

Frederick County Liquor Board
Rules of Procedure
Approved: August 8, 2022, Revised: December 4, 2023

Section 1 – General Provisions

1. Definitions.

Liquor Board: The Board of License Commissioners for Frederick County.

2. Robert's Rule of Order. In all matters not provided in these rules, the applicable rules in the current addition in Roberts Rules of Order Newly Revised governed.

Section 1- Officers of the Board

- 1. Election of Chair.** The Board shall meet annually in July to elect a Chair.
- 2. Duties of Chair.** The Chair shall preside at all meetings and hearings of the Board. If the Chair is absent, the Board member having served the most years of his or her current term shall serve as the presiding officer. The presiding officer shall decide on all points of order and procedure, subject to these rules, unless otherwise directed by the majority of the Board members present.

Section 2 - Public Meetings

- 1. Meetings.** The Board shall meet each month unless amended by the Board. There is the option for additional meetings, as needed, they may be scheduled with the agreement of the majority of the Board.
- 2. Attendance.** If any applicant or license holder fails to appear, the Board may proceed to dispose of the matter on the record before it or may continue the item to a specific date.

Witnesses are expected to appear in person (to include audio and visual appearance if a meeting is held virtually). However, at the Board's discretion, witnesses may be permitted to appear and testify telephonically.

- 3. Quorum.** A quorum consists of two (2) Board Members. If a quorum is not present, then the Board may not convene.
- 4. Cancellations.** Scheduled meetings of the Board may be canceled by the Chair or by the affirmative vote of a majority of the Board members. The Chair may cancel a meeting due to inclement weather or other emergency. If Frederick County Government is closed or has a delayed opening, the hearing will be postponed and rescheduled. If a meeting cannot be held at its appointed time, a notice will be posted on the Liquor Board's website.
- 5. Agenda.** The order of business shall be in accordance with the agenda prepared by the Board staff in consultation with the Chair or presiding officer. The order of agenda may be amended at the meeting by affirmative vote of the majority of the Board members present.
- 6. Open Meetings Act.** Meetings shall be held in accordance with the requirements of the Maryland Open Meetings Act and shall be open to the public except when permitted to be closed by the Act.

7. **The Record.** The Board staff shall keep a true and accurate record of Liquor Board Meetings. A recording may be accepted as the official record until minutes are prepared and adopted by the Board. As soon as practicable, the minutes shall be prepared and distributed to the members for consideration and adoption. The adopted minutes will be posted on the website.
8. **Oath.** The Board Director or other member of the Board or staff shall administer the following oath to all interested parties testifying in any matter coming before the Board: *"Under the penalties of perjury, do you solemnly promise and declare that the testimony you are about to give in this hearing before the Board of License Commissioners shall be the truth, the whole truth and nothing but the truth?" If so, answer "I do."*

The oath may be administered en masse at the outset of each case to all prospective witnesses intending to testify for that case. Before giving testimony, each person shall state their name and whether they have been sworn. The presiding officer will have the oath administered individually to any witness who has not been sworn before that witness gives testimony. Any person refusing to be sworn will not be permitted to testify.

Section 3 – Non-Violation Hearings

1. **The Staff Report.** The Director or staff designee shall present a Staff Report and reviewing agency comments, followed by questions from the Board Members along with an opportunity for cross-examination by interested parties. Board Member inquiries and cross-examination shall occur after the staff presentation.
2. **Applicant Presentation.** The Applicant shall be given 15 minutes to make their presentation to the Board, followed by questions from the Board Members along with an opportunity for cross-examination by interested parties. Board Member inquiries and cross-examination shall occur at the conclusion of the Applicant's presentation.
3. **Public Comment.** Interested persons shall have an opportunity to provide comment to the Board. Public comment shall be three (3) minutes per speaker and ten (10) minutes for recognized organizations. The recognized organization will appoint (1) one speaker to represent and speak for the group. Board Members will be given an opportunity to ask questions of each speaker, and each speaker will be subject to cross-examination.

Lengthy written comments should be submitted to the Board Director by hand delivery, overnight service, mail, fax, or electronic mail to be received no later than 4:00pm on the Wednesday prior to the Monday hearing to ensure they are available to and considered by the Board and included in the record. Failure to submit written comments in accordance with this rule may result in comments being excluded from consideration by the Board.

4. **Applicant's Rebuttal.** The Applicant shall have five (5) minutes for rebuttal after all public comments have been received and Board Member questions answered. Staff may also provide rebuttal, as necessary.
5. **Board Discussion.** At the conclusion of the Applicant's rebuttal, Board discussion will follow. Board Members may request additional information to be submitted into the record and made available to all interested parties, or the Board may vote to close the record.

6. **Additional Information.** The Board may require of the Applicant any additional information or material in the forms of sketches, maps, reports, or other documentation in order to reach a decision and may continue a case to a specific date and time in order to receive the required information. If the Board decides to keep the record open for additional information, the Licensee or Applicant and the public will have a chance to respond to the additional information at the hearing in which it is considered by the Board.
7. **Board Decision.** After the record is closed, the Board may decide the matter – and provide direction to Staff to prepare the appropriate documentation to reflect the Board’s decision. The Board shall consider the Record, make Findings of fact and Conclusions of law, and issue a decision and order.
8. **Cross-examination.** Any person desiring to cross-examine any witness shall first address the Chair and be recognized.
 - a. Upon initial recognition by the Chair, the person shall give the following information before questioning the witness:
 - Interested person’s name.
 - Interested person’s address and its approximate location with reference to the premises licensed or to be licensed.
 - b. Questions shall be brief, shall pertain only to statements made by the witness and shall be interrogatory in nature and not argumentative.
 - c. Questions shall not be preceded by statements.
 - d. The scope of cross-examination may be limited by the Chair or presiding officer so as to limit cumulative, repetitive, or irrelevant questions.
9. **Additional Time.** Upon request, additional time for testimony may be granted by the Chair or presiding officer.

Section 4 - Violation Hearing

1. **The Staff Presentation.**
 - Director will read the charges and ask for the plea.
 - Director will introduce any reports and official documents.
 - If the License holder enters a guilty plea, then the Director will proceed to the Findings of Fact.
 - Direct examination of each witness by the Director.
 - Cross-examination of each witness by the License holder (or License holder’s attorney).
 - Examination of each witness by members of the Board, upon recognition of the Chair.
2. **The License holder’s presentation.**
 - Direct examination of each witness by the License holder (or License holder’s attorney).
 - Cross-examination of each witness by the Director.
 - Examination of each witness by members of the Board, upon recognition of the Chair
3. **Rebuttal by Director.** The Director may present evidence to rebut any evidence introduced by the License holder, but no new evidence may be introduced at this time.
4. **Surrebuttal by License holder.** The License holder may present evidence to rebut any evidence introduced by the Director, but no new evidence may be introduced at this time.
5. **Summation by Director.**

6. **Summation by License holder.**
7. **Findings of fact and Conclusions of law.** The Board shall deliberate, make findings of fact, and determine whether a violation has occurred. The Board may recess the case to receive additional evidence at a later time prior to deliberation and rendering decision.
8. **Penalty.** If the Board determines a violation has occurred, then the Board shall hear from both parties as to an appropriate disposition and impose a penalty that it deems appropriate.

Section 5 - Voting

1. A Member shall not vote on a matter in which they have a conflict of interest.
2. Items put to a vote are decided by a majority of the members present. The Chair may make motions and vote on all items.
3. All motions shall be presented in the affirmative. A motion fails if it does not receive a second or if the vote results in a tie.
4. Members' votes shall be recorded on each motion.
5. In matters that do not require a Public Meeting, the Board is permitted to vote via e-mail or telephone poll. Should any member request that the matter be discussed by the Board at a public meeting, that matter shall be scheduled for the next available meeting date. All Board decisions must be based on the record.

Section 6- Procedure in bringing matters before the Board

1. The agenda shall be prepared by the Board staff in consultation with the Chair. A majority of the Board may request an item be added to the agenda.

Section 7 - Conduct of Board Members

1. Only the Chair of the Board has the authority to represent the Board in speaking on behalf of the Board, unless otherwise authorized by vote of the Board.
2. No Board member shall publicly comment on the merits of a matter before the Board, or a matter that can reasonably be expected to appear before the Board, prior to public release of the decision.
3. Closed or Administrative function matters shall stay confidential.
4. The Liquor Board recognizes that impartiality and fair-mindedness is critical to the decision-making and integrity of the Board. The Board must remain neutral since even the appearance of bias threatens the integrity of the Board and compromises its effectiveness. Therefore, members of the Board shall not use the Board for political purposes, either to benefit themselves or another.
5. Liquor Board Members shall not have any ex parte contacts with the parties. If there is an attempt to make an ex parte contact, the Board member should disclose this on the record during the proceeding.

6. Sanctions for violations of the above include:
 - private reprimand, or
 - public reprimand, or
 - request by the Board for the removal of a Board Member by the Governor
7. Board Members, Inspectors and staff shall not accept gifts from Licensees or Applicants
8. Any Board Member that cannot attend a scheduled hearing will notify the Director of the Liquor Board of the absence as soon as possible. This will allow ample time for any agenda or schedule adjustments to occur.

Section 8- Board - Staff Relationships

1. The Board staff is the primary contact for all general communications between Members and the public unless there is an issue raised against the Board staff. In those cases, contact is directly with the Board Chair.
2. Matters of policy and important changes in the administration of the Board's affairs are developed by the Board staff and legal staff on behalf of the Board with consultation of the Board Chair and presented for resolution at regular meetings.

Section 9 - Adoption of Policies

From time to time the Liquor Board may adopt policies related to the Board's operations.

Section 10 - Amendments

Amendments to these Rules of Procedures may be introduced at any meeting of the Board and voted on at any subsequent regular meeting. Amendments shall go into effect immediately following the vote.

Section 11 - Suspension of Rules

Upon finding a good cause, any provision of these Rules not governed by State or Local law or regulations may be temporarily suspended by an affirmative vote of a majority of the Board members present. The vote of any such suspension shall be taken and entered into the record.

Appendix

(Reserved)

Adopted: 8/8/2022 Liquor Board Chair: Joan Aquilino Date: 8/8/2022

Revision Adopted: 12/4/2023