

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 170
Economic Matters

(Delegates Mathias and Conway)

Education, Health, and Environmental
Affairs

Worcester County - Alcoholic Beverages - Service of Notice of Charges

This bill provides that in Worcester County a notice of charges of complaint against an alcoholic beverages licensee must be given by personal service to the licensee, an adult employee of the licensee, or through any other method of service of process under Maryland Rules 2-121 and 2-122. If service of notice is given to an adult employee of the licensee, a copy of the notice or a letter describing the contents must be mailed to the home or business address of the licensee within 72 hours of the day service is given to the adult employee.

The bill takes effect July 1, 2008.

Fiscal Summary

State Effect: None.

Local Effect: The bill would not materially affect Worcester County finances.

Small Business Effect: Minimal.

Analysis

Current Law: Upon complaint, the Comptroller or the Board of License Commissioners for any county or Baltimore City may revoke or suspend any alcoholic beverages license. Notice of complaint must be given to the licensee at least 10 days before the hearing.

In Baltimore County, the notice of complaint must be given to the licensee by personal service to the licensee, an adult employee of the licensee, or through any other method of service in conformity with Maryland Rules 2-121 and 2-122. If service of a notice is given to an adult employee of the licensee, a copy of the notice or a letter describing the contents must be mailed to the home or business address of the licensee within 72 hours of the day service is given to the adult employee.

Maryland Rules 2-121 and 2-122 provide that service of process can be made by delivering to the defendant a copy of the summons, complaint, and all other papers filed with it. The person can be served by leaving a copy at the defendant's home with a resident of suitable age and discretion. The summons or complaint may also be sent by certified mail requesting: "Restricted Delivery – show to whom, date, address of delivery." Service by mail is considered complete upon delivery. When proof is made that the defendant has acted to evade service, the court may order that the service be made by mailing all related documents to the defendant's last known residence and delivering a copy of each to a person of suitable age and discretion at the place of business of the defendant. When proof has been made by affidavit that a defendant has acted to evade service, the court may order any other means of service that it deems appropriate given the circumstances.

Background: Worcester County advises that it served approximately 100 notices of complaint for 35 violations in fiscal 2007. There were more notices sent than violations because multiple people are sometimes listed on an alcoholic beverages license.

Local Effect: The bill would make it easier for the Worcester County Board of License Commissioners to serve notice of complaint to an alcoholic beverages licensee.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Worcester County, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2008
ncs/hlb

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