

RULES OF PROCEDURE AND REGULATIONS

CAROLINE COUNTY BOARD OF LICENSE COMMISSIONERS

Rules and Regulations for Caroline County Board of License Commissioners were unanimously adopted as follows on 09/15/93:

I. Personnel and Administration

A. The officers shall perform such duties and shall have such powers as may be prescribed or authorized by law or ordinance, or which are normally appurtenant to their offices. In the absence of the Chairman, any member may serve as acting Chair, with the consent of the Commissioners that are present.

B. The Board shall name a Clerk, to whom service of any pleadings, papers or notices shall be made.

C. Service of any pleadings, papers or notices upon the Board clerk shall be considered service upon the Board.

II. Meetings

A. Meetings of the Board, including public hearing, shall be held upon the call of the Chairman or his/her designee, and at such other times as the Board shall determine. Meetings shall be held at such times and places as the Chairman shall prescribe. All meetings of the Board shall be open to the public, but public participation may be limited to periods during which testimony is permitted, and the Board may sit in executive session when allowed by law.

B. At a meeting, two members of the Board shall constitute a quorum. In the event of the attendance of only two members at a hearing, the Chairman or acting Chair shall bring this fact to the attention of the persons present, and shall determine whether there are any objections to proceedings with the hearing. When any Commissioner is absent the substitute Commissioner shall replace the absent Commissioner, and is vested with full authority and powers.

III. Appeals

A. Appeals from orders, requirements, determinations or decisions of the Caroline County License Commissioners shall be taken within thirty days from the date of the order, requirement, determination or decision appealed from.

B. An appeal shall be taken by filing an appropriate notice with the Circuit Court for Caroline County and filing a copy of the notice of appeal with the Board Clerk. The required

fee for any transcripts, recordings copies, or documents necessary, shall be paid in advance by the appellant.

IV. Applications

The Board shall prescribe the form to be utilized in connection with applications for new Alcoholic Beverage Licenses, and transfers of Alcoholic Beverage Licenses. Each such application shall be signed by all the applicant (s), who shall personally appear at the Public Hearing.

V. Notice of Hearing

A. The Board shall cause a notice of such application to be published two times in two successive weeks in a newspaper published in Caroline County, which shall contain the name of the applicant (s), a brief description sufficient to identify the property involved, the type of license applied for, and the date, time and place of the public hearing, which shall be not less than ten days from the first insertion.

B. In addition, typewritten or printed copies of the notice in Paragraph A of this Article shall be mailed by ordinary mail to all applicants on file with the Board.

VI. Public Hearings

A. The Chairman or acting Chair shall preside at public hearings which shall be convened by announcing the subject matter of the hearing, and stating the manner in which notice of the hearing has been given. Matters relating to the jurisdiction of the Board or matters relating to venue, insufficient advertisement of public hearing, and insufficient notice shall be presented to the Board immediately following the opening of the hearing and if not so made these matters are waived. Thereafter, the applicant (s) and others favoring the granting of the application may testify, after which those persons opposing the granting of the application may testify. When all testimony has been concluded the Board may hear argument in favor of and in opposition to the granting of the application. The length of time that each witness is allowed to testify, the length of any argument, the number of persons permitted to testify and/or to argue, and order of argument shall be within the discretion of the Chairman. The applicant (s), witness, and/or their legal representatives, will not be able to directly question other witnesses or persons, without advance permission of the Board. When requested, the Board

may permit questioning, on a limited basis, within its discretion. Any witness or legal representative of a witness may suggest to the Board, questions that should be asked and answered, in an effort to develop evidence in the proceeding. Whether or not they ask the questions or require the answer is within the sound discretion of the Board.

B. The rules of evidence need not be adhered to, but the Chairman may limit evidence given to that which is relevant and material to the subject matter of the hearing.

C. Persons giving evidence must be placed under oath by the Chairman or acting Chair.

D. A tape recording shall be made of all testimony at any public hearing. Any party in interest who shall desire the testimony to be recorded by a qualified stenographer or stenotypist shall arrange for the same at his or her expense. Any such stenographer or stenotypist shall be sworn in by the Chairman before taking testimony at any hearing.

Tape recordings of any hearing shall be kept thirteen months from the date of any final order passed in connection with such hearing.

E. The Clerk's attestation of any written record shall constitute good and sufficient proof thereof.

F. A typewritten copy or photo-copy of any document, paper, entries, records or proceedings pertaining to the Board, when certified to by the Board Clerk as being correct, shall be received as evidence in any court of law or equity or before any judge, justice of the peace, or other tribunal in this State, in the same manner and to have the same effect as if the original documents, papers, entries, records or proceedings were themselves produced.

VII. Decision of the Board

A. The Board shall render its decision in each case not later than thirty days following the close of the hearing therein.

B. A written record of the decision shall be made.

C. Each record of a decision shall include the name or initials of the members of the Board who voted thereon, or who were present when a vote on the same was taken, and shall indicate the manner in which each such member voted. A member

of the Board who did not attend the hearing on an application shall not participate in the decision thereon.

D. Each such record of a decision shall be dated and shall be filed among the records of the Board.

VIII. Amendment

These Rules and Regulations may be amended from time to time by resolution, adopted by vote of a majority of the members of the Board.

IX. Copies of Regulations

Copies of these Rules and Regulations shall be kept in the office of the Board Clerk and shall be furnished to applicants and other interested persons upon request.

William W. Satterfield
William W. Satterfield, Chairman

Ralph Elrick
Ralph Elrick, Commissioner

Adelaide C. Warfield
Adelaide C. Warfield, Commissioner

T. Robert Gray, Substitute
Commissioner

Ramona V. Hubbard
Ramona V. Hubbard, Clerk