

**CITY OF BALTIMORE
COUNCIL BILL 05-0098R
(Resolution)**

Introduced by: Councilmembers Kraft, Curran, Holton, Harris, Young, Clarke, Rawlings Blake,
Reisinger, Conaway, Welch, Spector

Introduced and read first time: October 17, 2005

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: Baltimore City Board of Liquor License
Commissioners, Police Department

A RESOLUTION ENTITLED

A COUNCIL RESOLUTION concerning

Investigative Hearing – The Baltimore City Board of Liquor License Commissioners

FOR the purpose of respectfully requesting the Baltimore City Board of Liquor License Commissioners to address the City Council on expanding the participation of community members in improving the quality of life in their neighborhoods and working with them in dealing effectively with nuisance liquor licensees to make city living an enjoyable experience for residents, businesses and patrons.

Recitals

Many communities in Baltimore City have attempted to solve the problems stemming from certain bars and taverns in their neighborhoods. The excessive drunken behavior, noise, violence, and vandalism that spills out into the surrounding streets from these liquor establishments has prevented communities from improving their quality of life. In order to hold these liquor licensees accountable for the nuisances that they and their patrons generate, residents regularly seek the assistance of the Baltimore City Board of Liquor License Commissioners for prompt and proper enforcement of its Rules and Regulations.

However, the Liquor Board is perceived by many communities as a body that does not perform its statutory administrative functions of fact-finding and decision-making properly. Often, by not explaining in detail how it makes reasoned administrative analyses or by making seemingly arbitrary decisions, it is accused of refusing to play by any of the fundamental rules of due process. By having a “hotline” that is sometimes not answered by anyone or does not take voice mail, residents lose faith in their ability to report violations during the hours when most violations arise. All of this undermines the credibility of the Liquor Board. Communities feel that every time they attempt to solve problems caused by the bars in their neighborhoods it appears that the Liquor Board does not strictly enforce its rules and regulations.

The public should not feel that they are making a futile effort to improve the quality of life in their communities when dealing with the Baltimore City Liquor Board. These frustrations lead to the opinion that the Liquor License Rules and Regulations are an anachronism and that the Liquor Board both fails our citizens and appears to violate the spirit as well as the letter of law.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

1 The Board must provide a truly participatory and democratic system of due process for people to
2 have their “day in court.”

3 As with the public school system and Central Booking, the citizens of Baltimore City dealing
4 with problem bars in their neighborhoods are caught in a crevice between State and City
5 agencies. They call upon the Baltimore City Police Department and the Liquor Board, a State
6 agency, for help. The Baltimore City Liquor License Commissioners are appointed by the
7 Maryland State Delegation, but they are not representative of the distribution of liquor licensees.
8 Southeast Baltimore, with 60% of all liquor licenses, has no Commissioner despite the efforts of
9 state legislators representing the area to have one of its own appointed.

10 One of the purposes of this hearing with the Liquor Board for Baltimore City is to find out
11 whether it is prepared to consider changing its rules and regulations; to expand the opportunity
12 for community input at all stages and to operate in an open and transparent manner. It will also
13 be an opportunity for citizens to suggest proposed changes to those rules. More particularly, this
14 hearing is necessary for residents of Baltimore City and the City Council to know why the
15 composition of the Liquor Board is not representative of the distribution of licensees. It is also
16 needed to understand the rules on transfer of license hearings and to alert the Board of the need
17 to clean up the transfer process so that problems do not recur and continue damaging our
18 communities.

19 Communities have requested that (1) hearings be required for all license transfers, (2)
20 “fitness” be clearly defined, (3) the background check process be improved, and (4) the
21 loopholes allowing second-party or straw-licensing arrangements be closed. They have also
22 suggested that community associations have the right to simply request a hearing without having
23 the 10 signatures presently required. They want the Liquor Board to publish on its website the
24 disposition of all cases which it has heard and upon which it has made a decision. The approval
25 of a renewal or new licensee, approved license transfers and/or the imposition of penalties
26 should also be provided. They are matters of public record and should be made available to the
27 public promptly.

28 By considering these and other changes to its rules and regulations, the Baltimore City Board
29 of Liquor License Commissioners will expand the opportunity for participation by community
30 members in improving the quality of life in their neighborhoods, working with them towards
31 making city living an enjoyable attraction to new residents and businesses and enhancing
32 Baltimore City's national reputation.

33 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That this
34 Body respectfully requests the Baltimore City Board of Liquor License Commissioners to
35 address the City Council on expanding the participation of community members in improving
36 the quality of life in their neighborhoods and working with them in dealing effectively with
37 nuisance liquor licensees to make city living an enjoyable experience for residents, businesses
38 and patrons.

39 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Mayor, the
40 Baltimore City Board of Liquor Commissioners, the Baltimore City Delegation to the Maryland
41 State Legislature, the Baltimore City Police Department, and the Mayor's Legislative Liaison to
42 the Council.