RULES AND REGULATIONS

OF THE

BOARD OF LICENSE COMMISSIONERS

FOR

PRINCE GEORGE'S COUNTY, MARYLAND

9200 Basil Court

Suite 420

Largo, Maryland 20774

http://bolc.mypgc.us

Promulgated under the authority of

Section 26-208 of Alcoholic Beverages Article of the

Annotated Code of Maryland

Effective: October 2019

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 Alcoholic Beverages Article of the Annotated Code of Maryland. The restrictions, regulations, provisions, and penalties contained in Alcoholic Beverages Article 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 Alcoholic Beverages Article, 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:

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

Class A, Beer	Off sale of beer only from 6:00 a.m. to 12:00 midnight, Monday through Saturday. No sales are permitted on Sunday. Consumption on the premises is prohibited.
Class A, Beer and Wine	Off sale of beer and wine only from 6:00 a.m. to 12:00 midnight, Monday through Saturday. No sales are permitted on Sunday. Consumption on the premises is prohibited.
Class A, Beer, Wine and Liquor	Off sale of beer, wine and liquor from 6:00 a.m. to 12:00 midnight, Monday through Saturday. No sales are permitted on Sunday. Consumption on the premises is prohibited.
Class B, Beer	On sale consumption of beer only from 6:00 a.m. to 2:00 a.m., seven (7) days a week with meals available
Class B, Beer and Wine	On sale consumption of beer and wine only from 6:00 a.m. to 2:00 a.m., seven (7) days a week with meals available
Class B, (GC), Beer, Wine and Liquor	On Sale consumption from 9:00 a.m. to 10:00 p.m. of beer, wine and liquor seven (7) days a week. Exclusively for the use on the premises of the M-NCPPC golf courses located in Prince George's County.
Class B, Beer, Wine and Liquor	On sale consumption of beer, wine and liquor from 6:00 a.m. to 2:00 a.m. Monday through Saturday and 8:00 a.m. to 2:00 a.m. on Sunday with meals available at all times.

Class B(R), Beer, Wine and Liquor	**THIS DESCRIPTION APPLIES TO LICENSES ISSUED PRIOR OCTOBER 1996 -** On sale consumption of beer, wine and liquor from 6:00 a.m. to 2:00 a.m. Monday through Saturday, with on sale consumption of beer, wine and liquor from 8:00 a.m. to 2:00 a.m. on Sunday with meals available at all times. This license allows off sales over or contiguous to the main bar in the main dining room of beer, wine and liquor Monday through Saturday from 6:00 a.m. until 12:00 midnight and beer and wine on Sunday. No off sale of liquor is permitted on Sunday.
Class B+, Beer, Wine and Liquor	On sale consumption of beer, wine and liquor from 6:00 a.m. to 2:00 a.m. Monday through Saturday, with on sale consumption of beer, wine and liquor from 8:00 a.m.to 2:00 a.m. on Sunday with meals available at all times. The license permits a separate portion of the premises to be utilized for off sale but only when meals are available to be served in the restaurant. In the separate portion of the premises, the sale of beer, wine and liquor is permitted Monday through Saturday from 8:00 a.m. until 12:00 midnight along with beer and wine on Sunday. No off sale of liquor is permitted on Sunday.
Class B, BH	On sale consumption of beer, wine and liquor from 6:00 a.m. to 2:00 a.m. Monday through Saturday, with on sale consumption of beer, wine and liquor 10:00 a.m. to 2:00 a.m. on Sunday with meals available at all times.
Class B, BLX	On sale consumption of beer, wine and liquor from 6:00 a.m. to 2:00 a.m. Monday through Saturday, with on sale consumption of beer, wine and liquor from 8:00 a.m. to 2:00 a.m. on Sunday with meals available at all times.
Class B, BCE, Catering Establishment	On sale consumption of beer, wine and liquor from 6:00 a.m. to 2:00 a.m. Monday through Saturday with on sale consumption from 8:00 a.m. until 2:00 a.m. on Sunday with meals available at all times.
Class C Beer	On sale consumption of beer from 6:00 a.m. to 2:00 a.m. seven (7) days with no food requirement.
Class C, Beer and Wine	On sale consumption of beer and wine from 6:00 a.m. to 2:00 a.m. seven (7) days with no food requirement.

Class C, Beer, Wine & Liquor Fraternal Veterans Yacht Club Country Club Golf & Country Club	On sale consumption of beer, wine and liquor from 6:00 a.m. to 2:00 a.m. seven (7) days, limited to members and their guests with no food requirement.
Class D, Beer	On sale consumption of beer from 6:00 a.m. to 2:00 a.m. seven (7) days a week with no food requirement.
Class D(R), Beer	**THIS DESCRIPTION APPLIES TO LICENSE ISSUED PRIOR TO OCTOBER 1996 -** On sale consumption from 6:00 a.m. to 2:00 a.m. seven (7) days a week with off sale service from 6:00 a.m. to 12:00 midnight with no food requirement.
Class D, Beer and Wine	On sale consumption are 6:00 a.m. to 2:00 a.m. seven (7) days a week with no food requirement.
Class D(R), Beer and Wine	**THIS DESCRIPTION APPLIES TO LICENSE ISSUED PRIOR TO OCTOBER 1996 -** On sale consumption are 6:00 a.m. to 2:00 a.m. seven (7) days a week with off sale service from 6:00 a.m. to 12:00 midnight with no food requirement.

RULES GOVERNING THE HEARING PROCESS

R1. MEETINGS 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 26-1601 of Alcoholic Beverages Article 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 26-1601 of Alcoholic Beverages Article of the Annotated Code of Maryland shall not be construed as the number the Commissioners are obligated to issue. The Commissioners may not grant any additional new license of any class that is subject to competition if it was not posted and advertised as available for the hearing.

R2. WHEN HEARINGS ARE REQUIRED

A. Public hearings are required concerning applications for all new licenses, except temporary or special licenses as defined in Section 26-1511 of Alcoholic Beverages Article 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 applications for all substitution of corporate officers, transfer of licensees, and transfer of location.
C. Public hearings are required for a protest of the renewal of a license.

R3. TIME OF HEARING

Hearings of the Board shall be held as scheduled and advertised. The applicant will 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 the proceedings, in each case, which shall include the testimony and exhibits. 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 court 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 hearings. 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. The ruling of the Chair 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 part of the Record of the 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 hereby swear or 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?"
D. Any person acting as an interpreter for the applicant or licensee shall be required to take the following affirmation: "Do you swear or affirm under the penalties of perjury to interpret accurately, completely, and impartially, the questions propounded by the Board of License Commissioners along with the answers given thereto and any other testimony given in this matter and to refrain from knowingly disclosing confidential or privileged information obtained while serving in the proceeding?" (Maryland Rule 1-333).

R8. ORDER OF PRESENTATION

A. Introduction of reports and official documents

B. Applicant's presentation, the presentation by the applicant shall be limited to 15 minutes. After the primary witness has testified, the Board shall limit the time allowed to each witness to no more than three minutes. At no time should an attorney for an establishment provide testimony on behalf of applicant/licensee. The presentation shall consist of:

   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 (if not an attorney) shall give the following information before questioning the witness:
      - His/her name, home address, and their approximate location with reference to the subject premises or licensed premises
      - Questions shall be brief, shall pertain only to statements made by the witness and 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, the presentation by the Opposition shall be limited to 15 minutes and consist of:

   1. Direct examination of each opposing witness.
   2. Cross examination of each opposing witness (consistent with the requirements listed above in B2).

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 (10 minute limit)

E. Response by opposition (10 minute limit)

F. Summation by applicant

G. Summation by opposition

H. Board of License Commissioner's Action - the Board may decide 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.

RULES AND REGULATION

R.R. NO 1 SALES TO OR POSSESSION BY UNDERAGE PERSONS:

A. Pursuant to Sections 6-304 and 26-2707 of the Alcoholic Beverages Article 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, possess and/or consume alcoholic beverages. A licensee may not allow any person under the age of 21 years old to consume or possess any alcoholic beverages on or around the premises. In disciplinary proceedings it shall not be a defense that an agent or employee of the licensee acted contrary to orders 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 only accept as valid proof of age the following forms of identification (all of which must contain photographs):

1. Passport or U.S. Passport Card
2. Permanent Resident Card (Green Card) issued by the United States Government
3. Identification Card issued by the District of Columbia, a State within the United States or United States Possession or Territory.
4. Driver's License issued by the District of Columbia, a State within the United States or United States Possession or Territory.
5. Identification issued by any branch of the United States Armed Forces.
6. A biometric verification device approved by the Board of License Commissioners that relies on one of the forms of identification referenced in 1 -5 above.

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 26-2707 of Alcoholic Beverages Article of the Annotated Code of Maryland 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. It is unlawful for any person to misrepresent the age of any person for the purpose of obtaining alcoholic beverages for a 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 alcoholic beverages. A licensee and its agent shall fully cooperate with law enforcement agencies when a possible misrepresentation is at issue.

C. Licensee and its agent shall be responsible and held accountable to the Board for compliance by minors who are on the license premises.

D. 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 the Alcoholic Beverages Article of the Annotated Code of Maryland regardless of age, provided that the premises is being operated as a bona fide bowling alley or center.

E. The only identifications that are acceptable for establishing the age of a patron are identification (all of which must contain photographs):

   1. Passport or U.S. Passport Card
   2. Permanent Resident Card (Green Card) issued by the United States Government.
   3. Identification Card issued by the District of Columbia, a State within the United States or United States Possession or Territory.
   4. Driver's License issued by the District of Columbia, a State within the United States or United States Possession or Territory.
   5. Identification issued by any branch of the United States Armed Forces.
   6. A biometric verification device approved by the Board of License Commissioners that relies on one of the forms of identification referenced in 1 -5 above.

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

R.R. NO. 3 – EMPLOYEES, AGE OF:

A. No person under eighteen (18) years of age shall be employed to sell, serve or otherwise deal with alcoholic beverages at 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 other than dealing with alcoholic beverages.

R.R. NO. 4 – RECORDS OF EMPLOYEES:

Licensees shall maintain on the premises 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 as well as all temporary or casual labor who handles alcoholic beverages.

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

No licensee, his/her agents, or employees may not knowingly sell or furnish alcohol to anyone who is disorderly in conduct or is a habitual drunkard or with an intellectual disability or to any person whose parent, guardian, husband, wife, son, daughter, brother, sister, partner or other person with a substantive relationship has given notice in writing to the licensee explaining why the person should not be sold or furnished alcoholic beverages.

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 an alcoholic beverage on the licensed premises other than the alcoholic beverage permitted by the establishment's alcoholic beverage license.

B. A license holder shall not have in their possession, or in the possession of their agents, employees or patrons or at any place on the licensed premises any alcoholic beverages not permitted to be sold under the establishment's alcoholic beverage license.

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

No holder of a Class B license nor their 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.

Alcoholic beverages over 15.5% must be sold by the glass (drink) to patrons of the establishment.

This Rule and Regulation shall not apply to Class B (BH) licenses serving alcoholic beverages to patrons in rented or leased private rooms as provided for 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 in or around the premises under his/her control except as provided for in Rule and Regulation #67 (Tasting).

This Rule and Regulation shall also apply to the holder of any 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 not allowed by law.

B. No alcoholic beverages shall be served, dispensed, consumed, furnished, given away, or possessed by the licensee, his/her agent, or by an employee of the establishment, or any patron on any part of the licensed premises during hours not authorized under law.

R.R. NO. 10 – PUBLIC NUISANCES: LOITERING, PREMISES DETERIORATION, CARRYOUT CUP, AND TRASH AND DEBRIS RESTRICTIONS:

In order to insure that a licensed premises continues to accommodate the public and operate in a manner which will not endanger the peace and safety of the neighborhood in which it is located:

1. A licensee may not permit any person to loiter or loaf in or around the licensed premises. This prohibition extends to persons standing in the parking lot or occupying vehicles in the parking lot.
2. A licensee must keep the licensed premises in good repair and maintain an attractive appearance. The licensed premises must comply with all State and County laws, regulations and rules, including the proper display of all necessary permits.
3. The holder of any class of license with an "off sale" privilege of any kind is prohibited from selling, offering for sale, giving away, offering to give away, or otherwise making available to patrons paper, plastic, Styrofoam, or any cup or container (with or without ice). This rule does not apply to convenience stores and grocery stores that in the normal course of business sells sleeves of cups in the original sealed and unopened factory package.
4. A licensee may not permit trash and debris to accumulate in or around the licensed premises, its parking lot, or areas immediately adjacent to the licensed premises. . Trash and debris consisting of the remnants of alcoholic beverage products sold at the licensed establishment can be used as evidence that the licensee is in violation of this Rule and Regulation.

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) per diem license as defined in the Alcoholic Beverages Article 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 by another communication device 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 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 nonalcoholic, for the use of any music box or other entertainment device.

B. GAMBLING

1. A license holder may not allow gambling that is prohibited by law on the licensed premises.

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 or, in testimony before the Board or any other representative of the Board of License Commissioners.

R.R. NO. 13 – SALES ON CREDIT:

The only form of credit that a licensee, his agents or employees may accept for payment of alcoholic beverage is a bona fide and generally recognized credit/debit card. It shall be understood that the licensee accepts such credit/debit card at his/her own risk. No licensee shall extend any other form of credit to patrons for the sale of alcoholic beverages.

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 that 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 gaming devices.
C. Establishments holding "on sale" licenses may offer snacks, free of charge 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 the business is located.

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

The intent of this Rule and Regulation 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 4-203 and 26-1505 of the Alcoholic Beverage Article):

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 business sharing of directors or stockholders or any sharing of directors or stockholders of parents or subsidiaries;
F. Any common direct or indirect sharing of profit(s) from the sale of alcoholic beverages; or
G. Any 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 Rule and Regulation does not apply to licenses issued under the provisions of Class B, Racetrack, BH, BLX, BCE, Golf Courses or Per Diem 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 it shall also be unlawful also for any person or anyone connected their business to lend any money or other thing of value, or provide any gift or offer any gratuity to any retail dealer, and it shall also be unlawful 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 the Alcoholic Beverages Article of the Annotated Code of Maryland. Except as provided for under law, 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 also be unlawful 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 that;
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 $150.00 for each individual brand, and provided that;
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 $150.00, 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 services computed at not less than the fair market value for these services.

R.R. NO. 21 – SUPERMARKETS, CHAIN STORES, AND 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 25-1509 of Alcoholic Beverages Article 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 the license.

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

Pursuant to Section 26-1603 of Alcoholic Beverages Article of the Annotated Code of Maryland, effective October 1996, of the Alcoholic Beverages Article 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 off sale privileges, or transfer any active beer, beer and wine, or beer, wine and liquor license that has an off-sale privilege into the boundaries as prescribed in Section 26-1603 of the Alcoholic Beverages Article of the Annotated Code of Maryland.

R.R. NO. 23 – PROHIBITION AGAINST DELIVERY OF ALCOHOLIC BEVERAGES TO A DORMITORY OR SORORITY/FRATERNITY ASSOCIATED WITH ANY UNIVERSITY OR ACADEMIC FACILITY.

It shall be unlawful for any retail licensee to deliver alcoholic beverages of any kind to a dormitory, residence hall, fraternity/sorority house or any other housing complex located in Prince George’s County that is associated with a university or other type of academic facility.

R.R. NO. 24 – LICENSES NOT PROPERTY:

Licenses issued under the provisions of the Alcoholic Beverages Article 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 all Rules and Regulations contained herein, including revocation, suspension, restriction and/or fines. .

Security Interests as defined in Section 26-1507 of Alcoholic Beverages Article of the Annotated Code of Maryland are permitted provided that the agreement is filed with the Board immediately following its execution.

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

Pursuant to authority contained in Section 26-208 of the Alcoholic Beverages Article 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 are necessary to protect the peace and safety of the community.

As authorized and directed by the Annotated Code of Maryland, Alcoholic Beverages Article of the Annotated Code of Maryland, Section 26-1514, 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 proscribe 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, Alcoholic Beverages Article of the Annotated Code of Maryland, provided that any enforcement action is 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 the Alcoholic Beverages Article 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 Alcoholic Beverages Article of the Annotated Code of Maryland or the local Rules and Regulations within a two year period of any cited violation.
2. Two or more convictions of one or more agents or employees of the licensee of any provision of the Alcoholic Beverages Article of the Annotated Code of Maryland or the Tax Articles of the Maryland Code.
3. Failure to comply with any provision of the Alcoholic Beverages Article of the Annotated Code of Maryland or any Rule and/or Regulation that has been adopted by the Board of License Commissioners.
4. The making of 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 any and all appropriate taxes have not been paid.
6. Violation of the provisions of Section 2-315 of the Alcoholic Beverages Article of the Annotated Code of Maryland.

7. The failure of any licensee to keep records required by the Maryland Code or by the Rules and/or 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 a conviction regarding the violation of 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. The failure to establish bond as required by Alcoholic Beverages Article 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. The 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 licensed premises.

B. The Board may suspend or revoke any license issued under the provision of the Alcoholic Beverages Article of the Annotated Code of Maryland for any action(s) which, in the judgment of the Board, does not promote the peace and safety of the community in which the business is situated. Such action(s) include but are not limited to:

1. Any unlawful sale after hours by the licensee, his/her agents or employees.
2. Any unlawful Sunday sale by the licensee, his/her agents or employees.
3. Any unlawful sale to an underage person as defined in the Alcoholic Beverages Article of the Annotated Code of Maryland and these 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 and/or disorderly person, or other person described in Rule and Regulation No. 5, by the licensee, his/her agents or employees.
6. Any sales on unapproved credit or paid for with 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 hours prohibited by 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 the Alcoholic Beverages Article 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 safety of the neighborhood.

C. In this Rule and Regulation the word "conviction" shall mean a finding of guilt, and will include the entry of a plea of nolo contendere or the forfeiture of a bond or collateral in any criminal 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 morning 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 the Alcoholic Beverages Article 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:

A. The licensee shall be personally responsible for the operation of the licensed premises and shall be responsible for any and all violations committed not only by the licensee but also by the licensee's agents, employees and operators.
B. Licensees shall be responsible for ensuring that all employees engaged in the sale, service and handling of alcoholic beverages, have been advised of, read and have a working knowledge of the current Rules and Regulations. These Rules and Regulations shall be available on the licensed premises at all times and shall be immediately provided to any employee at the licensed establishment who asks to see them. The Rules and Regulations must be produced immediately by the licensee or its agent upon request of the Board or its duly authorized inspector.

R.R. NO. 30 – DISPLAY OF LICENSE:

Each licensee shall place the alcoholic beverage license in a separate glass covered frame. The license shall be in a location within the business that is conspicuous and easily read by his/her customers, 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, as an owner, partner, or corporate officer, must notify the Board within fifteen days of any change to their home address, telephone number and email address.

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 Permitting, Inspections and Enforcement, 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 the Alcoholic Beverages Article of the Annotated Code of Maryland has vacated the premises of which the license was issued, the license shall expire unless an application for transfer or transfer of location has been filed or approved by the Board. However, the Board of License Commissioners, in their discretion may postpone the expiration in any case to avoid undue hardship for 20 additional days.
B. On the twentieth day after the holder of any license issued under the provision of Alcoholic Beverages Article of the Annotated Code of Maryland has been evicted from the premises of which the license was issued, the license shall expire unless an application for transfer or transfer of location has been filed or approved by the Board. However, the Board of License Commissioners, in their discretion may postpone the expiration in any case to avoid undue hardship for 20 additional days.
C. This Rule does not apply to the holder of any license whose premises has been acquired for public use.

    1. The license for a premises acquired for public use shall expire within 180 days of acquisition unless an application for a transfer of the license to another location has been approved or is then pending.

R.R. NO. 34 – FOOD AVAILABILITY - CLASS B LICENSES:

All Class B, Beer, Class B, Beer and Wine and Class B, Beer, Wine and Liquor licenses must have a fully equipped kitchen with complete facilities for preparing hot and cold meals during the hours that alcoholic beverages are sold and served. The restaurant must be open and food must be available when alcoholic beverages are being served on all Class B, Beer, Class B, Beer and Wine and B, Beer, Wine and Liquor licensed premises (Alcoholic Beverages Article of the Annotated Code of Maryland Section 26-902), and there should be a menu which lists all food available at all times in which the restaurant is open.

R.R. NO. 35 – TRADE NAME:

The Board of License Commissioners shall approve the trade name of a licensed premises. No licensee shall use a trade name without Board approval. 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 required administrative processing fee the trade name will be officially changed.

R.R. NO 36 – ENTERTAINMENT:

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 premises.

A. Licensees are required to complete the appropriate form as defined in R.R. No. 75 – Special Entertainment Permit.
B. Pursuant to Section 3-604 of the Alcoholic Beverages Article of the Annotated Code of Maryland, Adult Entertainment is restricted except in the case of:
    1. An establishment that is a theater, concert hall, or museum that is primarily devoted to the arts or theatrical performances
C. Performances that express matters of serious literary, artistic, scientific or political value. This authority shall include but not be limited to restricting the entertainment known as lewd, exotic or go-go dancing, topless, bottomless, striptease, loud and raucous entertainment.
D. The Board shall prohibit, condition, or restrict any class of license after a hearing when a determination is made that the 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 additions to a licensed premises 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 Permits, Inspection and Enforcement 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. When the renovation, remodel or reconstruction of a license premises is necessitated by destruction or significant damage, the Board, upon a written request, may postpone the expiration of the license for a period of six (6) months to alleviate undue hardship to the licensee. The Board may require a hearing to determine the extent of the damage or destruction.
E. 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 but not be limited to, entertainment, alteration of physical premises, and presentation of food, alcoholic beverages, seats and/or physical environment both inside and outside of the licensed premises. The intent of this section is to ensure that when a license deviates from the original application, as issued, that the changes in the mode of operation are reviewed so that 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 remains accommodated for and that the operation of the business to be conducted under the updated 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-THROUGH WINDOW:

In the event a licensee desires to alter the mode of operation of a licensed establishment by adding a drive-through 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. The Licensee shall also 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 along with 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. Interested parties will be allowed to testify and to present evidence.

The intent of this Rule and Regulation is to provide a public hearing prior to a decision on the issuance of a drive-through window since it is a deviation from the original mode of operation of a licensed premises.

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 morning 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 that 15.5% of alcohol by volume or permit such alcoholic beverages to be consumed on the licensed premises before 8:00 a.m. on Sunday.

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

As provided in the Alcoholic Beverages Article of the Annotated Code of Maryland, a holder of any Class B, Restaurant license, 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, and 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 the Alcoholic Beverages Article 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 the investigation finds evidence of a violation. 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 Alcoholic Beverages Article of the Annotated Code of Maryland.

R.R. NO. 43 – FEES/PAYMENTS:

All fees paid to the Board of License Commissioners shall be made payable to Prince George's County and be paid by certified check, cashier's check, or money order. No CASH will be accepted.

R.R. NO. 44 – APPLICATIONS BY:

A. **SOLE OWNERS**:

1. Should a person applying for an alcoholic beverage license as sole owners not reside in the State of Maryland, the applicant must designate an agent, who resides within the State of Maryland, to accept service of process and all other communication from the Board. The licensee must provide the agent's personal information to include the name, address, telephone number and email address to enable the agent for the licensee to accept service and official matters of the Board. The licensee is responsible to ensure that the agent's information is accurate and to notify the Board of any changes within 30 days.

B. **PARTNERSHIPS:**

1. Should a person applying for an alcoholic beverage license as a partner not reside in the State of Maryland, the applicant must designate an agent, who resides within the State of Maryland, to accept service of process and all other communication from the Board. The licensee must provide the agent's personal information to include the name, address, telephone number and email address to enable the agent for the licensee to accept service and official matters of the Board. The licensee is responsible to ensure that the agent's information is accurate and to notify the Board of any changes within 30 days.

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.

2. Should a person applying for an alcoholic beverage license as a corporate officer not reside in the State of Maryland, the applicant must designate an agent, who resides within the State of Maryland, to accept service of process and all other communication from the Board. The licensee must provide the agent's personal information to include the name, address, telephone number and email address to enable the agent for the licensee to accept service and official matters of the Board. The licensee is responsible to ensure that the agent's information is accurate and to notify the Board of any changes within 30 days.

3. The application shall also set forth the names and addresses of all 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.

4. 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(s) holding a majority of the stock.

5. The term "Applicant" for this Rule and Regulation 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. Should a person applying for an alcoholic beverage license as a member of the Limited Liability Company not reside in the State of Maryland, the applicant must designate an agent, who resides within the state of Maryland, to accept service of process and all other communication from the Board. The licensee must provide the agent's personal information to include the name, address, telephone number and email address to enable the agent for the licensee to accept service and official matters of the Board. The licensee is responsible to ensure that the agent's information is accurate and to notify the Board of any changes within 30 days.

R.R. NO. 45 – AFFIDAVITS:

A. APPLICANTS AND/OR STOCKHOLDERS FOR AN ALCOHOLIC BEVERAGE LICENSE OR FOR A RENEWAL SHALL FILED AN AFFIDAVIT:

1. Applicants for an alcoholic beverage license must file the Affidavits as provided for in the application.

2. At the time of renewal, any applicant or stockholder will be required to file the affidavit.

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

In addition to the requirements set forth in Sections 26-1513 of Alcoholic Beverages Article 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 will not adversely impact or unduly disturb the peace, safety and harmony of the neighborhood.
C. That the granting of the license will 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 already contain a sufficient number of licenses.
F. That the license application satisfies all the requirements of the Alcoholic Beverages Article of the Annotated Code of Maryland.
G. That the applicants truthfully and accurately answered all questions contained in the license application or an affidavit.
H. That the applicants are fit and proper people to hold such a license.
I. That the applicants provided identification along with any other documentation required by the application and necessary to verify or ensure compliance with applicable regulations of the statute.
J That there are no other reasons at the discretion of the Board why the license should not be issued.

In sum, the failure of the applicants to prove, by evidence and testimony, that their application conforms to 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 26-1407 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 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
- 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

Column B

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);
- Verification that all Taxes have been 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 3-302 Affidavit);
- Proof of compliance with Alcohol Awareness Training;
- Completion of the Criminal Background Investigation from the Department of Public

Safety ad Correction Services.;

- 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 26-1601 of the Alcoholic Beverages Article of the Annotated Code of Maryland may not be construed as the number the Board of License Commissioners are obligated to issue. The Commissioners may not grant a license to any applicant whose premises was not posted. Any additional new competitive licenses of any class that were not available for the hearing. The Board of License Commissioners may adopt a calendar for establishing the issuance of licenses, including but not limited to:

1. A Hearing date;

2. An application filing deadline date.

When establishing this calendar, the format below will be followed:

3. The Board of License Commissioners shall determine the number of new competitive licenses of each Class that may be applied for at a Hearing.

4. The number of new licenses that the Board makes available for issuance at a Hearing may be less than the total number of licenses in each Class that remain unissued by the Board.

5. 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.

6. The Hearing Notice shall be posted not less than 30 days before the filing deadline date for the Hearing.

7. The Notice shall contain:

    A. The number of new licenses in each Class that are available for issuance.
    B. A description of each of these Classes.
    C. The Filing deadline for the Hearing.
    D. The scheduled Hearing date.

8. 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.

9. The Board may not grant to any applicant whose premises was not posted any additional new competitive any license of any Class that was not as available for the Hearing under this

Section.

10. If any application for a license or permit in Prince George's County is denied, no further application for a license or permit for the same premises shall be made until a period of six months expires from the date of such denial. This subsection shall not apply in the case of applicants:

    A. That whose application was denied due to legal defect or omission in the application; or
    B. If such denial 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
    C. That after a hearing, the denial was based on the grounds that the Board of License Commissioners determined that another applicant was better qualified to be a licensee.
    D. This section 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.

        I. Unlimited new licenses are available at every hearing unless otherwise stated by the Board.

R.R. NO. 49 – REPEALED

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

Criminal Background Investigation Reports for all applicants, stockholders, members, owners or partners applying for new or transfer licenses must be received by the Board of License Commissioners from the State of Maryland Department of Public Safety and Correctional Services Criminal Justice Information Systems – Central Repository. These Criminal Background Investigation Reports should be received prior to the application for alcoholic beverage license being presented for hearing. The Live Scan Registration Form is available on the Board's website. The Criminal Background Investigation Application shall be obtained no later than the time of the filing of the application for an alcoholic beverage license. The Criminal Background Investigation Application for each applicant must be filed with the required fee.

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

Premises that are approved by the Board of License Commissioners that provide food for consumption by patrons must be approved by the Health Department of Prince George's County and hold a valid Health Permit.

Establishments that are closed by the Health Department are not permitted to sell any alcoholic beverages until they are allowed to reopen and serve meals with a valid Health Permit.

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

Pursuant to Section 3-302 of the Alcoholic Beverages Article of the Annotated Code of Maryland and Title 6 of 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.

R.R. NO. 53 – APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE OR TRANSFER OF LICENSE (INTERIOR & EXTERIOR 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. At the time of filing, all applications must be accompanied with an Interior & Exterior Design Layout of the establishment. This Interior & Exterior 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, as applicable. If the applicant or licensee intends to utilize any exterior areas for the service of alcoholic beverages, an exterior design layout must also accompany the application and receive the Board’s approval.

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

A. Whenever more than the cumulative amount of 50% of the stock in a corporation or membership interest has been transferred since the issuance of a new or transfer license, 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 or 50% of the membership interest in a LLC is being transferred subsequent to the issuance of the license, and the stock in the corporation/LLC 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 or 50% of the membership interest in a LLC is being transferred subsequent to the issuance of the license, 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 or website.

D. Pursuant to Section 26-1708 of the Alcoholic Beverages Article of the Annotated Code of Maryland, the Board will schedule, during public session in preliminary matters, an applicant or applicants listed in the Substitution of Corporate Officers applications. During those sessions, those prospective applicants will be sworn, questioned and approved or disapproved by the Board members.

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

Notwithstanding any other provisions of the Alcoholic Beverages Article of the Annotated Code of Maryland, 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:

Within 60 days of the death of any licensee a "Death of a Licensee" application must be filed with the Board of License Commissioners. Upon 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 not to exceed 18 months 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: (Sections 26-1508 and 26-1802 of Alcoholic Beverages Article OF THE ANNOTATED CODE OF MARYLAND)

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 a Saturday, Sunday or legal holiday the application shall be due on the next business day):

License Class	Renewal Application Filed By	License Expiration Date
A	March 1	April 30
B	April 1	May 31
C & D	May 1	June 30

Renewal applications will be sent to the email address on record for each licensed premises, approximately 60 days prior to the filing deadline. Renewal Applications can also be obtained on the Board's website. It is incumbent upon the licensee to make certain that this renewal application has been received. Failure to obtain or receive the renewal application does not relieve the licensee of the requirement to file the renewal application in a timely manner. Application will not be accepted after the deadline. Licensees that are unable to complete the Renewal Application by the filing deadline must submit a letter of explanation accompanied by a certified check, cashier check or money order in the amount of $1000 prior to the deadline.

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.

The Board of License Commissioners is not authorized to renew a license at an establishment, where the Board has evidence that the establishment or the principals of the Corporation, LLC, Partnership or Owner has unpaid taxes due to The Comptroller of Maryland or Prince George's County. The license for an establishment with unpaid taxes will expire on the date as stated above, unless the Board is presented with proof of payment or evidence of a payment plan agreed to by the Comptroller or Prince George's County, depending on where the unpaid taxes are owed.

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

A "restaurant" shall be defined as an establishment located in a permanent building with ample space and facilities to accommodate the public and where hot food is available to be prepared, sold and served to the public during all hours the establishment is open for business.

It shall have at least the minimum sanitary facilities required for such an establishment by the regulations of the Prince George's County Health Department and shall meet the minimum requirements of such regulations. The kitchen shall always be maintained in a clean and operable manner free of any activity that might interfere with the proper handling and preparation of food. The establishment shall be equipped with clean, sanitary and accessible bathrooms which are open for patrons whenever the restaurant is open. If repairs are necessary to bring facilities into compliance, the licensee shall request written permission from the Board prior to making alterations and/or closing the establishment to make repairs.

The premises shall:

(1) have a dining area or areas with sufficient tables, chairs and/or booths to seat the number of patrons as submitted in the application and approved by the Board. Any changes that the licensee proposes in the dining area, including the number of seats, shall be submitted to the Board for approval prior to implementing the changes.
(2) be equipped with a kitchen having complete facilities and utensils for preparing complete hot and cold meals to the public. There shall be employed a sufficient number of chefs and/or cooks to prepare food at all hours that the establishment is open. The establishment must, at a minimum, offer the type of food appropriate for the time of day/night that the establishment is open. For example, if the establishment is open during the hours that breakfast is customarily served; it should have food available and ready for purchase that will attract patrons who desire breakfast. There should always be a certified food handler on duty and the kitchen equipment must always be maintained in an operable state so that food can be prepared immediately when it is ordered.
(3) have a sufficient number of wait staff to serve the number of patrons provided for in the dining area or areas. The restaurant shall provide table service of alcoholic beverages allowed under the license to the patrons of the restaurant. Alcoholic beverages shall be available at all times that the restaurant is open and legally permitted to serve alcoholic beverages unless the licensee has obtained a written waiver from the Board.
(4) maintain and display a menu advertising the serving of hot and cold meals. A printed version of the menu shall be available to patrons at all times. The menu shall include complete meals made of food that is customary for the time of day/night that the restaurant is open. The establishment shall maintain at all times sufficient inventory to prepare the items on the menu.
(5) be open during the hours approved by the Board of License Commissioners unless the licensee

obtains written permission from the Board to change its hours. Any interruption in the operation of restaurant facilities for any reason must be reported to the Board promptly. Failure to immediately report an interruption is a violation.

No drug, candy, confectionery store or carryout shall be construed to be a restaurant.

A waiver of any part of this rule must be expressly provided by the Board in writing. Any request for a waiver of any part of this rule is subject to a public hearing at the Board's discretion. The Board may not waive requirements of the Maryland Annotated Code and it may rescind any waiver granted under this rule following to a public hearing. Prior practice by a licensee does not equate to authorization for continuing a practice that is not currently authorized under this rule; only a valid written waiver from the Board can authorize a practice that is not permitted by this rule but is not prohibited by the Alcoholic Beverage Article of the Annotated Code of Maryland.

The licensee shall not deviate from the operating conditions allowed and defined by the Board concerning the operation of the restaurant. The operating conditions of the establishment include but are not limited to the hours of operation, type of menu, availability of food, and the number of tables and chairs provided for patrons. The Board may define such operating conditions upon the issuance or renewal of a license. At the request of a licensee, the Board will hold a hearing prior to approving or changing the operating conditions of a premises.

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.

C. Establishments issued licenses with off sale privilege must comply with R.R. 58 – Restaurants.

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 a.m. on Sunday morning and 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 premises 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.

Meals 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.

Establishments issued Class B+ Licenses must comply with R.R. 58 – Restaurant.

Licensed premises issued a permit under R.R. 81 are exempt from the provisions of this rule.

R.R. NO. 61 – BLX DEFINITION:

As authorized and directed under Section 26-1616 of the Alcoholic Beverages Article of the Annotated Code of Maryland, the Board of License Commissioners for Prince George's County is authorized to issue a Class B, BLX, Beer, Wine and Liquor License to a Luxury Restaurant or a Movie Theater.

A. Applications for a Luxury Restaurant are subject to:

1. A luxury restaurant license must contain all the requirements of a restaurant as outlined in the Alcoholic Beverages Article of the Annotated Code of Maryland, Section 26-1616.
2. The restaurant shall contain high quality furnishings, service, food products and atmosphere.
3. The dining room facilities and kitchen equipment should also be high quality
4. Minimum seating capacity of 100.
5. The restaurant will have a minimum capital investment of $1,000,000; 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.

B. Applications for a movie theater are subject to:

1. The owner or operator of the movie theater has invested at least $5,000,000 in renovating or remodeling the movie theatre.
2. The average receipts from the sale of food at the movie theater exceeds the average receipts for alcoholic beverages, excluding candy and popcorn.
3. Any employee who serves alcoholic beverages is alcohol awareness certified.
4. May only service patrons with proof of admission to the movie theater.
5. Sales of alcoholic beverages are only permitted from 12:00 p.m., noon, until 12:30 a.m.

Applicants must submit all invoice receipts, cancelled checks, etc., for consideration by the Board of License Commissioners for an approved application to be processed for issuance OR a Certified Public Accountant must verify the mandated expenditures 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 26-904)

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. 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, including the 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.

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 26-1201 of the Alcoholic Beverages Article 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 $1,000,000 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 $1,000,000 capital investment;

D. The subject premises 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 beverages 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, Beer, Wine and Liquor 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. 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 a prearranged, contractual basis with any and all groups on the designated and approved licensed premises and further meets

the criteria contained in the Alcoholic Beverages Article of the Annotated Code of Maryland, Section 26-1201 of the Annotated Code of Maryland and abides by the Rule and Regulation adopted by the Board of License Commissioners regarding catering establishment.

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 "County 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 food 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 paragraph A, 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 to at all times.

The days of operation shall be:

A. Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday. The hours shall be as prescribed by law.

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 26-1009 of the Alcoholic Beverages Article 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 exact locations on the campus for the outlets for the sale of alcoholic beverages under this license. The licensee must update the Board whenever outlets are changed.
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 way alcoholic beverages are dispensed.
D. Alcoholic beverages shall be consumed at the outlet at which it was purchased and not transported to another outlet.
E. The hours and days of sale under this license are as provided for under the provision set forth in Section 26-2004 of the Alcoholic Beverages Article of the Annotated Code of Maryland.
F. Class B, Beer, Wine and Liquor, 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 and Prince George's Community College Main Campus.
H. The licensee shall report to the Board of License Commissioners at least five (5) days in advance of 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 – REPEALED

R.R. NO. 67 – ALCOHOLIC BEVERAGE TASTING LICENSES:

In accordance with the provisions of the Alcoholic Beverages Article of the Annotated Code of Maryland, the Board of License Commissioners may issue a Beer Tasting, Beer and Wine Tasting or a Beer, Wine and Liquor Tasting License.

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

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

CLASS OF LICENSE	FILING DATE	EXPIRATION DATE
Class A	March 1st	April 30th
Class B	April 1st	May 31st
Class C	May 1st	June 30th
Class D	May 1st	June 30th

The annual fee for the tasting license is:

Beer Tasting License	$120.00
Beer and Wine Tasting License	$120.00
Beer, Wine and Liquor Tasting License	$220.00

The hours of operation for an alcoholic beverage tasting license are to be in conjunction and accordance with the hours of the various classes of licenses as provided for in the Alcoholic Beverages Article of the Annotated Code of Maryland.

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

The licensee shall not provide more than:

- 3 ounces from each brand of beer to any one patron
- 1.5 ounce from each brand of wine product to any one patron.
- ½ ounce of liquor from any given brand and not more than 1.5 ounces from all brands to any one patron.

The age and sobriety of any person tasting or sampling alcoholic beverages must be in accordance with the provisions of the Alcoholic Beverages Article of the Annotated Code of Maryland and the local Rules and

Regulations and all restrictions apply.

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

Tasting or sampling may not be conducted from a drive-through window.

Any alleged violations that occur in conjunction with the 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 makes a determination that a violation has occurred in conjunction with the tasting license, then as a result of said violation, the tasting license may be revoked and/or suspended or a fine may be imposed.

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

A. Commercial Class C, Club Licenses: Licenses are issued to Veteran, Fraternal, Golf and Country Club, Concession, Country Club, Yacht Club or Service organizations.
   1. Operates solely for the use of its own members and their guest(s) when accompanied by a member.
   2. Members and their guests meets in a clubhouse principally used for no other purpose.
   3. Nothing herein shall authorize the sale of alcoholic beverages by licensed clubs to non-members in violation of the Alcoholic Beverages Article of the Annotated Code of Maryland or authorize consumption on the licensed premises of the commercial licenses of any alcoholic beverages other than as authorized and permitted under the license and shall be applied for and utilized exclusively by and for the organization.
   4. The licensee of a fraternal club may permit persons who have leased a private room or other area of the licensed premises for a private social gathering to bring beer, wine and liquor onto the license premises, provided that it is consumed on the premises. Alcoholic beverages may not be sold at such a gathering nor can admission fees be charged or collected.

B. Special One Day License: A Special one day license shall be required in accordance with the Alcoholic Beverages Article of the Annotated Code of Maryland and shall be issued by the Board of License Commissioners to any qualified, bona fide religious, fraternal, veterans, political, civic, or nonprofit organization, when organizations are conducting bona fide entertainment 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 Rules and Regulations.

1. The Board may deny an application for this license if it is determined that the application does not meet the requirements under the provisions of the Alcoholic Beverages Article of the Annotated Code of Maryland.
2. Nothing herein shall authorize the sale of alcoholic beverages by licensed clubs to non-members in violation of the Alcoholic Beverages Article of the Annotated Code of Maryland 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 One Day License; provided that Special License issued pursuant to these Rules and Regulations shall be applied for and utilized exclusively by and for the organization sponsoring the function.
3. The Board of License Commissioners for Prince George's County shall have full power and authority to deny an application for a Special One Day License as authorized in the Alcoholic Beverages Article of the Annotated Code of the State of Maryland, if in its discretion it determines any or all of the following:
    a. That the event applied for does not in the Board's discretion provide bona fide entertainment or constitute a "bona fide organization";
    b. That the applying individual or group does not provide the Board with sufficient evidence that it is a qualifying organization;
    c. That the event applied for may constitute a threat to the health, peace and/or safety of the surrounding neighborhood;
    d. That the Board Is unable to verify the information provided by the by applicant;
    e. That the event applied for may violate the intent of the Preamble of the Alcoholic Beverages Article of the Annotated Code of Maryland, in that it is the purpose of the Alcoholic Beverages Article of the Annotated Code of Maryland to "promote temperance";
    f. That the Board determines in its discretion that the applying individual, group, association, club or society has abused or otherwise not fulfilled duties pursuant to the privilege of the Special One Day License or has requested an inordinate number of such licenses;
    g. That the individual or group associated with the application has acted in a manner that has exhibited to the Board a disregard for the Rules and Regulations or Laws controlling the use and sale of alcoholic beverages; or has generally shown a disregard for other regulations or laws in Prince George's County;
    h. That the event does not accommodate the public; or
    i. That the location at which the event is to be held is attempting to operate in a manner where it would be appropriate to have a permanent license.

R.R. NO. 69 – KEG REGISTRATION

Definition of Keg: A "keg" is defined as a container of beer with a capacity of at least four (4) gallons and 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 premises 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 - 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 premises.
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 within 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 and who violates any provision of these regulations is subject to a fine not to exceed $100.00, 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 premises 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 premises continues to accommodate the public. The Board may order a licensee to make reasonable changes to a premises. The Board may impose a fine and/or 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 26-1304 of the Alcoholic Beverages Article 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:

A. Proposed Date of the event

   1. The date of the event shall not occur within 14 days before or after the Maryland Wine Festival in Carroll County; and

      - Shall not 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.

B. The proposed location of the event
C. 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.
D. A 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 the 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 by certified check, cashier's check or money order.
2. A 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. The 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. The participant must adhere to all applicable rules and regulations and local and state laws.

R.R. NO. 72 – TEMPORARY CLASS D, BEER AND WINE LICENSE – WATERFRONT ENTERTAINMENT RETAIL COMPLEX:

A. A Special Class D, Beer and Wine license may be issued to an individual or entity for an event on the property that includes at least part of a waterfront entertainment retail complex.

B. An Application can be obtained from the Board's Office and the application shall:
   1. Include the site plans clearly indicating where the beer and wine will be sold;
   2. Be signed and filed by a resident of Prince George's County.
   3. Be filed not less than ten (10) days before the event.

C. The license can be obtained for up to seven (7) days.

D. The license must be displayed during the hours that beer and wine are being sold.

E. Beer and Wine may be sold on and off the premises.

R.R. NO. 73 – CLASS B-AE (ARTS AND ENTERTAINMENT) LICENSE (On Sale Only) (Section 26-1001)

There is a Class B-AE (Arts and Entertainment) Beer, Wine and Liquor License. This license may be issued to a restaurant as defined in Rule and Regulation No. 58 within the Arts and Entertainment District as approved by the County Council.

A person may have an interest in no more than two Class B-AE, Beer, Wine and Liquor Licenses.

The hours allowed under this license are Monday through Saturday for Beer, Wine and Liquor from 6:00 a.m. until 2:00 a.m., Sunday for Beer and Wine from 6:00 a.m. until 2:00 a.m., and Sunday for Beer, Wine and Liquor from 8:00 a.m. to 2:00 a.m.

This license is exempt from Section 26-1604 of Alcoholic Beverages Article of the Annotated Code of Maryland.

R.R. NO. 74 – CLASS D (NH), BEER AND WINE LICENSE – WATERFRONT ENTERTAINMENT RETAIL COMPLEX:

A. There is a special Class D (NH), Beer and Wine license to be issued at a Waterfront Entertainment Retail complex.
B. This license is for on and off sale seven days a week
C. The hours of operation are 9:00 a.m. until 2:00 a.m. seven days a week.
D. There is no food requirement associated with the license

This license is exempt from Section 10-1604.

R.R. NO. 75 – SPECIAL ENTERTAINMENT PERMIT

As directed under Section 26-1103 of the Alcoholic Beverages Article of the Annotated Code of Maryland, the Board of License Commissioners is authorized to issue a Special Entertainment Permit and Family Entertainment Permit to qualified businesses with Class B Licenses. The Board will hold a public hearing in conjunction with the request for an Entertainment Permit.

The **Special Entertainment Permit** authorizes the holder to provide entertainment, allow patron dancing, with the appropriate County permit, and impose a cover charge under conditions as determined by the Board and in compliance with all County laws. The Annual Permit Fee is $1500.

The **Family Entertainment Permit** authorizes the holder to provide entertainment and impose a cover charge when the business offers entertainment directed at and suitable to families under conditions as determined by the Board and in compliance with all County laws. The Annual Permit Fee is $250. The seating capacity of the room with entertainment shall not exceed 110. The average daily receipts from the sale of food will be at least 60% of the total daily receipts. The full menu without price deviation shall always be available.

A. Application Process for the Special Entertainment Permit or a Family Entertainment Permit:
    a. Applicants shall develop a security plan to prevent the premises from causing a threat to the peace and safety of the surrounding area. The applicant may utilize sworn security personnel as part of the plan if the sworn security personnel has police powers in the jurisdiction where the premises is located;
    b. The initial request for a Special Entertainment Permit, Family Entertainment Permit or modification to a previously issued permit shall include;
        i. A fully completed Special Entertainment Permit Application;
        ii. Appropriate Fee;
        iii. Evidence that the security plan has been submitted to the Prince George's County Chief of Police;
        iv. If the establishment is located with a municipality, evidence that the security plan has been submitted to the Police Department for the municipality.
B. At a Public Hearing, the Board will consider the type of entertainment, the days and hours of the entertainment in determining whether to issue a Special Entertainment Permit or Family Entertainment Permit. The Board is authorized to prohibit, condition, or restrict the type of entertainment provided for on the licensed premises.
    a. The Board will review any comments on the security plan from the Prince George's County

Chief of Police or the designee of the Chief.

i. The Prince George's County Chief of Police is responsible for providing the Board with any Police Department comments on the security plan within 30 days of the Police Department's receipt of the plan from the applicant. If the Board does not receive comments from the Police Department within 30 days of the date in which the applicant submitted it to the Police Department, the Board may take notice that the Police Department did not have comments on the security plan.

ii. For each security plan in which the Police Department provides comments, a representative from the Office of the Chief of Police for Prince George's County will be requested to attend the public hearing and present the Prince George's Police Department's comments and position on the security plan and answer questions the applicant or the Board has regarding the comments of the Police Department. If a Police Department representative does not attend the hearing, the Board may assign meaning to Police Department comments based on evidence presented and notice taken at the hearing.

C. After issuance of the **Special Entertainment Permit**, the licensee is required to:

a. Always follow the security plan.

b. Assure that the establishment and the entertainment does not pose a threat to the peace and safety of the community.

c. Between the hours of 9:00 p.m. and 2:00 a.m. the next day, prohibit individuals under 21 years of age from being on the part of the premises where the entertainment is occurring (exception: employees and immediate family members of the permit holder) when the privileges of the Special Entertainment Permit are being exercised.

d. Individuals under 21 who are already on the part of the licensed premises where the entertainment is occurring (or will occur) should be informed prior to 9:00 p.m. (or the time that the entertainment begins) that they shall leave that part of the licensed premises by 9:00 p.m.

e. Once issued, a Special Entertainment Permit shall be valid until November 30th of the following license year unless otherwise specified or it is suspended or revoked by action of the Board.

f. Any change in entertainment must be approved by the Board pursuant to a hearing. When applying to change entertainment, the licensee shall also include evidence that an amended security plan has been submitted to the Prince George's County Chief of Police (and to the local police department if the licensed premises is in any municipality).

D. After issuance of the **Family Entertainment Permit**, the licensee is required to:

a. Always follow the security plan.

b. Assure that the establishment and the entertainment does not pose a threat to the peace and safety of the community.

c. Entertainment must end by 12 midnight.

d. Once issued, a Family Entertainment Permit shall be valid until November 30th of the following license year unless otherwise specified or it is suspended or revoked by action of the Board.
e. Any change in entertainment must be approved by the Board pursuant to a hearing. When applying to change entertainment, the licensee shall also include evidence that an amended security plan has been submitted to the Prince George's County Chief of Police (and to the local police department if the licensed premises is in any municipality).

E. Renewal Process:
   a. An annual renewal of the Special Entertainment Permit and Family Entertainment Permit shall include a Renewal Application to be filed between August 15th and September 15th to ensure that the licensee may continue to offer entertainment while the Board considers the application. Late applications may cause a suspension in entertainment between the time that the Special Entertainment Permit expires and the time the Board renders a decision on renewal.

F. Approval for either Entertainment Permit is not transferrable without a Public Hearing as outlines in Section A of this rule.

G. The Board may immediately suspend an Entertainment Permit if the Board determines pursuant to majority vote that the licensee failed to follow its security plan or deviated from the representations made to the Board regarding the provision of entertainment on the licensed premises. If the Board suspends the Special Entertainment Permit, it shall hold a hearing regarding the status of the Special Entertainment Permit within 30 days. The Board will determine at the hearing whether it shall fine the licensee, continue the suspension of the Special Entertainment Permit, revoke the Special Entertainment Permit, reinstate the Special Entertainment Permit, and/or take any other appropriate actions.
   a. If the Entertainment Permit is revoked by the Board, the establishment will not be eligible for a Special Entertainment for a period of not less than twelve months.
   b. The Board may immediately suspend the Entertainment Permit if the Board reasonably believes that the holder of the permit is not in compliance with county zoning, property standard or use and occupancy requirements.

H. A licensee may not deviate from the entertainment, days, times, and other conditions that it describes to the Board when obtaining an exemption. A material deviation without prior Board approval constitutes grounds for the Board to immediately suspend the permit.

I. If the establishment has an Entertainment Permit but is authorized by the Board to host on the licensed premises wedding or corporate receptions, reunions, anniversary celebrations, retirement or birthday parties, confirmation ceremonies, or other types of events that are family oriented and have entertainment, individuals under 21 years of age may remain on the part of the premises where the entertainment for the family oriented event is occurring between 9:00 p.m. and 2:00 a.m., pursuant to the Board's prior authorization. The licensee is responsible for notifying the Board monthly of its scheduled events. Notice should be provided at least 10 days before the event. Failure to provide adequate notice or otherwise comply with conditions imposed by the Board may result in suspension or revocation of the Special Entertainment Permit.

J. Licensed establishments that are specifically exempt by statute from having an Entertainment Permit are authorized to have entertainment without an Entertainment Permit. In addition, if entertainment is specifically provided to a licensed establishment by statute, an Entertainment Permit is not required for the entertainment that the statute authorizes.

K. This rule does not prohibit entertainment between 2:00 a.m. and 3:00 a.m. for licensed establishments that qualify to be open during that time on Saturday and Sunday mornings.
All licensed establishments that provide entertainment must be authorized to provide entertainment by Special Entertainment Permit, Family Entertainment Permit, or specific provisions of the Annotated Code of Maryland. Licensed establishments that do not have either a Permit, or a specific provision of the Annotated code of Maryland authorizing entertainment may not provide entertainment and are subject to fines and/or suspension or revocation of their alcoholic beverage license.

R.R. NO. 76 – DELIVERY OF ALCOHOLIC BEVERAGES

A licensee may only deliver alcoholic beverages off the licensed premises if the licensee has been awarded a valid Letter of Authorization from the Board of License Commissioners. A licensee who holds a license with an off sale privilege wishing to deliver alcoholic beverages off the licensed premises must complete a Delivery of Alcoholic Beverage Request Form and receive an annual Letter of Authorization from the Board prior to making deliveries. A hearing is required before an initial Letter of Authorization may be granted and an advertising fee of $250.00 must accompany the application. Letters of Authorization must be renewed annually and are subject to a public hearing at the Board's discretion. Once permission is granted, the following criteria will apply to all such delivery operations:

1. Delivery of alcoholic beverages must take place in Prince George's County, to a person inside a fixed address and cannot be made to a licensed premises.
2. Delivery may be made only by employees of the licensee. All employees must be at least 18 years of age. Contract delivery services are not permitted.
3. All persons making deliveries should have a current certification in an approved State of Maryland alcohol awareness program.
4. Deliveries may be made only during hours authorized for the sale of alcoholic beverages allowed by the license.
5. The delivery of alcoholic beverages may be made only to the person placing the order; or, if the name and age of the person placing the order is established through verification of proper identification at the licensed establishment at the time of the order, the person placing the order may designate an agent for delivery who is legally allowed to accept delivery.
6. At the time of the order, the licensee must obtain the name and home address of the customer, the address where the delivery is to be made, and a phone number to contact the customer. The licensee must also ask the customer whether he/she is 21 years of age or older, and inform the customer that

the ordering person must take delivery unless the ordering person properly designates an agent for delivery pursuant to this paragraph. If the customer presents proper identification to the licensee at the time the order is placed so that the licensee may confirm the customer's name and age, the customer may designate an agent for delivery in accordance with these Rules and Regulations. If the customer designates an agent for acceptance, the licensee must ask the customer to specify the name and age of majority status of the designated agent. The licensee shall inform the customer at the time the order is placed that an acceptable form of identification must be shown at the time of the delivery for all orders.

7. At the time of delivery, the person making the delivery, must complete a delivery form and:
   A. Confirm the name of the person accepting delivery, and
   B. Establish that the person accepting delivery is 21 years of age or older, and
   C. Record the type of identification used to establish the name and age of the person accepting delivery, and
   D. Record name of the accepting person and the time and date of delivery, and
   E. Obtain the signature of the person accepting delivery.
8. The licensee is required to maintain accurate records of sales made by delivery of alcoholic beverages off the licensed premises. The licensee is required to maintain all delivery records for a period of 18 months from the date of sale. During the monthly inspection of the licensed premises, the licensee shall make delivery records available to the inspector for verification. The licensee shall make the records available to the Board, upon request. Records may be maintained on paper or in an electronic format acceptable to the Board.
9. The Delivery of Alcoholic Beverages approval is an annual process. Letters of Authorization will expire at the end of the license year. An application for renewal shall be due at the time that an application for license renewal is due. In order to renew a Letter of Authorization, the licensee must provide the Board with the number of deliveries made in the prior 12 months upon submission of the renewal application. Requests to renew Letters of Authorization are subject to hearings at the Board's discretion. If a Letter of Authorization expires, the licensee may be required to go through the process required to obtain an initial Letter of Authorization.
10. The Board can suspend a Letter of Authorization for up to 60 days by a majority vote of the Board upon notice to the licensee of the Board's action. The Board can schedule a hearing at any time for the purpose of revoking a Letter of Authorization.
11. The licensee shall be responsible for notifying the Board immediately when the licensee receives requests from a single address or person for multiple deliveries on the same day. The licensee shall refuse to fulfill an order when information gathered at the time that the order is placed or delivery is attempted indicates that cancellation is warranted. The licensee shall inform the Board of the name and address for which the multiple deliveries were requested. The licensee shall also provide the Board with any contact information that it has available regarding the requestor.

12. The licensee must immediately report to the Board any act of violence, larceny, or other type of mischief, crime or potential criminal behavior committed against a person making a delivery for the licensee. The licensee must also keep a record of all such incidents and provide the Board a record for all incidents that have occurred involving the licensee's delivery persons when the licensee submits an application to renew the Letter of Authorization.
13. The person delivering the alcoholic beverages must observe the conditions surrounding a delivery and refuse to make a delivery if such refusal may potentially prevent unlawful, irresponsible or otherwise destructive activities such as consumption of alcohol by minors or overconsumption of alcohol by individuals of legal drinking age.
14. Delivery of alcoholic beverages may not be made to any premises commonly referred to as a "bottle club" or any other unlicensed premises where alcoholic beverages are unlawfully sold or consumed on the premises as part of a commercial enterprise.
15. Orders taken by licensees and deliveries made or attempted to be made will be subject to compliance checks by the Board.

R.R. NO. 77 – CONSUMING OF WINE NOT PURCHASED ON THE LICENSED PREMISES (CORKAGE)

Section 4-1101 of the Alcoholic Beverages Article of the Annotated Code of Maryland allows the Board of License Commissioners to issue authorization for a Class B and Class C license holder to permit patrons to consume wine at the licensed premises that is not purchased at the establishment and further to impose a corkage fee. In order to obtain this privilege, an establishment must file the appropriate form with the Board and receive a letter of approval.

The licensee is responsible to assure that:

1. The patrons possessing and consuming alcoholic beverages are at least 21 years of age.
2. The wine is consumed with a meal during permitted hours of operation.
3. The wine is not available on the menu of the licensed premises.
4. The licensee properly disposes of the wine or re-corks it and thereafter enables the patron to remove the wine from the premises.
5. The licensee remains responsible for the consumption of alcoholic beverages on their premises and will be subject to fines and/or suspension or revocation of the alcoholic beverage license for a violation of the Rules and Regulations of the Board.
6. The corkage permit will be subject to compliance checks by the Board.

R.R. NO. 78 – USE OF PROMOTERS NOT PERMITTED:

The use of promoters or promotion companies is strictly prohibited. The licensee is responsible for the management of the business at all times. The licensee, their agent or manager (if an approved management agreement is on file with the Board) is responsible for the operation of the licensed premises to include any entertainment provided. At no time should the operation be relinquished to a promoter or promotion company.

The use of advertisements by promoters or promotion companies can be used as evidence before the Board that the licensee has relinquished control of the licensed premises.

Establishments found in violation of this Rule and Regulation are subject to a fine and/or suspension and/or revocation of the alcoholic beverage license.

Licenses issued under Section 26-1003, 26-1008, 26-1009, 26-1009.2, 26-1016 and 26-1201, of the Alcoholic Beverages Article of the Annotated Code of Maryland may be exempted from some of the provisions of this Rule and Regulation.

R.R. NO. 79 – NUDITY AND SEXUAL DISPLAYS PROHIBITED:

1. Pursuant to Section 4-605 of the Alcoholic Beverages Article of the Annotated Code of Maryland, any violation of this section is cause at the Board's discretion for revocation of the alcoholic beverage license.

    a. A licensee, a licensee's agent and employee must not permit or allow the licensed premises to be used for any sexual activity.
    b. A licensee, a licensee's agent or employee must not permit or allow any employee, patron, or other person present in the licensed premises to solicit any person for the purposes of prostitution, lewdness, or other sexual acts.
    c. A licensee, a licensee's agent or employee must not permit or allow any person to appear in any act or other performance who is nude or attired in any clothing exposing any portion of the pubic hair, anus, vulva or genitals.
    d. A licensee, a licensee's agent or employee must not permit or allow the premises to be used for the conduct, exhibition, or performance of any sexual act, simulation or depiction thereof.
    e. A licensee, a licensee's agent or employee must not permit any patron of the licensed establishment to place any money or gratuity on or in the costume or clothing of such an entertainer.
    f. A licensee, a licensee's agent or employee must not permit any patron within six feet of any entertainer whose breasts or buttocks are exposed.
    g. A person may not exhibit or show any motion picture film, still picture, electronic reproduction or other visual reproduction depicting sexual acts.

2. Attire and Conduct of Employees
    a. A licensee must not employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises who is nude or is wearing any clothing exposing to view any portion of the pubic hair, anus, buttocks, or genitals or the female breast below the top of the areola.
    b. A licensee must not employ or use any person to act as a hostess, host or who acts in a similar type capacity to mingle with the patrons while the hostess, host acting in a similar-type capacity is unclothed or in attire, costume or clothing exposing to view any portion of the pubic hair, anus, buttocks, or genitals or the female breast below the top of the areola;
    c. A licensee or its employees or agents must not encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person; and
    d. A licensee or its employees or agents must not permit any employee or person to wear or use any device or covering exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion of it.
3. Other Restrictions:
    a. A licensee may not provide any entertainment that is prohibited by law, ordinance, rule or regulation.
    b. A licensee may not permit any person to remain in or upon the licensed premises with any portion of his/her genitals or anus exposed to public view.

R.R. NO. 80 – REFILLABLE CONTAINERS PERMIT (GROWLER):

This rule establishes a Refillable Containers Permit (Growlers). This permit authorizes the holder to provide for the sale of draft beer in an approved refillable container to be consumed off the licensed premises. In order to apply for a Refillable Container Permit, a licensee shall file an application with the Board of License Commissioners.

Licensed premises holding an off sale privilege may, at the discretion of the Board, be issued a license administratively upon payment of the Growler Permit Fee. Licensed premises without an off sale privilege are subject to a public hearing. An applicant shall file the application with the advertisement fee. Upon receipt of the application the Board will schedule a Public Hearing.

Applications filed by licensed premises with an off sale privilege may be scheduled for a public hearing at the discretion of the Board.

The annual fee for the permit is $500. The application for the refillable container permit will be accepted annually with the renewal of the alcoholic beverage license.

Draft beer shall be offered for sale in an approved container of not less than 32 ounces and not more than 128 ounces.

The container shall:

a. Be re-sealable;
b. Include an identifying mark of the seller on the container;
c. Contain the Federal Health Warning statement required for alcoholic beverages;
   GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects.
   (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.
d. Display instruction for cleaning the container; indicating that the purchaser is responsible to clean the container;
e. Note that the contents are perishable; should be refrigerated and consumed within 48 hours of purchase

The hours of sale shall begin at the same time as the hours permitted by the current alcoholic beverage license with sales ending no later than midnight.

R.R. 81 - SPECIAL SUNDAY OFF-SALES PERMIT

1. There is a Special Sunday Off-Sale Permit which may be issued to the holder of a Class A, Beer, Wine, Liquor license or the holder of a Class B, Beer, Wine, Liquor license with an off sale privilege under the Alcoholic Beverages Article of the Annotated Code of Maryland, Section 26-903. The permit authorizes the holder to sell alcoholic beverages, for consumption off the licensed premises only, on Sunday between the hours of 8:00 a.m. to 12:00 midnight. If the permit is issued to the holder of a Class B, Beer, Wine, Liquor license with an off sale privilege under Section 26-903, the holder is no longer required to comply with any restaurant or food requirements. The number of permits authorized to be issued by the Board is limited.
2. The application fee for this permit is $750, which shall be filed with the application.
3. Applications may be submitted to the Board between July 1st and July 31st of each year as long as there are permits available. No new applications may be made other than during the period between July 1 and July 31 of the then current year.
4. The Board will hold a hearing to determine if a permit is to be issued. The applicant shall have the burden of demonstrating that the issuance of the permit meets all the standards necessary as in the case of an original license.
5. The applicant for a permit must commit, at the hearing, to reinvesting a minimum of $50,000 in the business within one year after the permit is issued. The Board may waive this requirement. If the Board has not waived the reinvestment requirement, the licensee must submit to the Board proof of the reinvestment with an application for renewal of the permit. The Board, if deemed necessary, may require an audit by a certified public accountant. If the Board determines that the minimum investment has not been made it shall revoke the permit. The Board may require a hearing prior to renewal of the permit.
6. The Board is required to delay the issuance of a permit to an applicant who has been found to be in violation of the restriction of selling liquor on Sunday as provided for in the Alcoholic Beverages Article of the Annotated Code of Maryland.
7. The permit shall be for the same license year as the underlying license. The permit holder shall submit a renewal application with the application for renewal of the license. The deadline for submission of the permit renewal is the same as the deadline for submission of the application for renewal of the license.
8. The annual fees for this permit are as follows:
    a. The annual permit fee for the Special Sunday Off Sale Permit is:
        1. $2,590 for the holder of a Class A, Beer, Wine, Liquor license and
        2. $1,080 for the holder of a Class B, Beer, Wine, Liquor license with an off sale privilege.
    b. These annual fees are in addition to the annual fee for the underlying license.
9. The permit is issued to the license holder for the benefit of the premises. The location of the permit cannot be transferred.

10. The holder of a license for a premises for which a Special Off Sale Permit has been issued may transfer the location of the license as permitted by law but the Special Sunday Sales Permit may not be transferred to another location. If the license is transferred to another location, the Special Sunday Off Sale Permit will be returned to the Board to be reissued according to the Board's procedures.
11. The holder of a license with the benefit of a Special Sunday Off Sale Permit maintains the duties and obligations of continuing the permit.

R.R. 82 – ENTERTAINMENT FACILITY AND CONCESSIONAIRE LICENSES

Under the provisions of Section 26-1009.1 of the Alcoholic Beverage Article of the Annotated Code of Maryland, the Board is authorized to issue an Entertainment Facility and Concessionaire Licenses.

1. Entertainment Facility License (Class B(EF) Beer, Wine and Liquor)
    a. The license shall be issued to an entertainment facility that holds a license under Title 9, Subtitle 1A of the State Government Article of the Annotated Code of Maryland.
    b. The license shall be known as a Class B (EF) Beer, Wine and Liquor License.
    c. Beer, Wine and Liquor may be sold by the glass or bottle from the various outlets within the facility.
    d. Beer, Wine and Liquor is permitted to be taken or consumed throughout the facility and the hotel.
    e. The hours permitted under this license shall be the same as those permitted in Section 9-1A-23 of the State Government Article.
    f. The license is exempt from Section 26-1103 of the Alcoholic Beverage Article of the Annotated Code of Maryland and Rule 75.
    g. Utilization of the shared storage and inventory with the concessionaire licenses is permitted.

2. Entertainment Concessionaire Licenses (Class B(EC) Beer, Wine and Liquor)
    a. The license shall be issued to a concessionaire within an entertainment facility that holds a license under Title 9, Subtitle 1A of the State Government Article of the Annotated Code of Maryland.
    b. The licensee shall be known as a Class B(EC) Beer, Wine and Liquor License
    c. Beer, Wine and Liquor may be sold by the glass or bottle from a concessionaire in conjunction with the facility.
    d. Beer, Wine and Liquor is permitted to be taken or consumed throughout the facility and the hotel.
    e. The hours permitted under this license shall be the same as those permitted in Section 9-1A-23 of the State Government Article.
    f. The license is exempt from Section 26-1103 of the Alcoholic Beverage Article of the Annotated Code of Maryland and Rule 75.
    g. Utilization of the shared storage and inventory with the entertainment facility and the concessionaire licenses is permitted.

R.R. No. 83 – ALCOHOL AWARENESS

1. Pursuant to Section 4-505 of the Alcoholic Beverage Article of the Annotated Code of Maryland, the licensee(s) of, or a person employed at, a licensed premises must be alcohol awareness certified.
2. At the Board's discretion, any person found to be in violation of these rules is subject to attend a mandatory alcohol awareness training session held at the Board's Office.

R.R. No. 84 – NON-REFILLABLE CONTAINER PERMIT – DRAFT BEER

The Board is authorized to issue a non-refillable container permit to Class B, Beer, Wine and Liquor License holders with off sale privileges.

An application for the Non-Refillable Container Permit can be obtained from the Board's Office. Upon receipt of the application the Board may issue the permit.

The fee for the permit is $500 annually. This fee is waived for a licensed establishment that also holds a permit under the requirements of R.R. 80, Refillable Container Permit.

The hours allowed under this permit begin at the same time as the underlying license and must end at midnight.

R.R. NO. 85 – DISTILLERY ON-PREMISES PERMIT:

In accordance with the provisions of Section 2-202 of the Alcoholic Beverage Article of the Annotated Code of Maryland, the Board of License Commissioners may issue an on-premises Distillery Permit to the holder of a Class 1 Distillery License.

The permit authorizes the holder to sell mixed drinks made from liquor that the holder produces, that is mixed with other nonalcoholic ingredients for on-premises consumption.

A distillery permit may be issued only after the appropriate application has been filed and approved by the Board of License Commissioners in a Public Hearing. This is an annual permit subject to the renewal. The renewal application shall be filed on or before April 1st with the permit expiring on May 31st.

The annual license fee is $500.

The hours of operation for a permit are the same as permitted by the Class 1 Distillery License.

The age and sobriety of any patrons must be in accordance with the provisions of the Alcoholic Beverages Article of the Annotated Code of Maryland and the local Rules and Regulations.

Any alleged violation that occur with this permit, 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 may result in the permit being be revoked and/or suspended or a fine may be imposed.

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 percent or more of alcohol by volume, which is fit for beverage purposes.
B. **"Beer"** means any brewed alcoholic beverage and includes beer, ale, porter; stout or hard cider derived primarily from apples, apple concentrate and water, pears or pear concentrate and water that is less than 8.5% by volume.
C. **"Light Wine"** means any naturally fermented wine containing less that 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.
I. **"Retail dealer"** means a person who deals in or sells any alcoholic beverage to any person other than a license holder.
J. **"License holder"** or **"licensee"** means the holder of any license or permit under the provisions of the Alcoholic Beverages Article of the Annotated Code of Maryland 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 premises"** 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. Miles and unanimous by Mr. Bowman, Ms. Kelsey and Mr. Graham ordered that these Rules governing the Hearing process numbering R1 through R8 and Rules and Regulations numbering R.R. No. 1 through R.R. No. 84 be approved this 27th day of February 2018 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

DAPHNE TURPIN FORBES, CHAIRWOMAN

ARMANDO CAMACHO, VICE CHAIRMAN

KENNETH J. MILES, COMMISSIONER

TAMMIE NORMAN, COMMISSIONER

TAMMY D. SPARKMAN, COMMISSIONER