



Administrative Release

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**TO: Holders of Solicitor's Permits, Non-Resident Dealer Permits,
and Wholesale Licenses**

SUBJECT: Relationship of Solicitors to Retail Licensees and Consumers

In determining your relationship to retail licensees and consumers for the purposes of selling and promoting the sale of alcoholic beverages in the state of Maryland, the following guidelines should be followed:

1. It is unlawful for the holder of a Solicitor's Permit to have any financial interest, either directly or indirectly, in a business or premise where alcoholic beverages are sold by a retail licensee. A spouse's interest in a retail licensee is also generally prohibited.

2. No holder of a Solicitor's Permit may lend any money or other thing of value, make any gift or offer any gratuity to any retail licensee.

3. It is unlawful for a holder of Solicitor's Permit to work at any time for the holder of a retail license whether or not the solicitor is paid for the solicitor's services. This is not intended to prohibit the holder of a Solicitor's Permit from engaging in other activities unrelated to the direct sale of alcoholic beverages (such as professional musicians performing on a licensed premise) and provided further that such activities are compensated at the prevailing rate.

4. The holder of a Solicitor's Permit, acting on behalf of the solicitor's employer, shall not sell or deliver alcoholic beverages to any person in this state other than to a licensee or permittee authorized to receive same under Article 2B of the Annotated Code of Maryland.

5. All alcoholic beverages delivered by a holder of a Solicitor's Permit must be delivered only to the licensee to whom it is sold, and then only to the premises covered by said license.

6. No holder of a Solicitor's Permit is permitted to contact consumers for the purpose of selling or offering for sale alcoholic beverages.

7. Solicitors are not prohibited from having casual conversation with consumers away from a licensed premise concerning the relative merits of their products, provided such conversations or discussions are not for the purpose of selling or offering for sale alcoholic beverages to such consumers. The intention of the law is that sales to consumers may only be made by retailers.

8. It is the responsibility of the employer of persons required to have a Solicitor's Permit to determine that they hold a valid and current permit.

9. It is not necessary for the employee of a wholesaler to hold a Solicitor's Permit for the purpose of accepting an order via the telephone provided such telephone call was initiated by the retailer. In such cases the employee of the wholesaler may suggest the purchase of items not mentioned or contemplated by the retail dealer.

10. A Solicitor Trainee shall not be permitted to sell, promote or offer for sale alcoholic beverages except when accompanied by an individual holder of a valid "Solicitor's Permit" representing the same wholesaler, manufacturer or non-resident dealer. (See Regulation 03.02.01.11)

11. A Solicitor may take a retailer, or the retailer's employee, to an athletic contest, show, etc. as the Solicitor's guest provided it is done on an infrequent basis and if the expense involved is reasonable and

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provided the activity does not result in a “tied house” situation in favor of the employer of the said permittee. Abuse of this privilege could result in action against the Solicitor’s Permit.

12. For the same reasons, it is permissible for a wholesaler, distiller or permittee to maintain a box for athletic contests, etc. for the purposes of entertaining retail customers and their employees. The conditions depend on infrequency, reasonableness of expense and the avoidance of a tied house situation. Abuse of the privilege could result in action against the licensee or permittee.

13. A Solicitor or wholesaler may entertain a retailer, or the retailer’s employee, alone or with a guest at a dinner away from the retailer’s business or at a social function provided it is an infrequent occurrence, the cost or expense is reasonable, and there is no resulting tied house situation. Abuse of the privilege could result in action against the licensee or permittee.

14. A Solicitor’s Permit holder, wholesaler or non-resident dealer is not permitted to give a gift to a retailer, the retailer’s employee, or members of the retailer’s immediate family, for any reason. However, a normal tip is permitted if such tip is customary and is reasonable for a specific service rendered.

15. A Solicitor’s Permit holder, wholesaler or non-resident dealer may not supply alcoholic beverages for a social function of a retailer or his employee.

16. A Solicitor’s Permit holder, wholesaler or non-resident dealer may supply alcoholic beverages or contribute to a bona fide retail trade association function with the clear understanding that no retailer is involved as an individual licensee and complete delivery records and receipts must be maintained. Alcoholic beverages donated to a trade association may not be consumed on a retail licensed premise, including a temporary retail license.

17. No wholesaler or Solicitor may furnish a retailer with a service that would relieve such retailer of ordinary business expenses or costs such as moving, arranging, or displaying brands at the retailer’s premise.

18. A Solicitor may buy a consumer a drink in a properly licensed on-sale premise provided such action is spontaneous and without prior notice to either the retailer or consumer and further provided that the alcoholic beverages are purchased from the retailer at full price.

19. A wholesaler or non-resident dealer may furnish samples for use by any bona fide religious, fraternal, civic, war veterans, hospital or charitable organization provided it is a non-profit organization which does not hold or will not hold a retail license for the sale of alcoholic beverages.

20. Promotions that require consumers to purchase alcoholic beverages are not permissible.

21. A Solicitor, wholesaler or non-resident dealer may loan a raffle wheel to non-profit organizations. It is permissible for display persons, or Solicitors to decorate a raffle wheel with display materials to the extent authorized by laws and regulations. A wholesaler, non-resident dealer or Solicitor is prohibited from assisting with or working a raffle wheel on a licensed premise.

22. Non-resident dealers, wholesalers or Solicitors may not donate alcoholic beverages used as prizes for a raffle wheel for the benefit of any organization, whether charitable or otherwise, since the use of the wheel presupposes that the organization operating the same has a license for that purpose and contributions to a licensee are not permissible.

If the holder of a Solicitor’s Permit violates the provisions of Article 2B of the Annotated Code of Maryland, or any rule or regulation promulgated thereunder, the Comptroller of the Treasury may suspend or revoke the permit, and in addition thereto may suspend or revoke the license or permit of the employer or principal of such permittee.

These guidelines are not to be considered all inclusive as to permitted or not permitted activities. Solicitor permit holders should also be guided by the Trade Practice Regulations, COMAR .03.02.05., and Regulation 03.02.01.11 covering Solicitor’s Permits.

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Administrator