

Advisory Rules Committee Meeting Notes

Meeting Date and Time: September 16, 2015 – 10:00 AM – 12:00 PM

Meeting Location: BLLC Offices – 231 E. Baltimore Street, Suite 600

Meeting Attendance Record:

Advisory committee members and staff present:

- *Stanley Fine, Attorney, Chair, Rosenberg, Martin, and Greenberg, LLP*
- *Melvin J. Kodenski Attorney, Law Offices of Melvin J. Kodenski*
- *Minda Goldberg, Attorney, Office of the City Solicitor of Baltimore City*
- *Abraham Hurdle, Attorney, Law Offices of Abraham Hurdle*
- *Tom Yeager, Downtown Partnership*
- *Peter Kimos, owner, Peter's Pourhouse*
- *Michelle Wirzberger, Midtown Community benefits District*
- *Victoria Schassler, licensee*
- *Steve Johnson, Mount Vernon Belvedere Association*
- *Thomas R. Akras, Deputy Executive Secretary, BLLC*
- *Michelle Bailey-Hedgepeth, Executive Secretary, BLLC*

Members of the public present:

- *Rebecca Witt, Community Law Center*
-

Excused committee members (not present):

- *Theo Harris, Greektown CDC*
- *John Pica, Attorney, Royston, Mueller, McLean & Reid, LLP*
- *Richard Parker, President, Citizens of Pigtown*

1. Preliminary Matters

- a. Michelle Bailey-Hedgepeth (MBH) suggested that the number 10 should be placed next to the word “ten” in Rule 2.04(b)(i). All agreed.
- b. Minda Goldberg, then raised an issue as to the elimination of Rule 2.01(a) entitled “Sole Owners.” After discussing the matter, Minda pointed to Art. 2B 10-103(b)(4) as requiring sole applicants to have resided in Baltimore City for two(2) years prior to the application. The Committee agreed that the new title should read “sole applicants.”
- c. Rebecca Witt, then requested to return to the discussion about the Substitute Application process. The Committee discussed the reasons behind having a substitute application process, in particular cases in which less than a 50% ownership interest change. It was agreed by the committee that the proposed language concerning substitute applications would remain unchanged.
- d. Peter Kimos raised issues regarding the factors that the Board should address when assessing the character of a new licensee, but a bad business. The committee discussed the Board’s powers under Art. 2B at length to address Mr. Kimos’ concerns. Mr. Kimos also raised issue with the limit of one BD7 license per individual. It was suggested that this idea could be included in recommendations submitted to the Board for a legislative package later this year.

2. Review of Chapter 2

a. Rule 2.05 - Transfers

- i. Stanley Fine recommended to change the language in Section(a) to reflect that it occurs when “more than 50%” of the ownership interest changes in a corporation. The committee agreed with Mr. Fine’s recommendation and the change was made.
- ii. Stanley Fine noted that the time period to obtain approvals was 180 and not 90 days after Board approval. The change was noted and made by BLLC staff in the rules.

- b. Rule 2.06 – Notice and Hearings**
 - i. Stanley Fine and MBH requested that the word “Substitute” be replaced with “Amendment” in the title of Rule 2.06(a) and 2.06(a)(5). The committee agreed and the changes were made.
 - ii. The Committee recommended that the exact language from Art. 2B §10-202(b)(1)(ii) be incorporated into the Rules to inform licensees about the posting requirements. BLLC staff added such information in the newly created Section 6 of the Rule.
 - iii. After a review of Section (b) the committee discovered numerous typos and a few numbering issues BLLC Staff was instructed to correct them. They have been corrected. Sections (9) and (11) were reworded to provide clarity.
- c. Rule 2.07 Protests**
 - i. The Committee decided to change the name of the section as the “protests” contained in this section only deal with the Issuance or Transfer of a license. After much discussion, BLLC staff was instructed to rewrite the entire section. In addition, the Committee decided to change the name to “Protests against Issuance or Transfer of a License.”
- d. Rule 2.08 – Number and Types of Licenses**
 - i. The Committee decided to eliminate this section as it was replaced by an appendix which indicates the types of licenses, costs, and associated privileges.
 - 1. This effected the numbering of all the other sections which were renumbered.
- e. Rule 2.10 – Zoning**
 - i. The Committee believed that Section(a) lacked clarity and needed to be rewritten. The committee wanted to remove reference to the BMZA and put the onus on the applicant to provide the necessary Zoning information in the application itself.
 - ii. Section (b) was revised to indicate that no license should be issued in violation of Zoning Code.
 - iii. Section (c) was deleted as it was determined by the Committee to be redundant.
- f. Rule 2.11 – Appeals**
 - i. Abraham Hurdle discussed an issue with licensees paying the fee to obtain a copy of the transcript on appeal, but not having that transcript delivered to the Circuit Court in a timely fashion. The Committee determined that language should be added to detail the process that the Board shall follow in maintaining and delivering transcripts.
- g. Rule 2.12 – Inspections**
 - i. The Committee requested that “on official business” be added to the request to perform an official inspection. This language mirrors the language in Rule 3.02 cooperation.
- 3. Review of Chapter 3**
 - a. Rule 3.02 – Cooperation**
 - i. Section (a) Michelle Wirzberger suggested that additional language addressing licensee’s and their employees be added to ensure that all representatives of a licensee cooperate with municipal and state agencies.
 - b. Rule 3.03 – Records**
 - i. Sections (a)-(c) – The Committee suggested that similar language that was drafted in the Rule 2.12 Inspections be added to the all three subsections for consistency.
- 4. Public Comments**
 - a. There were no public comments.