any or all of the following:
 - 1. The event applied for does not constitute a "bona fide organization";
 - 2. The group applying does not qualify under Section 7-101;

3. The event applied for may constitute a threat to the health, peace and/or safety of the surrounding neighborhood;
4. The application is considered in the discretion of the Board to be fraudulent;
5. The event applied for may violate the intent of the Preamble of Article 2B, in that it is the purpose of the Code to "promote temperance";
6. If in the discretion of the Board, the individual, group, association, club or society has abused the privilege of the Special and/or Temporary license or has requested an inordinate number of such licenses during a given period of time;
7. The individual group, association, club or society has violated any of the rules, guidelines, alcoholic beverage laws, or orders.

R.R. NO. 69 – KEG REGISTRATION

Effective October 1, 1994, any licensee authorized to engage in the "off premise" sale of beer kegs shall comply with the keg regulations.

Definition of Keg: A "keg" is defined as a container of beer with a capacity of at least four (4) gallons which is designed to dispense beer directly from the container.

In Prince George's County, a licensee may not sell or otherwise transfer, or offer to sell or otherwise transfer, the contents of a keg for consumption "off premise" unless:

1. The licensee provides to the purchaser a keg registration form approved and distributed by the State Comptroller that is designed to be affixed to the keg and that indicates the name and address of the licensed premises and a registration number.
2. The purchaser provides valid identification and completes and signs a registration form with the following information:
 - a. The purchaser's name and address
 - b. The date of birth of the purchaser
 - c. The date of purchase
3. The licensee affixes the completed registration form to the keg and retains a copy of the form for thirty (30) days on the licensed premises.
4. Upon return of a registered keg from a purchaser, the licensee shall remove or obliterate the keg registration form attached to the keg and note that removal, the date of that removal and the person's name and address, if different than the purchaser, on the copy of the keg registration form retained by the licensee at the licensed premise.
5. If a keg is returned without a registration sticker attached, the licensee or his designated agent shall notify the Prince George's County Board of License Commissioners no later than twenty-four (24) hours and provide the Inspection Staff with all pertinent information to investigate the alleged removal of the registration sticker. The licensee shall not return the keg to the wholesaler or alter the keg in any way pending the completion of any investigation by the Board.
6. If a keg is made of disposable packaging that does not have to be returned to the licensee, the licensee shall indicate on the keg registration form that the keg is disposable.
7. Disposal of empty kegs made of disposable packaging does not constitute obliteration of the keg registration form.
8. A licensee may charge a keg registration fee to a purchaser.
9. A licensee who sells kegs who violates any provision of these regulations is subject to a fine not to exceed \$100.00 or a suspension or revocation of the alcoholic beverage license, or both fine and suspension or revocation.
10. The existence of a completed registration form signed by the purchaser shall create a presumption that the licensee has complied with the requirements as set forth herein.
11. All licensees engaged in selling kegs must maintain neat and accurate records of such sales, said records to be accessible to the Prince George's County Inspection Staff upon request.

R.R. NO. 70 – SIGNAGE

The holder of a Class A, B, or D alcoholic beverage license shall provide visible access into the licensed premises from the exterior of the licensed premises in order to insure the safety and well-being of patrons and employees. A Liquor Inspector or other law enforcement officer shall have a clear view into a licensed premise before entering the premises. The Board may require that licensees remove window signs that are deemed by the Board to be excessive or obstructive to view.

A licensee must maintain the licensed premises in a clean and orderly manner. A licensee is prohibited from allowing the premises to deteriorate and become an eyesore to the neighborhood in which it is located. The Board may consider the appearance of the establishment in determining whether that establishment will accommodate the public. The Board may regulate the interior and exterior maintenance of the premises. It may regulate the nature, size, number and placement of signs to insure that the premise continues to accommodate the public. The Board may order a licensee to make reasonable changes to a premise. The Board may suspend or revoke the license of any licensee who does not comply with such an order.

R.R. NO. 71 – WINE FESTIVAL LICENSE

As authorized under Section 8-301.2 of Article 2B of the Annotated Code of Maryland, the Board of License Commissioners for Prince George’s County is authorized to issue a Wine Festival License. The Board will issue one Wine Festival license per year for the dates to be determined by the Board. The event shall be no longer than three (3) days. Requests for a proposed wine tasting event shall be filed by January 30th of the calendar year. The request must provide:

1. Proposed Date of the event
 - a. The date of the event shall not occur within 14 days before or after the Maryland Wine Festival in Carroll County; and conflict with The Anne Arundel County Beer and Wine festival; The Calvert County Wine Festival; The Charles County Wine Festival; or The Howard County Wine Festival.
2. Proposed Location of the event
3. A Sworn statement from the owner of the proposed location that the owner agrees to allow the location to be used for the wine festival; that the owner agrees to allow search of the location by law enforcement agents of the Board and to allow entry, posting and inspection by the Board and its agents.
4. Certification that the focus of the festival is the promotion of Maryland wines.

The Board shall post the property and hold a public hearing to determine whether the wine festival license shall be issued. They shall issue such license only if it determines that an applicant meets all statutory criteria and finds that issuance of the license is necessary for the accommodation of the public and will not unduly disturb the peace and safety of the neighborhood in which it is to be held.

After approval is granted for the date and location of the Wine Festival, each participant shall file an application on forms provided by the Board of License Commissioners. The application shall contain:

1. The participant fee of \$50.00 payable to Prince George’s County payable by Certified Check, Cashier’s Check or Money Order.
2. Certification that the applicant holds a Class 3 Winery License, a Class 4 Winery License or a Retail Alcoholic Beverage License which allows the sale of wine.
3. Name, address and telephone number of the agent for the application.

Approved participants may display and sell wine at the festival for consumption on or off the premises. Participant must adhere to all applicable local and state laws.

DEFINITIONS

For the purposes of these Rules and Regulations and unless otherwise required by the context:

- A. **"Alcoholic Beverages"** means alcohol, brandy, whiskey, rum, gin, cordial, beer, ale, porter, stout, wine, cider, and any other spirituous, vinous, malt or fermented liquor, liquid, or compound, by whatever name called, containing one half of one per Centum or more of alcohol by volume, which is fit for beverage purposes.
- B. **"Beer"** means any brewed alcoholic beverage and includes beer, ale, porter, and stout.
- C. **"Light Wine"** means any naturally fermented wine containing less than 15.5 percent (15.5%) of alcohol by volume.
- D. **"Wine"** means any fermented beverage, including light wines and wines the alcoholic content of which has been fortified by the addition of alcohol, spirits, or other ingredients.
- E. The word **"sparkling wine"** shall mean champagne or any artificial carbonated wine.
- F. **"Person"** means a natural person, an association, a partnership, a corporation, and a limited liability company or limited liability person.
- G. **"Manufacturer"** means a person operating a plant within this State for distilling, rectifying, blending, brewing, fermenting, or bottling any alcoholic beverage.
- H. **"Wholesaler"** means a person who purchases or imports any alcoholic beverage for sale to wholesale or retail dealers only and includes a county liquor control board and county wholesale dispensary.
- I. **"Retail dealer"** means a person who deals in or sells any alcoholic beverage to any person other than a license holder and includes a county dispensary
- J. **"License holder"** or **"licensee"** means the holder of any license or permit under the provisions of Article 2B or of any other law of this State and includes a county liquor control board and a county dispensary.
- K. **"Importer"** means a person importing any alcoholic beverage
- L. **"Import"** means to transport or ship or to order or arrange for the transportation or shipment of alcoholic beverages into this State from any other state, district, territory, or country.
- M. **"Comptroller"** means the Comptroller of the Treasury of the State of Maryland
- N. **"Club"** means an association or corporation which is organized and operated exclusively for educational, social, fraternal, patriotic, political, or athletic purposes and not for profit. The Board of License Commissioners shall judge whether such an establishment is operated in good faith.
- O. **"Hotel"** means an establishment for the accommodation of the public, equipped with not less than 45 bedrooms, a lobby with registration and mail desk and seating facilities and a dining room with facilities for preparing and serving regular meals, where the average daily receipts from the hire of rooms and the sale of food exceeds the average daily receipts from the sale of alcoholic beverages.
- P. The **"licensed premise"** shall include the building and land used in connection with the operation of the business conducted under the license, as defined in the original application or as amended and approved by the Board.

RESOLUTION:

Upon motion by Mr. Camacho seconded by Mr. Howard and made unanimous by Mr. Mwalimu, Mr. Son and Mr., Jackson ordered that these Rules and Regulations numbering R.R. No. 1 through R.R. No. 71 be approved this 23rd day of September 2009 effective separately, and the invalidation of any one Regulation shall have no effect on the validity of the remaining Regulations.

BOARD OF LICENSE COMMISSIONERS
FOR
PRINCE GEORGE'S COUNTY
MARYLAND

FRANKLIN D. JACKSON, CHAIR
SHAIHI MWALIMU, VICE CHAIR
EARL J. HOWARD, COMMISSIONER
ARMANDO CAMACHO, COMMISSIONER
DAVID SON, COMMISSIONER