

# Board of Liquor License Commissioners for Baltimore City: Protest of Renewal Packet – Informational Packet 2021

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# Outline of Protest of Renewal Packet

- Applicable Law – Protests of Renewal
- Board Based Protests of Renewal
- Community Based Protests of Renewal
- 2-Step Hearing Process
- Researching Licensed Establishments
- Reminder and Contract Information
- Questions, Comments, etc.

# Applicable Law –Protests of Renewal

- **Alc. Bev. Art. 4-406 – Protests**
  - **(a) Authorized.** -- A protest against a license renewal may be made by:
    - **(1)** at least 10 signatories who are:
      - **(i)** residents, commercial tenants who are not holders of or applicants for a license, or real estate owners; and
      - **(ii)** located in the immediate vicinity of the licensed premises; or
    - **(2)** the local licensing board on its own initiative.
  - **(b) Hearing required.** --
    - **(1)** If a protest against renewing a license is filed at least 30 days before the license expires, the local licensing board may not approve the renewal without holding a hearing.
    - **(2)** The local licensing board shall hear and determine the protest in the same manner as it hears and determines an original application.
- **Alc. Bev. Art. 12-1805 – Limitations on Protests – Baltimore City Specific**
  - To hear and determine a protest filed against a license renewal, the Board:
    - **(1)** shall consider only issues with respect to a specific complaint as to the operation of the licensed premises; and **(2)** may not consider zoning issues.
- **Alc. Bev. Art. 12–1804.1 –**
  - When determining whether a license should be renewed and, if so, whether any conditions should be attached, the Board may consider the performance of the license holder for the 4-year period immediately before the date of the renewal application.

# Board Based Protests: 3 Strikes

- **Board Initiated Protests**
  - Starting in 2018, the Board used its authority under Alc. Bev. Art. 4-406(a)(2) to initiate Protests of Renewal against licensed establishments that appeared before the Board on 3 separate occasions during the license year with at least 1 violation in each appearance.
- **Protest of Renewal for 2019**
  - Using this authority the Board brought filed Protest of Renewal actions against the following licensees in 2019:
    - Club 2300, 2300 W. Baltimore St.
    - El Rincon Toncoleno, 422-26 S. Macon St.
    - Frederick Station Saloon, 4019 Frederick Ave.
- **Hearings and Results**
  - On 4/18/2019, the Board held Protest of Renewal hearings on each of these cases and as a result the three licenses were renewed.

# Community Based Protests:

## Common Issues with Protest cases

- **Filing Deadlines are NOT Negotiable**

- As per Alc. Bev. Art. 4-406(b)(1), a Protest of Renewal must be filed at least 30 days before a license expires. Licenses expire this year on April 30, 2020.
  - *The Protest must be received by the BLLC or if mailed be postmarked by March 31, 2020.*

- **10 signatories, means 10 signatures!**

- A protest of renewal will be automatically rejected unless at least 10 separate and distinct individuals sign the petition.

- **“Immediate Vicinity”**

- As per Alc. Bev. Art. 4-406(a)(1)(ii), the protestants must be “located in the immediate vicinity of the licensed premises”
  - Although the term “immediate vicinity” has not be clearly defined by the Courts, the Board reviews the address of each signatory to determine whether or not their location is reasonably within the “immediate vicinity” of the licensed establishment.
    - Difference between 2 blocks vs. 2 miles

- **“Specific Complaint” about licensed Establishment**

- To hear and determine a protest filed against a license renewal, the Board shall consider only specific incidents or bad acts that occurred during the previous license year (May 1, 2019 to April 30, 2020)
  - Example – Conviction for a Sales to a Minor, BD7 Violation, Operating After Hours, etc.

# 2 Step Hearing Process

- **Step 1 - Specific Complaint Phase**

- Petitioners must meet the threshold of proving a “specific complaint” about the licensed establishment during the prior license year (May 1, 2019 to April 30, 2020)
  - Ex. Conviction for a Sales to a Minor, BD7 Violation, Operating After Hours, etc.
- If this threshold is met, then the Board considers whether or not the “specific complaint” and history of the establishment merits renewal or non-renewal

- **Step 2 - Determination of Revocation or Renewal Phase**

- The Board must determine that there is “substantial evidence” entered into the record that merits non-renewal of a license.
- What is “substantial evidence?”
  - It is not ONE factor, but a number of factors that lead the Board to conclude that the license should not be renewed. Examples include:
    - A number of sustained violations throughout the ownership of the current license holder
    - Sworn in-person testimony from community representatives regarding the establishment
    - Letters from members of the community regarding the establishment
    - 311 call record/911 call record

# Research Information

- **To prepare for a Protest of Renewal you should first conduct research on a licensed establishment to determine its violation history. We here at the office are happy to assist you in this matter. There are many ways to do this:**
  - You can contact our offices at 410-396-4377 and speak with administrative staff who can help you with your inquiries
  - You can visit our on-line library at <https://lb.baltimorecity.gov/liquor-license-online-library> to review all of the public information regarding the establishment
  - You can visit our offices at 1 North Charles Street, Suite 1500, Baltimore, Maryland 21201 and ask to review a case file.

# Reminder and Contact Info

- **The Board CANNOT draft or file your Petition**

- As these petitions are legal filings against a licensee, the BLLC – as the agency that regulates licensed establishments in Baltimore City – CANNOT help draft or file a petition on your behalf. This would be a conflict of interest
- If you believe that you need legal help in filing a petition, please consult an attorney, non-profit, or other community based organization that can assist you in this matter

- **Agency Contact Information**

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