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**BOARD OF LIQUOR LICENSE COMMISSIONERS RESCINDS ADMINISTRATIVE DECISION
#7 AND ADDRESSES COMMUNITY CONCERNS OVER WRITTEN DOCUMENTATION ISSUE**

On July 1, 2016, the Board of Liquor License Commissioners for Baltimore City issued Administrative Decision #7 to enhance the transparency and fairness of its decision making authority. Because the Administrative Decision was issued without further explanation, it caused unnecessary concern and some confusion among those potentially affected. Consequently, the Board has decided to rescind the Administrative Decision and rework it with greater clarity. In the meantime, we are issuing this statement to provide guidance as to our process and our goals.

In *Valentine v. Board of License Comm'rs*, 291 Md. 523, 535-36 (1980), the Maryland Court of Appeals held that liquor boards are not state agencies within the context of the Maryland Administrative Procedure Act and they are not subject to the State Documents Law with respect to their promulgation of rules and regulations. Since 1980, the BLLC has issued rules and regulations in accordance with Ann. Code of Md., Art. 2B, §16-301 and, more recently, the Alcoholic Beverages Act of 2014. The Board has also governed its procedures through the issuance of Administrative Decisions from time to time.

Recognizing that the proceedings of the BLLC are not controlled by the Md. APA, the Board must, nonetheless, establish reasonable and fair standards for the introduction of evidence and for the creation of the official record upon which its decisions will be based in contested matters. It was in this vein – to preserve the public record – that Administrative Decision #7 was established. The intent of Administrative Decision was to prevent off the record communications with Commissioners about pending matters before the Board.

Such communications – whether they are through a citizen, elected official, licensee, or their respective representatives – which are presented directly to an individual Commissioner will be construed as ex-parte communications. These communications place the Board at risk of violating Maryland's Open Meetings Act. In an attempt to safeguard Board decisions, we authorized the issuance of the Administrative Decision.

Let me be clear: the purpose of Administrative Decision #7 was not to limit members of the public from submitting documentary evidence to the Board for consideration in matters before it. As per the BLLC Rule 2.07(a), the Board will accept written documentation from parties, which may be

considered, if relevant and credible, by the Board in its decision making. In addition, the Administrative Decision was never intended to limit members of the public from communicating with BLLC agency staff.

Given the legitimate concerns expressed by the public over its issuance, we are rescinding Administrative Decision #7. With its rescission, however, the question on how to address ex-parte communications from individuals to members of the Board remains unanswered. Off the record communications with the Commissioners about any matter before the Board are discouraged and cannot be a part of its consideration in any case. This is an issue which the Board will revisit in the near future. The establishment of reasonable and fair standards to govern Board proceedings is essential to guaranteeing the rights of all participating parties.