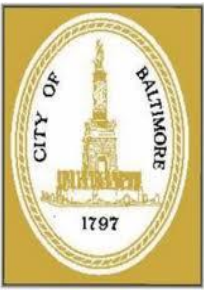


<b>FROM</b>	NAME & TITLE	Brittany Vendryes, Esq., Executive Director	CITY of BALTIMORE  <b>M E M O</b>	
	AGENCY NAME & ADDRESS	Environmental Control Board 1 North Charles Street, 13th Floor, Baltimore, Maryland 21201		
	SUBJECT	City Council Bill # 23-0347 Department of Business Licensing and Consumer Protection		

April 17, 2023

**TO:** The Honorable President and Members  
Of the Baltimore City Council

Dear Mr. President and Members:

The Baltimore City Environmental Control Board (“ECB”) has been requested to review City Council Bill # 23-0347, Department of Business Licensing and Consumer Protection. The purpose of the bill is to create the Department of Business Licensing and Consumer Protection (“The Department”) as an independent City agency; provide for the leadership and staffing of the Department; establish the Department’s purpose, powers, and duties; create the Commission on Business Licensing and Consumer Protection; provide for the membership of the Commission; establish the purpose, powers, and duties of the Commission; transfer the administration of certain business licenses to the Department; repeal certain obsolete Boards; providing for a special effective date; and generally relating to business licensing and consumer protection.

The ECB is an independent administrative hearing board that adjudicates contested environmental citations. Environmental citations are issued by various City agencies for violations listed under Article 1, § 40-14.

City Council Bill # 23-0347 states that the Department may issue environmental citations and civil citations, as described under Article 1, Subtitles 40 and 41 respectively (page 5, lines 17-19). However, the proposed bill adds “Unfair, Abusive, or Deceptive Trade Practices” as an offense to Article 1, § 41-14 but not to Article 1, § 40-14. If the aforementioned offense is not added to Article 1, § 40-14(e).5, the Environmental Control Board will not have jurisdiction and/or authority to provide a hearing for environmental citations issued for unfair, abusive, or deceptive trade practices.

Additionally, the proposed bill indicates that “Unfair, Abusive, or Deceptive Trade Practices” is under Article 2, Subtitle 42 (page 3, line 13). This appears to be a small typographical error. “Unfair, Abusive, or Deceptive Trade Practices” is under Article 2, Subtitle 4, per the proposed bill (page 9, line 20).

With regard to the Department’s impact on the ECB, the ECB does not expect significant impact. The main function of this agency, as mentioned *supra*, is the adjudication of environmental

citations. Currently, the ECB receives hearing requests for violations that are enforced by the Department of Housing and Community Development, but—under this legislation—those violations would be enforced by the newly created Department of Business Licensing and Consumer Protection instead. Assuming that the volume of citations being issued does not change, it is unlikely that the ECB’s hearing process would be impacted by the shift to a new issuing agency.

Admittedly, Article 2, § 4 would create a new type of offense which could have an impact on volume; however, environmental citations would only be one enforcement option out of many, as enumerated under the proposed bill on page 5, § 42-4. At this point, there is no way to predict how often the Director of the Department would choose to issue environmental citations, specifically; however, the addition of new citable offenses rarely causes an increase in hearing requests.

Overall, the ECB has no objection to the passing of this bill. The only recommendations would be to add “Subtitle 4. Unfair, Abusive, or Deceptive Trade Practices \$1,000” to Article 1, §40-14(e)(.5), and to fix the typographical error on page 3, line 13.

*Brittany Vendryes, Esq.*  
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