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# Maryland Register

Issue Date: May 17, 2013

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Volume 40 • Issue 10 • Pages 827—954

## IN THIS ISSUE

General Assembly  
Judiciary  
Regulatory Review and  
Evaluation  
Regulations  
Errata  
Special Documents  
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before April 29, 2013, 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of April 29, 2013.

Brian Morris  
Acting Administrator, Division of State Documents  
Office of the Secretary of State



# Information About the Maryland Register and COMAR

## MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

### CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

- 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

### CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

### CITATION TO COMAR REGULATIONS

COMAR regulations are cited by title number, subtitle number, chapter number, and regulation number. Example: COMAR 10.08.01.03 refers to Title 10, Subtitle 08, Chapter 01, Regulation 03.

### DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is made part of COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each regulation that proposes to incorporate a document is identified in the Maryland Register by an Editor's Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the Maryland Register published each year. For further information, call 410-974-2486.

## HOW TO RESEARCH REGULATIONS

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at [www.dsd.state.md.us/CumulativeIndex.pdf](http://www.dsd.state.md.us/CumulativeIndex.pdf). This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

## SUBSCRIPTION INFORMATION

For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register. Single issues of the Maryland Register are \$15.00 per issue.

### CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined. Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

- By submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see "Opportunity for Public Comment" at the beginning of all regulations appearing in the Proposed Action on Regulations section of the Maryland Register). (See SG, §10-112)
- By petitioning an agency to adopt, amend, or repeal regulations. The agency must respond to the petition. (See SG §10-123)
- By petitioning an agency to issue a declaratory ruling with respect to how any regulation, order, or statute enforced by the agency applies. (SG, Title 10, Subtitle 3)
- By petitioning the circuit court for a declaratory judgment on the validity of a regulation when it appears that the regulation interferes with or impairs the legal rights or privileges of the petitioner. (SG, §10-125)
- By inspecting a certified copy of any document filed with the Division of State Documents for publication in the Maryland Register. (See SG, §7-213)

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# Contents

829

## Closing Dates for the Maryland Register

Schedule of Closing Dates and Issue Dates for the Maryland Register .....	831
---	-----

## COMAR Research Aids

Table of Pending Proposals .....	832
----------------------------------	-----

## Index of COMAR Titles Affected in This Issue

COMAR Title Number and Name	Page
08 Department of Natural Resources .....	916, 918
09 Department of Labor, Licensing, and Regulation .....	916, 929
10 Department of Health and Mental Hygiene .....	917, 929
11 Department of Transportation .....	917
26 Department of the Environment .....	932
36 Maryland State Lottery and Gaming Control Agency .....	933

## PERSONS WITH DISABILITIES

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## General Assembly

SYNOPSIS NO. 7 .....	835
----------------------	-----

## The Judiciary

COURT OF APPEALS OF MARYLAND	
ATTORNEYS TO BE ADMITTED TO THE BAR .....	840
ATTORNEYS TO BE ADMITTED TO THE BAR .....	846
DISCIPLINARY PROCEEDINGS .....	848
STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE	
Rules Order .....	848
Notice of Proposed Rules Changes .....	865
SCHEDULE .....	912
COURT OF SPECIAL APPEALS	
SCHEDULE FOR JUNE 3, 4, 5, 6, 7, 10, 11, 17, 18, 19, 20, 2013 .....	912

## Regulatory Review and Evaluation

DEPARTMENT OF TRANSPORTATION	
MOTOR VEHICLE ADMINISTRATION — VEHICLE INSPECTIONS	
Notice of Opportunity for Comment .....	915
DEPARTMENT OF HEALTH AND MENTAL HYGIENE	
BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS	
Rulemaking Project .....	915

## Final Action on Regulations

<b>08 DEPARTMENT OF NATURAL RESOURCES</b>	
FISHERIES SERVICE	
Sharks .....	916
<b>09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION</b>	
COMMISSIONER OF FINANCIAL REGULATION	
Money Transmitters .....	916

## DIVISION OF LABOR AND INDUSTRY

Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards .....	916
Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards .....	916
Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards .....	917

## 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE MEDICAL CARE PROGRAMS

Employed Individuals with Disabilities .....	917
--	-----

## BOARD OF OCCUPATIONAL THERAPY PRACTICE

Continuing Competency Requirement .....	917
---	-----

## 11 DEPARTMENT OF TRANSPORTATION

### MARYLAND TRANSPORTATION AUTHORITY

Public Notice of Toll Schedule Revisions .....	917
--	-----

## Proposed Action on Regulations

### 08 DEPARTMENT OF NATURAL RESOURCES

#### WILDLIFE

Wildlife Possession .....	918
---------------------------	-----

#### BOATING — SPEED LIMITS AND OPERATION OF VESSELS

Bohemia River .....	925
Chesapeake Bay .....	926

### 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

#### DIVISION OF LABOR AND INDUSTRY

Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards .....	929
---	-----

### 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

#### BOARD OF ACUPUNCTURE

Fee Schedule .....	929
General Regulations .....	929

#### BOARD OF MORTICIANS AND FUNERAL DIRECTORS

Inspection of Funeral Establishments and Funeral Service Businesses .....	931
General Regulations .....	931

### 26 DEPARTMENT OF THE ENVIRONMENT

#### RADIATION MANAGEMENT

Radiation Protection .....	932
----------------------------	-----

### 36 MARYLAND STATE LOTTERY AND GAMING

#### CONTROL AGENCY

#### GAMING PROVISIONS

Enforcement .....	933
-------------------	-----

#### TABLE GAMES

Ultimate Texas Hold ‘Em Rules .....	936
Mini Baccarat Rules .....	936

## Errata

COMAR 07.02.11 .....	947
----------------------	-----

## Special Documents

### DEPARTMENT OF THE ENVIRONMENT

#### SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water .....	948
Projects Rescinded for Consumptive Uses of Water .....	948

#### WATER MANAGEMENT ADMINISTRATION

Notice of Tentative Determination and Public Hearing .....	949
--	-----

# Contents

## General Notices

ATHLETIC COMMISSION  
Public Meeting..... 950

ADVISORY COUNCIL ON CEMETERY OPERATIONS  
Public Meeting..... 950

BOARD OF COSMETOLOGISTS  
Public Meeting..... 950

JOINT CHAIRS OF THE DESIGN BOARDS  
Public Meeting..... 950

PROFESSIONAL STANDARDS AND TEACHER  
EDUCATION BOARD  
Public Meeting..... 950

MARYLAND INSTITUTE FOR EMERGENCY MEDICAL  
SERVICES SYSTEMS  
Listing of Primary Stroke Centers ..... 950

STATE BOARD OF STATIONARY ENGINEERS  
Public Meeting..... 950

DEPARTMENT OF THE ENVIRONMENT/AIR AND  
RADIATION MANAGEMENT ADMINISTRATION  
Notice of Public Hearing on Air Quality Plan ..... 950  
Notice of Public Hearing on Air Quality Plan ..... 951

DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
Public Meeting..... 951

DEPARTMENT OF HEALTH AND MENTAL HYGIENE/  
LABORATORIES ADMINISTRATION  
Call for Pharmacist Nominations for Drug Utilization Review  
(DUR) Board ..... 951

BOARD OF HEATING, VENTILATION, AIR-  
CONDITIONING, AND REFRIGERATION  
CONTRACTORS (HVACR)  
Public Meeting..... 951

HOME IMPROVEMENT COMMISSION  
Public Meeting..... 951

STATE ADVISORY BOARD FOR JUVENILE SERVICES  
Public Meeting..... 951

DIVISION OF LABOR AND INDUSTRY/AMUSEMENT  
RIDE SAFETY ADVISORY BOARD  
Public Meeting..... 952

BOARD FOR PROFESSIONAL LAND SURVEYORS  
Public Meeting..... 952

MARYLAND HEALTH CARE COMMISSION  
Public Meeting..... 952  
Formal Start of Review — Notice of Docketing..... 952

BOARD OF EXAMINERS IN OPTOMETRY  
Public Meeting..... 952

PHOTOGRAMMETRIST LICENSING COMMITTEE  
Public Meeting..... 952

BOARD OF PODIATRIC MEDICAL EXAMINERS  
Public Meeting..... 952  
Public Meeting..... 952  
Public Meeting..... 952

REAL ESTATE COMMISSION  
Public Meeting..... 952  
Public Hearing..... 952

RETIREMENT AND PENSION SYSTEM —  
ADMINISTRATIVE COMMITTEE  
Public Meeting..... 952

MARYLAND TRANSIT ADMINISTRATION  
Public Hearing ..... 953  
Public Hearing ..... 953  
Public Hearing ..... 953  
Public Hearing ..... 953  
Public Hearing ..... 953

BOARD OF WELL DRILLERS  
Public Meeting ..... 953

WORKERS' COMPENSATION COMMISSION  
Public Meeting ..... 953

### COMAR Online

The Code of Maryland Regulations is available at [www.dsd.state.md.us](http://www.dsd.state.md.us) as a free service of the Office of the Secretary of State, Division of State Documents. The full text of regulations is available and searchable. Note, however, that the printed COMAR continues to be the only official and enforceable version of COMAR.

The Maryland Register is also available at [www.dsd.state.md.us](http://www.dsd.state.md.us).

For additional information, visit [www.sos.state.md.us](http://www.sos.state.md.us), Division of State Documents, or call us at (410) 974-2486 or 1 (800) 633-9657.

### Availability of Monthly List of Maryland Documents

The Maryland Department of Legislative Services receives copies of all publications issued by State officers and agencies. The Department prepares and distributes, for a fee, a list of these publications under the title “Maryland Documents”. This list is published monthly, and contains bibliographic information concerning regular and special reports, bulletins, serials, periodicals, catalogues, and a variety of other State publications. “Maryland Documents” also includes local publications.

Anyone wishing to receive “Maryland Documents” should write to: Legislative Sales, Maryland Department of Legislative Services, 90 State Circle, Annapolis, MD 21401.

# Contents

## CLOSING DATES AND ISSUE DATES through JANUARY 24, 2014

Issue Date	Emergency and Proposed Regulations 5 p.m.*	Final Regulations 10:30 a.m.	Notices, etc. 10:30 a.m.
May 31**	May 13	May 21	May 20
June 14**	May 23	June 5	June 3
June 28	June 10	June 19	June 17
July 12**	June 24	July 2	June 28
July 26	July 8	July 17	July 15
August 9	July 22	July 31	July 29
August 23	August 5	August 14	August 12
September 6**	August 19	August 26	August 23
September 20**	August 29	September 11	September 9
October 4	September 16	September 25	September 23
October 18	September 30	October 9	October 7
November 1**	October 11	October 23	October 21
November 15	October 28	November 6	November 4
December 2***	November 8	November 18	November 15
December 13	November 25	December 4	December 2
December 27**	December 9	December 16	December 13
January 10**	December 23	December 30	December 27
January 24**	January 6	January 14	January 13

\* Due date for documents containing 8 to 18 pages — 48 hours before date shown; due date for documents exceeding 18 pages — 1 week before date shown

**NOTE: ALL DOCUMENTS MUST BE SUBMITTED IN TIMES NEW ROMAN, 9 POINT, SINGLE-SPACED FORMAT. THE REVISED PAGE COUNT REFLECTS THIS FORMATTING.**

\*\* Note closing date changes

\*\*\* Note issue date and closing date changes

**The regular closing date for Proposals and Emergencies is Monday.**

## REGULATIONS CODIFICATION SYSTEM

Under the COMAR codification system, every regulation is assigned a unique four-part codification number by which it may be identified. All regulations found in COMAR are arranged by title. Each title is divided into numbered subtitles, each subtitle is divided into numbered chapters, and each chapter into numbered regulations.

**09.12.01.01D(2)(c)(iii)**  
 Title            Chapter            Section            Paragraph  
                   Subtitle            Regulation        Subsection        Subparagraph

A regulation may be divided into lettered sections, a section divided into numbered subsections, a subsection divided into lettered paragraphs, and a paragraph divided into numbered subparagraphs.

## Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed

This table, previously printed in the Maryland Register lists the regulations, by COMAR title, that have been adopted, amended, or repealed in the Maryland Register since the regulations were originally published or last supplemented in the Code of Maryland Regulations (COMAR). The table is no longer printed here but may be found on the Division of State Documents website at [www.dsd.state.md.us](http://www.dsd.state.md.us).

### Table of Pending Proposals

The table below lists proposed changes to COMAR regulations. The proposed changes are listed by their COMAR number, followed by a citation to that issue of the Maryland Register in which the proposal appeared. Errata pertaining to proposed regulations are listed, followed by “(err)”. Regulations referencing a document incorporated by reference are followed by “(ibr)”. None of the proposals listed in this table have been adopted. A list of adopted proposals appears in the Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed.

#### 03 COMPTROLLER OF THE TREASURY

**03.01.01.04** • 40:3 Md. R. 221 (2-8-13)  
**03.04.01.01** • 40:8 Md. R. 726 (4-19-13)  
**03.04.02.03** • 40:8 Md. R. 726 (4-19-13)  
**03.04.03.06** • 40:8 Md. R. 726 (4-19-13)  
**03.04.09.01**—**.03,.05** • 40:8 Md. R. 726 (4-19-13)  
**03.04.12.08** • 40:8 Md. R. 726 (4-19-13)  
**03.06.01.08** • 40:3 Md. R. 222 (2-8-13)  
**03.06.01.09** • 40:3 Md. R. 223 (2-8-13)  
**03.06.01.10** • 40:3 Md. R. 223 (2-8-13)  
**03.06.01.22** • 40:3 Md. R. 224 (2-8-13)  
**03.06.01.28** • 40:2 Md. R. 77 (1-25-13)  
**03.06.01.43** • 40:3 Md. R. 226 (2-8-13)  
**03.06.01.45** • 40:3 Md. R. 227 (2-8-13)  
**03.06.02.06** • 39:3 Md. R. 261 (2-10-12)  
**03.06.03.02** • 40:3 Md. R. 227 (2-8-13)  
**03.06.03.05** • 40:3 Md. R. 228 (2-8-13)

#### 05 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**05.19.02.01**—**.04** • 40:9 Md. R. 791 (5-3-13)

#### 07 DEPARTMENT OF HUMAN RESOURCES

**07.02.11.12** • 40:9 Md. R. 792 (5-3-13)  
 40:10 Md. R. 947 (5-17-13) (err)

#### 08 DEPARTMENT OF NATURAL RESOURCES

**08.02.05.12,.21** • 40:8 Md. R. 728 (4-19-13)  
**08.02.10.01** • 40:9 Md. R. 793 (5-3-13)  
**08.02.23.02**—**.04** • 40:9 Md. R. 794 (5-3-13)  
**08.03.09.07** • 40:10 Md. R. 918 (5-17-13)  
**08.06.01.03** • 40:8 Md. R. 729 (4-19-13)  
**08.18.05.01**—**.03** • 40:8 Md. R. 729 (4-19-13)

**08.18.06.01**—**.05** • 40:10 Md. R. 925 (5-17-13)  
**08.18.07.01,.02** • 40:10 Md. R. 926 (5-17-13)  
**08.18.11.01**—**.05** • 40:7 Md. R. 614 (4-5-13)  
**08.18.25.01**—**.05** • 40:7 Md. R. 615 (4-5-13)

#### 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

**09.09.02.01**—**.03** • 40:6 Md. R. 478 (3-22-13)  
**09.10.01.07** • 40:9 Md. R. 796 (5-3-13)  
**09.12.31** • 40:10 Md. R. 929 (5-17-13)  
**09.12.81.01** • 40:8 Md. R. 730 (4-19-13) (ibr)  
**09.14.04.12** • 40:3 Md. R. 237 (2-8-13)  
**09.14.05.01** • 40:3 Md. R. 238 (2-8-13)  
**09.14.05.03** • 40:3 Md. R. 239 (2-8-13)  
**09.15.05.01**—**.03** • 40:3 Md. R. 240 (2-8-13) (ibr)  
**09.17.01.01**—**.03** • 40:7 Md. R. 618 (4-5-13)  
**09.20.04.01,.02** • 40:8 Md. R. 730 (4-19-13)  
**09.20.04.02** • 40:9 Md. R. 819 (5-3-13) (err)  
**09.21.05.01**—**.12** • 40:9 Md. R. 796 (5-3-13)  
**09.34.05.01,.02** • 39:20 Md. R. 1315 (10-5-12)  
**09.34.06.01**—**.13** • 39:20 Md. R. 1315 (10-5-12)  
**09.34.07.01**—**.06** • 39:20 Md. R. 1315 (10-5-12)  
**09.34.08.01**—**.12** • 39:20 Md. R. 1315 (10-5-12)  
**09.34.09.01,.02** • 39:20 Md. R. 1315 (10-5-12)  
**09.36.08.01**—**.05** • 40:8 Md. R. 732 (4-19-13)

#### 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

##### Subtitles 01 — 08 (1st Volume)

**10.05.05.03** • 39:15 Md. R. 976 (7-27-12)  
**10.07.05.04** • 39:15 Md. R. 977 (7-27-12)  
**10.07.14.07** • 39:15 Md. R. 978 (7-27-12)  
**10.07.22.01**—**.33** • 40:2 Md. R. 88 (1-25-13) (ibr)  
**10.09.35.01,.04,.05,.07** • 40:6 Md. R. 480 (3-22-13)  
**10.09.47.03** • 40:6 Md. R. 482 (3-22-13)

10.09.48.01—18 • 40:8 Md. R. 734 (4-19-13)  
 10.09.83.01—.07 • 39:23 Md. R. 1546 (11-16-12)  
 40:6 Md. R. 482 (3-22-13)

**Subtitles 10 — 22 (3rd Volume)**

10.10.04.02 • 39:15 Md. R. 979 (7-27-12)  
 10.22.02.01 • 40:2 Md. R. 99 (1-25-13) (ibr)

**Subtitles 23 — 36 (4th Volume)**

10.24.01.01 • 39:25 Md. R. 1622 (12-14-12)  
 10.25.02.02 • 40:6 Md. R. 483 (3-22-13)  
 10.25.03.02 • 40:6 Md. R. 484 (3-22-13)  
 10.26.01.03 • 40:10 Md. R. 929 (5-17-13)  
 10.26.02.05 • 40:10 Md. R. 929 (5-17-13)  
 10.29.01.01,.10—,13 • 39:20 Md. R. 1326 (10-5-12)  
 10.29.03.04 • 40:10 Md. R. 931 (5-17-13)  
 10.29.16.01,.02 • 39:20 Md. R. 1326 (10-5-12)  
 10.29.17.01—.10 • 39:20 Md. R. 1326 (10-5-12)  
 10.29.18.01—.06 • 39:20 Md. R. 1326 (10-5-12)  
 10.29.19.01—.12 • 39:20 Md. R. 1326 (10-5-12)  
 10.29.20.01,.02 • 39:20 Md. R. 1326 (10-5-12)  
 10.29.22.01 • 40:10 Md. R. 931 (5-17-13)  
 10.32.03.17,.18 • 39:15 Md. R. 981 (7-27-12)  
 40:9 Md. R. 798 (5-3-13)  
 10.32.06.12,.13 • 39:15 Md. R. 986 (7-27-12)  
 40:9 Md. R. 800 (5-3-13)  
 10.32.08.01—.12 • 39:16 Md. R. 1091 (8-10-12)  
 40:9 Md. R. 801 (5-3-13)  
 10.32.10.04,.05,.05-1,.05-2,.06 • 40:2 Md. R. 106 (1-25-13)  
 10.32.10.16,.19 • 39:15 Md. R. 990 (7-27-12)  
 40:9 Md. R. 802 (5-3-13)  
 10.32.11.15,.16 • 39:15 Md. R. 994 (7-27-12)  
 40:9 Md. R. 803 (5-3-13)  
 10.34.14.01,.03—.05 • 40:8 Md. R. 741 (4-19-13)  
 10.34.22.02,.03,.03-1,.05,.09—.11 • 40:8 Md. R. 742 (4-19-13)  
 10.34.30.01,.01-1 • 40:8 Md. R. 741 (4-19-13)

**Subtitles 37—60 (5th Volume)**

10.41.08.11 • 39:18 Md. R. 1209 (9-7-12)  
 10.54.01.19 • 40:6 Md. R. 485 (3-22-13)  
 10.58.07.01—.20 • 40:8 Md. R. 745 (4-19-13)

**11 DEPARTMENT OF TRANSPORTATION**

**Subtitles 01—10**

11.04.02.01,.05 • 40:2 Md. R. 130 (1-25-13)

**Subtitles 11—22 (MVA)**

11.11.05.02 • 39:22 Md. R. 1454 (11-2-12)

**12 DEPARTMENT OF PUBLIC SAFETY AND  
 CORRECTIONAL SERVICES**

12.04.01.09,.14 • 40:7 Md. R. 619 (4-5-13)  
 12.04.02.03 • 40:7 Md. R. 620 (4-5-13)  
 12.10.05.06 • 40:7 Md. R. 620 (4-5-13)  
 12.15.01.02—.20 • 39:8 Md. R. 559 (4-20-12)  
 12.15.02.01—.13 • 39:8 Md. R. 559 (4-20-12)  
 12.15.03.01—.11 • 39:8 Md. R. 559 (4-20-12)  
 12.15.04.01,.03—.06,.08,.09 • 39:8 Md. R. 559 (4-20-12)

12.15.05.02—.09 • 39:8 Md. R. 559 (4-20-12)  
**13A STATE BOARD OF EDUCATION**

13A.06.08.01—.07 • 40:6 Md. R. 487 (3-22-13) (ibr)  
 13A.07.06.01 • 40:9 Md. R. 805 (5-3-13)  
 13A.12.01.02,.06,.11 • 39:22 Md. R. 1458 (11-2-12)  
 13A.13.01.01—.14 • 40:2 Md. R. 132 (1-25-13)  
 13A.13.02.01—.08 • 40:1 Md. R. 42 (1-11-13)  
 13A.15.01.02 • 40:8 Md. R. 755 (4-19-13)  
 13A.15.02.01,.05 • 40:8 Md. R. 755 (4-19-13)  
 13A.15.03.03 • 40:8 Md. R. 755 (4-19-13)  
 13A.15.05.01 • 40:8 Md. R. 755 (4-19-13)  
 13A.15.07.07 • 40:8 Md. R. 755 (4-19-13)  
 13A.15.11.04 • 40:8 Md. R. 755 (4-19-13)  
 13A.15.13.07 • 40:8 Md. R. 755 (4-19-13)  
 13A.16.01.02 • 40:8 Md. R. 757 (4-19-13)  
 13A.16.03.03 • 40:8 Md. R. 757 (4-19-13)  
 13A.16.05.10 • 40:8 Md. R. 757 (4-19-13)  
 13A.16.11.04 • 40:8 Md. R. 757 (4-19-13)  
 13A.16.18.02 • 40:8 Md. R. 757 (4-19-13)  
 13A.17.01.02 • 40:8 Md. R. 759 (4-19-13)  
 13A.17.03.03 • 40:8 Md. R. 759 (4-19-13)  
 13A.17.05.10 • 40:8 Md. R. 759 (4-19-13)  
 13A.17.11.04 • 40:8 Md. R. 759 (4-19-13)  
 13A.18.01.02 • 40:8 Md. R. 761 (4-19-13)  
 13A.18.02.01 • 40:8 Md. R. 761 (4-19-13)  
 13A.18.03.03 • 40:8 Md. R. 761 (4-19-13)  
 13A.18.05.10 • 40:8 Md. R. 761 (4-19-13)  
 13A.18.06.06 • 40:8 Md. R. 761 (4-19-13)  
 13A.18.08.02,.03 • 40:8 Md. R. 761 (4-19-13)  
 13A.18.11.04 • 40:8 Md. R. 761 (4-19-13)  
 13A.18.14.07 • 40:8 Md. R. 761 (4-19-13)

**14 INDEPENDENT AGENCIES**

14.01.01.01,.02 • 40:7 Md. R. 629 (4-5-13)  
 14.01.02.01 —.13 • 40:7 Md. R. 629 (4-5-13)  
 14.01.03.01 —.15 • 40:7 Md. R. 629 (4-5-13)  
 14.01.04.01 —.07 • 40:7 Md. R. 629 (4-5-13)  
 14.01.05.01 —.08 • 40:7 Md. R. 629 (4-5-13)  
 14.01.06.01 —.03 • 40:7 Md. R. 629 (4-5-13)  
 14.01.07.01 —.15 • 40:7 Md. R. 629 (4-5-13)  
 14.01.08.01 —.04 • 40:7 Md. R. 629 (4-5-13)  
 14.01.09.01 —.06 • 40:7 Md. R. 629 (4-5-13)  
 14.01.10.01 —.20 • 40:7 Md. R. 629 (4-5-13)  
 14.01.11.01 —.08 • 40:7 Md. R. 629 (4-5-13)  
 14.01.12.01 —.07 • 40:7 Md. R. 629 (4-5-13)  
 14.01.13.01 —.08 • 40:7 Md. R. 629 (4-5-13)  
 14.01.14.01 —.50 • 40:7 Md. R. 629 (4-5-13)  
 14.01.15.01 —.33 • 40:7 Md. R. 629 (4-5-13)  
 14.01.16.01 —.11 • 40:7 Md. R. 629 (4-5-13)  
 14.01.17.01 —.09 • 40:7 Md. R. 629 (4-5-13)  
 14.01.18.01 —.06 • 40:7 Md. R. 629 (4-5-13)  
 14.01.19.01 —.04 • 40:7 Md. R. 629 (4-5-13)  
 14.01.20.01 —.04 • 40:7 Md. R. 629 (4-5-13)  
 14.30.07.04 • 39:6 Md. R. 448 (3-23-12)  
 14.30.11.12 • 39:6 Md. R. 448 (3-23-12)  
 14.31.06.02—.19 • 40:3 Md. R. 252 (2-8-13)  
 14.34.02.04 • 39:8 Md. R. 578 (4-20-12)

**15 DEPARTMENT OF AGRICULTURE**

15.05.01.01,.14 • 40:2 Md. R. 153 (1-25-13)  
 40:9 Md. R. 805 (5-3-13)  
 15.15.06.01—.07 • 40:9 Md. R. 806 (5-3-13)

- 15.20.06.01,.02,.04,.05,.07 • 40:2 Md. R. 157 (1-25-13)
- 15.20.07.02 • 40:2 Md. R. 162 (1-25-13) (ibr)
- 15.20.08.05 • 40:2 Md. R. 162 (1-25-13)
- 15.20.10.01—.03,.05,.07—.17 • 40:2 Md. R. 157 (1-25-13)

**17 DEPARTMENT OF BUDGET AND MANAGEMENT**

- 17.04.13.01,.03,.03-1,.06 • 40:9 Md. R. 808 (5-3-13)

**18 DEPARTMENT OF ASSESSMENTS AND TAXATION**

- 18.04.07.01,.04 • 40:6 Md. R. 489 (3-22-13)

**20 PUBLIC SERVICE COMMISSION**

- 20.61.01.03 • 40:8 Md. R. 763 (4-19-13)
- 20.61.02.01,.03 • 40:8 Md. R. 763 (4-19-13)
- 20.61.03.02 • 40:8 Md. R. 763 (4-19-13)

**26 DEPARTMENT OF THE ENVIRONMENT**

**Subtitles 08—12 (Part 2)**

- 26.11.01.01 • 40:7 Md. R. 621 (4-5-13)
- 26.11.01.01 • 40:7 Md. R. 623 (4-5-13)
- 26.11.02.17,.19 • 39:24 Md. R. 1584 (11-30-12)
- 26.11.06.14 • 40:7 Md. R. 621 (4-5-13)
- 26.11.09.08 • 39:16 Md. R. 1120 (8-10-12)  
39:16 Md. R. 1122 (8-10-12)
- 26.11.14.06—.08 • 39:16 Md. R. 1120 (8-10-12)
- 26.11.17.01,.02 • 40:7 Md. R. 623 (4-5-13)
- 26.11.27.02,.03 • 40:7 Md. R. 626 (4-5-13)
- 26.11.29 • 39:17 Md. R. 1177 (8-24-12) (err)
- 26.11.29.01—.05 • 39:16 Md. R. 1124 (8-10-12)
- 26.11.30.01—.08 • 39:16 Md. R. 1122 (8-10-12)
- 26.11.37.01—.04 • 40:7 Md. R. 627 (4-5-13)
- 26.12.01.01 • 40:10 Md. R. 932 (5-17-13) (ibr)

**27 CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS**

- 27.01.01.01 • 40:6 Md. R. 489 (3-22-13)
- 27.01.04.03 • 40:6 Md. R. 489 (3-22-13)
- 27.03.01.01,.04 • 40:6 Md. R. 489 (3-22-13)

**31 MARYLAND INSURANCE ADMINISTRATION**

- 31.08.05.02,.03 • 39:20 Md. R. 1345 (10-5-12)  
40:9 Md. R. 810 (5-3-13)
- 31.08.12.02—.06 • 39:20 Md. R. 1346 (10-5-12)
- 31.08.13.01—.06 • 39:26 Md. R. 1674 (12-28-12)
- 31.16.11.01—.03 • 39:20 Md. R. 1348 (10-5-12)

**36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY**

- 36.02.01.01 • 40:5 Md. R. 415 (3-8-13)
- 36.02.02.01—.10 • 40:5 Md. R. 415 (3-8-13)
- 36.02.03.01—.10 • 40:5 Md. R. 415 (3-8-13)
- 36.02.04.01—.08 • 40:5 Md. R. 415 (3-8-13)
- 36.02.05.01—.03 • 40:5 Md. R. 415 (3-8-13)
- 36.02.06.01—.18 • 40:5 Md. R. 415 (3-8-13)
- 36.02.07.01,.02 • 40:5 Md. R. 415 (3-8-13)
- 36.02.08.01—.09 • 40:5 Md. R. 415 (3-8-13)

- 36.03.01.01—.04 • 40:6 Md. R. 490 (3-22-13)
- 36.03.02.01—.18 • 40:6 Md. R. 490 (3-22-13)
- 36.03.03.01—.09 • 40:6 Md. R. 490 (3-22-13)
- 36.03.04.01—.10 • 40:10 Md. R. 933 (5-17-13)
- 36.03.05.01—.03 • 40:6 Md. R. 490 (3-22-13)
- 36.03.06.01—.03 • 40:6 Md. R. 490 (3-22-13)
- 36.03.07.01—.08 • 40:6 Md. R. 490 (3-22-13)
- 36.03.08.01—.04 • 40:6 Md. R. 490 (3-22-13)
- 36.03.09.01,.02 • 40:6 Md. R. 490 (3-22-13)
- 36.03.10.01—.49 • 40:6 Md. R. 490 (3-22-13)
- 36.03.11.01—.08 • 40:6 Md. R. 490 (3-22-13)
- 36.03.12.01—.06 • 40:6 Md. R. 490 (3-22-13)
- 36.05.01.01,.02 • 40:6 Md. R. 541 (3-22-13)
- 36.05.02.01—.19 • 40:6 Md. R. 541 (3-22-13)
- 36.05.03.01—.24 • 40:6 Md. R. 541 (3-22-13)
- 36.05.04.01—.14 • 40:6 Md. R. 541 (3-22-13)
- 36.05.04.04 • 40:8 Md. R. 765 (4-19-13) (err)
- 36.05.05.01—.11 • 40:6 Md. R. 541 (3-22-13)
- 36.05.06.01—.18 • 40:7 Md. R. 629 (4-5-13)
- 36.05.07.01—.06 • 40:7 Md. R. 629 (4-5-13)
- 36.05.08.01—.03 • 40:7 Md. R. 629 (4-5-13)
- 36.05.09.01—.13 • 40:7 Md. R. 629 (4-5-13)
- 36.05.10.01—.13 • 40:7 Md. R. 629 (4-5-13)
- 36.05.11.01—.13 • 40:7 Md. R. 629 (4-5-13)
- 36.05.12.01—.14 • 40:7 Md. R. 629 (4-5-13)
- 36.05.13.01—.13 • 40:7 Md. R. 629 (4-5-13)
- 36.05.13.09 • 40:8 Md. R. 765 (4-19-13) (err)
- 36.05.14.01—.13 • 40:7 Md. R. 629 (4-5-13)
- 36.05.15.01—.10 • 40:9 Md. R. 811 (5-3-13)
- 36.05.16.01—.13 • 40:10 Md. R. 933 (5-17-13)
- 36.05.17.01—.13 • 40:10 Md. R. 936 (5-17-13)
- 36.06.01.01—.03 • 40:4 Md. R. 381 (2-22-13)
- 36.06.02.01,.02 • 40:4 Md. R. 381 (2-22-13)
- 36.06.03.01—.16 • 40:4 Md. R. 381 (2-22-13)
- 36.06.04.01—.05 • 40:4 Md. R. 381 (2-22-13)
- 36.06.05.01—.10 • 40:4 Md. R. 381 (2-22-13)
- 36.07.01.01—.03 • 40:5 Md. R. 431 (3-8-13)
- 36.07.02.01—.18 • 40:5 Md. R. 431 (3-8-13)
- 36.07.03.01—.03 • 40:5 Md. R. 431 (3-8-13)
- 36.07.04.01—.19 • 40:5 Md. R. 431 (3-8-13)
- 36.07.05.01 • 40:5 Md. R. 431 (3-8-13)



# The General Assembly

For additional up-to-date information concerning bills introduced in the General Assembly, log on to <http://mlis.state.md.us> Click on Bill Information and Status. You may then enter a specific bill number for information about that bill. You may also click on Senate Synopsis or House Synopsis for the most recent synopsis list for each house, or click on Synopsis Index for a listing of all bill synopses since the beginning of the legislative session.

## SYNOPSIS NO. 7

### Chapters

- CH0156** SB0276 (Amended). The Pres (Admin), et al. Death Penalty Repeal - Substitution of Life Without the Possibility of Parole.
- CH0157** SB0279 (Enrolled). The Pres (Admin), et al. Election Law - Improving Access to Voting.
- CH0158** HB0224 (Enrolled). The Spkr (Admin), et al. Election Law - Improving Access to Voting.
- CH0159** HB0228 (Amended). The Spkr (Admin), et al. Maryland Health Progress Act of 2013.
- CH0160** SB0004 (Enrolled). Sen Pugh. State Personnel - Applicants for Employment - Criminal History Records Checks.
- CH0161** SB0008 (Amended). Sens Astle and Middleton. Gas Companies - Rate Regulation - Infrastructure Replacement Surcharge.
- CH0162** SB0011 Sen Astle. Natural Resources - State Boat Act - Expiration of Temporary Certificate of Boat Number.
- CH0163** SB0012 (Amended). Sen Zirkin. Labor and Employment - Leave - Deployment of Family Members in the Armed Forces.
- CH0164** SB0019 (Amended). Sen Jennings. Crimes - Aiming Laser Pointer at Aircraft.
- CH0165** SB0021 Sen Klausmeier. Natural Resources - Aquaculture Coordinating Council - Reporting Date.
- CH0166** HB0072 Del O'Donnell. Natural Resources - Aquaculture Coordinating Council - Reporting Date.
- CH0167** SB0025 (Enrolled). Sens Forehand and Klausmeier. Vehicle Laws - Title and Registration - Transfer to Surviving Spouse.
- CH0168** SB0032 (Amended). Sen Colburn. Alcoholic Beverages - Brewery License - On-Premises Consumption.
- CH0169** HB0004 (Amended). Dels Haddaway-Riccio and Eckardt. Alcoholic Beverages - Brewery License - On-Premises Consumption.
- CH0170** SB0039 Sen Colburn. Motor Vehicle Registration - Special Vintage Reproduction Registration Plate.
- CH0171** SB0053 Chr EHE (Dept). Department of Agriculture - Administrative Review of Contested Cases.
- CH0172** SB0054 (Amended). Chr EHE (Dept). Maryland Higher Education Commission - Scholarship Funds - Technical Alterations.
- CH0173** SB0059 Chr EHE (Dept). Natural Resources - Fish and Fisheries.
- CH0174** SB0069 (Amended). Chr B&T (Dept). Tobacco Products - Tobacco Tax - Exemptions and Penalties.
- CH0175** SB0070 (Enrolled). Chr B&T (Dept). Business and Economic Development - Enterprise Fund and Invest Maryland Program.
- CH0176** SB0072 (Enrolled). Chr JPR (Dept). Motor Vehicles - Damage to Highways from Overweight or Oversized Vehicles - Liability and Penalties.
- CH0177** SB0080 Chr FIN (Dept). Public Health - Prescription Drug Monitoring Program - Disclosure of Prescription Monitoring Data.
- CH0178** SB0083 (Enrolled). Chr FIN (Dept). Department of Aging - Aging and Disability Resource Center Program - Maryland Access Point.
- CH0179** SB0087 (Amended). Chr JPR (Dept) and Sen Forehand. Vehicle Laws - Seat Belts and Child Safety Seats.
- CH0180** SB0090 (Enrolled). Sen Astle. Natural Resources - Vessel Excise Tax - Waterway Improvement Fund.
- CH0181** SB0128 Sen Glassman, et al. Harford County - Alcoholic Beverages - Hours of Sale for Class B Licensees.
- CH0182** SB0129 Sens Glassman and Jacobs. Harford County - Alcoholic Beverages - Class H-CC (Corporate Club/Conference Center) License.
- CH0183** SB0131 Sen Glassman, et al. Harford County Liquor Control Board - Reserve Account.
- CH0184** SB0139 Sen Conway. Health Care Practitioners - Prescription Drug or Device Dispensing - Medical Facilities or Clinics That Specialize in Treatment Reimbursable Through Workers' Compensation Insurance.
- CH0185** SB0142 (Amended). Sen Pugh, et al. Public Utilities - Telephone Service - Charges for Directory Assistance.
- CH0186** HB0124 Del Davis. Public Utilities - Telephone Service - Charges for Directory Assistance.
- CH0187** SB0143 (Amended). Sen Pugh, et al. Public Schools - Emergency Management Plans - Evaluations.
- CH0188** HB0983 (Amended). Del Hixson, et al. Public Schools - Emergency Management Plans - Evaluations.
- CH0189** SB0144 Sen Kasemeyer. Property Tax Credit - Historically and Architecturally Valuable Property.
- CH0190** HB0263 Del Lafferty. Property Tax Credit - Historically and Architecturally Valuable Property.
- CH0191** SB0148 Sens Colburn and Pipkin. Caroline County - Alcoholic Beverages - Micro-Brewery Licenses.
- CH0192** HB0162 Caroline County Delegation. Caroline County - Alcoholic Beverages - Micro-Brewery Licenses.
- CH0193** SB0151 Sen Colburn. Hospitals - Outpatient Services - Off-Site Facility - Rate Regulation.
- CH0194** SB0154 (Enrolled). Sen Mathias. Somerset County - County Treasurer - Abolishment and Transfer of Functions to the County Supervisor of Tax Collection.
- CH0195** SB0155 Sen Mathias. Somerset County - Sale of Small Boat Harbor Dock.
- CH0196** SB0168 (Amended). Sen Simonaire. Estates and Trusts - Guardianship Accounts - Form and Limits.
- CH0197** SB0171 (Enrolled). Sen Forehand. Election Law - Special Elections - Voting by Mail.
- CH0198** HB0196 (Enrolled). Del Cardin, et al. Election Law - Special Elections - Voting by Mail.
- CH0199** SB0175 (Amended). Sen Kelley, et al. State Government - Commemorative Days - Maryland Centenarians Day.
- CH0200** SB0188 (Enrolled). Sen Pugh, et al. Minority Business Enterprises - Participation and Goals and Subgoals.
- CH0201** HB1353 (Amended). Del Oaks, et al. Minority Business Enterprises - Participation and Goals and Subgoals.
- CH0202** SB0195 (Amended). Sen Kelley, et al. Hospitals - Notice to Patients - Outpatient Status and Billing Implications.
- CH0203** HB1062 (Enrolled). Del Cullison, et al. Hospitals - Notice to Patients - Outpatient Status and Billing Implications.
- CH0204** SB0198 Sen Frosh. Estates and Trusts - Family Allowance.
- CH0205** SB0199 (Amended). Sens Frosh and Klausmeier. Real Property - Refinance Mortgage - Priority over Junior Liens.
- CH0206** SB0212 (Enrolled). Sen Edwards, et al. Vehicle Laws - Registration Plates for Motorcycles - Individuals with Disabilities.

- CH0207** SB0223 Sen Conway. Alcoholic Beverages - Class 7 Limited Beer Wholesaler's License.
- CH0208** SB0224 (Amended). Sen Pugh, et al. State Employee and Retiree Health and Welfare Benefits Program - Wellness Program.
- CH0209** SB0230 (Amended). Sens Getty and Ferguson. Open Meetings Act - Public Body - Definition.
- CH0210** SB0235 (Enrolled). Sen Ferguson, et al. Baltimore City - Alcoholic Beverages - License Revocation.
- CH0211** SB0237 (Amended). The Pres (DLS). Health Occupations - Sunset Extension and Program Evaluation.
- CH0212** SB0238 The Pres (DLS). State Board of Public Accountancy - Sunset Extension and Program Evaluation.
- CH0213** SB0243 Sen Astle. Maryland Income Tax Refund - Anne Arundel County Warrant Intercept Program - Extension.
- CH0214** SB0244 (Enrolled). Sen Astle. City of Annapolis - Alcoholic Beverages - Refillable Container License.
- CH0215** HB0145 (Enrolled). Anne Arundel County Delegation. City of Annapolis - Alcoholic Beverages - Refillable Container License.
- CH0216** SB0245 (Amended). Sen Robey. School Buildings - Solar Technology - Design Development Documents.
- CH0217** HB0103 (Amended). Del Morhaim, et al. School Buildings - Solar Technology - Design Development Documents.
- CH0218** SB0254 Sen Montgomery, et al. State Board of Examiners of Psychologists - License Renewal.
- CH0219** HB0098 Del Hubbard. State Board of Examiners of Psychologists - License Renewal.
- CH0220** SB0269 Sen Jones-Rodwell (Chr Jt Com on Pnsns). State Retirement and Pension System - Correction of Errors in Benefits.
- CH0221** HB0376 Del Griffith (Chr Jt Com on Pnsns). State Retirement and Pension System - Correction of Errors in Benefits.
- CH0222** SB0302 (Amended). Sens Glassman and Simonaire. Environment - Water Pollution Control - Reporting.
- CH0223** SB0304 Sens Miller and Dyson. Calvert County - Election Judges - Compensation.
- CH0224** SB0305 (Enrolled). Chr FIN (DLS). Division of Labor and Industry and Associated Boards and Councils - Sunset Extension and Program Evaluation.
- CH0225** SB0313 Sen Astle. Workers' Compensation - Anne Arundel County Deputy Sheriff.
- CH0226** HB0370 (Amended). Anne Arundel County Delegation. Workers' Compensation - Anne Arundel County Deputy Sheriff.
- CH0227** SB0315 Sens Brinkley and Young. Frederick County - Gaming Permits.
- CH0228** HB0414 Frederick County Delegation. Frederick County - Gaming Permits.
- CH0229** SB0321 (Amended). Sens Brinkley and Young. Frederick County - Alcoholic Beverages - License Fees.
- CH0230** HB0410 (Amended). Frederick County Delegation. Frederick County - Alcoholic Beverages - License Fees.
- CH0231** SB0335 Sen Klausmeier, et al. Health Occupations - Funeral Establishments - Preparation and Holding Rooms.
- CH0232** SB0338 Sen Conway. State Board of Nursing - Medication Technician Graduates and Certified Medication Technicians - Sunset Extension.
- CH0233** HB0425 (Amended). Dels Nathan-Pulliam and V. Turner. State Board of Nursing - Medication Technician Graduates and Certified Medication Technicians - Sunset Extension.
- CH0234** SB0344 (Enrolled). Sens Middleton and Frosh. Potomac River Fisheries Commission - Inspection Tax and Penalty.
- CH0235** HB0357 (Amended). Del Wood, et al. Potomac River Fisheries Commission - Inspection Tax and Penalty.
- CH0236** SB0346 Sen Kelley. Innovations in Aging Services Program - Commission on Aging - Responsibilities.
- CH0237** SB0350 (Amended). Sen Colburn, et al. Electrical Inspectors and Plumbing Inspectors - Master License Required.
- CH0238** SB0351 Sen Mathias. Somerset County - Alcoholic Beverages - Beer and Wine Tasting License.
- CH0239** SB0355 (Amended). Sen Pugh, et al. Office of Health Care Quality - Abuser Registry Workgroup.
- CH0240** SB0356 (Enrolled). Sen Pugh, et al. Ex-Offender Business Development Program Study.
- CH0241** HB0698 (Enrolled). Del Pena-Melnyk, et al. Ex-Offender Business Development Program Study.
- CH0242** SB0358 (Amended). Sen Conway. State Board of Morticians and Funeral Directors - Authority to Discipline - Funeral Establishment Licenses.
- CH0243** HB0314 (Amended). Del Pena-Melnyk, et al. State Board of Morticians and Funeral Directors - Authority to Discipline - Funeral Establishment Licenses.
- CH0244** SB0371 Sen Edwards. Garrett County - Alcoholic Beverages - Sunday Sales.
- CH0245** HB0464 Del Beitzel. Garrett County - Alcoholic Beverages - Sunday Sales.
- CH0246** SB0374 (Amended). Sen Astle, et al. Office of the Attorney General - Workgroup on Children's Online Privacy Protection.
- CH0247** SB0375 (Amended). Sen Middleton, et al. Commercial Law - Maryland Credit Services Businesses Act - Scope.
- CH0248** SB0380 (Enrolled). Sen Muse, et al. Department of Health and Mental Hygiene - Workgroup on Cancer Clusters and Environmental Causes of Cancer.
- CH0249** HB1343 (Amended). Del Glenn, et al. Department of Health and Mental Hygiene - Workgroup on Cancer Clusters and Environmental Causes of Cancer.
- CH0250** SB0385 (Enrolled). Sen Pugh, et al. State Government - Health, Education, and Social Services - Submission of Documents in Electronic Form.
- CH0251** SB0390 (Amended). Sen Raskin. Health - Food Allergy Awareness, Food Safety, and Food Service Facility Letter Grading - Posting Requirement and Task Force.
- CH0252** HB0009 (Amended). Del Hixson, et al. Health - Food Allergy Awareness, Food Safety, and Food Service Facility Letter Grading - Posting Requirement and Task Force.
- CH0253** SB0392 (Amended). Cecil County Senators. Cecil County - Alcoholic Beverages - Refillable Containers.
- CH0254** SB0400 Sen Glassman. Environmental Health Specialists - Licensure Examinations - Applicant Qualifications and Waiver.
- CH0255** SB0401 (Amended). Sen Dyson. Pharmacists - Administration of Vaccinations - Expanded Authority and Reporting Requirements.
- CH0256** HB0179 (Amended). Del Hubbard, et al. Pharmacists - Administration of Vaccinations - Expanded Authority and Reporting Requirements.
- CH0257** SB0404 Sen Middleton, et al. Income Tax - Subtraction Modification - Enhanced Agricultural Management Equipment.
- CH0258** HB0408 (Amended). Del Conway, et al. Income Tax - Subtraction Modification - Enhanced Agricultural Management Equipment.
- CH0259** SB0414 (Amended). Sen King, et al. Higher Education - Tuition Waiver - Foster Care Recipients.
- CH0260** HB1012 (Amended). Del Wilson, et al. Higher Education - Tuition Waiver - Foster Care Recipients.
- CH0261** SB0422 (Amended). Sen Pugh, et al. Public School Employees - Collective Bargaining - Representation Fees.
- CH0262** HB0667 (Enrolled). Del Hixson, et al. Public School Employees - Collective Bargaining - Representation Fees.
- CH0263** SB0424 (Amended). Sen Mathias. Somerset County - Emergency Burning Ban - Adoption and Enforcement.

- CH0264** SB0426 Sen Simonaire. Anne Arundel County - Drug Free School Zones - Hotline Number on Signs.
- CH0265** HB0891 Del McConkey, et al. Anne Arundel County - Drug Free School Zones - Hotline Number on Signs.
- CH0266** SB0431 (Amended). Sen King. Higher Education - University System of Maryland - Quasi-Endowments.
- CH0267** SB0436 (Amended). Sen Peters, et al. Recordation Taxes - Exemptions.
- CH0268** HB1209 (Amended). Del Frick, et al. Recordation Taxes - Exemptions.
- CH0269** SB0446 (Amended). Sen Pugh, et al. Homeowner's or Renter's Insurance and Private Passenger Motor Vehicle Insurance - Bundling Requirement - Prohibited.
- CH0270** HB0342 (Enrolled). Del Hucker, et al. Homeowner's or Renter's Insurance and Private Passenger Motor Vehicle Insurance - Bundling Requirement - Prohibited.
- CH0271** SB0459 (Amended). Sens Conway and Middleton. Health Occupations - Dental Hygienists - Provision of Services at a Community-Based Health Fair.
- CH0272** HB1121 (Amended). Del Kipke, et al. Health Occupations - Dental Hygienists - Provision of Services at a Community-Based Health Fair.
- CH0273** SB0460 (Amended). Sens Conway and Middleton. Health Occupations - Physician Assistants - Authority to Practice.
- CH0274** HB0723 (Amended). Del Tarrant, et al. Health Occupations - Physician Assistants - Authority to Practice.
- CH0275** SB0462 (Amended). Sen Simonaire. Environment - Wetlands and Waterways Authorizations - Installation of Personal Watercraft Lifts.
- CH0276** HB0994 (Amended). Del Schuh. Environment - Wetlands and Waterways Authorizations - Installation of Personal Watercraft Lifts.
- CH0277** SB0471 (Enrolled). Sen Mathias. Somerset County - Alcoholic Beverages - Selling Near Schools, Places of Worship, Public Libraries, and Youth Centers.
- CH0278** SB0484 (Enrolled). Sen Dyson, et al. Income Tax Credit - Oyster Shell Recycling.
- CH0279** HB0184 (Enrolled). Del Lafferty, et al. Income Tax Credit - Oyster Shell Recycling.
- CH0280** SB0496 (Enrolled). Sen Pugh, et al. Maryland Medical Assistance Program - Telemedicine.
- CH0281** SB0501 (Amended). Sen Conway. State Board of Nursing - Licensure by Endorsement - Clinical Experience.
- CH0282** HB0624 (Amended). Del Pena-Melnyk, et al. State Board of Nursing - Licensure by Endorsement - Clinical Experience.
- CH0283** SB0516 (Enrolled). Sen Jones-Rodwell (BCA), et al. Economic Development - Baltimore Convention Facility - Operating Deficits.
- CH0284** SB0547 (Enrolled). Sens Middleton and Frosh. Natural Resources - Nuisance Organisms - Penalties.
- CH0285** HB0708 (Amended). Del McIntosh, et al. Natural Resources - Nuisance Organisms - Penalties.
- CH0286** SB0548 (Amended). Sen Pugh, et al. Education - Minority Teacher Recruitment - Study and Report.
- CH0287** SB0557 (Amended). Sen Stone. Medical Records - Disclosure in Response to Compulsory Process.
- CH0288** SB0581 (Amended). Sen Kelley, et al. Health Insurance - Federal Mental Health Parity and Addiction Equity Act - Notice and Authorization Forms.
- CH0289** HB1216 (Amended). Del A. Kelly, et al. Health Insurance - Federal Mental Health Parity and Addiction Equity Act - Notice and Authorization Forms.
- CH0290** SB0582 (Amended). Sen Kelley, et al. Health Insurance - Federal Mental Health Parity and Addiction Equity Act - Utilization Review Criteria and Standards.
- CH0291** HB1252 (Amended). Del A. Kelly, et al. Health Insurance - Federal Mental Health Parity and Addiction Equity Act - Utilization Review Criteria and Standards.
- CH0292** SB0586 (Enrolled). Sen Middleton, et al. Task Force to Study the Implementation of a Hub and Spoke Program in the Southern Maryland Region.
- CH0293** HB1019 (Amended). Del Jameson, et al. Task Force to Study the Implementation of a Hub and Spoke Program in the Southern Maryland Region.
- CH0294** SB0589 (Amended). Sen Pugh, et al. Commercial Law - Consumer Protection - Rental-Purchase Transactions.
- CH0295** HB0334 (Amended). Del M. Washington, et al. Commercial Law - Consumer Protection - Rental-Purchase Transactions.
- CH0296** SB0592 (Amended). Sen Frosh, et al. Natural Resources - Shark Fins - Restriction on Possession or Distribution.
- CH0297** HB1148 (Amended). Del Luedtke, et al. Natural Resources - Shark Fins - Restriction on Possession or Distribution.
- CH0298** SB0595 (Amended). Sens Montgomery and Benson. State Board of Pharmacy - Wholesale Distribution - Pharmacies.
- CH0299** SB0610 (Enrolled). Sen Klausmeier, et al. Health - Overdose Response Program - Establishment.
- CH0300** SB0624 (Enrolled). Sen Pugh (Commission on Maryland Cybersec). Identity Fraud - Health Information and Health Care Records.
- CH0301** HB0942 (Amended). Del Lee (Comm on Md Cybersecurity), et al. Identity Fraud - Health Information and Health Care Records.
- CH0302** SB0634 (Enrolled). Sen Peters, et al. Commercial Law - Self-Service Storage Facilities.
- CH0303** HB1127 (Amended). Del Jameson, et al. Commercial Law - Self-Service Storage Facilities.
- CH0304** SB0676 (Amended). Sen Pugh (Commission on Maryland Cybersec). Governmental Procedures - Security and Protection of Information.
- CH0305** SB0679 (Amended). Sen Pugh, et al. Virginia I. Jones Alzheimer's Disease and Related Disorders Council.
- CH0306** HB0690 (Amended). Del Pena-Melnyk, et al. Virginia I. Jones Alzheimer's Disease and Related Disorders Council.
- CH0307** SB0690 (Amended). Sen Montgomery. Maryland Board of Physicians - Failure to Renew a License or Misrepresentation as a Licensed Person - Penalties.
- CH0308** HB0900 (Amended). Del Kach. Maryland Board of Physicians - Failure to Renew a License or Misrepresentation as a Licensed Person - Penalties.
- CH0309** SB0715 (Amended). Sen Ramirez, et al. Maryland Highway Safety Act of 2013.
- CH0310** SB0729 Calvert County Senators. Calvert County - County Commissioners - Method of Election.
- CH0311** SB0736 (Enrolled). Sen Astle. Insurance - Fraudulent Insurance Acts - Compensation for Deductible.
- CH0312** SB0742 Sen Jones-Rodwell (BCA) and Sen Ferguson. Vehicle Laws - Residential Parking in Baltimore City.
- CH0313** SB0745 (Amended). Sen Middleton. Public Safety - 9-1-1 Emergency Telephone Systems - Prepaid Service - Collection of Surcharge.
- CH0314** SB0748 (Amended). Sen Middleton. Agriculture - Nutrient Management - Limiting Applicability.
- CH0315** HB0561 (Amended). Del Hubbard, et al. Agriculture - Nutrient Management - Limiting Applicability.
- CH0316** SB0752 (Amended). Sen Robey, et al. Department of Budget and Management - Foster Youth Summer Internship Pilot Program.

- CH0317** HB1119 (Amended). Del Zucker, et al. Department of Budget and Management - Foster Youth Summer Internship Pilot Program.
- CH0318** SB0769 (Amended). Sen Raskin, et al. Health Benefit Plans - Proposed Rate Increases - Notice to Insureds.
- CH0319** SB0776 (Enrolled). Sen Pugh, et al. Telemedicine Task Force - Maryland Health Care Commission.
- CH0320** HB0934 (Enrolled). Del Lee, et al. Telemedicine Task Force - Maryland Health Care Commission.
- CH0321** SB0777 (Amended). Sen Pugh. Insurance - Ceding Insurers and Reinsurance.
- CH0322** SB0797 (Amended). Sen Middleton. Thermal Energy - Task Force and Regulations.
- CH0323** HB1084 (Amended). Del Stein, et al. Thermal Energy - Task Force and Regulations.
- CH0324** SB0798 (Amended). Sen Middleton, et al. Hospitals - Credentialing and Privileging Process - Telemedicine.
- CH0325** SB0846 (Enrolled). Sen Conway. Courts - Baltimore City Sheriff and Fees for Filing and Service of Process.
- CH0326** SB0849 (Amended). Sen Ramirez, et al. Public Utilities - Consumer Relations - Tenant Payment of Landlord Utility Bills.
- CH0327** HB1090 (Amended). Del Barnes, et al. Public Utilities - Consumer Relations - Tenant Payment of Landlord Utility Bills.
- CH0328** SB0881 (Amended). Sen Middleton. Community Health Resources Commission - Revisions.
- CH0329** SB0897 (Enrolled). Sen Klausmeier. Consumer Protection - Security Freezes - Children in Foster Care Settings.
- CH0330** HB1297 (Enrolled). Del Zucker, et al. Consumer Protection - Security Freezes - Children in Foster Care Settings.
- CH0331** SB0899 (Amended). Sen Mathias, et al. Local Government - Fire, Rescue, and Ambulance Funds - Distribution.
- CH0332** HB0778 (Amended). Del Conway, et al. Local Government - Fire, Rescue, and Ambulance Funds - Distribution.
- CH0333** SB0920 (Amended). Sen Dyson. Natural Resources - Submerged Land and Water Column Leases - Herring Creek.
- CH0334** SB0930 (Amended). Sen Pugh, et al. Property and Casualty Insurance - Premium Payments - Acceptance on Installment Payment Basis and Premium Finance Agreements.
- CH0335** SB0931 (Enrolled). Sen Stone, et al. Baltimore County - Orphans' Court Judges - Salary.
- CH0336** SB0963 Sen Mathias, et al. Task Force to Study a Post-Labor Day Start Date for Maryland Public Schools.
- CH0337** SB1004 (Enrolled). Calvert County Senators. Calvert County - Alcoholic Beverages - Sunday Sales.
- CH0338** HB1448 (Amended). Calvert County Delegation. Calvert County - Alcoholic Beverages - Sunday Sales.
- CH0339** SB1029 (Enrolled). Sen Middleton, et al. Maryland Agricultural Certainty Program.
- CH0340** SB1057 (Enrolled). Sen Middleton, et al. Department of Health and Mental Hygiene - Health Care Staff Agencies - Regulation.
- CH0341** SB1064 Sen Middleton. Renewable Energy Portfolio Standard - Solar Water Heating Systems.
- CH0342** HB1534 Del Frush, et al. Renewable Energy Portfolio Standard - Solar Water Heating Systems.
- CH0343** SB1066 (Amended). Sen Pugh. Minority Business Enterprises - Not-for-Profit Entities.
- CH0344** SB1068 (Amended). Sen Glassman. Commission to Study the Regulation of Payroll Services.
- CH0345** SB1072 Sen Middleton. Linked Deposit Programs for Small Businesses and Minority Business Enterprises.
- CH0346** HB0007 Del Bohanan. Southern Maryland Higher Education Council - Modifications.
- CH0347** HB0034 (Enrolled). Del Aumann, et al. State Government - Commemorative Month - German-American Heritage Month.
- CH0348** HB0056 (Amended). Del Smigiel, et al. State Board of Professional Counselors and Therapists - Criminal History Records Checks.
- CH0349** HB0099 (Amended). Dels Hubbard and V. Turner. Public Health - Child Care Products Containing Flame-Retardant Chemicals (TCEP) - Prohibition.
- CH0350** HB0126 (Enrolled). Del Davis. Consumer Protection - Maryland Consumer Protection Act - Scope.
- CH0351** HB0139 (Enrolled). Dels O'Donnell and Krebs. Open Meetings Act - Training for Public Bodies.
- CH0352** HB0167 Del Ivey, et al. State Government - Commemorative Days - Maryland Emancipation Day.
- CH0353** HB0199 Del Hershey, et al. Queen Anne's County - Beer, Wine and Liquor Tasting License.
- CH0354** HB0201 Del Hershey, et al. Queen Anne's County - Property Tax Credit - Commercial Investment and Economic Development.
- CH0355** HB0207 (Enrolled). Del Luedtke, et al. Education - Truant Students.
- CH0356** HB0212 (Amended). Del Hershey, et al. Alcoholic Beverages - Cecil and Queen Anne's Counties - Beer and Wine Festivals.
- CH0357** HB0214 (Enrolled). Del Hershey, et al. Queen Anne's County - Deer Hunting on Private Property - Sundays.
- CH0358** HB0216 (Enrolled). Del Hershey, et al. Queen Anne's County and St. Mary's County - Alcoholic Beverages - Micro-Brewery Licenses.
- CH0359** HB0218 Del George. Physician Assistants - Performance of X-Ray Duties.
- CH0360** HB0234 (Amended). Del Oaks, et al. Transportation - Baltimore Corridor Red Line Transit Study.
- CH0361** HB0235 (Amended). Del McComas, et al. Property Tax - Valuation of Residential Real Property - Database.
- CH0362** HB0238 (Enrolled). Del Oaks, et al. Morgan State University - Board of Regents - Length and Limitation of Terms and Residency Requirement.
- CH0363** HB0250 (Amended). Del Smigiel, et al. Criminal Procedure - Victims' Rights - Remedy and Priority of Restitution.
- CH0364** HB0301 St. Mary's County Delegation. St. Mary's County - Alcoholic Beverages - Class 6 Pub-Brewery License.
- CH0365** HB0303 (Enrolled). Del Nathan-Pulliam, et al. Task Force to Study Point-of-Care Testing for Lead Poisoning.
- CH0366** HB0311 (Amended). Del K. Kelly, et al. Crimes - Requirement to Report Death or Disappearance of Minor - Penalties.
- CH0367** HB0333 (Amended). Dels Rosenberg and Haynes. Family Investment Program - Couples Advancing Together Pilot Program.
- CH0368** HB0361 (Enrolled). Chr HGO (Dept). Health Insurance - Conformity with and Implementation of Federal Patient Protection and Affordable Care Act.
- CH0369** HB0396 (Amended). Del Cardin, et al. Criminal Law - Misuse of Interactive Computer Service (Grace's Law).
- CH0370** HB0419 (Enrolled). Del Frick. Personal Property Tax - Liens for Unpaid Tax.
- CH0371** HB0430 Chr JUD (Dept). Criminal Law - Alcoholic Beverages - Consumption and Possession in Motor Vehicles.
- CH0372** HB0453 (Amended). Del Walker, et al. Education - Maryland Center for School Safety.
- CH0373** HB0489 (Amended). Del Mitchell, et al. Criminal Law - Threat Against State or Local Official - Expansion.
- CH0374** HB0526 (Enrolled). Del Summers, et al. Higher Education - Maryland First Scholarship - Creation and Funding.
- CH0375** HB0527 (Amended). Del Clagett. Frederick Regional Higher Education Advisory Board.
- CH0376** HB0529 (Amended). Dels Pena-Melnyk and Hubbard. State Board of Morticians and Funeral Directors - Apprentice

Sponsors, Funeral Establishment Licenses, and Supervising Morticians.

**CH0377** HB0537 Del Serafini, et al. Insurance Producers - Continuing Education - Online Courses.

**CH0378** HB0555 (Amended). St. Mary's County Delegation. St. Mary's County - Building Impact Fees - Deferrals.

**CH0379** HB0581 (Amended). Del Hubbard, et al. Hospitals - Establishment of Palliative Care Pilot Programs.

**CH0380** HB0631 (Amended). Del Hough, et al. Family Law - Preventing or Interfering with Report of Suspected Child Abuse or Neglect.

**CH0381** HB0669 (Enrolled). Del Vaughn, et al. Business Regulation - Introduction of Additives into Gasoline - Authorization.

**CH0382** HB0674 Montgomery County Delegation. Montgomery County - Board of Education - Compensation MC 8-13.

**CH0383** HB0695 (Enrolled). Del Rudolph. Homeowner's Insurance - Anti-Concurrent Causation Clause - Notice and Study.

**CH0384** HB0706 (Amended). Chr ENV (Dept). Natural Resources - Forest Preservation Act of 2013.

**CH0385** HB0724 Chr HGO (Dept). Insurance - Risk Based Capital Standards - Fraternal Benefit Societies and Life Insurers.

**CH0386** HB0742 (Amended). Del Waldstreicher, et al. Criminal Procedure - Citation Authority.

**CH0387** HB0749 (Enrolled). Del Beitzel. Garrett County - Alcoholic Beverages - Licenses, Permits, and Other Authorizations.

**CH0388** HB0781 (Amended). Del Gilchrist. Vehicle Laws - Towing or Removal of Vehicles - Notice.

**CH0389** HB0791 (Enrolled). Dels McHale and Malone. Tax Credits - Electric Vehicles - Extensions.

**CH0390** HB0803 (Enrolled). Chr W&M (Dept). Income Tax - Business and Economic Development - Cybersecurity Investment Incentive Tax Credit.

**CH0391** HB0806 (Enrolled). Del Hubbard. Health Occupations - State Board of Social Work Examiners - Revisions.

**CH0392** HB0813 (Enrolled). Del Kaiser, et al. Task Force to Study the Impact of Expanding Credit and Noncredit Courses for Students with Intellectual and Developmental Disabilities.

**CH0393** HB0868 (Amended). Del Murphy, et al. Health Occupations - State Board of Pharmacy - Waivers - Pharmacies That Only Dispense Devices.

**CH0394** HB0955 (Enrolled). Dels Jameson and Kaiser. Task Force to Study Temporary Disability Insurance Programs and the Process for Assisting Individuals with Disabilities at Local Departments of Social Services.

**CH0395** HB0963 (Enrolled). Del Cullison, et al. Edward T. Conroy and Jean B. Cryor Memorial Scholarship Programs.

**CH0396** HB0978 (Amended). Del Barkley. Alcoholic Beverages - Winery Off-Site Permit and Wine Festival Permit.

**CH0397** HB0986 (Amended). Del Hammen. State Board of Pharmacy - Sterile Compounding - Permits.

**CH0398** HB1009 (Amended). Del Reznik. Cosmetic Surgical Facilities - Regulation.

**CH0399** HB1040 (Amended). Del Sophocleus, et al. Business Regulation - Secondhand Precious Metal Object Dealers and Pawnbrokers - Revisions.

**CH0400** HB1082 (Enrolled). Prince George's County Delegation. Prince George's County - Alcoholic Beverages - Class A Licenses and Class B-AE Licenses PG 317-13.

**CH0401** HB1096 (Enrolled). Del Hammen (Chr HGO). State Board of Physicians and Allied Health Advisory Committees - Sunset Extension and Program Evaluation.

**CH0402** HB1098 (Enrolled). Del Olszewski, et al. Task Force to Study the Applicability of the Maryland Prevailing Wage Law.

**CH0403** HB1101 (Amended). Del Morhaim, et al. Medical Marijuana - Academic Medical Centers - Natalie M. LaPrade Medical Marijuana Commission.

**CH0404** HB1115 (Amended). Del Cullison, et al. Health Occupations Boards - License Renewal, Investigation of Alleged Violations, and Immunity from Liability.

**CH0405** HB1190 Del Hixson, et al. County Property Tax - Personal Property Rate.

**CH0406** HB1203 (Enrolled). Dels Kramer and Simmons. Homeowner's or Renter's Insurance - Policy Exclusions for Specific Breeds or Mixed Breeds of Dogs - Notices.

**CH0407** HB1205 (Enrolled). Del Rudolph. Study of Captive Insurers.

**CH0408** HB1215 (Enrolled). Del Walker. Consumer Protection - Home Appliances and Warranty Enforcement - Study.

**CH0409** HB1220 (Amended). Del Swain, et al. Invalidation and Destruction of Unexecuted Warrant, Summons, or Other Criminal Process - Failure to Appear Designation.

**CH0410** HB1279 (Enrolled). Del Niemann, et al. Statewide Building Codes - Maryland Accessibility Code - Enforcement.

**CH0411** HB1292 (Enrolled). Del O'Donnell, et al. Calvert County - Alcoholic Beverages Licenses and Appeals.

**CH0412** HB1301 (Amended). Del Jones. State Board of Cosmetologists - Limited License - Hairstylist.

**CH0413** HB1320 (Amended). Del Jones, et al. Baltimore City and Baltimore County - Child in Need of Supervision Pilot Program - Extension.

**CH0414** HB1394 Del Impallaria. Harford County - Appointment of Fire Company Members as Deputy Sheriffs - Number.

**CH0415** HB1396 Del Conaway, et al. Criminal Law - Theft-Related Crimes - Penalties.

**CH0416** HB1406 Howard County Delegation. Howard County - Sheriff - Salary Increases Ho. Co. 13-13.

**CH0417** HB1408 Del Cullison, et al. Family Law - Criminal History Records Checks - Student Teachers.

**CH0418** HB1429 (Amended). Chr ENV (Dept). Department of Health and Mental Hygiene - Former Officials and Employees - Employment.

**CH0419** HB1499 (Enrolled). The Spkr (Campaign Finance Comm), et al. Campaign Finance Reform Act of 2013.

**CH0420** HB1513 (Enrolled). Del Hixson. Public Safety - Response to a State Disaster or Emergency - Licensing and Taxes.

**CH0421** HB1514 (Amended). Howard County Delegation. Howard County - Noise Control - Outdoor Concert Venues Ho. Co. 9-13.

**CH0422** SB0829 (Enrolled). Sen Miller, et al. Transportation Trust Fund - Use of Funds.

**CH0423** HB0100 (Enrolled). The Spkr (Admin). Budget Bill (Fiscal Year 2014).

[13-10-46]

# The Judiciary

## COURT OF APPEALS OF MARYLAND ATTORNEYS TO BE ADMITTED TO THE BAR

Annapolis, Maryland  
May 3, 2013

The State Board of Law Examiners, after careful consideration of their qualifications, has by report to the Court recommended that the applicants named on Exhibit A attached hereto be admitted to the Bar, conditioned upon successful completion of the Professionalism Course pursuant to Rule 11 of Rules Governing Admission to the Bar of Maryland. As to certain applicants named in an attachment to the Report, the favorable recommendation also is conditioned upon the outcome of proceedings pending under Rule 5 (Character Review) of *Rules Governing Admission to the Bar of Maryland*.

It is thereupon the 3rd day of May, 2013, by the Court of Appeals of Maryland ORDERED that the Board's recommendation be ratified subject to the conditions therein stated on the 3rd day of June, 2013, unless exceptions to the Board's recommendation of any applicant be filed on or before said date, provided a copy of this Order be published at least one time in the Maryland Register before such ratification.

ROBERT M. BELL  
Chief Judge  
Court of Appeals of Maryland

Filed: May 3, 2013

BESSIE M. DECKER  
Clerk  
Court of Appeals of Maryland

### EXHIBIT A MARYLAND GENERAL BAR EXAM FEBRUARY 2013

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[13-10-48]

**ATTORNEYS TO BE ADMITTED TO THE BAR**

Annapolis, Maryland  
 April 26, 2013

The State Board of Law Examiners, after careful consideration of their qualifications, has by report to the Court recommended that the applicants named on Exhibit A attached hereto be admitted to the Bar, conditioned upon successful completion of the Professionalism Course pursuant to Rule 11 of *Rules Governing Admission to the Bar of Maryland*. As to certain applicants named in an attachment to the Report, the favorable recommendation also is conditioned upon the outcome of proceedings pending under Section (j) of Rule 13 (Out-of-State Attorneys) of *Rules Governing Admission to the Bar of Maryland*.

It is thereupon the 26th day of April, 2013, by the Court of Appeals of Maryland ORDERED that the Board's recommendation be ratified subject to the conditions therein stated on the 28th day of May, 2013, unless exceptions to the Board's recommendation of any applicant be filed on or before said date, provided a copy of this Order be published at least one time in the Maryland Register before such ratification.

ROBERT M. BELL  
 Chief Judge  
 Court of Appeals of Maryland

Filed: April 26, 2013

BESSIE M. DECKER  
 Clerk  
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 Mogetz, Amy Beth, 1232 Seventeenth Street, NW,  
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Rabinowicz, Joseph David, 707 South President Street, Apt 1024, Baltimore, MD 21202  
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[13-10-28]

**DISCIPLINARY PROCEEDINGS**

This is to certify that by an Opinion and Order of this Court dated April 25, 2013, **BRIEN MICHAEL PENN**, 3060 Route 97, Suite 260, Glenwood, Maryland 21738, has been disbarred, effective immediately, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

\* \* \* \* \*

This is to certify that by a Per Curiam Order of this Court dated May 2, 2013, **DEAN CLAYTON KREMER**, 6425 South Wind Circle, Columbia, Maryland 21044, has been disbarred, effective immediately, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

\* \* \* \* \*

This is to certify that by a Per Curiam Order of this Court dated May 2, 2013, **JASON ASHLEY KOBIN**, 210 Colgate Drive, Forest

Hill, Maryland 21050, has been disbarred, effective immediately, from the further practice of law in this State and his name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-760(e)).

\* \* \* \* \*

This is to certify that by an Order of this Court dated May 2, 2013, **TIFFANY T. ALSTON**, 4200 Forbes Blvd. #204, Lanham, Maryland 20706, has been disbarred by consent, effective immediately, from the further practice of law in this State and her name as an attorney at law has been stricken from the register of attorneys in this Court (Maryland Rule 16-772(d)).

[13-10-44]

**STANDING COMMITTEE ON RULES OF PRACTICE AND PROCEDURE**

**Rules Order**

This Court’s Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Seventy-Sixth Report to the Court recommending adoption of proposed new Title 20 (Electronic Filing and Case Management), new Rule 1-322.1, and proposed amendments to Rules 1-101, 1-322, 16-723, 16-811, 16-1001, 16-1002, 16-1004, 16-1006, 16-1007, 16-1008, and 16-1009 of the Maryland Rules of Procedure; all as set forth in that Report published in the *Maryland Register*, Vol. 40, Issue 4, pages 319 - 340 (February 20, 2013); and

The Rules Committee having delivered to this Court a Supplement to the One Hundred Seventy-Sixth Report, transmitting thereby proposed new Rule 20-504 and alternative Rules 20-101, 20-102, 20-104, 20-106, 20-201, 20-203, and 20-402, all recommended to be adopted; and

The Rules Committee having withdrawn the proposed amendment to Rule 16-1007; and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, all those proposed rules changes, together with comments received, making on its own motion certain additions and deletions to the proposed rules changes, it is this 1<sup>st</sup> day of May, 2013,

ORDERED, by the Court of Appeals of Maryland, that new Title 20 (Electronic Filing and Case Management) and new Rule 1-322.1 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that amendments to Rules 1-101, 1-322, 16-723, 16-811, 16-1001, 16-1002, 16-1004, 16-1006, 16-1008, and 16-1009 be, and they are hereby, adopted in the form previously published; and it is further

ORDERED that the rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after July 1, 2013, and insofar as practicable to all actions then pending, except that the Rules in Title 20 shall apply in courts, actions, and proceedings as prescribed in Rule 20-102 (a) and (b); and it is further

ORDERED that a copy of this Order be published in the next issue of the *Maryland Register*.

Robert M. Bell  
Glenn T. Harrell, Jr.  
Lynne A. Battaglia  
Clayton Greene, Jr.  
\* Sally D. Adkins  
Mary Ellen Barbera  
Robert N. McDonald

\* Judge Adkins abstained from voting on the 176<sup>th</sup> Report.

Filed: May 1, 2013

Bessie M. Decker  
Clerk  
Court of Appeals of Maryland

**MARYLAND RULES OF PROCEDURE**  
**TITLE 1 - GENERAL PROVISIONS**  
**CHAPTER 100 - APPLICABILITY AND CITATION**

AMEND Rule 1-101 to provide for the applicability of Title 20, as follows:

**Rule 1-101. APPLICABILITY**

(a) Title 1

Title 1 applies to all matters in all courts of this State, except the Orphans' Courts and except as otherwise specifically provided.

(b) Title 2

Title 2 applies to civil matters in the circuit courts, except for Juvenile Causes under Title 11 of these Rules and except as otherwise specifically provided or necessarily implied.

(c) Title 3

Title 3 applies to civil matters in the District Court, except as otherwise specifically provided or necessarily implied.

(d) Title 4

Title 4 applies to criminal matters; post conviction procedures; and expungement of records in the District Court and the circuit courts, including records of civil offenses or infractions, except juvenile offenses, under a State or local law enacted as a substitute for a criminal charge.

(e) Title 5

Title 5 applies to all actions in the courts of this State, except as otherwise provided by statute or rule.

(f) Title 6

Title 6 applies to matters in the Orphans' Courts and before the registers of wills relating to the settlement of decedents' estates.

(g) Title 7

Title 7 applies to appellate and other judicial review in the circuit courts.

(h) Title 8

Title 8 applies to appellate review in the Court of Appeals and the Court of Special Appeals.

(i) Title 9

Title 9 applies to proceedings under Code, Family Law Article, Title 5, Subtitles 3 (Guardianship to and Adoption through Local Department), 3A (Private Agency Guardianship and Adoption), and 3B (Independent Adoption) and proceedings relating to divorce, annulment, alimony, child support, and child custody and visitation.

(j) Title 10

Title 10 applies to fiduciary matters in the courts of this State, except for matters relating to the settlement of decedents' estates

governed by Title 6 of these Rules and guardianships governed by Title 9 of these Rules.

(k) Title 11

Title 11 applies to juvenile causes under Code, Courts Article, Title 3, Subtitles 8 and 8A.

(l) Title 12

Title 12 applies to property actions relating to writs of survey, lis pendens, actions for release of lien instruments, condemnation, mechanics' liens, partition, redemption of ground rents, replevin, and detinue.

(m) Title 13

Title 13 applies to proceedings relating to estates of assignees and receivers.

(n) Title 14

Title 14 applies to proceedings relating to sales of property.

(o) Title 15

Title 15 applies to special proceedings relating to arbitration, catastrophic health emergencies, contempt, habeas corpus, health claims arbitration, injunctions, judicial releases of individuals confined for mental disorders, mandamus, the Maryland Automobile Insurance Fund, name changes, and wrongful death.

(p) Title 16

Title 16 applies to the courts, judges, and attorneys.

(q) Title 17

Title 17 applies to alternative dispute resolution proceedings in civil actions in a circuit court, except for actions or orders to enforce a contractual agreement to submit a dispute to alternative dispute resolution.

(r) Title 18 [Reserved]

(s) Title 19 [Reserved]

(t) Title 20

*Title 20 applies to electronic filing and case management in the trial and appellate courts of this State as specified in Rule 20-102.*

**MARYLAND RULES OF PROCEDURE**  
**TITLE 1 - GENERAL PROVISIONS**  
**CHAPTER 300 - GENERAL PROVISIONS**

AMEND Rule 1-322 (a) to allow direct electronic transmissions pursuant to the Rules in Title 20, as follows:

**Rule 1-322. FILING OF PLEADINGS AND OTHER ITEMS**

(a) Generally

The filing of pleadings and other items with the court shall be made by filing them with the clerk of the court, except that a judge of that court may accept the filing, in which event the judge shall note on the item the filing date and then forthwith transmit the item to the office of the clerk. No item may be filed directly by electronic transmission, except (1) pursuant to an electronic filing system approved under Rule 16-307 or 16-506, (2) as permitted by Rule 14-209.1, [or] (3) as provided in section (b) of this Rule, or (4) pursuant to Title 20 of these Rules.

(b) Electronic Transmission of Mandates of the U.S. Supreme Court

A Maryland court shall accept a mandate of the Supreme Court of the United States transmitted by electronic means unless the court does not have the technology to receive it in the form transmitted, in which event the clerk shall promptly so inform the Clerk of the Supreme Court and request an alternative method of transmission. The clerk of the Maryland court may request reasonable verification of the authenticity of a mandate transmitted by electronic means.

(c) Photocopies; Facsimile Copies

A photocopy or facsimile copy of a pleading or paper, once filed with the court, shall be treated as an original for all court purposes. The attorney or party filing the copy shall retain the original from

which the filed copy was made for production to the court upon the request of the court or any party.

Cross reference: See Rule 1-301 (d), requiring that court papers be legible and of permanent quality.

Source: This Rule is derived in part from the 1980 version of Fed. R. Civ. P. 5 (e) and Rule 102 1 d of the Rules of the United States District Court for the District of Maryland and is in part new.

**MARYLAND RULES OF PROCEDURE  
TITLE 1 - GENERAL PROVISIONS  
CHAPTER 300 - GENERAL PROVISIONS**

ADD new Rule 1-322.1, as follows:

**Rule 1-322.1. EXCLUSION OF PERSONAL IDENTIFIER INFORMATION IN COURT FILINGS**

(a) Generally

Unless otherwise required by law or permitted by court order, the following personal identifier information shall not be included in any electronic or paper filing with a court:

- (1) an individual's Social Security number, taxpayer identification number, or date of birth; or
- (2) the numeric or alphabetic characters of a financial or medical account identifier.

(b) Exceptions

Unless otherwise provided by law or court order, section (a) of this Rule does not apply to the following:

- (1) a financial account identifier that identifies the property allegedly subject to forfeiture in a forfeiture proceeding;
- (2) the record of an administrative agency proceeding;
- (3) in a charging document, the date of birth of the defendant;
- (4) a court record filed prior to July 1, 2013.

(c) Alternatives

If, by reason of the nature of the action, it is necessary to include in a filing personal identifier information described in section (a) of this Rule, the filer may:

- (1) include in the filing only the last four digits of the Social Security or taxpayer identification number, the year of the individual's birth, or the last four characters of the financial or medical account identifier, unless that identifier consists of fewer than eight characters, in which event all characters shall be redacted; Committee note: Financial accounts include credit and debit card accounts, bank accounts, brokerage accounts, insurance policies, and annuity contracts. PIN numbers or other account passwords also may need to be redacted, as well as health information identifiers.

(2) file the unredacted document under seal, if permitted by order of court;

(3) if the full information is required to be provided only to another party or to a court official, other than a judge or judicial appointee, provide the information separately to that party or official and file only a certificate that the information has been so provided;

Committee note: It may be necessary to provide personal identifier information to a court official, including a clerk, sheriff, or constable, in order for that official to send or serve notices, summonses, or other documents. Subsection (c)(2)(A) of this Rule is not intended to permit *ex parte* communications with a judge.

(4) if the full information is required to be in the filing and the filing is a paper filing, file the paper in duplicate, one copy with the information redacted as required by section (a) of this Rule and one copy without redaction, together with instructions to the clerk to shield the unredacted copy in conformance with the Rules in Title 16, Chapter 1000; or

(5) if the full information is required to be in the filing and the filing is electronic, designate, in conformance with the applicable

electronic filing requirements, the information to be redacted or shielded for purposes of public access.

Cross reference: See Rule 20-201.

(d) Protective Orders

For good cause, the court may, by order, in a case:

- (1) require redaction of additional information; and
- (2) limit or prohibit a nonparty's remote electronic access to a document filed with the court.

Committee note: Other than remote access to docket entries, nonparties currently do not have remote access to documents filed with the court, except under certain limited circumstances, such as in asbestos-related litigation.

(e) Non-conforming Documents

(1) Waiver

A person waives the protection of section (a) of this Rule as to the person's own information by filing it without redaction and not under seal.

(2) Sanctions

If a person fails to comply with this Rule, the court on motion of a party or on its own initiative, may enter any appropriate order.

Committee note: This Rule does not affect the discoverability of personal information.

Source: This Rule is in part derived from Fed. R. Civ. P. 5.2 (2007) and is in part new.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS  
CHAPTER 700 - DISCIPLINE AND INACTIVE STATUS OF ATTORNEYS**

AMEND Rule 16-723 (e) to require the Clerk of the Court of Appeals to send certain notices to the State Court Administrator, as follows:

**Rule 16-723. CONFIDENTIALITY**

(e) Required Disclosure by the Clerk of the Court of Appeals

If an attorney resigns or is reprimanded, convicted of a serious crime, or, by order of the Court of Appeals, disbarred, suspended, reinstated, or transferred to inactive status, the Clerk of the Court of Appeals of Maryland shall notify the National Lawyer Regulatory Data Bank of the American Bar Association and the disciplinary authority of every other jurisdiction in which the attorney is admitted to practice. *In addition, the Clerk shall notify the State Court Administrator of each order of the Court by which an attorney is disbarred, suspended, reinstated, or transferred to inactive status.*

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS  
CHAPTER 800 - MISCELLANEOUS**

AMEND Rule 16-811 f. to require the Clerk of the Court of Appeals to send certain notices to the State Court Administrator, as follows:

**Rule 16-811. CLIENT PROTECTION FUND OF THE BAR OF MARYLAND**

f. Enforcement

7. Notices to Clerks and State Court Administrator

The Clerk of the Court of Appeals shall send a copy of each Temporary Suspension Order and order that terminates a temporary suspension and restores the lawyer to good standing entered pursuant



to this Rule to the Clerk of the Court of Special Appeals, the clerk of each circuit court, the Chief Clerk of the District Court, [and] the Register of Wills for each county, *and to the State Court Administrator.*

...

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 1000 - ACCESS TO COURT RECORDS**

AMEND Rule 16-1001 by adding the words “including docket entries” to subsection (c)(1)(A) and by adding to section (k) language pertaining to a case record in electronic form, as follows:

Rule 16-1001. DEFINITIONS

...

(c) Case Record

(1) Except as otherwise provided in this Rule, “case record” means:

(A) a document, information, or other thing that is collected, received, or maintained by a court in connection with one or more specific judicial actions or proceedings *including docket entries*;

(B) a copy of a marriage license issued and maintained by the court, including, after the license is issued, the application for the license;

(C) a miscellaneous record filed with the clerk of the court pursuant to law that is not a notice record.

(2) “Case record” does not include a document or information described in subsection (a)(3) of this Rule.

...

(k) Remote Access

“Remote access” means the ability to inspect, search, or copy a court record by electronic means from a location other than the location where the record is stored. *For purposes of this definition, a case record in electronic form is deemed to be stored in the office of the clerk of the court in which the case record was filed.*

...

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 1000 - ACCESS TO COURT RECORDS**

AMEND Rule 16-1002 by adding “in-person” to subsection (b)(1), as follows:

Rule 16-1002. GENERAL POLICY

...

(b) Protection of Records

To protect court records and prevent unnecessary interference with the official business and duties of the custodian and other court personnel,

(1) a clerk is not required to permit *in-person* inspection of a case record filed with the clerk for docketing in a judicial action or a notice record filed for recording and indexing until the document has been docketed or recorded and indexed; and

(2) the Chief Judge of the Court of Appeals, by administrative order, a copy of which shall be filed with and maintained by the clerk of each court, may adopt procedures and conditions, not inconsistent with the Rules in this Chapter, governing the timely production, inspection, and copying of court records.

...

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 1000 - ACCESS TO COURT RECORDS**

AMEND Rule 16-1004 by making a stylistic change to subsection (b)(2)(B), by adding a cross reference, and by adding to section (c) the words “except as otherwise required by law,” as follows:

Rule 16-1004. ACCESS TO NOTICE, ADMINISTRATIVE, AND BUSINESS LICENSE RECORDS

...

(b) Administrative and Business License Records

(1) Except as otherwise provided by the Rules in this Chapter, the right to inspect administrative and business license records is governed by Code, State Government Article, §§10-611 through 10-626.

(2) (A) A custodian shall deny inspection of an administrative record used by the jury commissioner in the jury selection process, except (i) as a trial judge orders in connection with a challenge under Code, Courts Article, §§8-408 and 8-409; and (ii) as provided in (B) and (C) of this subsection.

(B) *Upon request*, a custodian shall[, upon request,] disclose the names and zip codes of the sworn jurors contained on a jury list after the jury has been impaneled and sworn, unless otherwise ordered by the trial judge.

*Cross reference: See Rule 4-312 (d).*

(C) After a source pool of qualified jurors has been emptied and re-created in accordance with Code, Courts Article, §8-207, and after every person selected to serve as a juror from that pool has completed the person’s service, a trial judge shall, upon request, disclose the name, zip code, age, sex, education, occupation, and spouse’s occupation of each person whose name was selected from that pool and placed on a jury list, unless, in the interest of justice, the trial judge determines that this information remain confidential in whole or in part.

(D) A jury commissioner may provide jury lists to the Health Care Alternative Dispute Resolution Office as required by that Office in carrying out its duties, subject to that Office adopting regulations to ensure against improper dissemination of juror data.

(E) At intervals acceptable to the jury commissioner, a jury commissioner shall provide the State Board of Elections and State Motor Vehicle Administration with data about prospective, qualified, or sworn jurors needed to correct erroneous or obsolete information, such as that related to a death or change of address, subject to the Board’s and Administration’s adoption of regulations to ensure against improper dissemination of juror data.

(c) Personnel Records - Generally

Except as otherwise permitted by the Maryland Public Information Act or by this Rule, a custodian shall deny to a person other than the person who is the subject of the record inspection of the personnel records of an employee of the court or other judicial agency or of an individual who has applied for employment with the court or other judicial agency. *Except as otherwise required by law*, the following records or information are not subject to this exclusion and shall be open to inspection:

(1) The full name of the individual;

(2) The date of the application for employment and the position for which application was made;

(3) The date employment commenced;

(4) The name, location, and telephone number of the court or judicial agency to which the individual has been assigned;

(5) The current and previous job titles and salaries of the individual during employment by the court or judicial agency;

(6) The name of the individual’s current supervisor;

(7) The amount of monetary compensation paid to the individual by the court or judicial agency and a description of any health, insurance, or other fringe benefit that the individual is entitled to receive from the court or judicial agency;

(8) Unless disclosure is prohibited by law, other information authorized by the individual to be released; and

(9) A record that has become a case record.

...

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 1000 - ACCESS TO COURT RECORDS**

AMEND Rule 16-1006 by adding to subsection (f)(6) case records pertaining to certain criminal investigations by the Attorney General and by adding sections (m) and (n) requiring the shielding of certain documents, as follows:

**Rule 16-1006. REQUIRED DENIAL OF INSPECTION - CERTAIN CATEGORIES OF CASE RECORDS**

Except as otherwise provided by law, court order, or the Rules in this Chapter, the custodian shall deny inspection of:

...

(f) The following case records in criminal actions or proceedings:

...

(6) A case record pertaining to a criminal investigation by (A) a grand jury, (B) a State's Attorney pursuant to Code, Criminal Procedure Article, §15-108, [or] (C) the State Prosecutor pursuant to Code, Criminal Procedure Article, §14-110, or (D) the Attorney General when acting pursuant to Article V, §3 of the Maryland Constitution or other law.

Committee note: Although this Rule shields only case records pertaining to a criminal investigation, there may be other laws that shield other kinds of court records pertaining to such investigations. This Rule is not intended to affect the operation or effectiveness of any such other law.

...

(m) A document required to be shielded under Rule 20-203 (e)(1).

(n) An unredacted document filed pursuant to Rule 1-322.1 or Rule 20-203 (e)(2).

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 1000 - ACCESS TO COURT RECORDS**

AMEND Rule 16-1008 to add references to the Rules in Title 20, Rule 1-322.1, and federal law and to allow a certain notice to be given electronically, as follows:

**Rule 16-1008. ELECTRONIC RECORDS AND RETRIEVAL**

(a) In General

(1) Subject to the conditions stated in this Rule, a court record that is kept in electronic form is open to inspection to the same extent that the record would be open to inspection in paper form.

(2) Subject to the other provisions of this Rule, the Rules in Title 20, and any other law or any administrative order of the Chief Judge of the Court of Appeals, a custodian, court, or other judicial agency, for the purpose of providing public access to court records in electronic form, is authorized but not required:

(A) to convert paper court records into electronic court records;

(B) to create new electronic records, databases, programs, or computer systems;

(C) to provide computer terminals or other equipment for use by the public;

(D) to create the ability to inspect or copy court records through remote access; or

(E) to convert, supplement, modify, or replace an existing electronic storage or retrieval system.

(3) (A) Subject to the other provisions of this Rule, a custodian may limit access to court records in electronic form to the manner, form, and program that the electronic system used by the custodian, without modification, is capable of providing. *Subject to the Rules in Title 20*, if a custodian, court, or other judicial agency converts paper court records into electronic court records or otherwise creates new electronic records, databases, or computer systems, it shall, to the extent practicable, design those records, databases, or systems to facilitate access to court records that are open to inspection under the Rules in this Chapter.

(B) (i) Subject to subsection (a)(3)(B)(ii) of this Rule and except for identifying information relating to law enforcement officers, other public officials or employees acting in their official capacity, and expert witnesses, a custodian shall prevent remote access to the name, address, telephone number, date of birth, e-mail address, and place of employment of a victim or nonparty witness in (1) a criminal action, (2) a juvenile delinquency action under Title 3, Subtitle 8A of the Courts Article, (3) an action under Title 4, Subtitle 5 of the Family Law Article (domestic violence), or (4) an action under Title 3, Subtitle 15 of the Courts Article (peace order).

(ii) A person who files or otherwise causes to be placed in a court record identifying information relating to a witness shall give the custodian written or electronic notice whether the identifying information is not subject to remote access under Rule 1-322.1, Rule 20-201, or subsection (a)(3)(B)(i) of this Rule. *Except as may be provided by federal law*, in the absence of [written] such notice, a custodian is not liable for allowing remote access to the information.

(4) Subject to subsection (a)(3)(B) of this Rule and procedures and conditions established by administrative order of the Chief Judge of the Court of Appeals, a person may view and copy electronic court records that are open to inspection under the Rules in this Chapter:

(A) at computer terminals that a court or other judicial agency makes available for public use at the court or other judicial agency; or

(B) by remote access that the court or other judicial agency makes available through dial-up modem, web site access, or other technology.

(b) Current Programs Providing Electronic Access to Databases

Any electronic access to a database of court records that is provided by a court or other judicial agency and is in effect on October 1, 2004 may continue in effect, subject to review by the Technology Oversight Board for consistency with the Rules in this Chapter. After review, the Board may make or direct any changes that it concludes are necessary to make the electronic access consistent with the Rules in this Chapter.

(c) New Requests for Electronic Access to or Information from Databases

(1) A person who desires to obtain electronic access to or information from a database of court records to which electronic access is not then immediately and automatically available shall submit to the Office of Communications and Public Affairs a written application that describes the court records to which access is desired and the proposed method of achieving that access.

(2) The Office of Communications and Public Affairs shall review the application and may consult the Judicial Information Systems. Without undue delay and, unless impracticable, within 30 days after receipt of the application, the Office of Communications and Public Affairs shall take one of the following actions:

(A) The Office of Communications and Public Affairs shall approve the application if it determines that the application does not request access to court records not subject to inspection under the Rules in this Chapter or Title 20 and will not impose a significant fiscal, personnel, or operational burden on any court or judicial

agency. The approval may be conditioned on the applicant's paying or reimbursing the court or agency for any additional expense that may be incurred in implementing the application.

(B) If the Office of Communications and Public Affairs is unable to make the findings provided for in subsection (c)(2)(A), it shall inform the applicant and:

(i) deny the application;

(ii) offer to confer with the applicant about amendments to the application that would meet the concerns of the Office of Communications and Public Affairs; or

(iii) if the applicant requests, refer the application to the Technology Oversight Board for its review.

(C) If the application is referred to the Technology Oversight Board, the Board shall determine whether approval of the application would be likely to permit access to court records or information not subject to inspection under the Rules in this Chapter, create any undue burden on a court, other judicial agency, or the judicial system as a whole, or create undue disparity in the ability of other courts or judicial agencies to provide equivalent access to court records. In making those determinations, the Board shall consider, to the extent relevant:

(i) whether the data processing system, operational system, electronic filing system, or manual or electronic storage and retrieval system used by or planned for the court or judicial agency that maintains the records can currently provide the access requested in the manner requested and in conformance with Rules 16-1001 through 16-1007, and, if not, what changes or effort would be required to make those systems capable of providing that access;

(ii) any changes to the data processing, operational electronic filing, or storage or retrieval systems used by or planned for other courts or judicial agencies in the State that would be required in order to avoid undue disparity in the ability of those courts or agencies to provide equivalent access to court records maintained by them;

(iii) any other fiscal, personnel, or operational impact of the proposed program on the court or judicial agency or on the State judicial system as a whole;

(iv) whether there is a substantial possibility that information retrieved through the program may be used for any fraudulent or other unlawful purpose or may result in the dissemination of inaccurate or misleading information concerning court records or individuals who are the subject of court records and, if so, whether there are any safeguards to prevent misuse of disseminated information and the dissemination of inaccurate or misleading information; and

(v) any other consideration that the Technology Oversight Board finds relevant.

(D) If, upon consideration of the factors set forth in subsection (c)(2)(C) of this Rule, the Technology Oversight Board concludes that the proposal would create (i) an undue fiscal, personnel, or operational burden on a court, other judicial agency, or the judicial system as a whole, or (ii) an undue disparity in the ability of other courts or judicial agencies to provide equivalent access to judicial records, the Board shall inform the Office of Communications and Public Affairs and the applicant in writing of its conclusions. The Office of Communications and Public Affairs and the applicant may then discuss amendments to the application to meet the concerns of the Board, including changes in the scope or method of the requested access and arrangements to bear directly or reimburse the appropriate agency for any expense that may be incurred in providing the requested access and meeting other conditions that may be attached to approval of the application. The applicant may amend the application to reflect any agreed changes. The application, as amended, shall be submitted to the Technology Oversight Board for further consideration.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 1000 - ACCESS TO COURT RECORDS**

AMEND Rule 16-1009 by adding references to the Rules in Title 20, as follows:

**Rule 16-1009. COURT ORDER DENYING OR PERMITTING INSPECTION OF CASE RECORD**

(a) Motion

(1) A party to an action in which a case record is filed, including a person who has been permitted to intervene as a party, and a person who is the subject of or is specifically identified in a case record may file a motion:

(A) to seal or otherwise limit inspection of a case record filed in that action that is not otherwise shielded from inspection under the Rules in this Chapter *or Title 20*; or

(B) to permit inspection of a case record filed in that action that is not otherwise subject to inspection under the Rules in this Chapter *or Title 20*.

(2) The motion shall be filed with the court in which the case record is filed and shall be served on:

(A) all parties to the action in which the case record is filed; and

(B) each identifiable person who is the subject of the case record.

(b) Shielding Upon Motion or Request

(1) Preliminary Shielding Upon Motion

Upon the filing of a motion to seal or otherwise limit inspection of a case record pursuant to section (a) of this Rule, the custodian shall deny inspection of the case record for a period not to exceed five business days, including the day the motion is filed, in order to allow the court an opportunity to determine whether a temporary order should issue.

(2) Shielding Upon Request

If a request to shield information in a case record is filed by or on behalf of a person entitled to request the shielding under Code, Courts Article, Title 3, Subtitle 15 (peace orders) or Code, Family Law Article, Title 4, Subtitle 5 (domestic violence), and the request is granted, or if a request to shield the address or telephone number of a victim, victim's representative, or witness is filed in a criminal action, and the request is granted, a custodian shall deny inspection of the shielded information. The shield remains in effect until terminated or modified by order of court. If the request is denied, the person seeking to shield information may file a motion under section (a) of this Rule.

Committee note: If a court or District Court Commissioner grants a request to shield information under subsection (b)(2) of this Rule, no adversary hearing is held unless a person seeking inspection of the shielded information files a motion under section (a) of this Rule.

(c) Temporary Order Precluding or Limiting Inspection

(1) The court shall consider a motion filed under this Rule on an expedited basis.

(2) In conformance with the provisions of Rule 15-504 (Temporary Restraining Order), the court may enter a temporary order precluding or limiting inspection of a case record if it clearly appears from specific facts shown by affidavit or other statement under oath that (A) there is a substantial basis for believing that the case record is properly subject to an order precluding or limiting inspection, and (B) immediate, substantial, and irreparable harm will result to the person seeking the relief if temporary relief is not granted before a full adversary hearing can be held on the propriety of a final order precluding or limiting inspection.

(3) A court may not enter a temporary order permitting inspection of a case record that is not otherwise subject to inspection under the Rules in this Chapter in the absence of an opportunity for a full adversary hearing.

(d) Final Order

(1) After an opportunity for a full adversary hearing, the court shall enter a final order:

(A) precluding or limiting inspection of a case record that is not otherwise shielded from inspection under the Rules in this Chapter;

(B) permitting inspection, under such conditions and limitations as the court finds necessary, of a case record that is not otherwise subject to inspection under the Rules in this Chapter; or

(C) denying the motion.

(2) A final order shall include findings regarding the interest sought to be protected by the order.

(3) A final order that precludes or limits inspection of a case record shall be as narrow as practicable in scope and duration to effectuate the interest sought to be protected by the order.

(4) In determining whether to permit or deny inspection, the court shall consider:

(A) if the motion seeks to preclude or limit inspection of a case record that is otherwise subject to inspection under the Rules in this Chapter, whether a special and compelling reason exists to preclude or limit inspection of the particular case record; and

(B) if the motion seeks to permit inspection of a case record that is otherwise not subject to inspection under the Rules in this Chapter, whether a special and compelling reason exists to permit inspection.

(C) if the motion seeks to permit inspection of a case record that has been previously sealed by court order under subsection (d)(1)(A) of this Rule and the movant was not a party to the case when the order was entered, whether the order satisfies the standards set forth in subsections (d)(2), (3), and (4)(A) of this Rule.

(5) Unless the time is extended by the court on motion of a party and for good cause, the court shall enter a final order within 30 days after a hearing was held or waived.

(e) Filing of Order

A copy of any preliminary or final order shall be filed in the action in which the case record in question was filed and shall be subject to public inspection.

(f) Non-exclusive Remedy

This Rule does not preclude a court from exercising its authority at any time to enter an order that seals or limits inspection of a case record or that makes a case record subject to inspection.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 100 - GENERAL PROVISIONS**

**TABLE OF CONTENTS**

Rule 20-101. DEFINITIONS

- (a) Affected Action
- (b) Appellate Court
- (c) Applicable County
- (d) Applicable Date
- (e) Business Day
- (f) Clerk
- (g) Concluded
- (h) Digital Signature
- (i) Facsimile Signature
- (j) Filer
- (k) Hand-Signed or Handwritten Signature
- (l) Hyperlink
- (m) Judge
- (n) Judicial Appointee
- (o) Judicial Personnel
- (p) MDEC or MDEC System

- (q) Redact
- (r) Registered User
- (s) Restricted Information
- (t) Scan
- (u) Submission
- (v) Tangible Item
- (w) Trial Court
- (x) Typographical Signature

Rule 20-102. APPLICATION OF TITLE TO COURTS AND ACTIONS

- (a) Trial Courts
  - (1) Applicable Counties and Dates
  - (2) Actions, Submissions, and Filings
    - (A) New Actions and Submissions
    - (B) Existing Documents; Pending and Reopened Cases
- (b) Appellate Courts
- (c) Applicability of Other Rules

Rule 20-103. ADMINISTRATION OF MDEC

- (a) General Authority of State Court Administrator
- (b) Policies and Procedures
  - (1) Authority to Adopt
  - (2) Publication of Policies and Procedures
- (c) Instructional Pamphlet
  - (1) Generally
  - (2) Updated Pamphlets

Rule 20-104. USER REGISTRATION

- (a) Eligibility
- (b) On-line Application
- (c) Identification Number, Username, and Password
- (d) Effect of Registration
- (e) Multiple User Identification Numbers Prohibited
  - (1) Cancellation of User Registration
  - (2) Re-application for User Registration
- (f) Revocation, Suspension, Reinstatement of Attorney User Registration
  - (1) Duty of Clerk of Court of Appeals
  - (2) Duty of State Court Administrator
  - (3) Further Submissions
  - (4) Application for Use Registration as a Non-attorney

Rule 20-105. JUDGES; JUDICIAL APPOINTEES; CLERKS; JUDICIAL PERSONNEL

- (a) Assignment of Username and Password
- (b) Revocation

Rule 20-106. WHEN ELECTRONIC FILING REQUIRED; EXCEPTIONS

- (a) Filers - Generally
  - (1) Attorneys
  - (2) Judges, Judicial Appointees, Clerks, and Judicial Personnel
  - (3) Self-represented Litigants
  - (4) Other Persons
- (b) Exceptions
  - (1) MDEC System Outage
  - (2) Other Unexpected Event
  - (3) Other Good Cause
- (c) Submissions
  - (1) Generally
  - (2) Exceptions
  - (3) Required Retention of Certain Original Documents
- (d) Paper Submissions
  - (1) Compliance with MDEC Rules

- (2) Review by Clerk; Scanning
- (3) Destruction of Paper Submission
- (4) Optional Return of Paper Documents
- (5) Public Notice
- (e) Exhibits and Other Documents Offered in Open Court
  - (1) Generally
  - (2) Scanning and Return of Document

**Rule 20-107. ELECTRONIC SIGNATURES**

- (a) Signature by Filer; Generally
- (b) Signature by Judge or Judicial Appointee
- (c) Signature by Clerk
- (d) Multiple Signatures on a Single Document
- (e) Signature Under Oath, Affirmation, or With Verification
- (f) Verified Submissions

**Rule 20-108. DELEGATION OF AUTHORITY TO FILE**

- (a) Attorneys
- (b) Judges and Judicial Appointees

**Rule 20-109. ACCESS TO ELECTRONIC COURT RECORDS**

- (a) Generally
- (b) Parties and Attorneys of Record
- (c) Judges and Judicial Appointees
- (d) Clerks and Judicial Personnel
- (e) Public Access
  - (1) Names of Litigants and Docket Entries
  - (2) Unshielded Documents

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 100 - GENERAL PROVISIONS**

**Rule 20-101. DEFINITIONS**

In this Title the following definitions apply except as expressly otherwise provided or as necessary implication requires:

- (a) Affected Action
 

“Affected action” means an action to which this Title is made applicable by Rule 20-102.

Cross reference: For the definition of an “action” see Rule 1-202.
- (b) Appellate Court
 

“Appellate court” means the Court of Appeals or the Court of Special Appeals, whichever the context requires.
- (c) Applicable County
 

“Applicable county” means a county listed in Rule 20-102 (a).
- (d) Applicable Date
 

“Applicable date” for an applicable county means the date stated in Rule 20-102 (a) pertaining to that county.
- (e) Business Day
 

“Business day” means a day that the clerk’s office is open for the transaction of business. For the purpose of the Rules in this Title, a “business day” begins at 12:00.00 a.m. and ends at 11:59.59 p.m.
- (f) Clerk
 

“Clerk” means the Clerk of the Court of Appeals, the Court of Special Appeals, or a circuit court, an administrative clerk of the District Court, and authorized assistant clerks in those offices.
- (g) Concluded
 

An action is “concluded” when

  - (1) there are no pending issues, requests for relief, charges, or outstanding motions in the action or the jurisdiction of the court has ended;
  - (2) no future events are scheduled; and
  - (3) the time for appeal has expired or, if an appeal or an application for leave to appeal was filed, all appellate proceedings have ended.

Committee note: This definition applies only to the Rules in Title 20 and is not to be confused with the term “closed” that is used for other administrative purposes.

**(h) Digital Signature**

“Digital signature” means a secure electronic signature inserted using a process approved by the State Court Administrator that uniquely identifies the signer and ensures authenticity of the signature and that the signed document has not been altered or repudiated.

**(i) Facsimile Signature**

“Facsimile signature” means a scanned image or other visual representation of the signer’s handwritten signature, other than a digital signature.

**(j) Filer**

“Filer” means a person who is accessing the MDEC system for the purpose of filing a submission.

Committee note: The internal processing of documents filed by registered users, on the one hand, and those transmitted by judges, judicial appointees, clerks, and judicial personnel, on the other, is different. The latter are entered directly into the MDEC System, whereas the former are subject to clerk review under Rule 20-203. For purposes of these Rules, however, the term “filer” encompasses both groups.

**(k) Hand-Signed or Handwritten Signature**

“Hand-signed or handwritten signature” means the signer’s original genuine signature on a paper document.

**(l) Hyperlink**

“Hyperlink” means an electronic link embedded in an electronic document that enables a reader to view the linked document.

**(m) Judge**

“Judge” means a judge of the Court of Appeals, Court of Special Appeals, a circuit court, or the District Court of Maryland and includes a former judge of any of those courts recalled pursuant to Code, Courts Article, §1-302 and designated to sit in one of those courts.

**(n) Judicial Appointee**

“Judicial appointee” means a judicial appointee, as defined in Rule 16-814.

**(o) Judicial Personnel**

“Judicial personnel” means an employee of the Maryland Judiciary, even if paid by a county, who is employed in a category approved for access to the MDEC system by the State Court Administrator;

**(p) MDEC or MDEC System**

“MDEC” or “MDEC system” means the system of electronic filing and case management established by the Maryland Court of Appeals.

Committee note: “MDEC” is an acronym for Maryland Electronic Courts.

**(q) Redact**

“Redact” means to exclude information from a document accessible to the public.

**(r) Registered User**

“Registered user” means an individual authorized to use the MDEC system by the State Court Administrator pursuant to Rule 20-104.

**(s) Restricted Information**

“Restricted information” means information (1) prohibited by Rule or other law from being included in a court record, (2) required by Rule or other law to be redacted from a court record, (3) placed under seal by a court order, or (4) otherwise required to be excluded from the court record by court order.

Cross reference: See Rule 1-322.1 (Exclusion of Personal Identifier Information in Court Filings) and the Rules in Title 16, Chapter 1000 (Access to Court Records).

(t) Scan

“Scan” means to convert printed text or images to an electronic format compatible with MDEC.

(u) Submission

“Submission” means a pleading or other document filed in an action. “Submission” does not include an item offered or admitted into evidence in open court.

Cross reference: See Rule 20-402.

(v) Tangible Item

“Tangible item” means an item that is not required to be filed electronically. A tangible item by itself is not a submission; it may either accompany a submission or be offered in open court.

Cross reference: See Rule 20-106 (c)(2) for items not required to be filed electronically.

Committee note: Examples of tangible items include an item of physical evidence, an oversize document, and a document that cannot be legibly scanned or would otherwise be incomprehensible if converted to electronic form.

(w) Trial Court

“Trial court” means the District Court of Maryland and a circuit court, even when the circuit court is acting in an appellate capacity.

Committee note: “Trial court” does not include an orphans’ court, even when, as in Harford and Montgomery Counties, a judge of the circuit court is sitting as a judge of the orphans’ court.

(x) Typographical Signature

“Typographical signature” means the symbol “/s/” affixed to the signature line of a submission above the typed name, address, e-mail address, and telephone number of the signer.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 100 - GENERAL PROVISIONS**

**Rule 20-102. APPLICATION OF TITLE TO COURTS AND ACTIONS**

(a) Trial Courts

(1) Applicable Counties and Dates

(A) Anne Arundel County is an applicable county from and after [date to be set by further Order of the Court of Appeals].

(B) There are no other applicable counties.

Committee note: The MDEC Program will be installed sequentially in other counties over a period of time. As additional counties become applicable counties, they will be listed in new subsections (a)(1)(B) through (a)(1)(X).

(2) Actions, Submissions, and Filings

(A) New Actions and Submissions

On and after the applicable date, this Title applies to (i) new actions filed in a trial court for an applicable county, (ii) new submissions in actions then pending in that court, (iii) new submissions in actions in that court that were concluded as of the applicable date but were reopened on or after that date, (iv) new submissions in actions remanded to that court by a higher court or the United States District Court, and (v) new submissions in actions transferred or removed to that court.

(B) Existing Documents; Pending and Reopened Cases

With the approval of the State Court Administrator, (i) the County Administrative Judge of the circuit court for an applicable county, by order, may direct that all or some of the documents that were filed prior to the applicable date in a pending or reopened action in that court be converted to electronic form by the clerk, and (ii) the Chief Judge of the District Court, by order, may direct that all or some of the documents that were filed prior to the applicable date in a pending or reopened action in the District Court be converted to

electronic form by the clerk. Any such order shall include provisions to ensure that converted documents comply with the redaction provisions applicable to new submissions.

(b) Appellate Courts

This Title applies to appeals and other proceedings in the Court of Special Appeals or Court of Appeals seeking the review of a judgment or order entered in any action to which section (a) of this Rule applies. If so ordered by the Court of Appeals in a particular matter or action, the Title also applies to (1) a question certified to the Court of Appeals pursuant to the Maryland Uniform Certification of Questions of Law Act, Code, Courts Article, §§12-601 - 12-613; and (2) an original action in the Court of Appeals allowed by law.

(c) Applicability of Other Rules

Except to the extent of any inconsistency with the Rules in this Title, all of the other applicable Maryland Rules continue to apply. To the extent there is any inconsistency, the Rules in this Title prevail.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 100 - GENERAL PROVISIONS**

**Rule 20-103. ADMINISTRATION OF MDEC**

(a) General Authority of State Court Administrator

Subject to supervision by the Chief Judge of the Court of Appeals, the State Court Administrator shall be responsible for the administration of the MDEC system and shall implement the procedures established by the Rules in this Title.

(b) Policies and Procedures

(1) Authority to Adopt

The State Court Administrator shall adopt policies and procedures that are (A) necessary or useful for the proper and efficient implementation of the MDEC System and (B) consistent with (i) the Rules in this Title, (ii) other provisions in the Maryland Rules that are not superseded by the Rules in this Title, and (iii) other applicable law.

(2) Publication of Policies and Procedures

Policies and procedures adopted by the State Court Administrator that affect the use of the MDEC system by court personnel, attorneys, or members of the public shall be posted on the Judiciary website and, upon written request, shall be made available in printed form by the State Court Administrator.

(c) Instructional Pamphlet

(1) Generally

The State Court Administrator shall prepare, post on the Judiciary website, and make generally available to the public in printed form an instructional pamphlet explaining the MDEC system and providing clear and simple instructions as to how to use and access the system and as to any limitations or conditions on such use and access.

(2) Updated Pamphlets

The State Court Administrator shall keep the pamphlet current to reflect and highlight changes in policy and procedures.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 100 - GENERAL PROVISIONS**

**Rule 20-104. USER REGISTRATION**

(a) Eligibility

Any individual may apply to become a registered user in accordance with this Rule.

(b) On-line Application

An individual seeking to become a registered user shall complete an on-line application in the form prescribed by the State Court Administrator. The form shall include an agreement by the applicant to comply with MDEC policies and procedures and the Rules in this Title and a statement as to whether the applicant is an attorney and, if so, is a member of the Maryland Bar in good standing.

(c) Identification Number, Username, and Password

Upon successful completion of the registration process in accordance with section (b) of this Rule and any verification that the State Court Administrator may require, the individual becomes a registered user. The State Court Administrator shall issue to the registered user a unique user identification number, a username, and a password, which together shall entitle the registered user to file submissions electronically in an affected action to which the registered user is a party or is otherwise entitled to file the submission and have the access provided by Rule 20-109. The registered user may not change the unique identification number issued by the State Court Administrator but may change the assigned username and password in conformance with the policies and procedures published by the State Court Administrator.

(d) Effect of Registration

By registering with the State Court Administrator as a registered user, an individual agrees to comply with the Rules in this Title and the MDEC policies and procedures established and published by the State Court Administrator.

(e) Multiple User Identification Numbers Prohibited

(1) Cancellation of User Registration

A registered user may not have more than one user identification number at a time. If the State Court Administrator believes that an individual has more than one user identification number, the State Court Administrator shall notify the individual, at the individual's most recent e-mail address provided to the State Court Administrator, that all of the individual's identification numbers will be cancelled unless the individual shows good cause to the contrary within 30 days after the date of the notice. If the individual fails to make that showing, the State Court Administrator shall cancel all of the individual's identification numbers and revoke the user's registration. The individual may seek review of the State Court Administrator's action pursuant to the Rules in Title 7, Chapter 200 of the Maryland Rules.

(2) Re-application for User Registration

An individual whose user registration has been cancelled may reapply for user registration, but the State Court Administrator may reject the application unless reasonably satisfied that the individual will comply with the Rules in this Title and with all policies and procedures adopted by the State Court Administrator.

(f) Revocation, Suspension, Reinstatement of Attorney User Registration

(1) Duty of Clerk of Court of Appeals

The Clerk of the Court of Appeals shall promptly notify the State Court Administrator of each attorney (A) who, by order of the Court, becomes disbarred, suspended, placed on inactive status, or decertified or who has resigned from the Maryland Bar or (B) who, following a disbarment, suspension, placement on inactive status,

decertification, or resignation, has been reinstated to the practice of law in Maryland.

(2) Duty of State Court Administrator

Promptly upon receipt of such notice, the State Court Administrator shall (A) revoke the user registration of each attorney who has been disbarred or placed in inactive status or who has resigned, (B) suspend the user registration of each attorney who has been suspended or decertified, (C) reinstate the user registration of an attorney who has been reinstated, and (D) take any necessary steps to be reasonably satisfied that the MDEC system does not accept any electronic filings from an attorney whose user registration has been revoked or suspended and not reinstated.

(3) Further Submissions

An attorney whose registration has been suspended or revoked under this section shall file any submissions required by the Rules of Professional Conduct in paper form.

(4) Application for User Registration as a Non-attorney

An attorney whose user registration has been suspended or revoked under this section may apply for user registration as a non-attorney. The State Court Administrator may reject the application unless reasonably satisfied that the individual will comply with the Rules in this Title and with all policies and procedures adopted by the State Court Administrator.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 – ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 100 – GENERAL PROVISIONS**

**Rule 20-105. JUDGES; JUDICIAL APPOINTEES; CLERKS; JUDICIAL PERSONNEL**

(a) Assignment of Username and Password

The State Court Administrator shall assign to each judge, judicial appointee, clerk, and judicial personnel a username and password that will allow the judge, judicial appointee, clerk, or judicial personnel to access the MDEC System to the extent necessary to the performance of his or her official duties.

Committee note: The access permitted under section (a) of this Rule is limited to that necessary to the performance of official duties. A judicial official or employee who desires access for personal reasons, such as to file submissions as a self-represented litigant, must become a registered user and proceed as such.

(b) Revocation

Upon notice that a judge, judicial appointee, clerk, or judicial personnel has retired, resigned, or otherwise left office and, as a result, is no longer entitled to access the MDEC System under this Rule, the State Court Administrator shall revoke the individual's username and password, terminate the right of access allowed thereby, and inform the judge, judicial appointee, clerk or judicial personnel of the right to apply for user registration under Rule 20-104.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 100 - GENERAL PROVISIONS**

**Rule 20-106. WHEN ELECTRONIC FILING REQUIRED; EXCEPTIONS**

(a) Filers – Generally

(1) Attorneys

Except as otherwise provided in section (b) of this Rule, an attorney who enters an appearance in an affected action shall file

electronically the attorney's entry of appearance and all subsequent submissions in the affected action.

(2) Judges, Judicial Appointees, Clerks, and Judicial Personnel

Except as otherwise provided in section (b) of this Rule, judges, judicial appointees, clerks, and judicial personnel, shall file electronically all submissions in an affected action.

(3) Self-represented Litigants

(A) Except as otherwise provided in section (b) of this Rule, a self-represented litigant in an affected action who is a registered user shall file electronically all submissions in the affected action.

(B) A self-represented litigant in an affected action who is not a registered user may not file submissions electronically.

(4) Other Persons

Except as otherwise provided in the Rules in this Title, a registered user who is required or permitted to file a submission in an affected action shall file the submission electronically. A person who is not a registered user shall file a submission in paper form.

Committee note: Examples of persons included under subsection (a)(4) of this Rule are government agencies or other persons who are not parties to the affected action but are required or permitted by law or court order to file a record, report, or other submission with the court in the action and a person filing a motion to intervene in an affected action.

(b) Exceptions

(1) MDEC System Outage

Registered users, judges, judicial appointees, clerks, and judicial personnel are excused from the requirement of filing submissions electronically during an MDEC system outage in accordance with Rule 20-501.

(2) Other Unexpected Event

If an unexpected event other than an MDEC system outage prevents a registered user, judge, judicial appointee, clerk, or judicial personnel from filing submissions electronically, the registered user, judge, judicial appointee, clerk, or judicial personnel may file submissions in paper form until the ability to file electronically is restored. With each submission filed in paper form, a registered user shall submit to the clerk an affidavit describing the event that prevents the registered user from filing the submission electronically and when, to the registered user's best knowledge, information, and belief, the ability to file electronically will be restored.

Committee note: This subsection is intended to apply to events such as an unexpected loss of power, a computer failure, or other unexpected event that prevents the filer from using the equipment necessary to effect an electronic filing.

(3) Other Good Cause

For other good cause shown, the administrative judge having direct administrative supervision over the court in which an affected action is pending may permit a registered user, on a temporary basis, to file submissions in paper form. Satisfactory proof that, due to circumstances beyond the registered user's control, the registered user is temporarily unable to file submissions electronically shall constitute good cause.

(c) Submissions

(1) Generally

Except as otherwise provided in subsection (c)(2) of this Rule, the requirement of electronic filing in section (a) applies to all submissions that are capable of being converted into electronic format and that, in electronic form, may be converted into a legible paper document.

(2) Exceptions

Except with court approval, the following submissions shall not be filed electronically:

(A) A single document comprising more than 300 pages;

Committee note: A single document comprising more than 300 pages may be submitted electronically by dividing the document into shorter segments.

(B) Oversized documents, such as blueprints, maps, and plats;

(C) Documents offered as evidence in open court at a trial or other judicial proceeding pursuant to Rule 20-402;

(D) An item that is impracticable to be filed electronically because of the item's physical characteristics; and

(E) Any other category of submissions that the State Court Administrator exempts from the requirement of electronic filing.

(3) Required Retention of Certain Original Documents

Original wills and codicils, property instruments that have been or are subject to being recorded, and original public records, such as birth certificates, that contain an official seal may be scanned and filed electronically so long as the original document is maintained by the filer pursuant to Rule 20-302.

Cross reference: See Rule 20-204, which requires a registered user to file a "Notice of Filing Tangible Item" under certain circumstances.

(d) Paper Submissions

(1) Compliance with MDEC Rules

A paper submission shall comply with Rule 20-201 (f) and (i). If applicable, a paper submission also shall comply with Rule 20-201 (g).

(2) Review by Clerk; Scanning

(A) Except as provided in subsection (d)(2)(B) of this Rule, upon receipt of a submission in paper form, the clerk shall review the submission for compliance with Rule 20-201 (d), (e), (f)(1)(B), and (i). If the submission is in compliance, the clerk shall scan it into the MDEC system, verify that the electronic version of the submission is legible, and docket the submission. If the submission is not in compliance, the clerk shall decline to scan it and promptly notify the filer in person or by first class mail that the submission was rejected and the reason for the rejection.

Committee note: The clerk's pre-scanning review is a ministerial function, limited to ascertaining whether any required fee has been paid (Rule 20-201 (i)) and the presence of the filer's signature (Rule 20-201 (d)); a certificate of service if one is required (Rule 20-201 (e)); and a certificate as to the absence or redaction of restricted information (Rule 20-201 (f)(1)(B)).

(B) Upon receipt of a submission in paper form that is required by the Rules in this Title to be filed electronically, the clerk shall (i) decline to scan the submission, (ii) notify the filer electronically that the submission was rejected because it was required to be filed electronically, and (iii) enter on the docket that the submission was received and that it was not entered into the MDEC system because of non-compliance with Rule 20-106. The filer may seek review of the clerk's action by filing a motion with the administrative judge having direct administrative supervision over the court.

Committee note: Subsection (d)(2)(B) of this Rule is necessary to enforce the electronic filing requirement of Rule 20-106. It is intended to be used only when it is clear that the filer is a registered user who is required to file submissions electronically and that none of the exceptions in sections (b) or (c) of this Rule appear to be applicable.

(3) Destruction of Paper Submission

Subject to subsections (d)(4) and (e)(2) of this Rule, the clerk may destroy a paper submission after scanning it and verifying the legibility of the electronic version of it.

(4) Optional Return of Paper Document

The State Court Administrator may approve procedures for identifying and, where feasible, returning paper documents that must be preserved in their original form.

(5) Public Notice

Prior to the date specified in Rule 20-102 (a)(1)(A), the State Court Administrator shall provide public notice alerting the public to the procedure set forth in subsections (d)(2), (3), and (4) of this Rule.

Committee note: If submissions properly filed in paper form are to be destroyed by the clerk following their being scanned into MDEC,



the public must be given reasonable notice of that policy. Notice may be given in a variety of ways, including on the Judiciary website, on on-line and pre-printed forms prepared by the Judiciary, on summonses or other notices issued by the clerks, and by postings in the clerks' offices.

(e) Exhibits and Other Documents Offered in Open Court

(1) Generally

Unless otherwise approved by the court, a document offered into evidence or otherwise for inclusion in the record in open court shall be offered in paper form. If the document is offered as an exhibit, it shall be appropriately marked.

Committee note: Examples of documents other than exhibits offered for inclusion in the record are written motions made in open court, proposed voir dire questions, proposed jury instructions, communications from a jury, and special verdict sheets.

(2) Scanning and Return of Document

As soon as practicable, the clerk shall scan the document into the MDEC system and return the document to the party who offered it at the conclusion of the proceeding, unless the court orders otherwise. If immediate scanning is not feasible, the clerk shall scan the document as soon as practicable and notify the person who offered it when and where the document may be retrieved.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 100 - GENERAL PROVISIONS**

Rule 20-107. ELECTRONIC SIGNATURES

(a) Signature by Filer; Generally

Subject to sections (b), (c), (d), and (e) of this Rule, when a filer is required to sign a submission, the filer shall electronically sign the submission by inserting a (1) facsimile signature or (2) typographical signature. The filer shall insert the electronic signature above the filer's typed name, address, e-mail address, and telephone number. An electronic signature on an electronically filed submission constitutes and has the same force and effect as a signature required under Rule 1-311.

(b) Signature by Judge or Judicial Appointee

A judge or judicial appointee shall sign a submission electronically by (1) personally affixing the judge's or judicial appointee's digital signature or (2) hand-signing a paper version of the submission and scanning or directing an assistant to scan the hand-signed submission to convert the handwritten signature to a facsimile signature in preparation for electronic filing.

Cross reference: For delegation by an attorney, judge, or judicial appointee to file a signed submission, see Rule 20-108.

(c) Signature by Clerk

When a clerk is required to sign a submission electronically, the clerk's signature shall be a digital signature or a facsimile signature.

(d) Multiple Signatures on a Single Document

When the signature of more than one person is required on a document, the filer shall (1) confirm that the content of the document is acceptable to all signers; (2) obtain the handwritten, facsimile, or digital signatures of all signers; and (3) file the document electronically, indicating the signers in the same manner as the filer's signature. Filers other than judges, judicial appointees, clerks, and judicial personnel shall retain the signed document until the action is concluded.

(e) Signature Under Oath, Affirmation, or With Verification

When a person is required to sign a document under oath, affirmation, or with verification, the signer shall hand-sign the document. The filer shall scan the hand-signed document, converting the signer's handwritten signature to a facsimile signature, and file

the scanned document electronically. The filer shall retain the original hand-signed document until the action is concluded or for such longer period ordered by the court. At any time prior to the conclusion of the action, the court may order the filer to produce the original hand-signed document.

(f) Verified Submissions

When a submission is verified or attaches a document under oath, the electronic signature of the filer constitutes a certification by the filer that (1) the filer has read the entire document; (2) the filer has not altered, or authorized the alteration of, the text of the verified material; and (3) the filer has either personally filed the submission or has authorized a designated assistant to file the submission on the filer's behalf pursuant to Rule 20-108.

Cross reference: For the definition of "hand-signed," see Rule 20-101.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 100 - GENERAL PROVISIONS**

Rule 20-108. DELEGATION OF AUTHORITY TO FILE

(a) Attorneys

After a submission has been signed in accordance with Rule 20-107, an attorney may authorize a paralegal, assistant, or other staff member in the attorney's office to file the signed submission electronically on behalf of the attorney. A submission filed pursuant to this delegation constitutes a filing by the attorney and the attorney's assurance that the attorney has complied with the requirements of Rule 1-311 (b) and has authorized the paralegal, assistant, or staff member to file the submission. The attorney is responsible for assuring that there is no unauthorized use of the attorney's username or password.

Cross reference: See Rule 2-311 (b) for the effect of signing pleadings and other papers.

(b) Judges and Judicial Appointees

After a submission has been signed electronically in accordance with Rule 20-107, a judge or judicial appointee may authorize a secretary, administrative assistant, or law clerk to file the signed submission electronically on behalf of the judge or judicial appointee. The judge or judicial appointee who signs the submission is responsible for assuring that there is no unauthorized use of the signer's username and password.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 100 - GENERAL PROVISIONS**

Rule 20-109. ACCESS TO ELECTRONIC COURT RECORDS

(a) Generally

Except as otherwise provided in this Rule, access to court records in an affected action is governed by the Rules in Title 16, Chapter 1000.

(b) Parties and Attorneys of Record

Subject to any protective order issued by the court, parties to and attorneys of record in an affected action shall have full access, including remote access, to all case records in that affected action.

(c) Judges and Judicial Appointees

Judges and judicial appointees shall have full access, including remote access, to all court records to the extent that such access is necessary to the performance of their official duties. The Chief Judge

of the Court of Appeals, by Administrative Order, may further define the scope of remote access by judges and judicial appointees.

(d) Clerks and Judicial Personnel

Clerks and judicial personnel shall have full access from their respective work stations to all court records to the extent such access is necessary to the performance of their official duties. The State Court Administrator, by written directive, may further define the scope of such access by clerks and judicial personnel.

(e) Public Access

(1) Names of Litigants and Docket Entries

Members of the public shall have free access, including remote access, to unshielded information made available pursuant to Rule 16-1008 (a)(4).

(2) Unshielded Documents

Subject to any protective order issued by the court, members of the public shall have free access to unshielded case records and unshielded parts of case records from computer terminals that the court makes available for that purpose. Each clerk's office shall provide a reasonable number of terminals for use by the public. The terminals shall not permit the user to download, alter, or forward the information, but the user is entitled to a copy of or printout of a case record in accordance with Rules 16-1002 (d)(4) and 16-1003.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 200 - FILING AND SERVICE**

**TABLE OF CONTENTS**

Rule 20-201. REQUIREMENTS FOR ELECTRONIC FILING

- (a) Scope
- (b) Authorization to File
- (c) Policies of State Court Administrator
- (d) Signature
- (e) Certificate of Service
  - (1) Generally
  - (2) Non-electronic Service
  - (3) Electronic Service
- (f) Restricted Information
  - (1) Generally
  - (2) Where Restricted Information is Necessary
- (g) Sealed Submissions
- (h) Proposed Orders
- (i) Fee
  - (1) Generally
  - (2) Waiver

Rule 20-202. EFFECTIVE DATE OF FILING

Rule 20-203. REVIEW BY CLERK; STRIKING OF SUBMISSION; DELINQUENCY NOTICE; CORRECTION; ENFORCEMENT

- (a) Time and Scope of Review
- (b) Docketing
  - (1) Generally
  - (2) Submission Signed by Judge or Judicial Appointee
  - (3) Submission Generated by Clerk
- (c) Striking of Certain Non-compliant Submissions
- (d) Deficiency Notice
  - (1) Issuance of Notice
  - (2) Correction; Enforcement
- (e) Restricted Information
  - (1) Shielding Upon Issuance of Deficiency Notice

(2) Shielding of Unredacted Version of Submission

Rule 20-204. NOTICE OF FILING TANGIBLE ITEM

Rule 20-205. SERVICE

- (a) Original Process
- (b) Subpoenas
- (c) Court Orders and Communications
- (d) Other Electronically Filed Submissions

Rule 20-206. NOTICE OF FILING OF DISCOVERY MATERIAL

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 200 - FILING AND SERVICE**

Rule 20-201. REQUIREMENTS FOR ELECTRONIC FILING

(a) Scope

Sections (b) and (c) of this Rule apply to all filers. Sections (d), (e), (f), (g), (h), and (i) of this Rule do not apply to judges, judicial appointees, clerks, and judicial personnel.

(b) Authorization to File

A person may not file a submission in an affected action unless authorized by law to do so.

(c) Policies of State Court Administrator

A filer shall comply with all published policies and procedures adopted by the State Court Administrator pursuant to Rule 20-103.

(d) Signature

If, under Rule 1-311, the signature of the filer is required, the submission shall be signed in accordance with Rule 20-107.

(e) Certificate of Service

(1) Generally

Other than an original pleading that is served by original process, each submission that is required to be served pursuant to Rule 20-205 (d) shall contain a certificate of service signed by the filer.

(2) Non-electronic Service

If service is not to be made electronically on one or more persons entitled to service, service on such persons shall be made in accordance with the applicable procedures established by other Titles of the Maryland Rules, and the submission shall include a certificate of service that complies with Rule 1-323 as to those persons and states that all other persons, if any, entitled to service were served by the MDEC system.

(3) Electronic Service

If service is made electronically by the MDEC system on all persons entitled to service, the certificate shall so state.

(f) Restricted Information

(1) Generally

Except as provided in subsection (f)(2) of this Rule, a submission filed by a filer (A) shall not contain any restricted information, and (B) shall contain a certificate by the filer that the submission does not contain any restricted information or, if it does contain restricted information, a redacted submission has been filed contemporaneously pursuant to subsection (f)(2) of this Rule.

(2) Where Restricted Information is Necessary

If the filer believes that restricted information is necessary to be included, the filer shall (A) state the reason and a legal basis for including the restricted information, and (B) file both an unredacted version of the document, noting prominently in the caption that the document is unredacted, and a redacted version of the document that excludes the restricted information, noting prominently in the caption that the document is redacted.

## (g) Sealed Submissions

If the filer desires the submission to be under court seal, the submission shall (1) state prominently in the caption that the document is to be under seal, and (2) state whether there is already in effect a court order to seal the document and, if so, identify that order. If there is no such order, the submission shall include a motion and proposed order to seal the document.

## (h) Proposed Orders

A proposed order to be signed by a judge or judicial appointee shall be in an editable text form specified by the State Court Administrator.

## (i) Fee

## (1) Generally

A submission shall be accompanied, in a manner allowed by the published policies and procedures adopted by the State Court Administrator, by any fee required to be paid in connection with the filing.

## (2) Waiver

(A) A filer who (i) desires to file electronically a submission that requires a prepaid fee, (ii) has not previously obtained and had docketed a waiver of prepayment of the fee, and (iii) seeks a waiver of such prepayment, shall file a request for a waiver pursuant to Rule 1-325.

(B) The request shall be accompanied by (i) the documents required by Rule 1-325, (ii) the submission for which a waiver of the prepaid fee is requested, and (iii) a proposed order granting the request.

(C) No fee shall be charged for the filing of the waiver request.

(D) The clerk shall docket the request for waiver but not the submission requiring a prepaid fee and shall transmit the request, with the accompanying documents, to a judge.

(E) If the judge waives prepayment in full, the clerk shall docket the submission.

(F) If the judge denies the waiver in whole or in part, the clerk shall notify the filer but shall not docket the submission until the fee or non-waived part of the fee, is paid.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 200 - FILING AND SERVICE**

## Rule 20-202. EFFECTIVE DATE OF FILING

The MDEC system shall record the date and time an electronically filed submission is received by the MDEC system. subject to Rule 20-203, the date recorded shall be the effective date of filing and shall serve as the docket date of the submission filed.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 200 - FILING AND SERVICE**

## Rule 20-203. REVIEW BY CLERK; STRIKING OF SUBMISSION; DELINQUENCY NOTICE; CORRECTION; ENFORCEMENT

## (a) Time and Scope of Review

As soon as practicable, the clerk shall review a submission, other than a submission filed by a judge or judicial appointee, for compliance with Rule 20-201 (d), (e), (f)(1)(B), and (i) and the published policies and procedures for acceptance established by the State Court Administrator. Until the submission is accepted by the clerk, it remains in the clerk's queue and shall not be docketed.

## (b) Docketing

## (1) Generally

The clerk shall promptly correct errors of non-compliance that apply to the form and language of the proposed docket entry for the submission. The docket entry as described by the filer and corrected by the clerk shall become the official docket entry for the submission.

## (2) Submission Signed by Judge or Judicial Appointee

The clerk shall enter on the docket each judgment, order, or other submission signed by a judge or judicial appointee.

## (3) Submission Generated by Clerk

The clerk shall enter each writ, notice, or other submission generated by the clerk into the MDEC system for docketing in the manner required by Rule 16-305.

## (c) Striking of Certain Non-compliant Submissions

If, upon review pursuant to section (a) of this Rule, the clerk determines that a submission, other than a submission filed by a judge or judicial appointee, fails to comply with the requirements of Rule 20-201 (d), (e), or (f)(1)(B), the clerk shall (1) strike the submission, (2) notify the filer and all other parties of the striking and the reason for it, and (3) enter on the docket that the submission was received, that it was stricken for non-compliance with the applicable section of Rule 20-201 (d), (e), or (f)(1)(B), and that notice pursuant to this section was sent. The filer may seek review of the clerk's action by filing a motion with the administrative judge having direct administrative supervision over the court.

## (d) Deficiency Notice

## (1) Issuance of Notice

If, upon review, the clerk concludes that a submission is not subject to striking under section (c) of this Rule but materially violates a provision of the Rules in Title 20 or an applicable published policy or procedure established by the State Court Administrator, the clerk shall send to the filer with a copy to the other parties a deficiency notice describing the nature of the violation.

## (2) Correction; Enforcement

If the deficiency is not corrected within two business days after the date of the notice, any party may move to strike the submission.

## (e) Restricted Information

## (1) Shielding Upon Issuance of Deficiency Notice

If, after filing, a submission is found to contain restricted information, the clerk shall issue a deficiency notice pursuant to section (d) of this Rule and shall shield the submission from public access until the deficiency is corrected.

## (2) Shielding of Unredacted Version of Submission

If, pursuant to Rule 20-201 (f)(2), a filer has filed electronically a redacted and an unredacted submission, the clerk shall docket both submissions and shield the unredacted submission from public access. Any party and any person who is the subject of the restricted information contained in the unredacted submission may file a motion to strike the unredacted submission. Upon the filing of a motion and any timely answer, the court shall enter an appropriate order.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 200 - FILING AND SERVICE**

## Rule 20-204. NOTICE OF FILING TANGIBLE ITEM

No later than the next business day after a registered user files a tangible item in an affected action, the registered user shall file a "Notice of Filing Tangible Item" that describes the tangible item, identifies the electronically filed submission to which the tangible item is attached, and states why the tangible item could not have been filed electronically.

Cross reference: See Rule 20-106 (c)(2) for documents that shall not be filed electronically.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 200 - FILING AND SERVICE**

**Rule 20-205. SERVICE**

(a) Original Process

Service of original process shall be made in accordance with the applicable procedures established by the other Titles of the Maryland Rules.

(b) Subpoenas

Service of a subpoena shall be made in accordance with the applicable procedures established by the other Titles of the Maryland Rules.

(c) Court Orders and Communications

The clerk is responsible for serving writs, notices, official communications, court orders, and other dispositions, in the manner set forth in Rule 1-321, on persons entitled to receive service of the submission who (A) are not registered users, (B) are registered users but have not entered an appearance in the affected action, and (C) are persons entitled to receive service of copies of tangible items that are in paper form.

(d) Other Electronically Filed Submissions

(1) On the effective date of filing, the MDEC system shall electronically serve on registered users entitled to service all other submissions filed electronically.

Cross reference: For the effective date of filing, see Rule 20-202.

(2) The filer is responsible for serving, in the manner set forth in Rule 1-321, persons entitled to receive service of the submission who (A) are not registered users, (B) are registered users but have not entered an appearance in the action, or (C) are persons entitled to receive service of copies of tangible items that are in paper form.

Committee note: Rule 1-203 (c), which adds three days to certain prescribed periods after service by mail, does not apply when service is made by the MDEC system.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 200 - FILING AND SERVICE**

**Rule 20-206. NOTICE OF FILING OF DISCOVERY MATERIAL**

At the option of the filer, discovery material may be filed electronically as a “service only” transaction, which accompanies the filing of the notice required by Rule 2-401 (d), 3-401 (b)(2), or 4-263 (k) or is in compliance with the disclosure requirements of Rule 4-262. The MDEC system shall not accept the filing of the discovery material itself but shall facilitate electronic service of the discovery material to those registered users who are entitled to receive service electronically. The notice of service shall indicate who received the discovery material electronically and who received the discovery material by alternate means of service.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 300 - OFFICIAL RECORD**

**TABLE OF CONTENTS**

**Rule 20-301. CONTENT OF OFFICIAL RECORD**

(a) Generally

(b) Hyperlinks

**Rule 20-302. DUTY TO RETAIN RECORDS**

(a) Generally

(b) Redacted Documents

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 300 - OFFICIAL RECORD**

**Rule 20-301. CONTENT OF OFFICIAL RECORD**

(a) Generally

The official record of an affected action consists of:

(1) the electronic version of all submissions filed electronically or filed in paper form and scanned into the MDEC system;

(2) all other submissions and tangible items filed in the action that exist only in non-electronic form;

(3) the electronic version of all documents offered or admitted into evidence or for inclusion in the record at any judicial proceeding, pursuant to Rule 20-106 (e);

(4) all tangible items offered or admitted into evidence that could not be filed electronically or scanned into the MDEC system;

(5) a transcript of all court recordings of proceedings in the affected action; and

(6) all other documents or items that, for good cause, the court orders be part of the record.

(b) Hyperlinks

A hyperlink embedded in a submission is not a part of the official record unless it is linked to another document that is a part of the official record.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 300 - OFFICIAL RECORD**

**Rule 20-302. DUTY TO RETAIN RECORDS**

(a) Generally

A person who files (1) an affidavit or other submission that is required to be filed under oath, (2) a document filed electronically pursuant to Rule 20-106 (c)(3), or (3) any other document required by the court to be preserved shall retain the original document containing the original signature of each affiant until the case is concluded or for such longer period of time that is required by court order or applicable law.

(b) Redacted Documents

A filer who submits a redacted document shall retain the unredacted version of the document until the case is concluded or for such longer period of time that is required by court order or applicable law.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 400 - APPELLATE REVIEW**

**TABLE OF CONTENTS**

Rule 20-401. APPLICABILITY

Rule 20-402. TRANSMITTAL OF RECORD

- (a) Preference
- (b) Alternative

Rule 20-403. RECORD EXTRACT OR APPENDIX

- (a) Electronic Filing Required
- (b) Paper Copies Required from Persons Who File Electronically
- (c) Service
- (d) Record Extract or Appendix Filed by a Person Other than a Registered User

Rule 20-404. BRIEFS

- (a) Electronic Filing Required
- (b) Paper Copies Required from Persons Who File Electronically
- (c) Service
- (d) Brief Filed by a Person Other than a Registered User

Rule 20-405. OTHER SUBMISSIONS

- (a) Applicability
- (b) Electronic Filing
- (c) Paper Copies Required from Persons Who File Electronically
- (d) Service of Submissions Filed Electronically
- (e) Persons Who Do Not File Electronically

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 400 - APPELLATE REVIEW**

Rule 20-401. APPLICABILITY

This Chapter applies to proceedings in an appellate court.

Cross reference: See Rule 20-102 (b).

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 400 - APPELLATE REVIEW**

Rule 20-402. TRANSMITTAL OF RECORD

- (a) Preference

If possible under MDEC, the clerk of the trial court shall transmit in an electronic format that portion of the record that is in electronic format.

- (b) Alternative

(1) This section applies only if it is not possible under MDEC for the clerk of the trial court to transmit the electronic part of the record to the clerk of the appellate court in an electronic format.

(2) Upon the filing of a notice of appeal, notice that the Court of Special Appeals has granted an application for leave to appeal, or notice that the Court of Appeals has issued a writ of certiorari directed to the trial court, the clerk of the trial court shall comply with the requirements of Title 8 of the Maryland Rules and assemble, index, and prepare a certification of the record. The clerk shall transmit that part of the record not in electronic format to the clerk of the appellate court as required under Title 8 and shall enter on the

docket a notice that (A) the non-electronic part of the record was so transmitted, and (B) from and after the date of the notice, the entire record so certified is in the custody and jurisdiction of the appellate court.

(3) Upon the docketing of the notice provided for in subsection (b)(2) of this Rule, the record of all submissions filed prior to the date of the notice shall be deemed to be in the custody and jurisdiction of the appellate court. Subject to order of the appellate court, any submissions filed in the trial court after the date of the notice shall not be part of the appellate record but shall be within the custody and jurisdiction of the trial court.

(4) Subject to subsection (b)(6) of this Rule, submissions filed with or by the appellate court shall during the pendency of the appeal not be made part of the record certified by the clerk of the trial court but shall be part of the appellate court record.

(5) During the pendency of the appeal, the judges, law clerks, clerks, and staff attorneys of the appellate court shall have free remote access to the certified record.

(6) Upon completion of the appeal, the clerk of the appellate court shall add to the record certified by the clerk of the trial court any opinion, order, or mandate of the appellate court disposing of the appeal, and a notice that, subject to any further order of the appellate court, from and after the date of the notice, the record is returned to the custody and jurisdiction of the trial court.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 400 - APPELLATE REVIEW**

Rule 20-403. RECORD EXTRACT OR APPENDIX

- (a) Electronic Filing Required

The registered user responsible for the preparation of a record extract or appendix shall cause all portions of the document to be filed electronically unless otherwise ordered by the court. For a record extract in excess of 300 pages, the extract shall be filed in separate volumes not exceeding 300 pages each.

- (b) Paper Copies Required from Persons Who File Electronically

In addition to the electronic filing, the party responsible for the preparation and filing of the record extract or appendix shall file eight copies of the document in paper form.

- (c) Service

In addition to electronic service, the party responsible for the preparation and filing of the record extract or appendix shall serve two paper copies of the document on each party pursuant to the provisions of Rule 1-321.

- (d) Record Extract or Appendix Filed by a Person Other than a Registered User

A person who is not required to file electronically and files a record extract or appendix in paper form shall file and serve the number of paper copies required by the Rules in Title 8 of these Rules.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 400 - APPELLATE REVIEW**

Rule 20-404. BRIEFS

- (a) Electronic Filing Required

All briefs filed by a registered user shall be filed electronically, unless otherwise ordered by the court.

- (b) Paper Copies Required from Persons Who File Electronically  
In addition to the electronic filing, the party filing a brief shall file eight copies of the brief in paper form.
- (c) Service

In addition to electronic service, the party filing a brief shall serve two paper copies of the brief on each party pursuant to the provisions of Rule 1-321.

- (d) Brief Filed by a Person Other than a Registered User

A person who is not required to file electronically and files a brief in paper form shall file and serve the number of paper copies required by Rule 8-502.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 400 - APPELLATE REVIEW**

Rule 20-405. OTHER SUBMISSIONS

- (a) Applicability

This Rule applies to a document filed in an appellate court that is not a brief, record extract, or appendix.

- (b) Electronic Filing

Unless otherwise ordered by the Court, a submission by an attorney, a self-represented litigant who is a registered user, the Court, a judge of the Court, or a Clerk in an affected action shall be filed electronically.

- (c) Paper Copies Required from Persons Who File Electronically

An attorney or self-represented litigant who files a submission electronically also shall file eight copies of the submission in paper form.

- (d) Service of Submissions Filed Electronically

Service of an electronically filed submission shall be made in accordance with Rule 20-205 (d).

- (e) Persons Who Do Not File Electronically

A person who is not required to file electronically and files a document in paper form shall file and serve the number of paper copies required by Title 8 of these Rules.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 500 - MISCELLANEOUS RULES**

**TABLE OF CONTENTS**

Rule 20-501. MDEC SYSTEM OUTAGE

- (a) Posting of Notices
  - (1) System Failure Notice
  - (2) System Resumption Notice
- (b) Effect of Notice

- (1) Electronic Submissions - Expiring Time Extended
- (2) Paper Submissions - Accepted

Rule 20-502. REMOVAL TO AND REMAND FROM THE UNITED STATES DISTRICT COURT

- (a) Development of Plan
- (b) Contents of Plan

Rule 20-503. ARCHIVAL OF RECORDS

- (a) Development of Plan
- (b) Contents of Plan
- (c) Optional - Archives as Duplicate Repository

Rule 20-504. AGREEMENTS WITH VENDORS

- (a) Definition
- (b) Agreement with Administrative office of the Courts

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 500 - MISCELLANEOUS RULES**

Rule 20-501. MDEC SYSTEM OUTAGE

- (a) Posting of Notices
  - (1) System Failure Notice
- (2) System Resumption Notice

If a court in an applicable county is unable to accept electronic filings because of an MDEC system failure, the State Court Administrator shall immediately notify each registered user by posting a system failure notice on the Judiciary website or by other electronic means. The system failure notice shall state the date and time of the system failure and list the courts affected by the system failure.

- (2) System Resumption Notice

When a court's capability of accepting electronically filed submissions resumes, the State Court Administrator shall immediately notify each registered user by posting a system resumption notice on the Judiciary website or by other electronic means. The system resumption notice shall state the date and time that the capability of accepting electronically filed submissions resumed in each court.

- (b) Effect of Notice

- (1) Electronic Submissions - Expiring Time Extended

While a court is listed in a system failure notice as unable to accept electronic filings, the affected court is deemed inaccessible to electronic filers. If a court is inaccessible under this Rule for any portion of the same day that the time for filing a submission expires, the time to file the submission electronically is automatically extended until the first full day, other than a Saturday, Sunday, or legal holiday, that the system is able to accept electronic filings.

Cross reference: See Rule 1-203 (a).

- (2) Paper Submissions - Accepted

If a court is listed as unable to accept electronic filings in a system failure notice but the courthouse is otherwise open for business, a registered user may elect to timely file the submission in paper form.

Cross reference: See Rule 20-106 (b) for exceptions to required electronic filing.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 500 - MISCELLANEOUS RULES**

Rule 20-502. REMOVAL TO AND REMAND FROM THE UNITED STATES DISTRICT COURT

- (a) Development of Plan

The State Court Administrator shall enter into discussions with the United States District Court for the District of Maryland ("U.S. District Court") in an attempt to develop a plan for the transmission of electronic case records between the U.S. District Court and MDEC for cases on removal or remand between a Maryland State court and the U.S. District Court. Any plan recommended by the U.S. District Court and the State Court Administrator shall be presented to the Court of Appeals for approval. The plan shall not take effect until approved by (1) the U.S. District Court and (2) after a public hearing, the Court of Appeals.

## (b) Contents of Plan

The plan shall provide for:

- (1) the manner and method of transmitting electronic records;
- (2) the format of the electronic records being transmitted;
- (3) the preservation of all applicable limitations on public access to the transmitted electronic records provided for by the Rules in Title 16, Chapter 1000 and Title 20 of these Rules until such time or times provided for in the plan or applicable federal rules;
- (4) the procedures for the expungement of records when ordered by a court in accordance with applicable expungement laws; and
- (5) any other matters relevant to the transmission of electronic court records between the Maryland State Court and the U.S. District Court.

Committee note: An example of a matter that may be included in the plan is the manner of transmission of a question certified to the Court of Appeals pursuant to the Maryland Certification of Questions of Law Act and the Court's response to the certified question.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 500 - MISCELLANEOUS RULES**

## Rule 20-503. ARCHIVAL OF RECORDS

## (a) Development of Plan

The State Court Administrator shall work with the State Archivist to develop a plan for the transmission of electronic case records to the Maryland State Archives for the purpose of archiving of those records. Any plan recommended by the State Archivist and the State Court Administrator shall be presented to the Court of Appeals for approval. The plan shall not take effect until approved by the Court of Appeals after a public hearing.

## (b) Contents of Plan

The plan shall provide for:

- (1) the entire lifecycle of the electronic record, including creation, use, destruction, and transfer to the Maryland State Archives;
- (2) the Courts' records retention and disposition schedules to define the retention period of non-permanent records and the transfer of permanent electronic records to the Maryland State Archives;
- (3) when electronic records may be transmitted to the Maryland State Archives;
- (4) the categories or types of records to be transmitted or not to be transmitted;
- (5) the format and manner of transmission and the format in which the records will be retained by the Maryland State Archives;
- (6) the preservation of all limitations on public access to the transmitted electronic records provided for by the Rules in Title 16, Chapter 1000 and Title 20 of these Rules until such time or times provided for in the plan;
- (7) a method by which MDEC can retrieve and modify records transmitted to the Maryland State Archives;
- (8) procedures for the expungement of records transmitted to the Maryland State Archives when ordered by a court in accordance with applicable expungement laws;
- (9) procedures to ensure that the electronic records are exported for transfer to the Maryland State Archives in non-proprietary (open-source) formats that constitute a complete and accurate representation of the record as defined by the Court; and
- (10) any other matters relevant to the transmission and archiving of court records, including the tracking, verification, and authentication of transfers.

## (c) Optional - Archives as Duplicate Repository

The plan may provide for immediate transmission of electronically filed case records in order that the Maryland State Archives constitute a duplicate repository of electronic court records.

Source: This Rule is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 20 - ELECTRONIC FILING AND CASE  
MANAGEMENT  
CHAPTER 500 - MISCELLANEOUS RULES**

## Rule 20-504. AGREEMENTS WITH VENDORS

## (a) Definition

In this Rule, "vendor" means a person who provides or offers to provide to registered users or others services that include the filing or service of submissions pursuant to the Rules in this Title or remote access to electronic case records maintained by Maryland courts.

## (b) Agreement with Administrative Office of the Courts

As a condition of having the access to MDEC necessary for a person to become a vendor, the person must enter into a written agreement with the Administrative Office of the Courts that, in addition to any other provisions, (1) requires the vendor to abide by all Maryland Rules and other applicable law that limit or preclude access to information contained in case records, whether or not that information is also stored in the vendor's database, (2) permits the vendor to share information contained in a case record only with a party or attorney of record in that case who is a customer of the vendor, (3) provides that any material violation of that agreement may result in the immediate cessation of remote electronic access to case records by the vendor, and (4) requires the vendor to include notice of the agreement with the Administrative Office of the Courts in all agreements between the vendor and its customers.

Cross reference: See Maryland Rules 20-109 and 16-1001 through 16-1011.

Source: This Rule is new.

[13-10-40]

**Notice of Proposed Rules Changes**

The Rules Committee has submitted Part I of its One Hundred Seventy-Eighth Report to the Court of Appeals, recommending rescission of Title 16 of the Maryland Rules of Procedure and replacement of it by new Title 16 (Court Administration), Title 18 (Judges and Judicial Appointees), and Title 19 (Attorneys), and transmitting by Part I proposed new Title 16 and proposed amendments to Rules 2-508 and 3-508.

The Committee's Part I of its One Hundred Seventy-Eighth Report and the proposed new rules and amendments are set forth below.

Interested persons are asked to consider Part I of the Committee's Report and proposed rules changes and to forward on or before June 17, 2013 any written comments they may wish to make to:

Sandra F. Haines, Esq.  
Reporter, Rules Committee  
2011-D Commerce Park Drive  
Annapolis, Maryland 21401

BESSIE M. DECKER  
Clerk  
Court of Appeals of Maryland

April 29, 2013

The Honorable Robert M. Bell,  
 Chief Judge  
 The Honorable Glenn T. Harrell, Jr.  
 The Honorable Lynne A. Battaglia  
 The Honorable Clayton Greene, Jr.  
 The Honorable Sally D. Adkins  
 The Honorable Mary Ellen Barbera,  
 The Honorable Robert N. McDonald  
 Judges  
 The Court of Appeals of Maryland  
 Robert C. Murphy Courts of Appeal Building  
 Annapolis, Maryland 21401

Your Honors:

The Rules Committee submits this Part I of its One Hundred Seventy-Eighth Report and recommends that the Court adopt the new Rules and amendments to existing Rules transmitted with this Part.

With one exception, the One Hundred Seventy-Eighth Report completes the comprehensive revision of the Maryland Rules that began in 1984 with the adoption of Titles 1 through 4 (Criminal and General Civil Proceedings in the District and Circuit Courts), followed in the ensuing years with the addition of Titles 5 (Evidence), 6 (Probate), and 17 (ADR), and the revision and reorganization of the various appellate and special proceedings now collected in Titles 7 through 15. Parts I, II, and III of this Report update, consolidate, and reorganize the Rules dealing with Court Administration (Title 16), Judges and Judicial Appointees (Title 18), and Attorneys (Title 19). A new Title 20 (MDEC), proposed in the Committee's One Hundred Seventy-Sixth Report, was adopted by the Court in April 2013, to take effect July 1, 2013. The one area of comprehensive revision that is not yet completed but is under development consists of the Title 11 Rules on Juvenile Causes.

Much of the material in the new Titles 16, 18, and 19 is lodged in current Title 16 and various appendices to it, although some appears currently only in administrative orders of the Chief Judge. The current Title 16 will be entirely replaced, which requires that most, if not all, of the new Rules be made effective at the same time. Although there are relatively few substantive changes proposed to the Rules dealing with judges, judicial appointees, and attorneys, the material for the three new Titles is bulky. For the convenience of the Court and members of interest groups and the general public who may wish to comment on the Committee's proposals, the Committee is sending the Report to the Court in three parts. Part I – the new Title 16 dealing with court administration – accompanies this letter. Parts II and III, dealing with judges, judicial appointees, and attorneys, will be transmitted within the next several weeks with a covering letter. The Committee recommends that the Court consider holding its hearing on Part I over the summer and on Parts II and III in the early fall, but that the Court make a uniform effective date for all three parts.

Because this is a comprehensive reorganization, all of the Rules are shown as new Rules, even though they are mostly derived from existing Rules. For the Court's convenience, each Part of the Report will include an Appendix showing, through underlining and striking, the proposed textual changes from current Rules.

New Title 16 (Part I) is divided into nine Chapters:

- Chapter 100: Court Administrative Structure
- Chapter 200: General Provisions – Circuit and District Courts

- Chapter 300: Circuit Courts – Administration and Case Management
- Chapter 400: Circuit Courts – Clerks' Offices
- Chapter 500: Recording of Proceedings
- Chapter 600: Extended Coverage of Court Proceedings
- Chapter 700: Miscellaneous Judicial Units
- Chapter 800: Miscellaneous Court Administration Matters
- Chapter 900: Access to Court Records

Chapter 100: Court Administrative Structure

Chapter 100 (Rules 16-101 through 16-111) sets forth the administrative structure of the Maryland Judiciary. Rule 16-101, for the first time, lists in one place those officials and units that comprise the administrative structure – the Chief Judge of the Court of Appeals, the Chief Judge of the Court of Special Appeals, the Circuit and County Administrative Judges of the Circuit Courts, the Chief Judge and District Administrative Judges of the District Court, the Administrative Office of the Courts, the State Court Administrator, the clerks, the circuit court administrators, the Registers of Wills, and the Chief Judges of the Orphans' Courts – and notes generally the sources of their respective authority.

Rules 16-102 through 16-107 set forth in more detail the authority of the chief judges and administrative judges of the appellate, circuit, and district courts. The Rules dealing with the appellate and circuit courts are derived from current Rule 16-101. The Rules dealing with the District Court are taken from existing Constitutional and statutory provisions. Some of the Rules have been updated to reflect current responsibilities and practice, and all have been restyled for greater clarity. Rule 16-105, for example, notes the responsibility of the county administrative judge for the preparation of the case management, continuity of operations, and jury plans and any plan to create a problem-solving court. Rule 16-108 sets forth the authority of the chief judges and administrative judges to assign and reassign judges under their administrative supervision. With style changes, it is derived from current Rule 16-103.

Rules 16-109 and 16-110 bring into Chapter 100 the existence and administrative responsibilities of the Maryland Judicial Conference and the Judicial Council. Those Rules are derived from current Rule 16-802 but have been reorganized and restyled. Rule 16-111 is new. It sets forth the existence and general responsibilities of the Administrative Office of the Courts and the State Court Administrator.

Although proposed Rule 16-101 refers generally to the administrative duties of the Registers of Wills and the chief judges of the Orphans' Courts, the Rules Committee has not attempted to define in any detail the administrative responsibilities of either. The duties and responsibilities of the Orphans' Court judges and the Registers of Wills are set forth in the Estates and Trusts Article of the Code, and, to some extent, in the Title 6 Rules. Because the Orphans' Courts are a Constitutional part of the Maryland Judiciary, it may be advisable at some point for the Court to consider exercising some greater administrative supervision over them, but the Rules Committee does not believe that such an undertaking should be part of what is largely a reorganization and updating of current Rules.

Chapter 200: General Provisions – Circuit and District Court

As the caption suggests, Chapter 200 collects the general administrative Rules that can apply in both the circuit and district courts – Rules dealing with court sessions (Rule 16-201), payment of money into court (Rule 16-202), electronic filings other than under



MDEC (Rule 16-203), the court information system (Rule 16-204), disposition of court records (Rule 16-205), the prohibition against judicial personnel accepting gratuities (Rule 16-206), problem-solving court programs (Rule 16-207), and the policy with respect to cell phones and other electronic devices (Rule 16-208). Those Rules are all derived from current Rules in Title 16, updated in some instances to reflect current practice and restyled.

#### Chapter 300: Circuit Courts – Administration and Case Management

Chapter 300 consolidates existing Rules that deal with administrative matters involving only the circuit courts – the term of court (Rule 16-301), the case management plan for assigning cases to trial (Rule 16-302), motion days (Rule 16-303), the chambers judge (Rule 16-304), the trust clerk (Rule 16-305), the special docket for asbestos cases in Baltimore City (Rule 16-306), family divisions and support services (Rule 16-307), the business and technology case management program (Rule 16-308), and reports required of judges (Rule 16-309).

#### Chapter 400: Circuit Courts - Clerks' Offices

Chapter 400 collects existing Rules dealing with the operation of the circuit court clerks' offices – personnel policies (Rule 16-401), procurement, general operations, audits, budgets, supervision by the county administrative judge (Rule 16-402), hours of operation (Rule 16-403), dockets (Rule 16-404), the filing and removal of papers (Rule 16-405), and the monthly notice to the Court of Special Appeals of appeals and applications for leave to appeal filed with the circuit court (Rule 16-406).

#### Chapter 500: Recording of Proceedings

Although the Rules proposed in Chapter 500 are derived from existing Rules in Title 16, they present two substantial policy issues for the Court's consideration: (1) what must be recorded, and (2) to the extent that proceedings are recorded electronically, either by audio or by audio-video, what access the public should have to the recordings.

The first issue presents questions regarding bench conferences, possibly some chambers conferences, the extent to which the parties and the court can decide that certain parts of open court proceedings not be recorded – in general, what, if anything, should be allowed to be truly “off the record.” That issue does not deal directly with *documents* – exhibits or proposed exhibits – but rather with what is *said* in court. The second issue presents the question of whether a member of the public should be entitled to purchase a copy of an audio recording (that has been redacted to shield statements subject to shielding), to do with what he or she chooses, or should be entitled only to listen to and make notes from a redacted copy of the recording but not to retain possession of it.

With respect to what should be recorded, current Rule 16-504 a. provides that, in the District Court, “[a]ll trials, hearings, and other proceedings before a judge in open court shall be recorded verbatim by an audio recording device provided by the Court.” The Rule permits the Chief Judge of the District Court to authorize other recording methods, but the Rules Committee was advised that audio recording is the uniform method used in the District Court. Rule 16-504 b. provides for the shielding of portions of the record “that would not be heard in open court or open to public inspection.” The clear import of the Rule is that, in the District Court, everything that occurs in open court is supposedly recorded but that parts of what is recorded may be shielded from public access.

The circuit court Rule is different. Current Rule 16-404 e. permits a variety of recording methods and provides that “[a]ll proceedings held in open court, including opening statements, closing arguments, and hearings on motions, shall be recorded in their entirety, *unless the court and the parties agree otherwise.*” (Emphasis added). That provides an option – the scope of which is not entirely clear – not permitted in the District Court.

The Rules Committee is of the view that, as a matter of judicial policy, all proceedings before a judge in a courtroom, in both the circuit and district courts, should be recorded, so that there is a complete record of everything that is said in open court, and that, if the court finds that any part of the record should remain confidential, the court should direct that part to be redacted from any copy of the recording accessible to the public and from any transcript accessible to the public. That policy is reflected in proposed Rules 16-501 (a), (f), and (g), 16-502, and 16-503 (a), (g), and (h). This will require the parties, during the court proceeding, to designate the parts of the proceeding they believe should remain confidential, so that the court can make a ruling on the request and the appropriate court employee can properly tag those parts for redaction.<sup>1</sup>

This should prove no more difficult than the current requirement of designating the parts that a party wants “off the record” – bench conferences involving routine matters or sensitive plea discussions in a criminal case, for example. The difference, of course, is that, under current practice, at least in the circuit courts, proceedings that the court allows to be “off the record” may not be recorded at all, but under the proposed Rules nothing would actually be “off the record.” There would be an additional duty on the part of a designated court official or employee to make sure that the audio recording is properly tagged so that the portions subject to redaction are, in fact, redacted from any copies of the recording.

As to the second issue, under current Rule 16-406, which applies in the circuit courts, a member of the public is entitled to purchase an audio recording, including the audio portion of an audio-video recording, of any proceeding not closed to the public, but is not entitled to purchase the video portion except with court approval, which is subject to a number of conditions. Unless the court orders otherwise, there is a right to view the video portion. Rule 16-504, applicable in the District Court, allows the purchase only of an audio recording, but, as there is no videotaping of District Court proceedings, the omission of any mention of video recordings is not currently relevant. The Rules Committee was unanimous in the view that, notwithstanding that audio or audio-video recordings do not constitute the official record of court proceedings, members of the public should have a right of access to a properly redacted copy of them, at least for the purpose of listening or viewing and making notes from the redacted copy.

The debate was over whether members of the public should have a right to purchase a copy and use it as they wish. Some members of the Committee were concerned about persons who are able to purchase the disk then broadcasting or putting on-line selected or even altered parts of it, which may present a misleading impression of what occurred and subject parties, witnesses, attorneys, and judges

<sup>1</sup> Current Rule 16-405 d. already provides that, if a portion of a proceeding recorded by audio or audio-video involves placing on the record matters that would not be heard in open court or be open to public inspection, the court must direct that appropriate safeguards be placed on that portion of the recording. To that extent, the need to be vigilant in identifying parts of proceedings that should be shielded already exists.

to unfair public humiliation and possibly to physical or other harm. A majority of the Committee, however, voted to allow the public to purchase and possess a redacted copy of an audio recording but agreed that both policies should be presented to the Court for its consideration. That is done through alternative versions of Rules 16-501 (g) and 16-503 (h).

The rest of the material in the Chapter 500 Rules is derived, with some updating, reorganization, and restyling, from the current Rules.

Chapter 600: Extended Coverage of Court Proceedings

Extended coverage of court proceedings – the recording of proceedings for either simultaneous or later broadcasting, other than by the court itself – is currently provided for in one long Rule -- Rule 16-109. Those provisions are updated, clarified, and split into eight Rules (16-601 through 16-608).

Chapter 700: Miscellaneous Judicial Units

There are a variety of committees, commissions, boards, conferences, and other units that are within the Judicial Branch or have a close connection to it. Some were created by Rule, some by Administrative Order of the Chief Judge, some by other means. Some were created for a special purpose and are or likely will be temporary in nature; others have achieved a permanent status and exercise important ongoing duties.

The Rules Committee proposes not to include in the Rules those units that are likely to be temporary in nature or that do not create or implement significant judicial policy and that currently exist only as the result of an Administrative Order. Some of the permanent units, such as the State Board of Law Examiners, the Attorney Grievance Commission, the Judicial Ethics Committee, the Commission on Judicial Disabilities, and the Judicial Institute are inextricably connected with the Rules dealing with the activity that they administer or supervise, and the Committee proposes to include their structure and duties as part of the Rules governing the activity.

As the Committee note to Rule 16-701 explains, Chapter 700 is reserved for those few miscellaneous judicial units that are permanent, that do create or implement significant judicial policy, and that may attract public interest. They are the Rules Committee (Rule 16-701), the Conference of Circuit Judges (Rule 16-702), the Conference of Circuit Court Administrators (Rule 16-703), the Conference of Circuit Court Clerks (Rule 16-704), the Conference of Orphans’ Court Judges (Rule 16-705), and the Maryland Professionalism Center (Rule 16-706). The Committee has attempted to make the structure of the Rules dealing with those units as similar as possible.

Rule 16-701 is derived in part from current Rule 16-801, which deals with both the Rules Committee as an entity and the rule-making process. The Rules Committee proposes to separate the structure and duties of the Committee from the overall rule-making process, which involves the Court of Appeals as well, and to place the latter in new Rule 16-801. Rule 16-701 codifies recent changes in the structure of the Committee, the imposition of term limits on its members, and the duties of the Committee.

Rule 16-702, dealing with the Conference of Circuit Judges, is derived from current Rule 16-108. It has been restyled, and provision is made for interim elections when there is a vacancy in an elective seat, either as a member or as chair or vice-chair. Rules 16-703, 16-704, and 16-705 are derived without change from the Administrative

Orders creating the respective units. Rule 16-706 simply relocates current Rule 16-407, just recently adopted by the Court.

Chapter 800: Miscellaneous Court Administration Matters

Rule 16-801, derived in part from current Rule 16-801 and Internal Operating Rules of the Court of Appeals<sup>2</sup>, describes in greater detail the actual rule-making process, in both the Rules Committee and the Court of Appeals. Because, under Article IV, §18 of the Maryland Constitution, Rules adopted by the Court have the force of law, the Committee believes that it is important for the public to be better apprised of how those Rules are developed and approved.

Rule 16-802 codifies the duty of the courts to prepare, monitor, and test continuity of operations plans in the event of a public emergency or a catastrophic health emergency and to assure that the judges and other necessary personnel are familiar with the plans. As the Reporter’s note explains, those plans are actually drafted by the Office of Emergency Preparedness and Court Security, which is a unit in the AOC.

Rule 16-803 deals with continuances and postponements by reason of conflicting case assignments or legislative privilege. It is derived in part from Rules 2-508 and 3-508 but mostly from an Administrative Order. The legislative privilege is well known, but the rules governing conflicting assignments, which can affect all members of the Bar and the courts, are buried in the Administrative Order. The Rules Committee believes that those rules, which initially were developed collaboratively with the U.S. District Court for the District of Maryland, should be codified in the Maryland Rules because they affect trial and motions calendars throughout the State and the obligation of attorneys when accepting new cases. Conforming amendments are proposed to Rules 2-508 and 3-508.

Rule 16-804 places in the Maryland Rules the anti-nepotism policy for judicial employees which has been in existence since 1996 but is now provided for only by Administrative Order.

Finally, Rule 16-805 carries forward current Rule 16-817 (Appointment of Bail Bond Commissioner - Licensing and Regulation of Bail Bondsmen) verbatim.

Chapter 900: Access to Court Records

Chapter 900 consists of the relocation to that Chapter of the access to court record Rules now in Title 16, Chapter 1000. The only changes, other than minor stylistic changes, are the inclusion of the conforming amendments contained in the One Hundred Seventy-Sixth Report (MDEC) and adopted by the Court.

For the further guidance of the Court and the public, following each proposed new Rule and proposed amendment to an existing Rule is a Reporter’s note describing in further detail the reasons for the proposal. *We caution that the Reporter’s notes are not part of the Rules, have not been debated or approved by the Committee, and are not to be regarded as any kind of official comment or interpretation.* They are included solely to assist the Court in understanding some of the reasons for the proposed changes.

Respectfully submitted,  
 Alan M. Wilner  
 Chair

AMW:cdc

<sup>2</sup> The Internal Operating Rules of the Court of Appeals are located in an Appendix to the Maryland Rules.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION**

**CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE**

- Rule 16-101. GENERAL ADMINISTRATIVE STRUCTURE
- Rule 16-102. CHIEF JUDGE OF THE COURT OF APPEALS
- Rule 16-103. CHIEF JUDGE OF THE COURT OF SPECIAL APPEALS
- Rule 16-104. CIRCUIT COURT - CIRCUIT ADMINISTRATIVE JUDGE
- Rule 16-105. CIRCUIT COURT - COUNTY ADMINISTRATIVE JUDGE
- Rule 16-106. CHIEF JUDGE OF THE DISTRICT COURT
- Rule 16-107. ADMINISTRATIVE JUDGES OF THE DISTRICT COURT
- Rule 16-108. ASSIGNMENT OF JUDGES
- Rule 16-109. MARYLAND JUDICIAL CONFERENCE
- Rule 16-110. JUDICIAL COUNCIL
- Rule 16-111. ADMINISTRATIVE OFFICE OF THE COURTS; STATE COURT ADMINISTRATOR

**CHAPTER 200 - GENERAL PROVISIONS - CIRCUIT AND DISTRICT COURT**

- Rule 16-201. COURT SESSIONS
- Rule 16-202. PAYMENT OF MONEY INTO COURT
- Rule 16-203. ELECTRONIC FILING OF PLEADINGS, PAPERS, AND REAL PROPERTY INSTRUMENTS
- Rule 16-204. REPORTING OF CRIMINAL AND MOTOR VEHICLE INFORMATION
- Rule 16-205. DISPOSITION OF RECORDS
- Rule 16-206. PROHIBITION AGAINST ACCEPTING GRATUITIES
- Rule 16-207. PROBLEM-SOLVING COURT PROGRAMS
- Rule 16-208. CELL PHONES, OTHER ELECTRONIC DEVICES; CAMERAS

**CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION AND CASE MANAGEMENT**

- Rule 16-301. TERM OF COURT AND GRAND JURY
- Rule 16-302. ASSIGNMENT OF ACTIONS FOR TRIAL; CASE MANAGEMENT PLAN
- Rule 16-303. MOTION DAY
- Rule 16-304. CHAMBERS JUDGE
- Rule 16-305. TRUST CLERK
- Rule 16-306. SPECIAL DOCKET FOR ASBESTOS CASES
- Rule 16-307. FAMILY DIVISION AND SUPPORT SERVICES
- Rule 16-308. BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM
- Rule 16-309. REPORTS

**CHAPTER 400 - CIRCUIT COURTS - CLERKS' OFFICES**

- Rule 16-401. PERSONNEL
- Rule 16-402. OPERATIONS
- Rule 16-403. HOURS
- Rule 16-404. DOCKETS
- Rule 16-405. FILING AND REMOVAL OF PAPERS
- Rule 16-406. NOTICE TO COURT OF SPECIAL APPEALS

**CHAPTER 500 - RECORDING OF PROCEEDINGS**

- Rule 16-501. IN DISTRICT COURT

- Rule 16-502. IN CIRCUIT COURT
- Rule 16-503. ELECTRONIC RECORDING OF CIRCUIT COURT PROCEEDINGS
- Rule 16-504. ADMINISTRATION OF CIRCUIT COURT RECORDING PROCESS

**CHAPTER 600 - EXTENDED COVERAGE OF COURT PROCEEDINGS**

- Rule 16-601. DEFINITIONS
- Rule 16-602. SCOPE
- Rule 16-603. EXTENDED COVERAGE PERMISSIBLE
- Rule 16-604. REQUEST TO ALLOW EXTENDED COVERAGE
- Rule 16-605. ACTION ON REQUEST
- Rule 16-606. GENERAL LIMITATIONS ON EXTENDED COVERAGE
- Rule 16-607. OPERATIONAL REQUIREMENTS
- Rule 16-608. LIMITATION OR TERMINATION OF APPROVAL

**CHAPTER 700 - MISCELLANEOUS JUDICIAL UNITS**

- Rule 16-701. RULES COMMITTEE
- Rule 16-702. CONFERENCE OF CIRCUIT JUDGES
- Rule 16-703. CONFERENCE OF CIRCUIT COURT ADMINISTRATORS
- Rule 16-704. CONFERENCE OF CIRCUIT COURT CLERKS
- Rule 16-705. CONFERENCE OF ORPHANS' COURT JUDGES
- Rule 16-706. MARYLAND PROFESSIONALISM CENTER

**CHAPTER 800 - MISCELLANEOUS COURT ADMINISTRATION MATTERS**

- Rule 16-801. PROMULGATION OF RULES
- Rule 16-802. CONTINUITY OF OPERATIONS PLAN
- Rule 16-803. CONTINUANCES OR POSTPONEMENTS FOR CONFLICTING CASE ASSIGNMENTS OR LEGISLATIVE DUTIES
- Rule 16-804. ANTI-NEPOTISM POLICY
- Rule 16-805. APPOINTMENT OF BAIL BOND COMMISSIONER - LICENSING AND REGULATION OF BAIL BONDSMEN

**CHAPTER 900 - ACCESS TO COURT RECORDS**

- Rule 16-901. DEFINITIONS
- Rule 16-902. GENERAL POLICY
- Rule 16-903. COPIES
- Rule 16-904. ACCESS TO NOTICE, ADMINISTRATIVE, AND BUSINESS LICENSE RECORDS
- Rule 16-905. CASE RECORDS - REQUIRED DENIAL OF INSPECTION - IN GENERAL
- Rule 16-906. REQUIRED DENIAL OF INSPECTION - CERTAIN CATEGORIES OF CASE RECORDS
- Rule 16-907. REQUIRED DENIAL OF INSPECTION - SPECIFIC INFORMATION IN CASE RECORDS
- Rule 16-908. ELECTRONIC RECORDS AND RETRIEVAL
- Rule 16-909. COURT ORDER DENYING OR PERMITTING INSPECTION OF CASE RECORD
- Rule 16-910. PROCEDURES FOR COMPLIANCE
- Rule 16-911. RESOLUTION OF DISPUTES BY ADMINISTRATIVE OR CHIEF JUDGE

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 100 - COURT ADMINISTRATIVE STRUCTURE**

**TABLE OF CONTENTS**

Rule 16-101. GENERAL ADMINISTRATIVE STRUCTURE  
 Rule 16-102. CHIEF JUDGE OF THE COURT OF APPEALS  
     (a) Generally  
     (b) Pretrial Proceeding in Certain Criminal Cases  
 Rule 16-103. CHIEF JUDGE OF THE COURT OF SPECIAL APPEALS  
 Rule 16-104. CIRCUIT COURT - CIRCUIT ADMINISTRATIVE JUDGE  
     (a) Appointment  
     (b) Duties  
 Rule 16-105. CIRCUIT COURT - COUNTY ADMINISTRATIVE JUDGE  
     (a) Appointment  
     (b) Duties  
     (c) Delegation of Authority  
 Rule 16-106. CHIEF JUDGE OF THE DISTRICT COURT  
     (a) Generally  
     (b) Administrative Regulations  
     (c) Assignment of Judges  
     (d) Other Powers and Duties  
 Rule 16-107. ADMINISTRATIVE JUDGES OF THE DISTRICT COURT  
     (a) Designation  
     (b) Duties  
     (c) Functional Division of District  
 Rule 16-108. ASSIGNMENT OF JUDGES  
     (a) Generally  
     (b) Chief Judge of the Court of Appeals  
     (c) Circuit Administrative Judge  
     (d) County Administrative Judge  
     (e) District Administrative Judge  
 Rule 16-109. MARYLAND JUDICIAL CONFERENCE  
     (a) Existence; Membership; Chair; Secretariat  
     (b) Duties  
     (c) Sessions  
     (d) Committees  
 Rule 16-110. JUDICIAL COUNCIL  
     (a) Existence  
     (b) Membership; Chair  
         (1) Generally  
         (2) Appointed Members  
     (c) Duties  
 Rule 16-111. ADMINISTRATIVE OFFICE OF THE COURTS; STATE COURT ADMINISTRATOR  
     (a) Administrative Office of the Courts  
     (b) State Court Administrator

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 100 – ADMINISTRATIVE STRUCTURE**

Rule 16-101. GENERAL ADMINISTRATIVE STRUCTURE

The administrative structure of the Maryland Judiciary consists of the following:

- (a) The Chief Judge of the Court of Appeals, exercising the administrative powers conferred and duties imposed upon the Chief Judge by the Maryland Constitution, the Maryland Code, and the Maryland Rules;

(b) The Chief Judge of the Court of Special Appeals, exercising the administrative powers conferred and duties imposed upon the Chief Judge by the Maryland Code and the Maryland Rules;

(c) Circuit and County Administrative Judges of the circuit courts, exercising their administrative powers conferred and duties imposed upon them by the Maryland Code and the Maryland Rules;

(d) The Chief Judge and Administrative Judges of the District Court, exercising the administrative powers conferred and duties imposed upon them by the Maryland Constitution, the Maryland Code, and the Maryland Rules;

(e) The Maryland Judicial Conference, the Maryland Judicial Council, and the Maryland Judicial Cabinet exercising the administrative powers conferred and duties imposed upon them by the Maryland Rules and Administrative Orders of the Chief Judge of the Court of Appeals;

(f) The Administrative Office of the Courts and the State Court Administrator, exercising the administrative powers imposed and duties conferred upon them by the Maryland Code, the Maryland Rules, and Administrative Orders of the Chief Judge of the Court of Appeals;

(g) The clerks of the Court of Appeals, the Court of Special Appeals, the circuit courts, and the District Court, exercising the administrative powers conferred and duties imposed upon them by the Maryland Constitution, the Maryland Code, and the Maryland Rules;

(h) The court administrators of the circuit courts, exercising the administrative powers conferred and duties imposed upon them by the county or circuit administrative judges; and

(i) The Registers of Wills and, except in Harford and Montgomery Counties, the chief judges of the Orphans' Courts exercising the administrative powers conferred and duties imposed upon them by the Maryland Constitution, the Maryland Code, and the Maryland Rules.

Source: This Rule is new.

REPORTER'S NOTE

Rule 16-101 is new and lays out the administrative structure of the Maryland Judiciary in one Rule, listing the administrative judges of the various levels of courts, the organizations of judges, the Administrative Office of the Courts, the State Court Administrator, the various court clerks, the circuit court administrators and the registers of wills as well as the chief judges of the Orphans' Courts.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 100 – ADMINISTRATIVE STRUCTURE**

Rule 16-102. CHIEF JUDGE OF THE COURT OF APPEALS

- (a) Generally

The Chief Judge of the Court of Appeals is the administrative head of the Maryland judicial system and has overall responsibility for the administration of the courts of this State. In the execution of that responsibility, the Chief Judge:

- (1) may exercise the authority granted by the Rules in this Chapter or by other law;
- (2) shall appoint a State Court Administrator to serve at the pleasure of the Chief Judge;
- (3) may delegate administrative duties to other persons within the judicial system, including retired judges recalled pursuant to Code, Courts Article, §1-302; and
- (4) may assign judges pursuant to Rule 16-108 (b).

## (b) Pretrial Proceeding in Certain Criminal Cases

The Chief Judge of the Court of Appeals, by Administrative Order, may require in any county a pretrial proceeding in the District Court for an offense within the jurisdiction of the District Court punishable by imprisonment for a period in excess of 90 days.

Source: This Rule is derived from former Rule 16-101 a (2013).

REPORTER'S NOTE

This Rule is derived from former Rule 16-101 a with style changes.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 100 – ADMINISTRATIVE STRUCTURE**

**Rule 16-103. CHIEF JUDGE OF THE COURT OF SPECIAL APPEALS**

Subject to the provisions of this Chapter and to the direction of the Chief Judge of the Court of Appeals, the Chief Judge of the Court of Special Appeals is responsible for the administration of the Court of Special Appeals and with respect to that court and to the extent applicable, has the authority of a County Administrative Judge. In the absence of the Chief Judge of the Court of Special Appeals, the provisions of this Rule shall be applicable to the senior judge present in the Court of Special Appeals.

Source: This Rule is derived from former Rule 16-101 b (2013).

REPORTER'S NOTE

Rule 16-103 is derived from former Rule 16-101 b with style changes.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 100 – ADMINISTRATIVE STRUCTURE**

**Rule 16-104. CIRCUIT COURT – CIRCUIT ADMINISTRATIVE JUDGE**

## (a) Appointment

The Chief Judge of the Court of Appeals shall appoint a Circuit Administrative Judge for each judicial circuit, to serve at the pleasure of the Chief Judge. The Circuit Administrative Judge shall serve also as the County Administrative Judge of the circuit court for the county within which the judge resides.

## (b) Duties

Subject to the provisions of this Chapter and to the direction of the Chief Judge of the Court of Appeals, the Circuit Administrative Judge is generally responsible for the overall administration of the circuit courts within the judicial circuit, and for matters that may affect more than one of those courts. In carrying out those responsibilities, the Circuit Administrative Judge:

(1) shall supervise the other County Administrative Judges within the judicial circuit;

(2) may perform, on a temporary basis, any of the duties of a County Administrative Judge for a circuit court within the judicial circuit in the absence of the County Administrative Judge for that court; and

(3) shall convene a meeting of all of the circuit court judges within the judicial circuit at least once every six months.

Source: This Rule is derived from former Rule 16-101 c (2013).

REPORTER'S NOTE

This Rule is derived from former Rule 16-101 c, with new language clarifying the role of the Circuit Administrative Judge in dealing with matters affecting more than one circuit court.

The Committee had questioned the need for subsection (b)(2) in light of the requirement in section (a) that the Circuit Administrative Judge be a County Administrative Judge. It may be necessary, however, if the judge in a one-judge county (Caroline, Cecil, Garrett, Queen Anne's, Somerset, or Talbot) becomes unavailable.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 100 – ADMINISTRATIVE STRUCTURE**

**Rule 16-105. CIRCUIT COURT - COUNTY ADMINISTRATIVE JUDGE**

## (a) Appointment

After considering the recommendation of the Circuit Administrative Judge, the Chief Judge of the Court of Appeals shall appoint a County Administrative Judge for each circuit court, to serve in that capacity at the pleasure of the Chief Judge. Except as permitted by Rule 16-104 (b)(2), the County Administrative Judge shall be a judge of that circuit court.

## (b) Duties

Subject to the provisions of this Chapter, the general supervision of the Chief Judge of the Court of Appeals, and the general supervision of the Circuit Administrative Judge, the County Administrative Judge is responsible for the administration of the circuit court, including:

(1) supervision of the judges, officials, and employees of the court;

(2) assignment of judges within the court pursuant to Rule 16-302 (Assignment of Actions for Trial; Case Management Plan);

(3) supervision and expeditious disposition of cases filed in the court, control over the trial and other calendars of the court, assignment of cases for trial and hearing pursuant to Rule 16-304 (Chambers Judge) and Rule 16-302 (Assignment of Actions for Trial; Case Management Plan), and scheduling of court sessions;

(4) preparation of the court's budget;

(5) preparation of a case management plan for the court pursuant to Rule 16-302;

(6) preparation of a continuity of operations plan for the court pursuant to Rule 16-802;

(7) preparation of a jury plan for the court pursuant to Code, Courts Article, Title 8, Subtitle 2;

(8) preparation of any plan to create a problem-solving court program for the court pursuant to Rule 16-207;

(9) ordering the purchase of all equipment and supplies for (A) the court, and (B) the ancillary services and officials of the court, including masters, auditors, examiners, court administrators, court reporters, jury commissioner, staff of the medical offices, and all other court personnel except personnel comprising the Clerk of Court's office;

(10) supervision of and responsibility for the employment, discharge, and classification of court personnel and personnel of its ancillary services and the maintenance of personnel files, unless a majority of the judges of the court disapproves of a specific action. Each judge, however, has the exclusive right, subject to budget limitations, Rule 16-804, and any applicable personnel plan, to employ and discharge the judge's personal secretary and law clerk; Committee note: Article IV, §9, of the Constitution gives the judges of any court the power to appoint officers and, thus, requires joint exercise of the personnel power.

(11) implementation and enforcement of all administrative policies, rules, orders, and directives of the Court of Appeals, the Chief Judge of the Court of Appeals, the State Court Administrator, and the Circuit Administrative Judge of the judicial circuit; and

(12) performance of any other duties necessary to the effective administration of the judicial business of the court and the prompt disposition of litigation in it.

(c) Delegation of Authority

(1) With the approval of the Circuit Administrative Judge or in accordance with a continuity of operations plan adopted by the court pursuant to Rule 16-802, a County Administrative Judge may delegate one or more of the administrative duties and functions imposed by this Rule to (A) another judge or a committee of judges of the court, or (B) one or more other officials or employees of the court.

(2) Except as provided in subsection (c)(3) of this Rule, in the implementation of Code, Criminal Procedure Article, §6-103 and Rule 4-271 (a), a County Administrative Judge may (A) with the approval of the Chief Judge of the Court of Appeals, authorize one or more judges to postpone criminal cases on appeal from the District Court or transferred from the District Court because of a demand for jury trial, and (B) authorize not more than one judge at a time to postpone all other criminal cases.

(3) The administrative judge of the Circuit Court for Baltimore City may authorize one judge sitting in the Clarence M. Mitchell courthouse to postpone criminal cases set for trial in that courthouse and one judge sitting in Courthouse East to postpone criminal cases set for trial in that courthouse.

Source: This Rule is derived from former Rule 16-101 d (2013).

REPORTER'S NOTE

This Rule is derived from former Rule 16-101 d with style changes. A more comprehensive list of the duties of the County Administrative Judge has been added.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 100 – ADMINISTRATIVE STRUCTURE**

Rule 16-106. CHIEF JUDGE OF THE DISTRICT COURT

(a) Generally

Subject to the provisions of this Chapter and to the direction of the Chief Judge of the Court of Appeals, the Chief Judge of the District Court is the chief administrative officer of that court and is responsible for the maintenance, administration, and operation of the court in all its locations throughout the State.

(b) Administrative Regulations

The Chief Judge of the District Court may adopt administrative regulations for the governance of the District Court, subject to and not inconsistent with the Maryland Rules or with administrative orders issued by the Chief Judge of the Court of Appeals.

(c) Assignment of Judges

The Chief Judge of the District Court may assign a judge of the District Court to sit temporarily in a county other than the judge's county of residence.

(d) Other Powers and Duties

In addition to the powers conferred and duties imposed by sections (a), (b), and (c) of this Rule, or elsewhere by law or rule, the Chief Judge of the District Court shall exercise the powers and duties of that office as set out in Code, Courts Article, §1-605.

Source: This Rule new and is derived from Code, Courts Article, §1-605.

REPORTER'S NOTE

This Rule is derived from Code, Courts Article, §1-605.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 100 – ADMINISTRATIVE STRUCTURE**

Rule 16-107. ADMINISTRATIVE JUDGES OF THE DISTRICT COURT

(a) Designation

Subject to the approval of the Chief Judge of the Court of Appeals, the Chief Judge of the District Court shall designate a District Court judge in each district as the administrative judge for that district.

(b) Duties

Subject to the direction of the Chief Judge of the District Court, the administrative judges, in their respective districts, are responsible for (1) the administration, operation, and maintenance of the court; (2) the conduct and scheduling of the court's business; and (3) subject to the approval of the Chief Judge of the District Court, the appointment and discharge of commissioners of the District Court within their respective administrative districts pursuant to Article IV, §41G of the Constitution.

(c) Functional Division of District

If the work of the District Court requires and subject to the approval of the Chief Judge of the District Court, the District Administrative Judge of any district may divide the District Court within that district into civil, criminal, traffic, or other functional divisions.

Source: This Rule is derived from Code, Courts Article, §1-607 and Article IV, §41G of the Constitution of Maryland.

REPORTER'S NOTE

This Rule incorporates the substance of Code, Courts Article, §1-607 and Article IV, §41G of the Constitution of Maryland.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 100 – ADMINISTRATIVE STRUCTURE**

Rule 16-108. ASSIGNMENT OF JUDGES

(a) Generally

The authority provided in this Rule shall be exercised to ensure the full and efficient use of judges throughout the judicial system, to help equalize judicial workloads, and to expedite the disposition of pending cases.

(b) Chief Judge of the Court of Appeals

The Chief Judge of the Court of Appeals, by order, may assign a judge of any court other than a judge elected or appointed to an Orphans' Court to sit temporarily in another court other than an Orphans' Court. The order shall specify the court in which the judge is to sit and the duration of the assignment. While so assigned, the judge shall possess all the power and authority of a judge of the court to which that judge is assigned.

(c) Circuit Administrative Judge

Subject to section (b) of this Rule, a Circuit Administrative Judge may assign a judge of a circuit court within the judicial circuit to sit as a judge of another Circuit Court within the judicial circuit. The assignment may be for a specific case or cases or for a specified time and shall be in writing.

## (d) County Administrative Judge

Subject to sections (b) and (c) of this Rule, the assignment of judges within the Circuit Court for a county having more than one resident judge shall be made by the County Administrative Judge. Those assignments may be made orally or in writing.

## (e) District Administrative Judge

Subject to section (b) of this Rule, a District Administrative Judge may assign a judge of the District Court within the Administrative Judge's district to sit as a District Court judge in any county within the judicial district. The assignment shall be in writing.

Cross reference: For the power of the Chief Judge of the District Court to assign judges, see Rule 16-106 (c).

Source: Sections (a) through (d) of this Rule are derived from former Rule 16-103 (2013). Section (e) is new.

REPORTER'S NOTE

This Rule is former Rule 16-103, except that former section (d) has been relocated as section (a) and section (e) is new.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 100 – ADMINISTRATIVE STRUCTURE**

## Rule 16-109. MARYLAND JUDICIAL CONFERENCE

## (a) Existence; Membership; Chair; Secretariat

There is a Maryland Judicial Conference which consists of the judges of the Court of Appeals, the Court of Special Appeals, the circuit courts, and the District Court. The Chief Judge of the Court of Appeals is the Chair of the Conference. The Administrative Office of the Courts is the secretariat for the Conference.

## (b) Duties

The Judicial Conference shall:

(1) monitor the status of judicial business in the Maryland courts,

(2) consider proposed and enacted legislation, proposed and adopted changes to the Maryland Rules, and emerging case law and trends that may affect the Maryland courts, judges, or the broader legal and judicial community, and

(3) exchange ideas with respect to the improvement of the administration of justice in Maryland.

## (c) Sessions

Unless otherwise ordered by the Court of Appeals, the Conference shall meet in general session at least once a year at the time and place designated by the Judicial Council. Each session of the Conference shall be for the number of days determined by the Court of Appeals.

## (d) Committees

Committees of the Judicial Conference shall be created and appointed by the Judicial Council pursuant to Rule 16-110. The committees shall meet upon the call of their chairs to receive and consider suggestions pertaining to their respective areas of responsibility. Each committee shall report to the Judicial Council as required by the Council and shall submit an annual report of its activities and recommendations, through the Judicial Council, to the Judicial Conference.

Source: This Rule is derived in part from former Rule 16-802 (2013) and is in part new.

REPORTER'S NOTE

This Rule is derived from former Rule 16-802 with style changes. The section of the former Rule pertaining to the Judicial Council has been placed in Rule 16-110.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 100 – ADMINISTRATIVE STRUCTURE**

## Rule 16-110. JUDICIAL COUNCIL

## (a) Existence

There is a Judicial Council, which is part of the Maryland Judicial Conference.

## (b) Membership; Chair

## (1) Generally

The Judicial Council consists of:

(A) the Chief Judge of the Court of Appeals, who is the Chair of the Judicial Council;

(B) the Chief Judge of the Court of Special Appeals;

(C) the Chair of the Conference of Circuit Judges;

(D) the Chief Judge of the District Court;

(E) the State Court Administrator;

(F) the Chair of the Conference of Circuit Court Clerks;

(G) the Chief Clerk of the District Court; and

(H) nine persons appointed by the Chief Judge of the Court of Appeals in accordance with section (b)(2) of this Rule.

## (2) Appointed Members

(A) The Chief Judge shall appoint:

(i) four circuit court judges, two of whom shall be Circuit Administrative Judges and two nominated by the Conference of Circuit Judges;

(ii) four District Court judges, two of whom shall be District Administrative Judges and two of whom shall be elected members of the Administrative Judges Committee nominated by that Committee; and

(iii) one court administrator of a circuit court.

(B) The term of each appointed member is two years. The terms of those members shall be staggered.

(C) If a vacancy occurs because an appointed member resigns from the Judicial Council, leaves judicial office, or is appointed or elected to another judicial office, the Chief Judge shall appoint a replacement member to serve for the balance of the unexpired term.

## (c) Duties

The Judicial Council has the following duties:

(1) The Judicial Council shall guide the Judicial Conference in maintaining the cohesiveness, leadership, and efficiency of the Maryland Judiciary.

(2) Between plenary sessions of the Judicial Conference, the Judicial Council shall perform the functions of the Conference.

(3) The Judicial Council shall submit to the Chief Judge of the Court of Appeals, the Court of Appeals, and the full Conference, as appropriate, recommendations for the improvement of the administration of justice in Maryland. The Judicial Council may request that one or more of its recommendations be forwarded to the Governor or the General Assembly. The Chief Judge or the Court shall forward those recommendations to the Governor or General Assembly with any comments or additional recommendations the Chief Judge or the Court finds appropriate.

(4) In consultation with the Chief Judge of the Court of Appeals, the Judicial Council shall establish the committees of the Judicial Conference, appoint the chair and members of each committee, receive and consider reports from the committees, and approve and coordinate the work of the committees.

(5) In conjunction with the Maryland Judicial Institute, the Judicial Council shall plan educational programs for the plenary sessions of the Conference.

(6) In conjunction with the Chief Judge of the Court of Appeals, the Judicial Council shall plan plenary sessions of the Conference.

Source: This Rule is derived from former Rule 16-802 (2013).

REPORTER'S NOTE

Rule 16-110 is derived from former Rule 16-802, but it has been reorganized and revised.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 100 – ADMINISTRATIVE STRUCTURE**

**Rule 16-111. ADMINISTRATIVE OFFICE OF THE COURTS;  
STATE COURT ADMINISTRATOR**

(a) Administrative Office of the Courts

The Administrative Office of the Courts shall perform the duties required by the Maryland Code, the Maryland Rules, and administrative orders issued by the Chief Judge of the Court of Appeals.

Cross reference: Code, Courts Article, §13-101; Family Law Article, §4-512.

(b) State Court Administrator

The State Court Administrator:

(1) is the head of the Administrative Office of the Courts; and

(2) shall perform the duties required by the Maryland Code, the Maryland Rules, and administrative orders of the Chief Judge of the Court of Appeals.

Cross reference: Code, Courts Article, §§7-102, 7-202, 13-101.

Source: This Rule is new.

REPORTER'S NOTE

Rule 16-111 is new and sets out the duties of the Administrative Office of the Courts and the State Court Administrator.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 200 - GENERAL PROVISIONS – CIRCUIT AND  
DISTRICT COURT**

**TABLE OF CONTENTS**

**Rule 16-201. COURT SESSIONS**

- (a) In General
- (b) Public or Catastrophic Health Emergency
- (c) Proceedings When Courts Closed
- (d) Commencement of Sessions

**Rule 16-202. PAYMENT OF MONEY INTO COURT**

**Rule 16-203. ELECTRONIC FILING OF PLEADINGS, PAPERS  
AND REAL PROPERTY INSTRUMENTS**

- (a) Applicability; Conflicts with Other Rules
- (b) Submission of Plan
  - (1) Circuit Court
  - (2) District Court
- (c) Criteria for Adoption of Plan
- (d) Approval and Duration of Plan
- (e) Evaluation
- (f) Public Availability of Plan

**Rule 16-204. REPORTING OF CRIMINAL AND MOTOR  
VEHICLE INFORMATION**

- (a) Reporting Requirements
- (b) Inspection of Criminal History Record Information Contained in Court Records of Public Judicial Proceedings

**Rule 16-205. DISPOSITION OF RECORDS**

- (a) Definitions
  - (1) Authorized Judge
  - (2) Court

- (3) Dispose
- (4) Records
- (5) Schedule
- (b) Authority of Clerk
- (c) Procedure
- (d) Limitations Upon Disposal of Circuit Court Records
- (e) Limitations Upon Disposal of District Court Records
- (f) Retention by State Archives

**Rule 16-206. PROHIBITION AGAINST ACCEPTING  
GRATUITIES**

- (a) Definition
- (b) Prohibition

**Rule 16-207. PROBLEM-SOLVING COURT PROGRAMS**

- (a) Definition
  - (1) Generally
  - (2) Exceptions
- (b) Applicability
- (c) Submission of Plan
- (d) Approval of Plan
- (e) Acceptance of Participant into Program
  - (1) Written Agreement Required
  - (2) Examination on the Record
  - (3) Agreement to be Made Part of the Record
- (f) Immediate Sanctions; Loss of Liberty or Termination from Program
- (g) Credit for Incarceration Time Served

**Rule 16-208. CELL PHONES; OTHER ELECTRONIC DEVICES;  
CAMERAS**

- (a) Definitions
  - (1) Court Facility
  - (2) Electronic Device
  - (3) Local Administrative Judge
- (b) Possession and Use of Electronic Devices
  - (1) Generally
  - (2) Restrictions and Prohibitions
    - (A) Rule 5-615 Order
    - (B) Photographs and Video
    - (C) Interference with Court Proceedings or Work
    - (D) Jury Deliberation Room
    - (E) Courtroom
    - (F) Security or Privacy Issues in a Particular Case
- (c) Violation of Rule
- (d) Notice

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 200 - GENERAL PROVISIONS – CIRCUIT AND  
DISTRICT COURT**

**Rule 16-201. COURT SESSIONS**

- (a) In General
 

The courts of this State shall be open each day throughout the year from Monday through Friday except:

  - (1) on days designated pursuant to State law for the observance of legal holidays by State employees; or
  - (2) when closed because of emergency, inclement weather, or other good cause:
    - (A) by order of the Chief Judge of the Court of Appeals;
    - (B) with respect to a circuit court, by order of the County Administrative Judge or the Circuit Administrative Judge for the judicial circuit;
    - (C) with respect to a district court, by order of the Chief Judge of the District Court or the District Administrative Judge for the district; or



(D) with respect to an Orphans' Court, by the Chief Judge of that court or in Harford and Montgomery Counties, by the County Administrative Judge.

Cross reference: For the definition of "holiday," see Rule 1-202 and Code, State Personnel and Pensions Article, §9-201.

(b) Proceedings When Courts Closed

No trials or other court proceedings shall be conducted when the court is closed pursuant to section (a) of this Rule except when ordered by (1) the Chief Judge of the Court of Appeals or (2) a judge of the particular court in an emergency or as the public welfare may require.

(c) Public or Catastrophic Health Emergency

When required to deal with the effects of a public emergency or a catastrophic health emergency declared by the Governor, the Chief Judge of the Court of Appeals may order that one or more courts remain open on a holiday or weekend.

Cross reference: Code, Public Safety Article, §§14-107, 14-303, 14-3A-02.

(d) Commencement of Sessions

Unless otherwise ordered for good cause by the County Administrative Judge, by the presiding judge, or by regulation of the Chief Judge of the District Court, daily court proceedings will ordinarily commence no later than 10:00 a.m. Except for unexpected or necessary delays or other good cause, particular proceedings shall ordinarily commence at the time scheduled by the County Administrative Judge, the presiding judge, or the Chief Judge of the District Court.

Source: This Rule is derived from former Rule 16-106 (2013) with style changes.

REPORTER'S NOTE

This Rule is derived from former Rule 16-106 with clarifying style changes. Section (b), permitting the Chief Judge of the Court of Appeals to order that one or more courts remain open on a holiday or weekend to deal with the effects of a public emergency or catastrophic health emergency declared by the Governor, is new. It complements the provision in section (c) permitting proceedings to occur when the court is otherwise closed. The amendments to section (d) make a clearer distinction between the start of daily court business and the commencement of particular proceedings. If there are several cases on the docket all of them cannot commence at 10:00 a.m. The existing Committee note is deleted as superfluous.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 200 - GENERAL PROVISIONS – CIRCUIT AND  
DISTRICT COURT**

Rule 16-202. PAYMENT OF MONEY INTO COURT

All money paid into the District Court or a circuit court under an order or on account of a pending action shall be deposited by the clerk in a financial institution approved by the State Treasurer. The deposit shall be noted in an appropriate record. The clerk shall disburse the money only upon order of the court.

Source: This Rule is derived from former Rules 16-303 and 16-502 (2013).

REPORTER'S NOTE

This Rule consolidates former Rules 16-303 and 16-502, which applied to the circuit courts and the District Court, respectively. The two rules were substantively identical.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 200 - GENERAL PROVISIONS – CIRCUIT AND  
DISTRICT COURT**

Rule 16-203. ELECTRONIC FILING OF PLEADINGS, PAPERS,  
AND REAL PROPERTY INSTRUMENTS

(a) Applicability; Conflicts with Other Rules

This Rule applies to the electronic filing of pleadings and papers in a circuit court or in the District Court and to the electronic filing of instruments authorized or required by law to be recorded and indexed in the land records. A pleading, paper, or instrument may not be filed by direct electronic transmission to a court except in accordance with this Rule. To the extent of any inconsistency with any other Rule other than the Rules in Title 20, this Rule and any administrative order entered pursuant to it shall prevail.

Cross reference: Code, Real Property Article, §3-502.

(b) Submission of Plan

(1) Circuit Court

A County Administrative Judge may submit to the State Court Administrator a detailed plan for a pilot project for the electronic filing of pleadings and papers or of real property instruments. In developing the plan, the County Administrative Judge shall consult with the Clerk of the Circuit Court, appropriate vendors, the State Court Administrator, and any other judges, court clerks, members of the bar, vendors of electronic filing systems, and interested persons that the County Administrative Judge chooses, to ensure that the criteria set forth in section (c) of this Rule are met.

(2) District Court

The Chief Judge of the District Court may submit to the Court of Appeals for approval a detailed plan for a pilot project for the electronic filing of pleadings and papers. In developing the plan, the Chief Judge shall consult with the District Administrative Judge and the District Administrative Clerk of each district included in the plan, the District Court Chief Clerk, appropriate vendors, the State Court Administrator, and any other judges, court clerks, members of the bar, vendors of electronic filing systems, and interested persons that the Chief Judge chooses, to ensure that the criteria set forth in section (c) of this Rule are met.

(c) Criteria for Adoption of Plan

In developing a plan for the electronic filing of pleadings, the County Administrative Judge or the Chief Judge of the District Court, as applicable, shall be satisfied that the following criteria are met:

(1) the proposed electronic filing system is compatible with the data processing systems, operational systems, and electronic filing systems used or expected to be used by the judiciary;

(2) the installation and use of the proposed system does not create an undue financial or operational burden on the court;

(3) the proposed system is reasonably available for use at a reasonable cost, or an efficient and compatible system of manual filing will be maintained;

(4) the proposed system is effective, secure and not likely to break down;

(5) the proposed system makes appropriate provision for the protection of privacy and for public access to public records; and

(6) the court can discard or replace the system during or at the conclusion of a trial period without undue financial or operational burden.

The State Court Administrator shall review the plan and make a recommendation to the Court of Appeals with respect to it.

Cross reference: For the definition of "public record," see Code, State Government Article, §10-611. See also Rules 16-901 -16-911 (Access to Court Records).

(d) Approval and Duration of Plan

A plan may not be implemented unless approved by administrative order of the Court of Appeals. The plan shall terminate two years after the date of the administrative order unless the Court terminates it earlier or modifies or extends it by a subsequent administrative order.

(e) Evaluation

The Chief Judge of the Court of Appeals may appoint a committee consisting of one or more judges, court clerks, lawyers, legal educators, bar association representatives, and other interested and knowledgeable persons to monitor and evaluate the plan. Before the expiration of the two-year period set forth in section (d) of this Rule, the Court of Appeals, after considering the recommendations of the committee, shall evaluate the operation of the plan.

(f) Public Availability of Plan

The State Court Administrator and the Clerk of the Circuit Court or the Chief Clerk of the District Court, as applicable, shall make available for public inspection a copy of any current plan.

Source: This Rule is derived from former Rules 16-307 and 16-506 (2013).

REPORTER'S NOTE

This Rule is a consolidation of former Rules 16-307 and 16-506, which applied in the circuit courts and the District Court, respectively. Since the consultation process is slightly different, it is broken down in section (b). The general criteria for approval of a plan are moved to new section (c), and the remaining sections are re-lettered accordingly.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 200 - GENERAL PROVISIONS – CIRCUIT AND  
DISTRICT COURT**

**Rule 16-204. REPORTING OF CRIMINAL AND MOTOR  
VEHICLE INFORMATION**

(a) Reporting Requirements

A clerk or the Judicial Information Systems unit of the Administrative Office of the Courts, from data retrieved from the trial courts case management systems, shall:

(1) send to the Central Repository of Criminal History Record Information of the Department of Public Safety and Correctional Services reportable events, as defined in Code, Criminal Procedure Article, §10-215, with respect to the list of offenses agreed to by the Secretary of the Department of Public Safety and Correctional Services and the Chief Judge of the Court of Appeals, or their respective designees, for purposes of completing criminal history record maintained by Central Repository of Criminal History Record Information; and

(2) report to the State Motor Vehicle Administration (A) each conviction, acquittal, forfeiture of bail, or dismissal of an appeal in a case involving a violation of the Maryland Vehicle Law or other traffic law or ordinance; (B) each conviction of manslaughter or assault committed by means of a motor vehicle; and (C) each conviction of a felony involving the use of a motor vehicle.

(b) Inspection of Criminal History Record Information Contained in Court Records of Public Judicial Proceedings

Criminal history record information contained in court records of public judicial proceedings is subject to inspection in accordance with Rules 16-901 through 16-911.

Cross reference: See Code, Courts Article, §§2-203 and 13-101 (d) and (f), Criminal Procedure Article, §§10-201, 10-214, 10-217, and State Government Article, §§10-612 through 10-619. For the

definition of “court records” for expungement purposes, see Rule 4-502 (d). For provisions governing access to court records generally, see Title 16, Chapter 900.

Committee note: This Rule does not contemplate the reporting of parking violations.

Source: This Rule is derived from former Rules 16-308 and 16-503 (2013).

REPORTER'S NOTE

This Rule is a consolidation of former Rules 16-308 and 16-503; reporting requirements are slightly different for the circuit courts and the District Court because of difference in the matters handled by the respective courts. The lengthy cross reference and the current Committee note are suggested for deletion. A sentence is added to the other cross reference to call attention to the new rules on access to “court records.”

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 200 - GENERAL PROVISIONS – CIRCUIT AND  
DISTRICT COURT**

**Rule 16-205. DISPOSITION OF RECORDS**

(a) Definitions

In this Rule, the following definitions apply except as otherwise provided or as necessary implication requires.

(1) Authorized Judge

“Authorized judge” means

(A) with respect to records of a circuit court, the County Administrative Judge; and

(B) with respect to records of the District Court, the Chief Judge of that Court.

(2) Court

“Court” means a circuit court or the District Court.

Cross reference: See Rule 8-113 (b)(3) for disposition of records of the Court of Appeals and Court of Special Appeals.

(3) Dispose

“Dispose” means to destroy or remove.

(4) Records

“Records” means any original papers, official books, documents, files, including dockets, electronic recordings of testimony, and exhibits within the custody of the clerk of the court.

Cross reference: See Code, State Government Article, §§9-1009 and 10-639 through 10-642.

(5) Schedule

“Schedule” means the form known as the “Records Retention and Disposal Schedule” used by the Records Management Division of the Department of General Services.

(b) Authority of Clerk

The clerk of the court may dispose of records in the clerk’s custody:

(1) in accordance with the provisions of this Rule or Rule 16-405 (d)(2);

(2) with the written approval of the authorized judge; and

(3) in cooperation with the State Archivist.

Cross reference: See Code, Courts Article, §2-205.

(c) Procedure

(1) The clerk shall prepare an initial schedule for the disposition of court records and submit the schedule to the State Archivist for the Archivist’s recommendation.

(2) Upon receipt of the recommendation of the State Archivist, the clerk shall submit the schedule and the recommendation to the authorized judge, who may approve, amend, or disapprove the

schedule. Approval of the schedule in whole or in part shall be by an order providing for disposal of the records.

(3) The schedule, as approved, shall identify the records and set forth:

(A) the length of time the records are to be retained by the clerk of the court before disposition;

(B) whether the State Archivist declines to accept the records for preservation;

(C) whether the records are to be destroyed or removed;

(D) if the records are to be removed, the place to which they would be removed; and

(E) whether the schedule shall be operative until changed by further order of court.

(4) The records shall be disposed of:

(A) in accordance with procedures of the State Archivist if the State Archivist accepts the records;

(B) otherwise, in accordance with the terms specified in the approved schedule. If the records are to be destroyed, the clerk shall obtain the approval of the Board of Public Works and, upon destruction, shall file a certificate of destruction with the State Archivist.

Cross reference: See Code, State Government Article, §10-642.

(d) Limitations Upon Disposal of Circuit Court Records

(1) This section applies only to circuit court records.

(2) Subject to subsection (d)(5) of this Rule, the following records shall be retained permanently either by the clerk or the State Archivist:

(A) permanent books of account;

(B) indices and dockets maintained by the clerk; and

(C) other records designated on an approved schedule.

(3) Subject to subsection (d)(5) of this Rule, the clerk shall retain permanently records affecting title to real property.

(4) The clerk may destroy:

(A) Records in a motor vehicle or natural resources case at any time three years or more after the case was closed and any required audit was completed, except that the clerk shall retain as permanent records convictions of offenses which carry subsequent offender penalties;

(B) Records in a landlord/tenant case involving restitution of the premises but no money judgment at any time three years or more after the case was closed; and

(C) Other records designated in an approved schedule at any time 12 years or more after the case was closed.

(5) The clerk may dispose of records specified in subsections (d)(2), (d)(3), or (d)(4) of this Rule at any time if an unredacted version of the records has been duplicated in accordance with State Archivist's procedures and copies have been substituted for the originals.

(e) Limitations upon Disposal of District Court Records

(1) This section applies only to District Court records.

(2) Subject to subsection (e)(10) of this Rule, the clerk shall retain the records described in subsections (e)(3) through (e)(9) of this Rule for the periods specified in those subsections.

(3) The clerk shall retain permanently all indices, dockets, and books of account.

(4) The clerk shall retain for a period of 12 years after the case is closed all original papers and exhibits in any case containing a petition for emergency evaluation or a petition for protection from domestic violence.

(5) In any case in which a money judgment is entered, the clerk shall retain all original papers, exhibits, and electronic recordings of testimony for a period of three years after entry of the judgment and thereafter shall continue to retain all original papers and exhibits in the file until the judgment expires or is satisfied.

(6) In any criminal case which is dismissed or in which a nolle prosequi or stet is entered, the clerk shall retain all original papers, exhibits, and electronic recordings of testimony for a period of three years after the case is so concluded.

(7) In any criminal case in which judgment is entered or probation before judgment is granted, the clerk shall retain all original papers, exhibits, and electronic recordings of testimony for a period of three years after the case is so concluded, and if within that three year period the defendant fails to comply with the order of court, the clerk shall continue to retain the original papers and exhibits in the file until the failure is cured or an arrest warrant issued as a result of the failure is invalidated as permitted by law.

(8) In any criminal case involving a misdemeanor in which an arrest warrant issued on the charging document or as a result of the defendant's failure to appear for trial remains unserved three years after its issuance, the clerk shall retain all the original papers and exhibits in the file until the warrant is invalidated as permitted by law.

(9) The clerk shall retain the original papers, exhibits, and electronic recordings of testimony in all other cases for a period of three years after the case is closed by dismissal, settlement, or entry of judgment.

(10) (A) Any of the records, except dockets, set forth in subsections (e)(1) through (e)(9) of this Rule may be disposed of at any time provided that an unredacted version of the records has been duplicated in accordance with State Archivist's procedures and copies have been substituted for the originals, including a master security negative which shall be retained permanently.

(B) Traffic and criminal dockets may be disposed of after a period of five years if copies are retained in accordance with subsection (10)(A) of this Rule.

(f) Retention by State Archives

A requirement of this Rule that the clerk retain records may be satisfied by retention of the records by the State Archives. Records retained by the clerk that are twenty-five years old and have not been transferred to the State Archives shall be transferred to the Archives or disposed of according to an approved schedule.

Cross reference: For the archival of MDEC records, see Rules 20-102 (c) and 20-503.

Source: This Rule is derived from former Rules 16-505 and 16-818 (2013).

#### REPORTER'S NOTE

This Rule is a consolidation of former Rules 16-505 and 16-818, governing records disposition in the District Court and the circuit courts, respectively, with style changes.

### **MARYLAND RULES OF PROCEDURE TITLE 16 - COURT ADMINISTRATION CHAPTER 200 - GENERAL PROVISIONS – CIRCUIT AND DISTRICT COURT**

#### **Rule 16-206. PROHIBITION AGAINST ACCEPTING GRATUITIES**

(a) Definition

In this Rule, "officer or employee of a court" includes the sheriff, deputy sheriffs, constables, officials and employees of a clerk's office, and other employees of an office serving a court.

(b) Prohibition

Except as expressly authorized by rule or law, no officer or employee of a court shall accept a gratuity, gift, or any compensation related to the officer's or employee's official duties, either directly or

indirectly, from a litigant, an attorney, or any person regularly doing business with the court.

Cross reference: For definition of “person,” see Rule 1-202.

Committee note: This Rule is not intended to preclude contributions to or for elected public officials as authorized by and in conformance with the provisions of Code, Election Law Article, Title 13 or to the payment of fees provided for by law.

Source: This Rule is derived from former Rule 16-401 b (2013).

**REPORTER’S NOTE**

This Rule is derived from Rule 16-401 b. with style changes. A new sentence has been added to the text of the Rule, clarifying the meaning of the term “officer or employee of a court.” This definition currently is in a long Committee note, the bulk of which is recommended for deletion because it is either unnecessary or outdated.

Also recommended for deletion is Rule 16-401 a., which prohibits an attorney from giving to a court officer or employee those items that the Rule prohibits the officer or employee from accepting. As to gift-giving by non-attorneys such as vendors and self-represented litigants, the deleted provision is silent. As to gift-giving by attorneys, the deleted provision is believed unnecessary. See Rules 3.5 (a)(1) and 8.4 (d) of the Maryland Lawyers’ Rules of Professional Conduct. As to gift-giving by anyone, whether or not the person is an attorney, if the court officer or employee does not accept the tendered item, there will be no gift, gratuity, or compensation.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 200 - GENERAL PROVISIONS – CIRCUIT AND  
DISTRICT COURT**

**Rule 16-207. PROBLEM-SOLVING COURT PROGRAMS**

(a) Definition

(1) Generally

Except as provided in subsection (a)(2) of this Rule, “problem-solving court program” means a specialized court docket or program that addresses matters under a court’s jurisdiction through a multi-disciplinary and integrated approach incorporating collaboration by the court with other governmental entities, community organizations, and parties.

(2) Exceptions

(A) The mere fact that a court may receive evidence or reports from an educational, health, or social service agency or may refer a person before the court to such an agency as a condition of probation or other dispositional option does not make the proceeding a problem-solving court program.

(B) Juvenile court truancy programs specifically authorized by statute do not constitute problem-solving court programs within the meaning of this Rule.

Committee note: Problem-solving court programs include adult and juvenile drug courts, and DUI, mental health, truancy, and family recovery programs under which the judge acts as part of a therapeutic team that collectively monitors the progress of a person enrolled in the program.

(b) Applicability

This Rule applies in its entirety to problem-solving court programs submitted for approval on or after July 1, 2010. Sections (a), (e), (f), and (g) of this Rule apply also to problem-solving court programs in existence on July 1, 2010.

(c) Submission of Plan

After consultation with the Office of Problem-Solving Courts and any officials whose participation in the programs will be

required, the County Administrative Judge of a circuit court or a District Administrative Judge of the District Court may prepare and submit to the State Court Administrator a detailed plan for a problem-solving court program consistent with the protocols and requirements in an Administrative Order of the Chief Judge of the Court of Appeals.

Committee note: Examples of officials to be consulted, depending on the nature of the proposed program, include individuals in the Office of the State’s Attorney, Office of the Public Defender; Department of Juvenile Services; health, addiction, and education agencies; the Division of Parole and Probation; and the Department of Human Resources.

(d) Approval of Plan

After review of the plan, the State Court Administrator shall submit the plan, together with any comments and a recommendation, to the Court of Appeals. The program shall not be implemented until it is approved by the Court of Appeals.

(e) Acceptance of Participant into Program

(1) Written Agreement Required

As a condition of acceptance into a program and after the advice of counsel, if any, a prospective participant shall execute a written agreement that sets forth:

(A) the requirements of the program;

(B) the protocols of the program, including protocols concerning the authority of the judge to initiate, permit, and consider ex parte communications pursuant to Rule 2.9 of the Maryland Code of Judicial Conduct;

(C) the range of sanctions that may be imposed while the participant is in the program; and

(D) any rights waived by the participant, including rights under Rule 4-215 or Code, Courts Article, §3-8A-20.

Committee note: The written agreement shall be in addition to any advisements that are required under Rule 4-215 or Code, Courts Article, §3-8A-20, if applicable.

(2) Examination on the Record

The court may not accept the prospective participant into the program until, after examining the prospective participant on the record, the court determines and announces on the record that the prospective participant understands the agreement and knowingly and voluntarily enters into the agreement.

(3) Agreement to be Made Part of the Record

A copy of the agreement shall be made part of the record.

(f) Immediate Sanctions; Loss of Liberty or Termination from Program

In accordance with the protocols of the program, the court, for good cause, may impose an immediate sanction on a participant, except that if the participant is considered for the imposition of a sanction involving the loss of liberty or termination from the program, the participant shall be afforded notice, an opportunity to be heard, and the right to be represented by counsel before the court makes its decision. If a hearing is required by this section and the participant is not represented by counsel, the court shall comply with Rule 4-215 in a criminal action or Code, Courts Article, §3-8A-20 in a delinquency action before holding the hearing.

Committee note: In considering whether a judge should be disqualified pursuant to Rule 18-102.11 of the Maryland Code of Judicial Conduct from post-termination proceedings involving a participant who has been terminated from a problem-solving court program, the judge should be sensitive to any exposure to ex parte communications or inadmissible information that the judge may have received while the participant was in the program.

(g) Credit for Incarceration Time Served

If a participant is terminated from a program, any period of time during which the participant was incarcerated as a sanction during

participation in the program shall be credited against any sentence imposed or directed to be executed in the action.

Source: This Rule is derived from former Rule 16-206 (2013).

#### REPORTER'S NOTE

Rule 16-207 is substantially derived from former Rule 16-206. A definition section has been separated from the applicability section in the current Rule. The Committee added a sentence clarifying that a proceeding is not necessarily a problem-solving court program merely because a court received evidence from an educational, health, or social service agency or refers a person to one of these agencies. Language has been added to the Committee note after section (a), which clarifies that problem-solving court programs are those in which the judge acts as part of the therapeutic team that monitors the progress of an individual enrolled in the program.

### **MARYLAND RULES OF PROCEDURE TITLE 16 - COURT ADMINISTRATION CHAPTER 200 - GENERAL PROVISIONS – CIRCUIT AND DISTRICT COURT**

Rule 16-208. CELL PHONES; OTHER ELECTRONIC DEVICES;  
CAMERAS

#### (a) Definitions

In this Rule the following definitions apply:

##### (1) Court Facility

“Court facility” means the building in which a circuit court or the District Court is located. If the court is in a building that is also occupied by county or State executive agencies having no substantial connection with the court, “court facility” means only that part of the building occupied by the court.

##### (2) Electronic Device

“Electronic device” means (A) a cell phone, a computer, and any other device that is capable of transmitting, receiving, or recording messages, images, sounds, data, or other information by electronic means or that, in appearance, purports to be a cell phone, computer, or such other device; and (B) a camera, regardless of whether it operates electronically, mechanically, or otherwise and regardless of whether images are recorded by using digital technology, film, light-sensitive plates, or other means. “Electronic device” does not include court equipment used by judicial officials or personnel.

##### (3) Local Administrative Judge

“Local Administrative Judge” means the County Administrative Judge in a circuit court and the District Administrative Judge in the District Court.

#### (b) Possession and Use of Electronic Devices

##### (1) Generally

Subject to inspection by court security personnel and the restrictions and prohibitions set forth in this section, a person may (A) bring an electronic device into a court facility and (B) use the electronic device for the purpose of sending and receiving phone calls and electronic messages and for any other lawful purpose not otherwise prohibited.

##### (2) Restrictions and Prohibitions

###### (A) Rule 5-615 Order

An electronic device may not be used to facilitate or achieve a violation of an order entered pursuant to Rule 5-615 (d).

###### (B) Photographs and Video

Except as permitted in accordance with this Rule, Rule 16-603, Rule 16-503, or Rule 16-504 or as expressly permitted by the Local Administrative Judge, a person may not (i) take or record a photograph, video, or other visual image in a court facility, or (ii)

transmit a photograph, video, or other visual image from or within a court facility.

Committee note: The prohibition set forth in subsection (b)(2)(B) of this Rule includes still photography and moving visual images. It is anticipated that permission will be granted for the taking of photographs at ceremonial functions.

##### (C) Interference with Court Proceedings or Work

An electronic device shall not be used in a manner that interferes with court proceedings or the work of court personnel.

Committee note: An example of a use prohibited by subsection (b)(2)(C) of this Rule is a loud conversation on a cell phone near a court employee's work station or in a hallway near the door to a courtroom.

##### (D) Jury Deliberation Room

An electronic device may not be brought into a jury deliberation room.

##### (E) Courtroom

(i) Except with the express permission of the presiding judge or as otherwise permitted by this Rule, Rule 16-603, Rule 16-502, or Rule 16-504, all electronic devices inside a courtroom shall remain off and no electronic device may be used to receive, transmit, or record sound, visual images, data, or other information.

(ii) Subject to subsection (b)(2)(F) of this Rule, the court shall liberally allow the attorneys in a proceeding currently being heard, their employees, and agents to make reasonable and lawful use of an electronic device in connection with the proceeding.

##### (F) Security or Privacy Issues in a Particular Case

Upon a finding that the circumstances of a particular case raise special security or privacy issues that justify a restriction on the possession of electronic devices, the Local Administrative Judge or the presiding judge may enter an order limiting or prohibiting the possession of electronic devices in a courtroom or other designated areas of the court facility. The order shall provide for notice of the designated areas and for the collection of the devices and their return when the individual who possessed the device leaves the courtroom or other area. No liability shall accrue to the security personnel or any other court official or employee for any loss or misplacement of or damage to the device.

##### (c) Violation of Rule

(1) Security personnel or other court personnel may confiscate and retain an electronic device that is used in violation of this Rule, subject to further order of the court or until the owner leaves the building. No liability shall accrue to the security personnel or any other court official or employee for any loss or misplacement of or damage to the device.

(2) An individual who willfully violates this Rule or any reasonable limitation imposed by the local administrative judge or the presiding judge may be found in contempt of court and sanctioned in accordance with the Rules in Title 15, Chapter 200.

##### (d) Notice

Notice of the provisions of sections (b) and (c) of this Rule shall be:

(1) posted prominently at the court facility;

(2) included on the main judiciary website and the website of each court; and

(3) disseminated to the public by any other means approved in an administrative order of the Chief Judge of the Court of Appeals.

Source: This Rule is derived from former Rule 16-110 (2013).

#### REPORTER'S NOTE

Rule 16-208 is substantially the same as Rule 16-110.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION  
AND CASE MANAGEMENT**

**TABLE OF CONTENTS**

- Rule 16-301. TERM OF COURT AND GRAND JURY
- (a) Term of Court
  - (b) Term of Grand Jury; Extension to Complete Investigation
    - (1) Definition
    - (2) Term of Grand Jury and Additional Grand Jury
    - (3) Extension of Term
- Rule 16-302. ASSIGNMENT OF ACTIONS FOR TRIAL; CASE MANAGEMENT PLAN
- (a) Generally
  - (b) Case Management Plan; Information Report
    - (1) Development; Monitoring; Implementation
    - (2) Family Division
    - (3) Consultation
    - (4) Information Report
  - (c) Additional Features of Case Management Plan
- Rule 16-303. MOTION DAY
- (a) Motion Day
  - (b) Motions Calendar
  - (c) Assignment When Hearing Required
  - (d) Notice of Lengthy Hearing
- Rule 16-304. CHAMBERS JUDGE
- (a) Designation
    - (1) County with More than Four Judges
    - (2) Other Counties
  - (b) Duties
  - (c) Exceptions
- Rule 16-305. TRUST CLERK
- Rule 16-306. SPECIAL DOCKET FOR ASBESTOS CASES
- (a) Definition
  - (b) Special Docket
  - (c) Transfer of Cases from Other Counties
  - (d) Exemption from Rule 2-507
  - (e) Effect on Rule 2-327 (d)
  - (f) Applicability of Rule
- Rule 16-307. FAMILY DIVISION AND SUPPORT SERVICES
- (a) Family Division
    - (1) Established
    - (2) Actions Assigned
    - (3) Family Support Services
    - (4) Responsibilities of the County Administrative Judge
  - (b) Circuit Courts Without a Family Division
    - (1) Applicability
    - (2) Family Support Services
    - (3) Family Support Services Coordinator
    - (4) Report to the Chief Judge of the Court of Appeals
- Rule 16-308. BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM
- (a) Definitions
    - (1) ADR
    - (2) Program
    - (3) Program Judge
  - (b) Program Established
  - (c) Assignment of Actions to the Program
  - (d) Assignment to Program Judge
  - (e) Scheduling Conference; Order
- Rule 16-309. REPORTS

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION  
AND CASE MANAGEMENT**

Rule 16-301. TERM OF COURT AND GRAND JURY

- (a) Term of Court
 

For accounting and statistical reporting purposes, each circuit court shall hold a single term each year beginning on July 1 and ending the following June 30.
- (b) Term of Grand Jury; Extension to Complete Investigation
  - (1) Definition
 

In this section, "State's Attorney" includes the Attorney General when using a grand jury pursuant to Article V, §3 of the Maryland Constitution or other law and the State Prosecutor when using a grand jury pursuant to Code, Criminal Procedure Article, §14-110.
  - (2) Term of Grand Jury and Additional Grand Jury
 

The term of a grand jury for a county shall be as determined in the jury plan for that county. The term of any additional grand jury for a county appointed pursuant to Code, Courts Article, §8-413 shall be determined by the County Administrative Judge.
  - (3) Extension of Term
 

On motion of the State's Attorney, the County Administrative Judge or the jury judge may enter an order extending the term of a grand jury or additional grand jury so that it may complete an investigation specified by the judge in the order. The grand jury shall continue until it concludes its investigation or is sooner discharged by the judge, during any extension, but is limited to the investigation specified in the order.

Cross reference: For the definition of "jury plan," see Code, Courts Article, §8-101 (c).

Source: This Rule is derived from former Rule 16-107 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-107, as amended effective March 1, 2009. The Rule has been reorganized.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION  
AND CASE MANAGEMENT**

Rule 16-302. ASSIGNMENT OF ACTIONS FOR TRIAL; CASE MANAGEMENT PLAN

- (a) Generally
 

The County Administrative Judge in each county shall supervise the assignment of actions for trial in a manner that maximizes the efficient use of available judicial personnel, brings pending actions to trial, and disposes of them as expeditiously as feasible.
- (b) Case Management Plan; Information Report
  - (1) Development; Implementation; Monitoring
 

The County Administrative Judge shall develop, implement, monitor, and, as needed, update a case management plan for the prompt and efficient scheduling and disposition of actions in the circuit court. The plan shall include a system of differentiated case management in which actions are classified according to complexity and priority and are assigned to a scheduling category based on that classification.
  - (2) Family Division
 

In courts that have a family division, the plan shall provide for the implementation of Rule 16-307.

Cross reference: See Rule 9-204 for provisions that may be included in the case management plan concerning an educational seminar for parties in actions in which child support, custody, or visitation are involved.

(3) Consultation

In developing, monitoring, and implementing the case management plan, the County Administrative Judge shall (A) consult with the Administrative Office of the Courts and with other County Administrative Judges who have developed such plans, in an effort to achieve as much consistency and uniformity among the plans as is reasonably practicable, and (B) seek the assistance of the county bar association and such other interested groups and persons as the judge deems advisable.

(4) Information Report

As part of the plan, the clerk shall make available to the parties, without charge, a form approved by the County Administrative Judge that will provide the information necessary to implement the case management plan. The information contained in the information report shall not be used for any purpose other than case management. The clerk of each circuit court shall make available for public inspection a copy of the current administrative order of the Chief Judge of the Court of Appeals exempting categories of actions from the information report requirement of Rule 2-111 (a).

(c) Additional Features of Case Management Plan

As part of the case management plan, the County Administrative Judge shall adopt procedures consistent with the Maryland Rules designed to:

- (1) eliminate docket calls in open court;
- (2) ensure the prompt disposition of motions and other preliminary matters;
- (3) provide for the use of scheduling and pretrial conferences, and the establishment of a calendar for that purpose, when appropriate;
- (4) provide for the prompt disposition of uncontested and ex parte matters, including references to an examiner-master, when appropriate;
- (5) provide for the disposition of actions under Rule 2-507;
- (6) to the extent permitted by law and when feasible and approved by the presiding judge, provide for non-evidentiary hearings to be conducted by telephonic, video, or other electronic means.
- (7) establish trial and motion calendars and other appropriate systems under which actions ready for trial will be assigned for trial and tried, after proper notice to parties, without necessity of a request for assignment from any party; and

Cross reference: See Rule 16-303 (Motion Day).

(8) establish systems of regular reports that will show the status of all pending actions with respect to their readiness for trial, the disposition of actions, and the availability of judges for trial work.

Source: This Rule is derived from former Rule 16-202 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-202 with style changes. The Committee proposes to add another feature to section (c), which is that the case management plan can provide for non-evidentiary hearings to be conducted by telephone, video, or other electronic means if permitted by law and if approved by the presiding judge.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION  
AND CASE MANAGEMENT**

Rule 16-303. MOTION DAY

(a) Motion Day

The Circuit Administrative Judge may prescribe for each circuit court in the judicial circuit, motion days on which pending motions and other preliminary matters scheduled for hearing shall be heard.

(b) Motions Calendar

The circuit court clerk in each county shall maintain a motions calendar in the form prescribed by the County Administrative Judge. Upon the filing of a response pursuant to Rule 2-311 (b), or upon the date on which the response should have been filed, the clerk shall list the case on the motions calendar.

(c) Assignment When Hearing Required

The County Administrative Judge shall review the motions calendar at appropriate intervals and determine which matters on the calendar require hearings. Hearing dates for those matters shall be assigned, and all parties shall be notified of the dates.

(d) Notice of Lengthy Hearing

If it is anticipated that the hearing on a motion will exceed a total of 30 minutes, the parties shall inform the assignment clerk, who may calendar the motion specially.

Source: This Rule is derived from former Rule 16-201 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-201 with style changes. There is a substantive change in section (a), which is that the Circuit Administrative Judge sets motion days for the courts in the circuit.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION  
AND CASE MANAGEMENT**

Rule 16-304. CHAMBERS JUDGE

(a) Designation

(1) County With More than Four Judges

In a county with more than four resident circuit court judges, the County Administrative Judge shall (A) from time to time designate one or more of the resident judges to sit as chambers judge, and (B) ensure that whenever the courthouse is open, a chambers judge is on duty in the courthouse to handle motions and emergency or other matters.

(2) Other Counties

In any other county, the County Administrative Judge may from time to time designate one or more judges sitting in the court to sit as chambers judge.

(b) Duties

Subject to section (c) of this Rule or unless a different procedure is prescribed by the County Administrative Judge, a chambers judge shall have primary responsibility for:

- (1) the prompt disposition of motions and other preliminary matters that may be disposed of without a hearing;
- (2) consideration of and, when appropriate, signing show cause orders;
- (3) the conduct of pre-trial conferences and control of the pre-trial calendar, if one has been established; and

(4) consideration of and, when appropriate, signing orders and judgments in uncontested or ex parte cases, and the disposition of motions for continuances or postponements in civil actions. Cross reference: For postponement of criminal actions, see Rule 16-105 (c).

(c) Exceptions

Section (b) of this Rule does not apply to (1) motions or other matters that are to be resolved by another judge pursuant to a scheduling order or (2) other orders entered in an action or motions made or filed during the course of a trial or on the day an action is scheduled for trial.

Source: This Rule is derived from former Rule 16-102 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-102 with style changes. The existing Committee note at the end of the Rule is recommended for deletion.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION  
AND CASE MANAGEMENT**

Rule 16-305. TRUST CLERK

The circuit court for each county shall designate a trust clerk and shall determine the trust clerk's compensation.

Source: This Rule is derived from former Rule 16-403 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of former Rule 16-403, omitting the obsolete reference to the Supreme Bench of Baltimore City.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION  
AND CASE MANAGEMENT**

Rule 16-306. SPECIAL DOCKET FOR ASBESTOS CASES

(a) Definition

In this Rule, "asbestos case" means an action seeking money damages for personal injury or death allegedly caused by exposure to asbestos or products containing asbestos. It does not include an action seeking principally equitable relief or seeking principally damages for injury to property or for removal of asbestos or products containing asbestos from property.

(b) Special Docket

The Administrative Judge of the Circuit Court for Baltimore City may establish and maintain a special inactive docket for asbestos cases filed in or transferred to that court. The order: (1) shall specify the criteria and procedures for placement of an asbestos case on the inactive docket and for removal of a case from the docket;

(2) may permit an asbestos case meeting the criteria for placement on the inactive docket to be placed on that docket at any time prior to trial; and

(3) with respect to any case placed on the inactive docket, may stay the time for filing responses to the complaint, discovery, and other proceedings until the case is removed from the docket.

(c) Transfer of Cases from Other Counties

(1) The Circuit Administrative Judge for any other judicial circuit, by order, may

(A) adopt the criteria established in an order entered by the Administrative Judge of the Circuit Court for Baltimore City pursuant to section (b) of this Rule for placement of an asbestos case on the inactive docket for asbestos cases;

(B) provide for the transfer to the Circuit Court for Baltimore City, for placement on the inactive docket, of any asbestos case filed in a circuit court in that other circuit for which venue would lie in Baltimore City; and

(C) establish procedures for the prompt disposition in the circuit court where the action was filed of any dispute as to whether venue would lie in Baltimore City.

(2) If an action is transferred pursuant to this Rule, the clerk of the circuit court where the action was filed shall transmit the record to the clerk of the Circuit Court for Baltimore City, and, except as provided in subsection (c)(3) of this Rule, the action shall thereafter proceed as if initially filed in the Circuit Court for Baltimore City.

(3) Unless the parties agree otherwise, any action transferred pursuant to this section, upon removal from the inactive docket, shall be re-transferred to the circuit court in which it was originally filed and all further proceedings shall take place in that court.

(d) Exemption from Rule 2-507

Any action placed on an inactive docket pursuant to this Rule shall not be subject to Rule 2-507 until the action is removed from that docket.

(e) Effect on Rule 2-327 (d)

To the extent of any inconsistency with Rule 2-327 (d), this Rule shall prevail.

Committee note: Section (e) of this Rule does not preclude a transfer under Rule 2-327 upon retransfer of an action under subsection (c)(3) of this Rule.

(f) Applicability of Rule

This Rule shall apply only to actions filed on or after December 8, 1992.

Source: This Rule is derived from former Rule 16-203 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-203 with style changes.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION  
AND CASE MANAGEMENT**

Rule 16-307. FAMILY DIVISION AND SUPPORT SERVICES

(a) Family Division

(1) Established

In each county having more than seven resident judges of the circuit court authorized by law, there shall be a family division in the circuit court.

(2) Actions Assigned

In a court that has a family division, the following categories of actions and matters shall be assigned to that division:

(A) dissolution of marriage, including divorce, annulment, and property distribution;

(B) child custody and visitation, including proceedings governed by the Maryland Uniform Child Custody Jurisdiction and Enforcement Act, Code, Family Law Article, Title 9.5, and the Parental Kidnapping Prevention Act, 28 U.S.C. §1738A;



(C) alimony, spousal support, and child support, including proceedings under the Maryland Uniform Interstate Family Support Act, Code, Family Law Article, Title 10, Subtitle 3;

(D) establishment and termination of the parent-child relationship, including paternity, adoption, guardianship that terminates parental rights, and emancipation;

(E) criminal nonsupport and desertion, including proceedings under Code, Family Law Article, Title 10, Subtitle 2 and Code, Family Law Article, Title 13;

(F) name changes;

(G) guardianship of minors and disabled persons under Code, Estates and Trusts Article, Title 13;

(H) involuntary admission and emergency evaluation under Code, Health General Article, Title 10, Subtitle 6;

(I) family legal-medical issues, including decisions on the withholding or withdrawal of life-sustaining medical procedures;

(J) actions involving domestic violence under Code, Family Law Article, Title 4, Subtitle 5;

(K) juvenile causes under Code, Courts Article, Title 3, Subtitles 8 and 8A;

(L) matters assigned to the family division by the County Administrative Judge that are related to actions in the family division and appropriate for assignment to the family division; and

(M) civil or criminal contempt arising out of any of the categories of actions and matters set forth in subsection (a)(2)(A) through (a)(2)(L) of this Rule.

Committee note: The jurisdiction of the circuit courts, the District Court, and the orphans' court is not affected by this section. For example, the District Court has concurrent jurisdiction with the circuit court over proceedings under Code, Family Law Article, Title 4, Subtitle 5, and the orphans' courts and circuit courts have concurrent jurisdiction over guardianships of the person of a minor and over protective proceedings for minors under Code, Estates and Trusts Article, §13-105.

### (3) Family Support Services

Subject to the availability of funds, the following family support services shall be available through the family division for use when appropriate in a particular action assigned to the family division:

(A) mediation in custody and visitation matters;

(B) custody investigations;

(C) trained personnel to respond to emergencies;

(D) mental health evaluations and evaluations for alcohol and drug abuse;

(E) information services, including procedural assistance to self-represented litigants;

Committee note: This subsection is not intended to interfere with existing projects that provide assistance to self-represented litigants.

(F) information regarding lawyer referral services;

(G) parenting coordination services as permitted by Rule 9-205.2;

(H) parenting seminars; and

(I) any additional family support services for which funding is provided.

Committee note: Examples of additional family support services that may be provided include general mediation programs, case managers, and family follow-up services.

### (4) Responsibilities of the County Administrative Judge

The County Administrative Judge of the Circuit Court for each county having a family division shall:

(A) allocate sufficient available judicial resources to the family division so that actions are heard expeditiously in accordance with applicable law and the case management plan required by Rule 16-302 (b);

Committee note: This Rule neither requires nor prohibits the assignment of one or more judges to hear family division cases on a full-time basis. Rather, it allows each County Administrative Judge the flexibility to determine how that county's judicial assignments are to be made so that actions in the family division are heard expeditiously. Additional matters for county-by-county determination include whether and to what extent masters, special masters, and examiners are used to assist in the resolution of family division cases. Nothing in this Rule affects the authority of a circuit court judge to act on any matter within the jurisdiction of the circuit court and properly assigned to that judge.

(B) provide in the case management plan required by Rule 16-302 (b) criteria for:

(i) requiring parties in an action assigned to the family division to attend a scheduling conference in accordance with Rule 2-504.1 (a)(1), and

(ii) identifying those actions in the family division that are appropriate for assignment to a specific judge who shall be responsible for the entire action unless the County Administrative Judge subsequently decides to reassign it;

Cross reference: For rules concerning the referral of matters to masters as of course, see Rules 2-541 and 9-208.

(C) appoint a family support services coordinator whose responsibilities include:

(i) compiling, maintaining, and providing lists of available public and private family support services,

(ii) coordinating and monitoring referrals in actions assigned to the family division, and

(iii) reporting to the County Administrative Judge concerning the need for additional family support services or the modification of existing services; and

(D) prepare and submit to the Chief Judge of the Court of Appeals, no later than October 15 of each year, a written report that includes a description of family support services needed by the court's family division, a fiscal note that estimates the cost of those services for the following fiscal year, and, whenever practicable, an estimate of the fiscal needs of the Clerk of the Circuit Court for the county pertaining to the family division.

### (b) Circuit Courts Without a Family Division

#### (1) Applicability

This section applies to circuit courts for counties having fewer than eight resident judges of the circuit court authorized by law.

#### (2) Family Support Services

Subject to availability of funds, the family support services listed in subsection (a)(3) of this Rule shall be available through the court for use when appropriate in cases in the categories listed in subsection (a)(2) of this Rule.

#### (3) Family Support Services Coordinator

The County Administrative Judge shall appoint a full-time or part-time family support services coordinator whose responsibilities shall be substantially as set forth in subsection (a)(4)(C) of this Rule.

#### (4) Report to the Chief Judge of the Court of Appeals

The County Administrative Judge shall prepare and submit to the Chief Judge of the Court of Appeals, no later than October 15 of each year, a written report that includes a description of the family support services needed by the court, a fiscal note that estimates the cost of those services for the following fiscal year, and, whenever practicable, an estimate of the fiscal needs of the Clerk of the Circuit Court for the county pertaining to family support services.

Source: This Rule is derived from former Rule 16-204 (2013).

### REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-204 with style changes. Statutory references have been updated. The Committee

deleted the language “to state facilities” in subsection (a)(2)(H), because persons may be involuntarily admitted to private psychiatric facilities under Code, Health-General Article, Title 10, Subtitle 6.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION  
AND CASE MANAGEMENT**

**Rule 16-308. BUSINESS AND TECHNOLOGY CASE  
MANAGEMENT PROGRAM**

(a) Definitions

The following definitions apply in this Rule:

(1) ADR

“ADR” means “alternative dispute resolution” as defined in Rule 17-102.

(2) Program

“Program” means the business and technology case management program established pursuant to this Rule.

(3) Program Judge

“Program judge” means a judge of a circuit court who is assigned to the program.

(b) Program Established

Subject to the availability of fiscal and human resources, a program approved by the Chief Judge of the Court of Appeals shall be established to enable each circuit court to handle business and technology matters in a coordinated, efficient, and responsive manner and to afford convenient access to lawyers and litigants in business and technology matters. The program shall include:

(1) a program track within the differentiated case management system established under Rule 16-302;

(2) a procedure by which an action is assigned to the program;

(3) program judges who are specially trained in business and technology; and

(4) ADR proceedings conducted by persons qualified under Title 17 of these Rules and specially trained in business and technology.

Cross reference: See Rules 16-102 (a) and 16-108 (a) concerning the assignment of a judge of the circuit court for a county to sit as a program judge in the circuit court for another county.

(c) Assignment of Actions to the Program

On written request of a party or on the court’s own initiative, the Circuit Administrative Judge of the circuit in which an action is filed or the Circuit Administrative Judge’s designee may assign the action to the program if the judge determines that the action presents commercial or technological issues of such a complex or novel nature that specialized treatment is likely to improve the administration of justice. Factors that the judge may consider in making the determination include: (1) the nature of the relief sought, (2) the number and diverse interests of the parties, (3) the anticipated nature and extent of pretrial discovery and motions, (4) whether the parties agree to waive venue if assignment of the action to the program makes that necessary, (5) the degree of novelty and complexity of the factual, legal, or evidentiary issues presented, (6) whether business or technology issues predominate over other issues presented in the action, and (7) the willingness of the parties to participate in ADR procedures.

(d) Assignment to Program Judge

Each action assigned to the program shall be assigned to a specific program judge. To the extent feasible, the program judge to whom the action is assigned shall hear all proceedings until the matter is concluded, except that, if necessary to prevent undue delay, prejudice, or injustice, the Circuit Administrative Judge or the Circuit Administrative Judge’s designee may designate another judge to hear

a particular pretrial matter. That judge shall be a program judge, if practicable.

(e) Scheduling Conference; Order

Promptly after an action is assigned, the program judge shall (1) hold a scheduling conference under Rule 2-504.1 at which the program judge and the parties discuss the scheduling of discovery, ADR, and a trial date and (2) enter a scheduling order under Rule 2-504 that includes case management decisions made by the court at or as a result of the scheduling conference.

Source: This Rule is derived from former Rule 16-205 (2013).

REPORTER’S NOTE

This Rule incorporates the substance of Rule 16-205 with style changes.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 300 - CIRCUIT COURTS - ADMINISTRATION  
AND CASE MANAGEMENT**

**Rule 16-309. REPORTS**

Each judge of a circuit court shall submit the reports required from time to time by the Chief Judge of the Court of Appeals. The reports shall be submitted in the form and to the persons required by the Chief Judge of the Court of Appeals.

Source: This Rule is derived from former Rule 16-105 (2013).

REPORTER’S NOTE

This Rule incorporates the substance of former Rule 16-105 with style changes, collapsing former sections a. and b.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 400 - CIRCUIT COURTS -- CLERKS’ OFFICES**

**TABLE OF CONTENTS**

**Rule 16-401. PERSONNEL**

(a) Chief Deputy Clerk

(1) Appointment

(2) Tenure

(3) Approval of Chief Judge

(b) Other Employees

(1) Personnel System

(2) Review for Compliance

(c) Certain Deputy Clerks

(d) Grievances

(e) Payroll and Time Sheets

**Rule 16-402. OPERATIONS**

(a) Procurement

(b) General Operations

(c) Audits

(d) Submission of Budget

(e) County Administrative Judge to Supervise Certain Functions

**Rule 16-403. HOURS**

(a) Generally

(b) Public or Catastrophic Health Emergency

**Rule 16-404. DOCKETS**

**Rule 16-405. FILING AND REMOVAL OF PAPERS**

(a) Applicability

(b) Flat Filing

(c) Exhibits Filed with Pleadings

- (d) Removal of Papers and Exhibits
    - (1) Papers and Exhibits Filed with the Clerk
    - (2) Exhibits Offered During Trial
  - (e) Record of Removed Papers
- Rule 16-406. NOTICE TO COURT OF SPECIAL APPEALS

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 400 - CIRCUIT COURTS - CLERKS' OFFICES**

Rule 16-401. PERSONNEL

- (a) Chief Deputy Clerk
  - (1) Appointment
 

The clerk of each circuit court may appoint a chief deputy clerk for that court. The appointment is not subject to section (b) of this Rule.
  - (2) Tenure
 

Subject to subsection (a)(3) of this Rule, a chief deputy clerk serves at the pleasure of the clerk.
  - (3) Approval of Chief Judge
 

The appointment, retention and removal of a chief deputy clerk shall be subject to the approval of the Chief Judge of the Court of Appeals, after consultation with the County Administrative Judge.
- (b) Other Employees
  - (1) Personnel System
 

The selection and appointment of other employees in the clerk's office and the promotion, classification and reclassification, transfer, demotion, suspension, discharge, and other discipline of such employees shall be subject to and conform with the standards and procedures set forth in a personnel system developed by the State Court Administrator and approved by the Court of Appeals. The personnel system shall (A) provide for equal opportunity, (B) be based on merit principles, and (C) include appropriate job classifications and compensation scales.
  - (2) Review for Compliance
 

The State Court Administrator may review the selection or promotion of an employee to ensure compliance with the standards and procedures in the personnel system.
  - (c) Certain Deputy Clerks
 

Persons serving as deputy clerks on July 1, 1991 who qualify for pension rights under Code, State Personnel and Pensions Article, §23-404 shall hold over as deputy clerks but shall have no fixed term and shall in all respects be subject to the personnel system established pursuant to section (b) of this Rule.
  - (d) Grievances
 

An employee grievance shall be resolved in accordance with the standards and procedures set forth in the personnel system.
  - (e) Payroll and Time Sheets
 

The Administrative Office of the Courts shall prepare the payroll and time and attendance reports for the clerks' offices. The clerks shall submit the information and documentation the Administrative Office requires.

Source: This Rule is derived from former Rule 16-301 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-301.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 400 - CIRCUIT COURTS - CLERKS' OFFICES**

Rule 16-402. OPERATIONS

- (a) Procurement
 

A clerk may not procure any service or property except in accordance with procedures established by the State Court Administrator. Unless otherwise provided by those procedures, the clerk shall submit all procurement requests to the State Court Administrator in the form and with the documentation the State Court Administrator requires.
- (b) General Operations
 

The State Court Administrator shall develop policies, procedures, and standards for all judicial and non-judicial operations of the clerks' offices, including case processing, records management, forms control, accounting, budgeting, inventory, and data processing. The current data processing systems in Baltimore City, Prince George's County, and Montgomery County shall not be replaced except by order of the Chief Judge of the Court of Appeals.
- (c) Audits
 

The Administrative Office of the Courts may audit the operations and accounts of the clerks' offices.
- (d) Submission of Budget
 

Each clerk shall submit an annual budget to the State Court Administrator for review and approval by the Chief Judge of the Court of Appeals. The budget shall be submitted at the time specified by the State Court Administrator and shall be in the form prescribed by the Secretary of Budget and Management.
- (e) County Administrative Judge to Supervise Certain Functions
 

The case assignment function and the jury selection process, whether or not located in the clerk's office, shall be subject to the overall supervision of the County Administrative Judge or a judge designated by the County Administrative Judge.

Source: This Rule is derived from former Rule 16-302 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-302.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 400 - CIRCUIT COURTS - CLERKS' OFFICES**

Rule 16-403. HOURS

- (a) Generally
 

Except as provided in section (b) of this Rule, the office of each clerk of court shall be open to the public throughout the year for the transaction of all business of the court from at least 8:30 a.m. to 4:30 p.m. Monday through Friday of each week except:

  - (1) on days designated pursuant to State law for the observance of legal holidays by State employees; or
  - (2) on days when the court is closed because of an emergency, inclement weather, or other good cause by order of the Chief Judge of the Court of Appeals, the County Administrative Judge, or the Circuit Administrative Judge for the judicial circuit.
- (b) Public or Catastrophic Health Emergency
 

The clerk's office shall remain open on each day that the Chief Judge of the Court of Appeals orders the court to remain open pursuant to Rule 16-201 (c) (Public or Catastrophic Health Emergency).

Source: This Rule is derived from former Rule 16-304 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-304.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 400 - CIRCUIT COURTS - CLERKS' OFFICES**

Rule 16-404. DOCKETS

The clerks of the courts shall maintain dockets in the form and containing the information prescribed by the Chief Judge of the Court of Appeals.

Source: This Rule is derived from former Rule 16-305 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-305 with style changes.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 400 - CIRCUIT COURTS - CLERKS' OFFICES**

Rule 16-405. FILING AND REMOVAL OF PAPERS

(a) Applicability

This Rule applies to items filed in paper form and to tangible exhibits. Items filed in electronic form shall be handled by the clerk in accordance with the Rules governing electronic filing and the maintenance of electronic records.

This Rule is also subject to Rules governing the sealing or shielding of court records or information contained in court records.

(b) Flat Filing

Any paper received by the clerk shall be filed flat in an appropriate folder.

(c) Exhibits Filed with Pleadings

Unless not practicable, the clerk shall file exhibits with the papers the exhibits accompany. If that is not practicable, the clerk shall file exhibits by whatever other method as may be is convenient and practicable.

(d) Removal of Papers and Exhibits

(1) Papers and Exhibits Filed with the Clerk

No paper or exhibit filed with the clerk in an action may be removed from the clerk's office, except:

(A) by direction of a judge of the court;

(B) upon signing a receipt, by an attorney of record in the case a for the purpose of presenting the paper or exhibit to the court;

(C) upon signing a receipt, by an auditor, master, or examiner or examiner-master in connection with the performance of his or her official duties.

(2) Exhibits Offered During Trial

(A) Exhibits introduced in evidence or marked for identification during the trial of an action, and not previously filed with the clerk shall be retained by the clerk of court or other person designated by the court.

(B) Except as otherwise required by law, upon the entry of judgment in the case and after the time for appeal has expired, or, if an appeal has been taken, the clerk has received a mandate issued by the final appellate court to consider a direct appeal from the judgment, the clerk shall send written notice to all counsel of record and to each self-represented party advising that if no request to withdraw the exhibits is received within 30 days from the date of the notice, the exhibits will be disposed of. Unless a request is received by the clerk within 30 days after the date of notice, or unless the court

within that period orders otherwise, the clerk shall dispose of the exhibits in any appropriate manner, including destruction.

Committee note: Some statutes require that certain evidence be retained. See, for example, Code, Criminal Procedure Article, §8-201, requiring the State to preserve scientific identification evidence.

(e) Record of Removed Papers

Whenever a court file or any paper contained in it is removed from the clerk's office pursuant to this Rule, the clerk shall maintain an appropriate record of its location, including a notation on the docket, if the file or papers are removed from the courthouse.

Source: This Rule is derived from former Rule 16-306 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-306 with style changes. The existing Committee note is recommended for deletion.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 400 - CIRCUIT COURTS - CLERKS' OFFICES**

Rule 16-406. NOTICE TO COURT OF SPECIAL APPEALS

By the third business day of each month, the clerk shall send to the Clerk of the Court of Special Appeals a list of all actions in which, during the preceding calendar month, (1) a notice of appeal or application for leave to appeal to the Court of Special Appeals was filed, (2) a timely motion pursuant to Rule 2-532, 2-533, or 2-534 was filed after the filing of a notice of appeal, or (3) an appeal to the Court of Special Appeals was stricken pursuant to Rule 8-203. The list shall include the title and docket number of the case, the name and address of counsel for each appellant, and the date on which the notice of appeal, the motion, or the dismissal was filed.

Source: This Rule is derived from former Rule 16-309 (2013).

REPORTER'S NOTE

This Rule incorporates the substance of Rule 16-309, with style changes.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 500 - RECORDING OF PROCEEDINGS**

**TABLE OF CONTENTS**

Rule 16-501. IN DISTRICT COURT

(a) Proceedings to be Recorded

(b) Method of Recording

(1) Generally

(2) As Authorized by Chief Judge

(c) Control of and Direct Access to Electronic Recordings

(1) Under Control of District Court

(2) Restricted Access or Possession

(d) Filing of Recordings

(e) Court Reporters and Persons Responsible for Recording Court Proceedings

(f) Safeguarding Confidential Portions of Proceedings

**ALTERNATIVE A**

(g) Right to Copy of Audio Recording

(1) Generally

(2) Redacted Portions of Recording

(3) Exceptions

**ALTERNATIVE B**

## (g) Right to Listen to or View Copy of Recording

- (1) Generally
- (2) Redacted Portions of Recording
- (3) Restrictions on Additional Copies

## (h) Right to Copy of Recording

- (1) Who May Obtain Copy
- (2) Restrictions on Use
- (3) Violation of Restriction on Use

## Rule 16-502. IN CIRCUIT COURT

## (a) Proceedings to be Recorded

- (1) Proceedings in the Presence of Judge
- (2) Proceedings Before Master, Examiner, or Auditor

## (b) Method of Recording

## Rule 16-503. ELECTRONIC RECORDING OF CIRCUIT COURT PROCEEDINGS

## (a) Control of and Direct Access to Electronic Recordings

- (1) Under Control of Court
- (2) Restricted Access or Possession

## (b) Filing of Recordings

## (c) Court Reporters

## (d) Presence of Court Reporters Not Necessary

## (e) Identification Label

## (f) Information Required to be Kept

- (1) Duty to Keep
- (2) Location of Exhibit List and Logs

## (g) Safeguarding Confidential Portions of Proceeding

**ALTERNATIVE A**

## (h) Right to Copy of Audio Recording

- (1) Generally
- (2) Redacted Portions of Recording
- (3) Exceptions

**ALTERNATIVE B**

## (h) Right to Listen to or View Copy of Recording

- (1) Generally
- (2) Redacted Portions of Recording
- (3) Restrictions on Additional Copies

## (i) Right to Copy of Recording

- (1) Who May Obtain Copy
- (2) Restrictions on Use
- (3) Violation of Restriction on Use

## Rule 16-504. ADMINISTRATION OF CIRCUIT COURT RECORDING PROCESS

## (a) Regulations and Standards

## (b) Number of Court Reporters or Persons Responsible for Recording Court Proceedings - Supervision

## (c) Supervision of Court Reporters

**MARYLAND RULES OF PROCEDURE  
TITLE 16 – COURT ADMINISTRATION  
CHAPTER 500 – RECORDING OF PROCEEDINGS**

## Rule 16-501. IN DISTRICT COURT

## (a) Proceedings to be Recorded

In the District Court, all trials, hearings, testimony, and other judicial proceedings held in a courtroom in the presence of a judge shall be recorded verbatim in their entirety.

Committee note: Section (a) does not apply to ADR proceedings conducted pursuant to Title 17, Chapter 300 of these Rules.

## (b) Method of Recording

## (1) Generally

Proceedings shall be recorded by an audio recording device provided by the court.

## (2) As Authorized By Chief Judge

The Chief Judge of the District Court may authorize recording by additional means, including audio-video recording. Audio-video recording of a proceeding and access to an audio-video recording shall be in accordance with this Rule and Rules 16-502 and 16-503.

## (c) Control of and Direct Access to Electronic Recordings

## (1) Under Control of District Court

Electronic recordings made pursuant to this Rule shall be under the control of the District Court.

## (2) Restricted Access or Possession

No person other than an authorized Court official or employee of the District Court may have direct access to or possession of an official electronic recording.

## (d) Filing of Recordings

Subject to section (c) of this Rule, audio recordings and any other recording authorized by the Chief Judge shall be maintained by the court in accordance with the standards specified in an administrative order of the Chief Judge of the Court of Appeals.

## (e) Court Reporters and Persons Responsible for Recording Court Proceedings

Regulations and standards adopted by the Chief Judge of the Court of Appeals pursuant to Rule 16-504 (a) apply with respect to court reporters and persons responsible for recording court proceedings employed in or designated by the District Court.

## (f) Safeguarding Confidential Portions of Proceedings

If a portion of a proceeding involves placing on the record matters that, on motion, the court finds should and lawfully may be shielded from public access and inspection, the court shall direct that appropriate safeguards be placed on that portion of the recording. The clerk shall create a log listing the recording references for the beginning and end of the safeguarded portions of the recording. The log shall be kept in the court file, and a copy of the log shall be kept with the recording.

**ALTERNATIVE A**

## (g) Right to Copy of Audio Recording

## (1) Generally

Except for proceedings closed pursuant to law or as otherwise provided in this Rule or ordered by the court, the authorized custodian of an official audio recording shall make a copy of the audio recording available to any person upon written request and, unless waived by the court, upon payment of the reasonable costs of making the copy.

## (2) Redacted Portions of Recording

Unless otherwise ordered by the District Administrative Judge, the custodian of the recording shall assure that all portions of the recording that the court directed be safeguarded pursuant to section (f) of this Rule are redacted from any copy of a recording made for a person under subsection (g)(1) of this Rule. Delivery of the copy may be delayed for a period reasonably required to accomplish the redaction.

## (3) Exceptions

Upon written request and subject to the conditions in this section, the custodian shall make available to the following persons a copy of the audio recording of proceedings that were closed pursuant to law or from which safeguarded portions have not been redacted:

- (A) The Chief Judge of the Court of Appeals;
- (B) The Chief Judge of the District Court;
- (C) The District Administrative Judge having supervisory authority over the court;
- (D) The presiding judge in the case;
- (E) The Commission on Judicial Disabilities or, at its direction, Investigative Counsel;
- (F) Bar Counsel;
- (G) Unless otherwise ordered by the court, a party to the proceeding or the attorney for a party;

(H) A stenographer or transcription service designated by the court for the purpose of preparing an official transcript of the proceeding, provided that (i) the transcript of unredacted safeguarded portions of a proceeding, when filed with the court, shall be placed under seal or otherwise shielded by order of court and (ii) no transcript of a proceeding closed pursuant to law or containing unredacted safeguarded portions shall be prepared for or delivered to any person not listed in subsection (g)(3) of this Rule; and

(I) Any other person authorized by the District Administrative Judge.

#### **ALTERNATIVE B**

##### (g) Right to Listen to or View Copy of Recording

###### (1) Generally

Except for proceedings closed pursuant to law or as otherwise provided in this Rule or ordered by the court, the authorized custodian of an official audio or audio-video recording, upon written request from any person, shall make a copy of the recording and permit the person to listen to the copy if it is an audio recording or to listen to and view the copy if it is an audio-video recording at a time and place designated by the court.

Committee note: It is intended that the custodian need make only one copy of the electronic recording and have that copy available for any person who makes a request to listen to or listen to and view it. If space is limited and there are multiple requests, the custodian may require several persons to listen to or to listen to and view the recording at the same time or accommodate the requests in the order they were received.

###### (2) Redacted Portions of Recording

Unless otherwise ordered by the District Administrative Judge, the custodian of the recording shall assure that all portions of the recording that the court directed to be safeguarded pursuant to section (f) of this Rule are redacted from any copy of a recording made available for listening or listening and viewing. Access to the copy may be delayed for a period reasonably required to accomplish the redaction.

###### (3) Restrictions on Additional Copies

A person listening to or listening to and viewing a copy of an electronic recording may not make a copy of that copy or have in his or her possession any device that, by itself or in combination with any other device, can make a copy. The custodian or other designated court official or employee shall take reasonable steps to enforce this prohibition, and any willful violation of it may be punished as a contempt.

##### (h) Right to Copy of Recording

###### (1) Who May Obtain Copy

Upon written request and subject to the conditions in this section, the custodian shall make available to the following persons a copy of the audio or audio-video recording, including a recording of proceedings that were closed pursuant to law or from which safeguarded portions have not been redacted:

(A) The Chief Judge of the Court of Appeals;

(B) The Chief Judge of the District Court;

(C) The District Administrative Judge having supervisory authority over the court;

(D) The presiding judge in the case;

(E) The Commission on Judicial Disabilities or, at its direction, Investigative Counsel;

(F) Bar Counsel;

(G) Unless otherwise ordered by the court, a party to the proceeding or the attorney for a party;

(H) A stenographer or transcription service designated by the court for the purpose of preparing an official transcript of the proceeding, provided that, if the recording is of a proceeding closed pursuant to law or from which safeguarded portions have not been redacted, (i) the transcript or the portions of the transcript containing

unredacted safeguarded portions of a proceeding, when filed with the court, shall be placed under seal or otherwise shielded by order of the court and (ii) no transcript of a proceeding closed pursuant to law or containing unredacted safeguarded portions shall be prepared for or delivered to any person not listed in subsection (h)(1) of this Rule; and

(I) Any other person authorized by the District Administrative Judge.

###### (2) Restrictions on Use

Unless authorized by an order of court, a person who receives a copy of an electronic recording under this section shall not:

(A) make or cause to be made any additional copy of the recording; or

(B) except for a non-sequestered witness or an agent, employee, or consultant of the party or attorney, give or electronically transmit the recording to any person not entitled to it under this section.

###### (3) Violation of Restriction on Use

A willful violation of subsection (h)(2) of this Rule may be punished as a contempt.

Cross reference: See Rule 16-504 (a) concerning regulations and standards applicable to court reporting in all courts of the State.

Source: This Rule is derived from former Rule 16-504 (2013).

#### **REPORTER'S NOTE**

Rule 16-501 is derived from former Rules 16-404, 16-405, 16-406, and 16-504. Section (a) is derived from Rule 16-404 e. A Committee note was added to indicate that no proceedings that must be recorded are to be conducted in chambers.

Section (b) is derived from former Rule 16-504 a.

Section (c) is derived from former Rule 16-406 a and b.

Section (d) is new and was added to make clear that recordings authorized by the Chief Judge of the District Court are to be maintained by the court in accordance with standards found in an administrative order of the Chief Judge of the Court of Appeals.

Section (e) is derived from former Rule 16-404 b.

Section (f) is derived from former Rule 16-405 c and d.

#### **Alternative A**

Subsection (g)(1) is derived from former Rule 16-406 (c).

Subsection (g)(2) is new and was added to reinforce the policy that a copy of the recording not contain material required to be redacted.

Subsection (g)(3) is derived from former Rule 16-406 d. The Committee proposes the addition of some people to the list of those who have a right to a copy of the recording, including the Chief Judge of the Court of Appeals, the Chief Judge of the District Court, the District Administrative Judge having supervisory authority over the court, the presiding judge, and Bar Counsel. The Committee proposes the addition of some conditions for a stenographer or transcription service designated by the court to prepare an official transcript if the recording is of a proceeding closed pursuant to law or from which safeguarded portions have not been redacted, including that the transcript be sealed or shielded and that the transcript may not be prepared for or delivered to any person not entitled to a copy of the recording.

#### **Alternative B**

Subsection (g)(1) is derived from former Rule 16-406 e. A Committee note has been added to provide a procedure for the custodian to make copies of recordings available to the public.

Subsection (g)(2) is new and was added to reinforce the policy that a copy of the recording not contain material required to be redacted.

Subsection (g)(3) is new and provides that someone listening to or viewing a recording may not have a device with him or her that is capable of copying the recording.

Subsection (h)(1) is derived from former Rule 16-406 d. See the note to subsection (g)(3) in Alternative A.

Subsection (h)(2) is new and was added to provide limitations on the use of a recording when someone views or listens to it.

Subsection (h)(3) is new and provides a penalty for misuse of a recording.

By a divided vote, the Committee preferred Alternative A, but decided to transmit both Alternatives for consideration by the Court.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 – COURT ADMINISTRATION  
CHAPTER 500 – RECORDING OF PROCEEDINGS**

**Rule 16-502. IN CIRCUIT COURT**

(a) Proceedings to be Recorded

(1) Proceedings in the Presence of Judge

In a circuit court, all trials, hearings, testimony, and other proceedings before a judge in a courtroom shall be recorded verbatim in their entirety, except that, unless otherwise ordered by the court, a court reporter need not report or separately record an audio or audio-video recording offered as evidence at a hearing or trial.

Committee note: An audio or audio-video recording offered at a hearing or trial must be marked for identification and made part of the record, so that it is available for future transcription. See Rules 2-516 (b)(1)(A) and 4-322 (c)(1)(A). Section (a) does not apply to ADR proceedings conducted pursuant to Rule 9-205 or Title 17 of these Rules.

(2) Proceedings Before Master, Examiner, or Auditor

Proceedings before a master, examiner, or auditor shall be recorded verbatim in their entirety, except that:

(A) the recording of proceedings before a master may be waived in accordance with Rules 2-541 (d)(3) or 9-208 (c)(3);

(B) the recording of proceedings before an examiner may be waived in accordance with Rule 2-542 (d)(4); and

(C) the recording of proceedings before an auditor may be waived in accordance with Rule 2-543 (d)(3).

(b) Method of Recording

Proceedings may be recorded by any reliable method or combination of methods approved by the County Administrative Judge. If proceedings are recorded by a combination of methods, the County Administrative Judge shall determine which method shall be used to prepare a transcript.

Source: This Rule is derived in part from former Rule 16-404 (2013).

**REPORTER'S NOTE**

Rule 16-502 is derived from former Rule 16-404.

Subsection (a)(1) is derived from former Rule 16-404 e. The Subcommittee added language to clarify that chambers conferences involving only routine administrative matter or civil settlement actions need not be recorded. A Committee note was added to indicate that, unless the chambers has recording capability, no proceedings that must be recorded are to be conducted in chambers and that a recording offered at a hearing or trial shall be marked for identification and made part of the record.

Subsection (a)(2) is new and was added to draw attention to the fact that rules allowing for the recordings before a master, examiner, or auditor may be waived.

Section (b) is derived from former Rule 16-404 (e), but it has been changed to eliminate the specific methods of recording and updated to provide that if proceedings are recorded by a combination of methods, the County Administrative Judge shall determine the method used to prepare the transcript.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 – COURT ADMINISTRATION  
CHAPTER 500 – RECORDING OF PROCEEDINGS**

**Rule 16-503. ELECTRONIC RECORDING OF CIRCUIT COURT PROCEEDINGS**

(a) Control of and Direct Access to Electronic Recordings

(1) Under Control of Court

Electronic recordings made pursuant to Rule 16-502 and this Rule are under the control of the court.

(2) Restricted Access or Possession

No person other than a duly authorized official or employee of the circuit court shall have direct access to or possession of an official electronic recording.

(b) Filing of Recordings

Audio and audio-video recordings shall be maintained by the court in accordance with standards specified in an administrative order of the Chief Judge of the Court of Appeals.

(c) Court Reporters

Regulations and standards adopted by the Chief Judge of the Court of Appeals under Rule 16-504 (a) apply with respect to court reporters employed in or designated by a circuit court.

(d) Presence of Court Reporters Not Necessary

If circuit court proceedings are recorded by audio or audio-video recording, which is otherwise effectively monitored, a court reporter need not be present in the courtroom.

(e) Identification Label

Whenever proceedings are recorded by electronic audio or audio-video means, the clerk or other designee of the court shall affix to each electronic audio or audio-video recording a label containing the following information:

(1) the name of the court;

(2) the docket reference of each proceeding included on the recording;

(3) the date on which each proceeding was recorded; and

(4) any other identifying letters, marks, or numbers necessary to identify each proceeding recorded.

(f) Information Required to be Kept

(1) Duty to Keep

The clerk or other designee of the court shall keep the following items:

(A) a proceeding log identifying (i) each proceeding recorded on an audio or audio-video recording, (ii) the time the proceeding commenced, (iii) the time of each recess, and (iv) the time the proceeding concluded;

(B) an exhibit list;

(C) a testimonial log listing (i) the recording references for the beginning and end of each witness's testimony and (ii) each portion of the audio or audio-video recording that has been safeguarded pursuant to section (g) of this Rule.

(2) Location of Exhibit List and Logs

The exhibit list shall be kept in the court file. The proceeding and testimonial logs shall be kept with the audio or audio-video recording.

(g) Safeguarding Confidential Portions of Proceeding

If a portion of a proceeding involves placing on the record matters that, on motion, the court finds should and lawfully may be shielded from public access and inspection, the court shall direct that appropriate safeguards be placed on that portion of the recording. For audio and audio-video recordings, the clerk or other designee shall create a log listing the recording references for the beginning and end of the safeguarded portions of the recording.

**ALTERNATIVE A**

## (h) Right to Copy of Audio Recording

## (1) Generally

Except for proceedings closed pursuant to law or as otherwise provided in this Rule or ordered by the court, the authorized custodian of an audio recording shall make a copy of the audio recording or, if practicable, the audio portion of an audio-video recording, available to any person upon written request and, unless waived by the court, upon payment of the reasonable costs of making the copy.

## (2) Redacted Portions of Recording

Unless otherwise ordered by the County Administrative Judge, the custodian of the recording shall assure that all portions of the recording that the court has directed be safeguarded pursuant to section (g) of this Rule are redacted from any copy of a recording made for a person under subsection (h)(1) of this Rule. Delivery of the copy may be delayed for a period reasonably required to accomplish the redaction.

## (3) Exceptions

Upon written request and subject to the conditions in this section, the custodian shall make available to the following persons a copy of the audio recording or audio-video recording of proceedings that were closed pursuant to law or from which safeguarded portions have not been redacted:

- (A) The Chief Judge of the Court of Appeals;
- (B) The County Administrative Judge;
- (C) The Circuit Administrative Judge having supervisory authority over the court;
- (D) The presiding judge in the case;
- (E) The Commission on Judicial Disabilities or, at its direction, Investigative Counsel;
- (F) Bar Counsel;
- (G) Unless otherwise ordered by the court, a party to the proceeding or the attorney for a party;
- (H) A stenographer or transcription service designated by the court for the purpose of preparing an official transcript of the proceeding, provided that (i) the transcript of unredacted safeguarded portions of a proceeding, when filed with the court, shall be placed under seal or otherwise shielded by order of court, and (ii) no transcript of a proceeding closed pursuant to law or containing unredacted safeguarded portions shall be prepared for or delivered to any person not listed in subsection (h)(3) of this Rule;
- (I) If the recording is an audio-video recording, the Court of Appeals or the Court of Special Appeals pursuant to Rule 8-415 (c); and
- (J) Any other person authorized by the County Administrative Judge.

**ALTERNATIVE B**

## (h) Right to Listen to or View Copy of Recording

## (1) Generally

Except for proceedings closed pursuant to law or as otherwise provided in this Rule or ordered by the Court, the authorized custodian of an audio or audio-video recording, upon written request from any person, shall make a copy of the recording and permit the person to listen to the copy if it is an audio recording or to listen to and view the copy if it is an audio-video recording at a time and place designated by the court.

Committee note: It is intended that the custodian need make only one copy of the electronic recording and have that copy available for any person who makes a request to listen to or to listen to and view it. If space is limited and there are multiple requests, the custodian may require several persons to listen to or to listen to and view the recording at the same time or accommodate the requests in the order they were received.

## (2) Redacted Portions of Recording

Unless otherwise ordered by the County Administrative Judge, the custodian of the recording shall assure that all portions of the recording that the court directed to be safeguarded pursuant to section (g) of this Rule are redacted from any copy of a recording made available for listening or listening and viewing. Access to the copy may be delayed for a period reasonably necessary to accomplish the redaction.

## (3) Restrictions on Additional Copies

A person listening to or listening to and viewing a copy of an electronic recording may not make a copy of that copy or have in his or her possession any device that, by itself or in combination with any other device, can make a copy. The custodian or other designated court official or employee shall take reasonable steps to enforce this prohibition, and any willful violation of it may be punished as a contempt.

## (i) Right to Copy of Recording

## (1) Who May Obtain Copy

Upon written request and subject to the conditions in this section, the custodian shall make available to the following persons a copy of the audio or audio-video recording, including a recording of proceedings that were closed pursuant to law or from which safeguarded portions have not been redacted:

- (A) The Chief Judge of the Court of Appeals;
- (B) The County Administrative Judge;
- (C) The Circuit Administrative Judge having supervisory authority over the court;
- (D) The presiding judge in the case;
- (E) The Commission on Judicial Disabilities or, at its direction, Investigative Counsel;
- (F) Bar Counsel;
- (G) Unless otherwise ordered by the court, a party to the proceeding or the attorney for a party;
- (H) A stenographer or transcription service designated by the court for the purpose of preparing an official transcript of the proceeding, provided that, (i) if the recording is of a proceeding closed pursuant to law or from which safeguarded portions have not been redacted, the transcript, when filed with the court, shall be placed under seal or otherwise shielded by order of the court, and (ii) no transcript of a proceeding closed pursuant to law or containing unredacted safeguarded portions shall be prepared for or delivered to any person not listed in subsection (i)(1) of this Rule; and
- (I) Any other person authorized by the County Administrative Judge.

## (2) Restrictions on Use

Unless authorized by an order of court, a person who receives a copy of an electronic recording under this section shall not:

- (A) make or cause to be made any additional copy of the recording; or
- (B) except for a non-sequestered witness or an agent, employee, or consultant of the party or attorney, give or electronically transmit the recording to any person not entitled to it under subsection (i)(1) of this Rule.

## (3) Violation of Restriction on Use

A willful violation of subsection (i)(2) of this Rule may be punished as a contempt.

Cross reference: See Rule 16-504 (a) concerning regulations and standards applicable to court reporting in all courts of the State.

Source: This Rule is derived from former Rules 16-404, 16-405, and 16-406 (2013).



REPORTER'S NOTE

Rule 16-503 is derived from former Rules 16-404, 16-405, and 16-406. Subsection (a)(1) is derived from former Rule 16-406 a. Subsection (a)(2) is derived from former Rule 16-406 b.

Section (b) is new and was added to clarify that recordings shall be maintained by the court in accordance with standards specified in an administrative order of the Chief Judge of the Court of Appeals.

Section (c) is derived from former Rule 16-404 b.

Section (d) is derived from former Rule 16-405 e.

Section (e) is derived from former Rule 16-405 b.

Section (f) is derived from former Rule 16-405 c.

Section (g) is derived from former Rule 16-405 d. The second sentence is new and was added to provide a means for locating the safeguarded portions of the recording. As with 16-501, the Committee presents two alternatives. Alternative A permits someone to have a copy of the recording. Alternative B permits only listening to or viewing a copy.

Alternative A

Subsection (h)(1) is derived from former Rule 16-406 c.

Subsection (h)(2) is new and was added to reinforce the policy that a copy of the recording not contain material required to be redacted.

Subsection (h)(3) is derived from former Rule 16-406 d. The Committee proposes the addition of some people to the list of those who have a right to a copy of the recording, including the Chief Judge of the Court of Appeals, the County Administrative Judge, the Circuit Administrative Judge having supervisory authority over the court, the presiding judge, and Bar Counsel. As with Rule 16-501, the Committee proposed the addition of some conditions for a stenographer or transcription service designated by the court to prepare an official transcript if the recording is of a proceeding closed pursuant to law or from which safeguarded portions have not been redacted, including that the transcript be sealed or shielded and that the transcript may not be prepared for or delivered to any person not entitled to a copy of the recording.

Alternative B

Subsection (h)(1) is derived from former Rule 16-406 c, except that the right to obtain a copy of a recording has been changed to the right to listen or view a copy. A Committee note has been added to provide a procedure for the custodian to make copies of recordings available to the public.

Subsection (h)(2) is new and was added to reinforce the policy that a copy of the recording not contain material required to be redacted.

Subsection (h)(3) is new and provides that someone listening to or viewing a recording may not have a device with him or her that is capable of copying the recording.

Subsection (i)(1) is derived from former Rule 16-406 d. The Committee proposes the addition of some people to the list of those who have a right to a copy of the recording, including the Chief Judge of the Court of Appeals, the County Administrative Judge, the Circuit Administrative Judge having supervisory authority over the court, the presiding judge in the case, and Bar Counsel. The Committee proposes the addition of some conditions for a stenographer or transcription service designated by the court to prepare an official transcript if the recording is of a proceeding closed pursuant to law or from which safeguarded portions have not been redacted, including that the transcript may not be prepared for or delivered to any person not entitled to a copy of the recording.

Subsection (i)(2) is new and was added to provide limitations on the use of a recording when someone views or listens to it.

Subsection (i)(3) is new and provides a penalty for misuse of a recording.

By a divided vote, the Committee preferred Alternative A, but decided to transmit both alternatives for consideration by the Court.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 – COURT ADMINISTRATION  
CHAPTER 500 – RECORDING OF PROCEEDINGS**

**Rule 16-504. ADMINISTRATION OF CIRCUIT COURT RECORDING PROCESS**

(a) Regulations and Standards

The Chief Judge of the Court of Appeals, by administrative order, shall prescribe regulations and standards regarding the court recording process and the person responsible for recording proceedings in the courts of the State. The regulations and standards may include:

- (1) the selection, qualifications, and responsibilities of persons recording court proceedings;
- (2) preparation, typing, and format of transcripts;
- (3) charges for transcripts and copies;
- (4) preservation and maintenance of reporting notes and records, however recorded;
- (5) equipment and supplies utilized in reporting; and
- (6) procedures for filing and maintaining administrative records and reports.

Cross reference: Rules 16-501, 16-502, and 16-503.

(b) Number of Court Reporters or Persons Responsible for Recording Court Proceedings – Supervision

Each circuit court shall have the number of court reporters and persons responsible for recording court proceedings determined by the County Administrative Judge. In a county with more than one court reporter, the County Administrative Judge shall designate one as supervisory court reporter, who shall serve at the pleasure of the County Administrative Judge. The Chief Judge of the Court of Appeals shall prescribe the duties of the supervisory court reporter.

(c) Supervision of Court Reporters

Subject to the general supervision of the Chief Judge of the Court of Appeals, the County Administrative Judge shall have the supervisory responsibility for the court reporters or the persons responsible for recording court proceedings in that county. The County Administrative Judge may delegate supervisory responsibility to the supervisory court reporter or a person responsible for recording court proceedings, including the assignment of court reporters or other persons responsible for recording court proceedings.

Cross reference: Rule 16-906 (h) provides that backup audio recordings made by any means, computer disks, and notes of a court reporter that have not been filed with the clerk or are not part of the official court record are not ordinarily subject to public inspection.

Source: This Rule is derived from former Rule 16-404 (2013).

REPORTER'S NOTE

Rule 16-504 is derived from former Rule 16-404. Section (a) is derived from former Rule 16-404 b. Section (b) is derived from former Rule 16-404 c. Section (c) is derived from former Rule 16-404 d. The Committee has added a cross reference to Rule 16-906 (h).

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 600 - EXTENDED COVERAGE OF COURT  
PROCEEDINGS**

**TABLE OF CONTENTS**

Rule 16-601. DEFINITIONS

- (a) Extended Coverage
- (b) Local Administrative Judge
- (c) Party
- (d) Proceeding
- (e) Presiding Judge

Rule 16-602. SCOPE

Rule 16-603. EXTENDED COVERAGE PERMISSIBLE

Rule 16-604. REQUEST TO ALLOW EXTENDED COVERAGE

- (a) When and Where Filed
- (b) Content
- (c) Notice
- (d) When Proceeding Postponed or Continued

Rule 16-605. ACTION ON REQUEST

- (a) When Permission Prohibited
- (b) Grant or Denial of Request

Rule 16-606. GENERAL LIMITATIONS ON EXTENDED COVERAGE

- (a) Where Possession of Equipment Prohibited or Limited
- (b) Where Extended Coverage Prohibited

Rule 16-607. OPERATIONAL REQUIREMENTS

- (a) In General
- (b) Television or Movie Cameras
- (c) Still Cameras
- (d) Audio Equipment
- (e) Pooling Arrangements

Rule 16-608. LIMITATION OR TERMINATION OF APPROVAL

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 600 - EXTENDED COVERAGE OF COURT  
PROCEEDINGS**

Rule 16-601. DEFINITIONS

In this Chapter, the following definitions apply except as expressly otherwise provided or as necessary implication requires:

- (a) Extended Coverage  
“Extended coverage” means the recording or broadcasting of court proceedings by the use of recording, photographic, television, radio, or other broadcasting equipment operated by:

- (1) the news media; or
- (2) a person engaged in the preparation of an educational film or recording relating to the Maryland legal or judicial system and intended for instructional use in an educational program offered by a public or accredited educational institution.

- (b) Local Administrative Judge  
“Local Administrative Judge” means the County Administrative Judge of a circuit court and the District Administrative Judge of the District Court.

- (c) Party  
“Party” means a named litigant of record who has appeared in the proceeding.

- (d) Proceeding  
“Proceeding” means any trial, hearing, oral argument on appeal, or other matter held in open court which the public is entitled to attend.

- (e) Presiding Judge  
(1) “Presiding judge” means a judge designated to preside over a proceeding which is, or is intended to be, the subject of extended coverage.

(2) Where action by a presiding judge is required by this Rule and no judge has been designated to preside over the proceeding, “presiding judge” means the Local Administrative Judge.

(3) In an appellate court, “presiding judge” means the Chief Judge of that court or the senior judge of a panel of which the Chief Judge is not a member.

Source: This Rule is derived from former Rule 16-109 (a) (2013).

REPORTER’S NOTE

Rule 16-601 is derived from former Rule 16-109. Section (a) is derived from former Rule 16-109 a. 1.

Section (b) is substantially the same as former Rule 16-109 a. 2.

Section (c) is the same as former Rule 16-109 a. 3.

Section (d) is substantially the same as former Rule 16-109 a. 4.

Section (e) is derived from former Rule 16-109 a. 5.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 600 - EXTENDED COVERAGE OF COURT  
PROCEEDINGS**

Rule 16-602. SCOPE

The Rules in this Chapter do not apply to:

- (a) the recording or broadcasting of court proceedings by the court or by court personnel acting within the scope of their official duties;
- (b) the electronic recording of court proceedings by an official court reporter as a backup for the stenographic recording of the proceeding;
- (c) investiture or ceremonial proceedings, provided that the presiding judge may regulate the presence and use of cameras and recording and broadcasting equipment at the proceeding; or
- (d) the use of electronic, photographic, or recording equipment approved by the court to take the testimony of a child victim under Code, Criminal Procedure Article, §11-303.

Source: This Rule is derived from former Rule 16-109 b. 7 (2013).

REPORTER’S NOTE

Rule 16-602 is derived from former Rule 16-109 b. 7. The meaning of the exception in the former Rule for equipment used for “perpetuation of a court record” is not clear. The Rule was intended to cover the use of audio or video equipment to record court proceedings in lieu of the stenographic recording by court reporters, but this is not really perpetuation of the evidence. Section (a) is intended to include this, as well as the webcasting of court proceedings by the court itself, which the Court of Appeals does with its own equipment. Section (b) is new and covers the situation in which an official court reporter uses an electronic recording as a backup to the reporter’s stenographic notes.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 600 - EXTENDED COVERAGE OF COURT  
PROCEEDINGS**

Rule 16-603. EXTENDED COVERAGE PERMISSIBLE

Except as otherwise prohibited by law and subject to the exceptions, limitations, and conditions set forth in the Rules in this Chapter, extended coverage of proceedings in the trial and appellate

courts of Maryland is permitted. Nothing in this Chapter is intended to restrict the general right of the news media to observe and report judicial proceedings.

Committee note: Code, Criminal Procedure Article, §1-201 prohibits extended coverage of criminal proceedings in a trial court or before a grand jury.

Source: This Rule is derived from former Rule 16-109 b (2013).

#### REPORTER'S NOTE

Rule 16-603 is derived from former Rule 16-109 b. 1. and 4.

### **MARYLAND RULES OF PROCEDURE TITLE 16 - COURT ADMINISTRATION CHAPTER 600 - EXTENDED COVERAGE OF COURT PROCEEDINGS**

#### Rule 16-604. REQUEST TO ALLOW EXTENDED COVERAGE

##### (a) When and Where Filed

A request to allow extended coverage of a proceeding shall be made in writing to the clerk of the court in which the proceeding is to be held at least five days before the proceeding is scheduled to begin. For good cause shown, the court may honor a request that does not comply with the requirements of this section.

##### (b) Content

(1) A request shall identify with particularity:

(A) the person or entity making the request;

(B) the proceeding for which extended coverage is sought, including the case name and number and the date when the proceeding is scheduled; and

(C) the intended instructional use of the film or recording if the request is for the purpose of preparing an educational film or recording.

(2) A request shall also identify the equipment to be used and contain a sufficient assurance that the equipment will satisfy the sound and light requirements of Rule 16-607.

##### (c) Notice

The clerk shall promptly give notice of a request to:

(1) the Local Administrative Judge;

(2) the judge designated to preside at the proceeding, if a judge has been designated; and

(3) all parties to the proceeding.

Cross reference: For the computation of time before a day, act, or event, see Rule 1-203 (b).

##### (d) When Proceeding Postponed or Continued

If the proceeding is postponed or continued, other than for normal recesses, weekends, or holidays, a separate request is required for later extended coverage.

Cross reference: For definition of "holiday," see Rule 1-202.

Source: This Rule is derived from former Rule 16-109 c (2013).

#### REPORTER'S NOTE

Rule 16-604 is derived from former Rule 16-109 c.

Section (a) is derived from former Rule 16-109 c. 1.

Section (b) is new. The Committee felt that it would be helpful to set out the content of a request to allow extended coverage.

Section (c) is derived from former Rule 16-109 c. 1. The Committee added the Local Administrative Judge and the judge designated to preside at the proceeding, if one had been designated as persons who are to receive notice of the request for extended coverage.

Section (d) is derived from former Rule 16-109 c. 2.

### **MARYLAND RULES OF PROCEDURE TITLE 16 - COURT ADMINISTRATION CHAPTER 600 - EXTENDED COVERAGE OF COURT PROCEEDINGS**

#### Rule 16-605. ACTION ON REQUEST

##### (a) When Permission Prohibited

(1) Extended coverage may not be permitted of any proceeding:

(A) for which extended coverage is prohibited by Code, Criminal Procedure Article, §1-201;

(B) which by law is closed to the public; or

(C) which by law may be closed to the public and has been closed by the presiding judge.

(2) Extended coverage may not be permitted in a proceeding in a trial court unless all parties to the proceeding have filed a written consent or consent on the record in open court, except that consent is not required from a party which is:

(A) a Federal, State, or local government;

(B) a unit of a Federal, State, or local government; or

(C) an official of a Federal, State, or local government sued or suing in an official governmental capacity.

(3) Consent once given under subsection (a)(2) of this Rule may not be withdrawn, but any party may, at any time, move to terminate or limit extended coverage.

(4) Consent of the parties is not required for extended coverage of a proceeding in the Court of Appeals or Court of Special Appeals, but any party may, at any time, move to terminate or limit extended coverage.

##### (b) Grant or Denial of Request

(1) Before commencement of the proceeding, the presiding judge shall deny a request for extended coverage or grant it, with such conditions or limitations as the judge finds appropriate.

(2) If the request is granted, the presiding judge shall promptly notify the Local Administrative Judge, who shall make arrangements to accommodate entry into and presence in the court facility of the necessary equipment and the persons designated to operate the equipment.

Source: This Rule is derived from former Rule 16-109 d., e., and f (2013).

#### REPORTER'S NOTE

Rule 16-605 is derived from former Rule 16-109 d., e., and f. Subsection (a)(1) is derived from former Rule 16-109 f. 2. The Committee added a reference to Code, Criminal Procedure Article, §1-201.

Subsection (a)(2) is derived from former Rule 16-109 e. 1.

Subsection (a)(3) is substantially the same as former Rule 16-109 e. 2.

Subsection (a)(4) is substantially the same as former Rule 16-109 e. 3.

Subsection (b)(1) is derived from former Rule 16-109 d.

Subsection (b)(2) is derived from former Rule 16-109 d.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 600 - EXTENDED COVERAGE OF COURT  
PROCEEDINGS**

**Rule 16-606. GENERAL LIMITATIONS ON EXTENDED COVERAGE**

(a) Where Possession of Equipment Prohibited or Limited

Possession of an “electronic device,” including equipment used for extended coverage, in a “court facility” as those terms are defined in Rule 16-208 is governed by that Rule.

(b) Where Extended Coverage Prohibited

(1) Extended coverage in a court facility, as defined in Rule 16-208 is limited to proceedings in the courtroom in the presence of the presiding judge.

(2) Outside a courtroom but within a court facility, as defined in Rule 16-208, extended coverage is prohibited:

(A) of persons present for a judicial or grand jury proceeding; and

(B) where extended coverage is so close to a judicial or grand jury proceeding as likely to identify persons present for the proceeding or interfere with the proceeding or its dignity or decorum.

Source: This is Rule is derived from former Rule 16-109 (2013).

REPORTER’S NOTE

Rule 16-606 is derived from former Rule 16-109.

Section (a) is derived from former Rule 16-109 b. 3. This section clarifies that electronic devices capable of photographing, recording, or transmitting sound or visual images may not be brought into the jury assembly or deliberation room. This takes into account the myriad of such devices that are available to the public.

Subsection (b)(1) is substantially the same as former Rule 16-109 f. 3.

Subsection (b)(2) is substantially the same as former Rule 16-109 b. 2.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 600 - EXTENDED COVERAGE OF COURT  
PROCEEDINGS**

**Rule 16-607. OPERATIONAL REQUIREMENTS**

(a) In General

(1) Extended coverage shall be conducted so as not to interfere with the right of any person to a fair and impartial trial or with the dignity and decorum of the proceeding.

(2) No proceeding shall be delayed or continued in order to allow for extended coverage, nor shall extended coverage influence any ruling on a motion for continuance.

(3) There shall be no audio coverage of private conferences, bench conferences, or conferences at counsel tables.

(4) Only equipment that does not produce light or distracting sound may be employed.

(5) No artificial lighting device may be employed. With the approval of the presiding judge, modifications may be made to light sources existing in the courtroom, provided:

(A) they are made before commencement of the proceeding or during a recess;

(B) they are installed and maintained without public expense; and

(C) unless the court orders otherwise, upon completion of the extended coverage the person conducting the extended coverage, at that person’s expense, restores the light sources to their prior condition.

(6) Equipment may not be placed in or removed from a courtroom except before commencement or following adjournment of the proceeding each day or during a recess in the proceeding. Film magazines and still camera film and lenses may be changed in a courtroom only during a recess in the proceeding.

(7) Broadcast media representatives may not move about the courtroom while proceedings are in session, and microphones and recording equipment, once positioned, may not be moved during the pendency of the proceeding.

Committee note: Nothing in this Rule prohibits the granting of a reasonable request to use court-controlled electronic or photographic equipment or materials.

(b) Television or Movie Cameras

(1) Only one television camera shall be permitted in a trial court proceeding. Not more than two stationary television cameras shall be permitted in an appellate court proceeding.

(2) Television or movie camera equipment shall be positioned outside the rail of the courtroom or, if there is no rail, in the area reserved for spectators, at a location approved in advance by the presiding judge.

(3) Whenever possible, recording and broadcasting equipment that is not a component of a television camera shall be located outside the courtroom in an area approved in advance by the presiding judge.

(c) Still Cameras

(1) Only one still photographer, using not more than two still cameras with not more than two lenses for each camera, and related equipment approved in advance by the presiding judge shall be permitted in any proceeding.

(2) A still camera photographer shall remain outside the rail of the courtroom or, if there is no rail, in the area reserved for spectators, at a location approved in advance by the presiding judge. The photographer may not photograph from any other place and may not engage in any movement or assume any body position that would be likely to attract attention or be disturbing. Unless positioned in or beyond the last row of spectators’ seats or in an aisle to the outside of the spectators’ seating area, the photographer shall remain seated while photographing.

(d) Audio Equipment

(1) Only one audio system for broadcast purposes shall be permitted in a proceeding.

(2) Audio feed shall be accomplished from existing audio systems, except that, if no technically suitable audio system exists, unobtrusive microphones and related wiring may be located in places designated in advance by the presiding judge.

(3) Microphones located at the judge’s bench and at counsel tables shall be equipped with mute switches.

(4) A directional microphone may be mounted on a television or film camera, but no parabolic, lavalier, or similar microphones may be used.

(e) Pooling Arrangements

Any pooling arrangement required by the limitations in this Rule on equipment and personnel is the sole responsibility of the persons interested in the extended coverage, without calling upon the presiding judge to mediate or resolve a dispute as to the appropriate representative or equipment authorized to provide extended coverage of a proceeding. If any such dispute is not resolved in advance, the presiding judge shall deny or terminate extended coverage.

Source: This Rule is derived from former Rule 16-109 (2013).

REPORTER’S NOTE

Rule 16-607 is derived from former Rule 16-109.

Subsection (a)(1) is the same as former Rule 16-109 b. 5.

Subsection (a)(2) is substantially the same as former Rule 16-109 b. 6.

Subsection (a)(3) is the same as former Rule 16-109 f. 4.

Subsection (a)(4) is derived from former Rule 16-109 g. 9.

Subsection (a)(5) is derived from former Rule 16-109 g. 8., g. 10., and g. 12. The Committee added a condition for modifying light sources – that the person conducting the extended coverage must, at his or her own expense, restore the light sources to their prior condition.

Subsection (a)(6) is substantially the same as former Rule 16-109 g. 11.

Subsection (a)(7) is the same as former Rule 16-109 g. 3.

Subsection (b)(1) is substantially the same as former Rule 16-109 g. 4.

Subsection (b)(2) is substantially the same as former Rule 16-109 g. 1.

Subsection (b)(3) is substantially the same as former Rule 16-109 g. 1.

Subsection (c)(1) is substantially the same as former Rule 16-109 g. 5.

Subsection (c)(2) is substantially the same as former Rule 16-109 g. 2.

Subsection (d)(1) is substantially the same as former Rule 16-109 g. 6.

Subsection (d)(2) is substantially the same as former Rule 16-109 g. 6.

Subsection (d)(3) is substantially the same as former Rule 16-109 g. 6.

Subsection (d)(4) is substantially the same as former Rule 16-109 g. 6.

Section (e) is derived from former Rule 16-109 g. 7.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 600 - EXTENDED COVERAGE OF COURT  
PROCEEDINGS**

**Rule 16-608. LIMITATION OR TERMINATION OF APPROVAL**

Upon a finding of good cause, the presiding judge, on the judge's own initiative or on the request of a party, witness, or juror, may limit or terminate extended coverage of all or any portion of a proceeding. When considering the request of a party, good cause shall be presumed in cases involving domestic violence, custody of or visitation with a child, divorce, annulment, minors, relocated witnesses, and trade secrets.

Committee note: Examples of good cause include unfairness, danger to a person, undue embarrassment, or hindrance of proper law enforcement.

Source: This Rule is derived from former Rule 16-109 f. 1 (2013).

**REPORTER'S NOTE**

Rule 16-608 is derived from former Rule 16-109 f. 1.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 700 - MISCELLANEOUS JUDICIAL UNITS**

**TABLE OF CONTENTS**

**Rule 16-701. RULES COMMITTEE**

- (a) Existence
- (b) Membership
- (c) Terms
- (d) Chair and Vice Chair
- (e) Reporter and Other Staff
- (f) Open Meetings
- (g) Duties of Committee

**Rule 16-702. CONFERENCE OF CIRCUIT JUDGES**

- (a) Existence; Membership; Terms
- (b) Chair and Vice Chair
- (c) Meetings; Quorum
- (d) Powers and Duties
  - (1) Administration Policies

(2) Consultants

(3) Consultation with Chief Judge of the Court of Appeals

(4) Business and Technology Case Management Committee

(5) Majority Vote

(e) Executive Committee

(1) Existence; Membership

(2) Authority

(3) Quorum

(4) Convening the Executive Committee

(f) Conference Staff

**Rule 16-703. CONFERENCE OF CIRCUIT COURT  
ADMINISTRATORS**

(a) Existence; Purpose

(b) Membership

(c) Chair; Vice Chair; Secretariat

(d) Meetings; Quorum

(e) Duties

**Rule 16-704. CONFERENCE OF CIRCUIT COURT CLERKS**

(a) Existence; Purpose

(b) Membership

(1) Generally

(2) Conditions

(c) Chair; Vice Chair; Secretariat

(d) Meetings; Quorum

(e) Duties

**Rule 16-705. CONFERENCE OF ORPHANS' COURT JUDGES**

(a) Existence; Purpose

(b) Membership; Terms

(c) Chair and Vice Chair; Secretariat

(d) Meetings; Quorum

(e) Duties

**Rule 16-706. MARYLAND PROFESSIONALISM CENTER**

(a) Existence

(b) General Purposes and Mission

(c) Duties

(d) Board of Directors

(1) Membership

(2) Appointment

(3) Terms

(4) Secretary

(5) Compensation

(6) Vice Chair; Committees

(7) Meetings

(8) Quorum

(9) Duties

(e) Personnel

(1) Appointment

(2) Executive Director

(3) Advisors

(f) Funding

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 700 - MISCELLANEOUS JUDICIAL UNITS**

**Rule 16-701. RULES COMMITTEE**

(a) Existence

There is a Standing Committee on Rules of Practice and Procedure to assist the Court of Appeals in the exercise of its Constitutional and statutory rulemaking authority.

Cross reference: Code, Courts Article, §13-301.

(b) Membership

The Committee shall consist of one incumbent judge of the Court of Special Appeals, three incumbent circuit court judges, three

incumbent judges of the District Court, one member of the State Senate, one member of the House of Delegates, one clerk of a circuit court, and such other persons determined by the Court of Appeals. All members shall be appointed by the Court of Appeals.

(c) Terms

(1) A member appointed from the State Senate or the House of Delegates has no term and serves at the pleasure of the Court of Appeals.

(2) The term of the circuit court clerk is two years or during the incumbency of the person as a circuit court clerk, whichever is shorter. The clerk member may be reappointed but may not serve more than three consecutive full terms.

(3) The term of an incumbent judge is three years or during the incumbency of the person as a judge of the court upon which the person was serving at the time of appointment, whichever is shorter.

(4) The term of each of the other members is three years.

(5) The three-year terms, including those of the incumbent judges, shall be staggered so that, insofar as practicable, the terms of one-third of those members will expire each year. A member who is appointed to a three-year term may be reappointed but may not serve more than two consecutive full terms, except that if the member is appointed to fill the unexpired term of a former member, the period of consecutive service also may include the remainder of the term of the former member.

(6) The full terms of all members having terms shall commence on July 1.

(d) Chair and Vice Chair

The Court of Appeals shall designate one member of the Committee as Chair of the Committee and may designate one member as Vice Chair. The Chair shall preside at meetings of the Committee and, with the assistance of the Reporter, generally supervise the work of the Committee. The Vice Chair shall perform the duties of the Chair in the absence of the Chair.

(e) Reporter and Other Staff

The Court shall appoint a Reporter to the Committee and such assistant or special reporters as may be required to assist the Committee in discharging its responsibilities. The Reporter and any assistant or special reporter shall be a member in good standing of the Maryland Bar. The Court shall appoint such additional staff as it deems necessary.

(f) Open Meetings

The Reporter shall cause to be posted on the Judiciary's website notice of all meetings of the Rules Committee, and subject to reasonable space limitations, all such meetings shall be open to the public. Minutes shall be kept of all meetings of the Committee, and those minutes shall be available to the public.

(g) Duties of Committee

The Rules Committee shall keep abreast of emerging trends and new developments in the law that may affect practice and procedure in the Maryland courts. It shall review relevant new legislation, Executive initiatives, judicial decisions, and proposals from persons and groups interested in the Maryland judicial system to determine whether any new Rules of Procedure or changes to existing Rules may be advisable. Unless the Court of Appeals determines otherwise, every suggestion made to it for the adoption, amendment, or rescission of a Maryland Rule shall be referred to the Rules Committee for consideration.

Committee note: There are a number of committees, commissions, and conferences that are part of the Judicial branch. Some were created by statute, some by Rule, and some by Administrative Order of the Court of Appeals or the Chief Judge. Those that were created by statute or Rule and have a direct administrative relationship with an area of activity covered by Rule are included in the Rules governing that activity. Thus, for example, the Judicial Conference and the Judicial Council are included in Title 16, Chapter 100,

dealing with general court administration, the Judicial Ethics Committee is included in Title 18, dealing with judges and judicial officers, and the Board of Law Examiners and the Attorney Grievance Commission are included in Title 19, dealing with attorneys. Other units, either created by Rule or initially created by Administrative Order, that have a somewhat permanent status and significant ongoing responsibilities are included in this Chapter 700 of Title 16. Those that were created by Administrative Order to study and make recommendations with respect to one or more particular subjects but are not likely to have a permanent existence are not included in the Rules.

Source: This Rule is new but is derived from former Rule 16-801 (2013). The provisions in former Rule 16-801 that deal with the procedure for promulgating Rules rather than the structure and specific duties of the Rules Committee are placed in Rule 16-801.

REPORTER'S NOTE

Rule 16-701 is based on former Rule 16-801, which addressed the composition of the Rules Committee, changes to the Rules, and maintenance of a record of the Rules. In the interest of transparency, the Committee has extended the scope of the Rule to address the duties of the Chair, Vice Chair, and the staff of the Committee, and to also address meetings and duties of the Committee, none of which had been set out in a Rule previously.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 700 - MISCELLANEOUS JUDICIAL UNITS**

Rule 16-702. CONFERENCE OF CIRCUIT JUDGES

(a) Existence; Membership; Terms

There is a Conference of Circuit Judges. The Conference consists of the Circuit Administrative Judge of each judicial circuit and one additional circuit court judge from each judicial circuit elected by the incumbent circuit court judges in that circuit. The elected members shall serve for a term of two years. If a vacancy occurs because an elected member resigns from the Conference, leaves judicial office, or is appointed to another judicial office, the incumbent circuit court judges in that judge's judicial circuit shall elect a replacement member to serve for the balance of the unexpired term.

(b) Chair and Vice Chair

The Conference shall elect from its members a Chair and a Vice Chair. The election shall be held every two years, but an interim election shall be held if necessary because an incumbent chair or vice chair ceases to be a member of the Conference.

(c) Meetings; Quorum

The Conference shall meet at least four times a year. A majority of the authorized members of the Conference shall constitute a quorum.

(d) Powers and Duties

(1) Administration Policies

The Conference shall work collaboratively and in consultation with the Chief Judge of the Court of Appeals in developing policies affecting the administration of the circuit courts, including but not limited to:

(A) programs and practices that will enhance the administration of justice in the circuit courts;

(B) the level of operational and judicial resources for the circuit courts to be included in the Judiciary budget;

(C) recommending, opposing, or commenting on legislation or Rules that may affect the circuit courts; and

(D) the compensation and benefits for circuit court judges.

## (2) Consultants

With the approval of the Chief Judge of the Court of Appeals, the Conference may retain consultants in matters relating to the circuit courts.

## (3) Consultation with Chief Judge of the Court of Appeals

The Conference shall consult with the Chief Judge of the Court of Appeals:

(A) on the appointment of circuit court judges to committees of the Judicial Conference in accordance with Rule 16-109; and

(B) to recommend circuit court judges for membership on other committees and bodies of interest to the circuit courts.

## (4) Business and Technology Case Management Committee

The Conference shall appoint a committee of not less than three program judges to perform the duties required by Rule 16-308 (d) and generally to advise the Conference regarding the Business and Technology Case Management Program.

Cross reference: For the definition of "program judge," see Rule 16-308 (a)(3).

## (5) Majority Vote

The Conference and the Executive Committee of the Conference each shall exercise its powers and carry out its duties pursuant to a majority vote of its authorized membership.

## (e) Executive Committee

## (1) Existence; Membership

There is an Executive Committee of the Conference. It consists of the Conference Chair and Vice Chair and the other members designated by the Conference.

## (2) Authority

The Executive Committee is authorized to act with the full authority of the Conference when the Conference is not in session. The actions of the Executive Committee shall be reported fully to the Conference at its next meeting.

## (3) Quorum

A majority of the authorized membership of the Executive Committee shall constitute a quorum.

## (4) Convening the Executive Committee

The Executive Committee shall convene at the call of the Conference Chair. In the absence of the Chair, the Vice Chair may convene the Executive Committee.

## (f) Conference Staff

The Administrative Office of the Courts shall serve as staff to the Conference and its Executive Committee.

Source: This Rule is derived from former Rule 16-108 (2013).

REPORTER'S NOTE

Rule 16-702 is based on former Rule 16-108. The Committee has added language that explains how a vacancy on the Conference is filled and provides for an interim election if the Chair or Vice Chair ceases to be a member of the Conference.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 700 - MISCELLANEOUS JUDICIAL UNITS**

**Rule 16-703. CONFERENCE OF CIRCUIT COURT  
ADMINISTRATORS**

## (a) Existence; Purpose

There is a Conference of Circuit Court Administrators. The purposes of the Conference are:

(1) to provide a forum for policy discussion, information exchange, and professional development; and

(2) to assist and act as a liaison to the Chief Judge of the Court of Appeals, the Maryland Judicial Council, the Conference of Circuit

Judges, the Circuit and County Administrative Judges, the Administrative Office of the Courts, the Standing Committee on Rules of Practice and Procedure, and the Conference of Circuit Court Clerks.

## (b) Membership

The Conference shall consist of each individual appointed to serve as the court administrator of a circuit court or of a judicial circuit and a representative of the Administrative Office of the Courts designated by the Chief Judge of the Court of Appeals.

## (c) Chair; Vice Chair; Secretariat

The Conference shall elect from its members a Chair and a Vice Chair. The election shall be held every two years, but an interim election shall be held if an incumbent chair or vice chair ceases to be a member of the Conference. The Administrative Office of the Courts shall serve as secretariat to the Conference.

## (d) Meetings; Quorum

The Conference shall meet at least four times a year. At least one of the meetings shall be in Annapolis. A majority of the authorized members of the Conference shall constitute a quorum.

## (e) Duties

The Conference shall:

(1) exchange ideas and views on matters relating to the operation, management, and leadership of the circuit courts, including budget and grant administration, case management, library and information services, jury system operations, human resources, facilities management, automation and technology, alternative dispute resolution, and other programs related to the delivery of services, with particular attention to family law matters;

(2) make recommendations to the Chief Judge of the Court of Appeals, the Maryland Judicial Council, the Conference of Circuit Judges, the Administrative Office of the Courts, and the Standing Committee on Rules of Practice and Procedure as to policies intended for the improvement of the overall administration of the circuit courts;

(3) assist the Chief Judge of the Court of Appeals, the County Administrative Judges, and the Administrative Office of the Courts with respect to the preparation of the annual Judicial budget submitted to the Governor and the General Assembly, particularly as it pertains to grants, fiscal impact studies, and other management information reports related to program performance in the circuit courts;

(4) provide advice on other matters as the Chief Judge of the Court of Appeals, the Maryland Judicial Council, the Conference of Circuit Judges, the Administrative Office of the Courts, the Standing Committee on Rules of Practice and Procedure, and the Conference of Circuit Court Clerks may request; and

(5) provide a forum for professional development and mentoring for court administrators.

Source: This Rule is new. It is derived from an Administrative Order of the Chief Judge of the Court of Appeals dated December 15, 2000.

REPORTER'S NOTE

Several of the conferences and commissions that are part of the Judiciary were created by Administrative Order of the Chief Judge of the Court of Appeals. Those that have a somewhat permanent status and significant ongoing responsibilities are being added to Chapter 700 of Title 16.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 700 - MISCELLANEOUS JUDICIAL UNITS**

Rule 16-704. CONFERENCE OF CIRCUIT COURT CLERKS

(a) Existence; Purpose

There is a Conference of Circuit Court Clerks. The purpose of the Conference is to act as a liaison to the Court of Appeals, the Chief Judge of the Court of Appeals, the clerks of the circuit courts, the Administrative Office of the Courts, and the Standing Committee on Rules of Practice and Procedure.

(b) Membership

(1) Generally

Subject to subsection (b)(2) of this Rule, the Conference shall consist of:

(A) eight individuals chosen by the clerks and chief deputy clerks of the circuit courts;

(B) three individuals appointed by the Chair of the conference; and

(C) one employee of the Administrative Office of the Courts designated by the Chief Judge of the Court of Appeals.

(2) Conditions

(A) Except for the designee of the Chief Judge of the Court of Appeals, each member shall be either a clerk or a chief deputy clerk of a circuit court.

(B) At least three members must be a chief deputy clerk.

(C) Each judicial circuit shall be represented by at least one member.

(c) Chair; Vice Chair; Secretariat

The Conference shall elect from its members a Chair and a Vice Chair. The election shall be held every two years, but an interim election shall be held if necessary because an incumbent Chair or Vice Chair ceases to be a member of the Conference. In the absence of the Chair, the Vice Chair shall act as Chair. The Administrative Office of the Courts shall serve as secretariat to the Conference.

(d) Meetings; Quorum

The Conference shall meet at least four times a year at the times the Conference determines. At least one of the meetings shall be in Annapolis. A majority of the authorized members of the Conference shall constitute a quorum.

(e) Duties

The Conference shall:

(1) exchange ideas and views on matters relating to the operations of the offices of circuit court clerks;

(2) promote and improve the proficiency of the offices of circuit court clerks through recommendations on matters such as long-range strategic planning, effective management, and training;

(3) make recommendations to the Court of Appeals, the Chief Judge of the Court of Appeals, the Conference of Circuit Judges, the Administrative Office of the Courts, and the Standing Committee on Rules of Practice and Procedure on legislation, Rules, and policies intended for the improvement of operations of the offices of circuit court clerks or other units of the Judiciary that may affect the office of circuit court clerks;

(4) assist the Chief Judge of the Court of Appeals and the Administrative Office of the Courts with respect to the preparation of the annual judicial budget submitted to the Governor and the General Assembly to the extent it relates to the operation of the offices of circuit court clerks;

(5) in accordance with procedures established by the Chief Judge of the Court of Appeals or the Maryland Judicial Conference, make recommendations to the Maryland Judicial Conference with respect to proposed legislation that may affect the operations of the offices of circuit court clerks; and

(6) provide advice on other matters to the Chief Judge of the Court of Appeals, the Maryland Judicial Council, the Conference of Circuit Judges, the Administrative Office of the Courts, or the Standing Committee on Rules of Practice and Procedure.

Source: This Rule is new. It is derived from an Administrative Order of the Chief Judge of the Court of Appeals dated December 15, 1999.

REPORTER'S NOTE

See the Reporter's note to Rule 16-703.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 700 - MISCELLANEOUS JUDICIAL UNITS**

Rule 16-705. CONFERENCE OF ORPHANS' COURT JUDGES

(a) Existence; Purpose

There is a Conference of Orphans' Court Judges. The purpose of the Conference is to act as advisory body to the Chief Judge of the Court of Appeals in all matters relating to the orphans' courts.

(b) Membership; Terms

The Conference shall consist of fourteen orphans' court judges appointed by the Chief Judge of the Court of Appeals for a term of two years, subject to reappointment.

(c) Chair and Vice Chair; Secretariat

The Conference shall elect from its members a Chair and a Vice Chair. In the absence of the Chair, the Vice Chair shall act as Chair. The Administrative Office of the Courts shall serve as secretariat to the Conference.

(d) Meetings; Quorum

The Conference shall meet at least three times a year. A majority of the authorized members of the Conference shall constitute a quorum.

(e) Duties

The Conference shall:

(1) exchange ideas and views on matters relating to the operation, management, and leadership of the orphans' courts; and

(2) advise and make recommendations to the Chief Judge of the Court of Appeals on judicial policy matters directly affecting the orphans' courts with respect to legislation that may affect the operation of the orphans' courts and the administration of justice.

Source: This Rule is new. It is derived from an Administrative Order of the Chief Judge of the Court of Appeals dated November 18, 2003.

REPORTER'S NOTE

See the Reporter's note to Rule 16-703.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 700 - MISCELLANEOUS JUDICIAL UNITS**

Rule 16-706. MARYLAND PROFESSIONALISM CENTER

(a) Existence

There is a Maryland Professionalism Center, which exists as a unit of the Maryland Judiciary.

(b) General Purposes and Mission

The general purposes and mission of the Maryland Professionalism Center are:

(1) to implement the professionalism policies adopted by the Court of Appeals;



(2) to examine ways of promoting professionalism among Maryland judges, judicial appointees and personnel, and attorneys and to encourage them to exercise the highest level of professional integrity in their relationship with each other, the courts, and the public and fulfill their obligations to improve the law and the legal system; and

(3) to help ensure that the practice of law remains a high calling focused on serving clients, promoting the proper administration of justice, and furthering the public good.

(c) Duties

To carry out its purposes, the Maryland Professionalism Center shall:

(1) develop and refine mechanisms to advance professionalism as an important core value of the legal profession and the legal process;

(2) design a professionalism website and gather and maintain on it information that will serve as a resource on professionalism for judges, judicial appointees and personnel, attorneys, and the public;

(3) monitor professionalism efforts and developments in other States;

(4) monitor and attempt to coordinate professionalism efforts by the various segments of the Maryland legal and judicial community -- the Bar, the courts, the law schools, and attorneys and law firms -- with particular emphasis on professionalism training in the law schools;

(5) monitor the efforts of the Maryland State Bar Association and other bar associations in the State in carrying out the mandate of the Court of Appeals with respect to the advancement of professionalism;

(6) publicly acknowledge judges, judicial appointees and personnel, and attorneys for particularly commendable acts of professionalism;

(7) administer the New Bar Admittees' Professionalism Course and mentoring program; and

(8) recognize the efforts of attorneys engaged in the Professionalism Course and Mentoring Program.

(d) Board of Directors

(1) Membership

The Maryland Professionalism Center shall be governed by a Board of Directors, to consist of (A) a judge of the Court of Appeals, who shall serve as Chair; (b) a judge of the Court of Special Appeals; (C) a judge of a circuit court; (D) a judge of the District Court; (E) the Dean of the University of Maryland School of Law, or the Dean's designee; (F) the Dean of the University of Baltimore School of Law, or the Dean's designee; and (G) seven practicing members of the Maryland Bar, one from each judicial circuit, giving due regard to ethnic, gender, and experiential diversity.

(2) Appointment

The members of the Board shall be appointed by the Chief Judge of the Court of Appeals.

(3) Terms

(A) The judge of the Court of Appeals serves at the pleasure of the Chief Judge;

(B) The term of the other judges shall be three years or during the incumbency of the individual as a judge of the court upon which the individual was serving at the time of appointment, whichever is shorter.

(C) The term of the Deans' designees shall be three years or during the incumbency of the individual in the capacity in which the individual serves at the law school, whichever is shorter.

(D) The term of the other members shall be three years.

(E) Of the initial appointees, four shall be appointed for an initial term of three years, four shall be appointed for an initial term of two years, and four shall be appointed for an initial term of one year, in order that the terms shall remain staggered. At the end of a term, a member may continue to serve until a successor is appointed.

(F) With the approval of the Chief Judge, the Chair may remove a member prior to the expiration of the member's term and appoint from the same category of membership a successor for the remainder of the unexpired term.

(G) (i) Subject to subsection (d)(3)(G)(ii) of this Rule, a member may be reappointed.

(ii) The period of consecutive service by a member other than the Chair shall be not more than two consecutive terms, except that if the member was appointed to fill the unexpired term of a former member, the period of consecutive service also may include the remainder of the term of the former member.

(4) Secretary

The Chair shall appoint one of the members of the Board to serve as Secretary, at the pleasure of the Chair. The Secretary shall take minutes of the meetings of the Board and perform other duties related to the work of the Board as may be directed by the Chair.

(5) Compensation

The members of the Board shall serve without compensation but shall be reimbursed for expenses in connection with travel related to the work of the Center in accordance with the approved budget of the Center.

(6) Vice Chair; Committees

The Chair may appoint a Vice Chair and committees of the Board.

(7) Meetings

The Board shall meet at least twice each year, at the call of the Chair.

(8) Quorum

Seven members of the Board shall constitute a quorum for the transaction of business.

(9) Duties

The Chair in collaboration with the Board shall (A) provide managerial oversight of the policies, programs, operations, and personnel of the Maryland Professionalism Center, (B) prepare a proposed annual budget for the Professionalism Center and transmit the proposed budget to the Chief Judge of the Court of Appeals, (C) establish clear standards for the procurement of goods and services needed by the Center and the establishment and maintenance of a bank account for the Center, and (D) retain a certified public accountant to perform an annual audit of the books and records of the Center.

(e) Personnel

(1) Appointment

The Chair of the Board of Directors shall appoint an Executive Director, a bookkeeper, and such other personnel as are authorized by the approved budget of the Center. The Executive Director and the other personnel serve at the pleasure of the Chair.

(2) Executive Director

Subject to oversight by the Chair and the Board, the Executive Director is responsible for the day-to-day administration of the Center, implementation of the Board's policies and directions, and performance of the other duties specified in this Rule.

(3) Advisors

The Chair may invite other persons to provide advice to and participate in the work of the Center. Unless funds are available in the approved budget of the Center for that purpose, service by those persons shall be without compensation.

(f) Funding

The Court of Appeals shall provide funding for the Center:

(1) from the fees paid by new Bar Admittees for the required Professionalism Course;

(2) commencing July 1, 2013, from the assessment collected from each attorney by the Client Protection Fund on behalf of the Disciplinary Fund, an annual amount from the Disciplinary Fund maintained pursuant to Rule 19-705, not to exceed five dollars; and

(3) from such other sources as may be provided for in the judicial budget.

Source: This Rule is derived from former Rule 16-407 (2013).

REPORTER'S NOTE

Rule 16-706 carries forward the provisions of former Rule 16-407, verbatim.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 800 - MISCELLANEOUS COURT  
ADMINISTRATION MATTERS**

**TABLE OF CONTENTS**

**Rule 16-801. PROMULGATION OF RULES**

- (a) Report of Rules Committee
- (b) Publication of Report; Opportunity for Comment
- (c) Written Comments
- (d) Court Proceedings
  - (1) Generally
  - (2) Public Hearing
  - (3) Extended Coverage
- (e) Rules Order
- (f) Effective Date
  - (1) Stated in Rules Order
  - (2) Minimum Delay; Exception
- (g) Publication of Rules Order and Rules Changes
  - (1) Generally
  - (2) Text of Rules Changes
- (h) Record of Rules

**Rule 16-802. CONTINUITY OF OPERATIONS PLAN**

- (a) Duty to Prepare, Monitor, and Test
- (b) Conformance to AOC Guidelines

**Rule 16-803. CONTINUANCES OR POSTPONEMENTS FOR CONFLICTING CASE ASSIGNMENTS OR LEGISLATIVE DUTIES**

- (a) Responsibilities of Attorneys
  - (1) Generally
  - (2) Cases in Which Attorney Already Knows of Conflict When Accepting Employment
  - (3) Cases in Which Conflict Develops After Representation has been Accepted
- (b) Priorities Where Conflicting Assignments Exist
  - (1) Publicly-Employed Attorneys
  - (2) Conflicts in Trial Court Assignments
  - (3) Conflicts Between Appellate and Trial Court Proceedings
  - (4) Conflicts Between Judicial and Administrative Proceedings
- (c) Attorneys Who are Members or Desk Officers of the General Assembly
- (d) Resolution of Conflict by Courts

**Rule 16-804. ANTI-NEPOTISM POLICY**

- (a) Definition of "Relative"
- (b) Policy for Judiciary Employment
- (c) Employment of Relatives
  - (1) Generally
  - (2) Exceptions and Limitations
  - (3) Responsibility of Appointing Authority
  - (4) Approval of Employment of Relative by Court of Appeals
- (d) Disclosure; Penalties
- (e) Department of Public Safety and Correctional Services
- (f) Application of Administrative Order dated May 4, 2006 and Rule

**Rule 16-805. APPOINTMENT OF BAIL BOND COMMISSIONER – LICENSING AND REGULATION OF BAIL BONDSMEN**

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 800 - MISCELLANEOUS COURT  
ADMINISTRATION MATTERS**

**Rule 16-801. PROMULGATION OF RULES**

(a) Report of Rules Committee

All recommendations by the Standing Committee on Rules of Practice and Procedure for new Rules or changes to existing Rules shall be transmitted to the Court of Appeals in a consecutively numbered report setting forth the changes proposed and the reasons for the proposed changes. A proposed new Rule shall show in plain type the text of the proposed Rule. Proposed amendments to existing Rules shall show in plain type the current Rule with proposed deletions indicated by strikeouts and proposed additions indicated by underlined language.

(b) Publication of Report; Opportunity for Comment

The Reporter to the Committee shall cause all reports and supplements to them that transmit proposed additions or changes to the Maryland Rules, together with the text of the changes proposed, to be posted for comment on the Judiciary website and, if so ordered by the Chief Judge of the Court of Appeals, published in the Maryland Register. Unless otherwise directed by the Court of Appeals, the comment period ordinarily shall be 30 days.

(c) Written Comments

Unless otherwise directed or approved by the Court of Appeals, comments to proposed additions or changes shall (1) be in writing, (2) identify the person or group making the comment, and (3) be sent to the Reporter to the Committee within the time specified in the notice posted on the Judiciary website. At the conclusion of the comment period, the Reporter shall collect and promptly transmit the comments to the Court. Comments not sent to the Reporter in accordance with this section ordinarily will not be considered by the Court.

(d) Court Proceedings

(1) Generally

(A) The Court of Appeals shall conduct all proceedings involving the exercise of its authority under Maryland Constitution, Article IV, Section 18 (a) to adopt or modify Rules of Procedure at a meeting open to the public. The meeting may consist of a public hearing pursuant to subsection (d)(2) of this Rule or be limited to specific presentations invited by the Court and discussion and voting by the Court. The meeting may be in the courtroom, in the Court's conference room, or at any other suitable place designated by the Court. Advance notice of the meeting shall be given in the manner designated by the Court.

(B) The Clerk of the Court shall serve as recording secretary at all public hearings and open meetings. The Clerk shall monitor an audio recording of the proceedings which the Clerk shall retain as a permanent record and make available upon request. Recording of the proceedings by other persons in attendance is prohibited.

(C) In order to furnish easy access to Rules proceedings, doors to the court or conference room shall remain open at all times during all public hearings and open meetings.

(2) Public Hearing

(A) Unless, for good cause, the Court of Appeals orders otherwise, the Court, upon the expiration of any comment period, shall hold a public hearing on all proposed additions or changes to the Maryland Rules.

(B) Persons desiring to be heard shall notify the Clerk of the Court at least two days before the hearing of their desire to be heard and of the amount of time requested to address the Court. The Court may prescribe a shorter period for oral presentation and may pose questions to the person addressing the Court.

## (3) Extended Coverage

(A) In this Rule, “extended coverage” has the meaning set forth in Rule 16-601 (a).

(B) Ordinarily, extended coverage will be permitted at a public hearing conducted pursuant to subsection (d)(2) of this Rule, provided that a request for such coverage is made to the Clerk of the Court at least five days before the hearing. For good cause shown, the Court may honor a request that does not comply with the requirements of this subsection.

(C) Absent exceptional circumstances, extended coverage shall not be permitted during open meetings that are not public hearings conducted pursuant to subsection (d)(2) of this Rule. If extended coverage is sought, a written request setting forth the exceptional circumstances warranting extended coverage shall be made to the Clerk at least five days before the meeting coverage. A decision by the Court denying extended coverage is not intended to restrict the right of the media to report the proceedings.

(D) Extended coverage under this Rule is subject to the operational requirements set forth in Rule 16-607.

## (e) Rules Order

New rules and the amendment or rescission of existing Rules adopted by the Court of Appeals shall be by a Rules Order of the Court.

## (f) Effective Date

## (1) Stated in Rules Order

The Rules Order shall state the effective date of the changes and the extent to which those changes will apply to proceedings pending on that date.

## (2) Minimum Delay; Exception

Unless the Court of Appeals determines that, due to exigent circumstances, Rules changes should take effect sooner, Rules changes shall become effective no earlier than the later of:

(A) thirty days after publication of the Rules Order on the Judiciary website or in the Maryland Register pursuant to section (g), or

(B) the first day of January or the first day of July next succeeding publication of the Rules Order in the Maryland Register pursuant to section (g) of this Rule, whichever first occurs.

## (g) Publication of Rules Order and Rules Changes

## (1) Generally

A copy of every Rules Order shall be posted on the Judiciary website and published in the Maryland Register under the heading “Notice of Rules Changes.” The Court may direct that other forms of public notice also be given.

## (2) Text of Rules Changes

(A) The text of each Rule adopted or amended shall be posted on the Judiciary website with the Rules Order.

(B) A Rules Order that adopts or amends a Rule in the form previously published in the Maryland Register as a proposed Rule change shall cite the number and page of the Maryland Register in which the proposed change appears. In that event, the text of the Rule adopted or amended need not be republished in the Maryland Register with the Rules Order.

(C) If, pursuant to section (b) of this Rule, the proposed changes were not published in the Maryland Register, the full text of any new Rules and any amendments to existing Rules, showing deleted language by strikeouts and new language by underlining, shall be published on the Judiciary website with the Rules order and in the Maryland Register in the format prescribed by the Maryland Register.

(D) If a new Rule or an amendment of an existing Rule, as adopted by the Court, differs from the form proposed and previously published in the Maryland Register, the full text of the Rule or amendment as adopted, showing each change made by the Court from the previously published form, shall be published in the Maryland Register with the Rules Order.

## (h) Record of Rules

The Clerk of the Court of Appeals shall maintain a separate record designated as the “Maryland Rules of Procedure,” which shall contain all Rules and amendments adopted by the Court.

Source: This Rule is new. It is derived, in part, from current Rule 16-801 (2013) and Internal Operating Rules of the Court of Appeals 1 through 10.

REPORTER’S NOTE

Rule 16-801 is in part derived from former Rule 16-801, from internal Operating Rules of the Court of Appeals, and it is in part new. The portion of the former Rule pertaining to the structure of the Rules Committee is new in Rule 16-701. The description of the rulemaking process has been updated and set out in greater detail than in the former Rule. It addresses more fully the comment process and publication of rules orders and rules changes. The Rule has new language addressing proceedings in the Court of Appeals and public hearings.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 800 - MISCELLANEOUS COURT  
ADMINISTRATION MATTERS**

## Rule 16-802. CONTINUITY OF OPERATIONS PLAN

## (a) Duty to Prepare, Monitor, and Test

With the assistance of the Office of Emergency Preparedness and Court Security and the Administrative Office of the Courts, the Chief Judge of the Court of Appeals, the Chief Judge of the Court of Special Appeals, the County Administrative Judge of each Circuit Court in consultation with the Circuit Administrative Judge for the judicial circuit, and the Chief Judge of the District Court shall be responsible for:

(1) preparing, monitoring, and periodically testing and updating a detailed plan for the continuity of operations of their respective courts in the event of a public emergency or catastrophic health emergency; and

(2) assuring that the judges of their respective courts and other necessary judicial and non-judicial personnel are familiar with the plan.

## (b) Conformance to AOC Guidelines

The plan shall conform to guidelines established by the Administrative Office of the Courts. The plan and any amendments to it shall be submitted to Office of Emergency Preparedness and Court Security and the State Court Administrator for review in the manner and form designated by the Office of Emergency Preparedness and Court Security and to the Court of Appeals for review and approval. The plan and any amendments to it shall take effect upon approval by the Court of Appeals.

Source: This Rule is new.

REPORTER’S NOTE

Rule 16-802 is part new and is in part derived from current practices of the Office of Emergency Preparedness, which is a part of the Administrative Office of the Courts.

After Hurricane Katrina in 2005, the Federal Government and the National Center for State Courts recommended that state courts implement emergency planning. Since 2008, the Office of Emergency Preparedness, together with local courts, have prepared Continuity of Operations (“COOP”) Plans under the authority of a letter written by Chief Judge Bell. The purpose of establishing a

COOP Plan is to ensure that each court office is capable of providing basic services during a variety of operational disasters.

The Rule establishes procedures for the preparation of COOP plans for every level of court. Each plan and any amendment to it becomes effective upon approval by the Court of Appeals.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 800 - MISCELLANEOUS COURT  
ADMINISTRATION MATTERS**

**Rule 16-803. CONTINUANCES OR POSTPONEMENTS FOR CONFLICTING CASE ASSIGNMENTS OR LEGISLATIVE DUTIES**

(a) Responsibilities of Attorneys

(1) Generally

When consulted as to the availability of dates for a trial or hearing, an attorney has the responsibility of assuring the absence of conflicting assignments on any date that the attorney indicates is acceptable.

(2) Cases in Which Attorney Already Knows of Conflict When Accepting Employment

If an attorney accepts employment in a case in which a date or time for hearing or trial has already been set with knowledge that the attorney has a conflicting assignment for the same date or time, the attorney should not expect to be granted a continuance or postponement in either matter. In an extraordinary circumstance, the court may grant a continuance or postponement upon findings that (A) all parties, witnesses, and attorneys can be notified of the continuance or postponement sufficiently in advance of the hearing or trial to avoid undue inconvenience, (B) the proceeding has not been continued or postponed an unreasonable number of times previously, and (C) the continuance or postponement would not otherwise impede the proper administration of justice.

(3) Cases in Which Conflict Develops After Representation has been Accepted

If a conflict in assignment dates or times develops after representation has been accepted, the attorney shall (A) notify the court having a lesser priority under section (b) of this Rule immediately upon becoming aware of the conflict, (B) make a prompt and good faith effort to resolve the conflict by obtaining the presence of a partner or associate to act in one of the cases before a continuance or postponement is requested, subject to any specific obligation that the attorney has to the client, and (C) if a change in an existing scheduling order is required, immediately file a motion for such a change. A request for a continuance or postponement shall include a statement that it is not practical for a partner or associate to handle one of the conflicting assignments.

(b) Priorities Where Conflicting Assignments Exist

(1) Publicly-Employed Attorneys

Except in an extraordinary circumstance, an attorney who (A) holds public office or employment as an attorney, (B) is permitted to engage also in the private practice of law, and (C) faces an assignment conflict between an action in which the attorney appears in a public capacity and an action in which the attorney appears in a private capacity, the attorney may not be granted a continuance or postponement in the action in which the attorney appears in a public capacity.

(2) Conflicts in Trial Court Assignments

In the event of a conflict in a hearing or trial date or time between a Maryland circuit court, the United States District Court for the District of Maryland, the United States Bankruptcy Court for the District of Maryland, or the District Court of Maryland, priority shall

be given in accordance with the earliest date on which an assignment for hearing or trial was made, except that:

(A) if the provisions of the Federal Speedy Trial Act so require, first priority shall be given to a criminal proceeding in the United State District Court; and

(B) subject to subsection (b)(2)(A) of this Rule, if the provisions of Rule 4-271 so require, first priority shall be given to a criminal proceeding in a Maryland circuit court.

(3) Conflicts Between Appellate and Trial Court Proceedings

In the event of a conflict in a hearing or trial date or time between an action or proceeding pending in (A) the Court of Appeals of Maryland, the Court of Special Appeals, or the United States Court of Appeals for the Fourth Circuit, and (B) a Federal or State trial court, the appellate proceeding shall be given priority over the trial court proceeding unless otherwise agreed by the respective appellate and trial courts.

(4) Conflicts Between Judicial and Administrative Proceedings

In the event of a conflict between a judicial proceeding and an administrative proceeding, even where the attorney in the judicial proceeding is a member of the administrative agency, the judicial proceeding has priority, and the pendency of the administrative proceeding is not a basis for a continuance or postponement of the judicial proceeding.

(c) Attorneys Who are Members or Desk Officers of the General Assembly

A proceeding shall be continued or postponed in conformance with Code, Courts Article, §6-402 upon request by an attorney of record in the action who is a member or desk officer of the General Assembly. In accepting employment in the action, however, the attorney should consider the inconvenience to the public, the bar, and the judicial system produced by excessive continuances or postponements.

(d) Resolution of Conflict by Courts

Nothing in this Rule precludes the affected courts, when apprised of a conflict, from attempting to resolve the conflict informally in a manner other than in accordance with the priorities established in section (b) of this Rule.

Source: This Rule is new.

REPORTER'S NOTE

Rule 16-803 is in part derived from an Administrative Order of the Chief Judge of the Court of Appeals, in part derived from section (d) of Rule 2-508 and section (c) of Rule 3-508, and is in part new. The Committee has added section (d). The Committee recommends deleting section (d) of Rule 2-508 and section (c) of Rule 3-508, deleting the cross references in those Rules to the Administrative Order, and adding a cross reference to Rule 16-803 in Rules 2-508 and 3-508. This would provide a more accessible resource than the Administrative Order and avoid duplication of information.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 800 - MISCELLANEOUS COURT  
ADMINISTRATION MATTERS**

**Rule 16-804. ANTI-NEPOTISM POLICY**

(a) Definition of "Relative"

In this Rule, "relative," with respect to an employee of the Maryland Judiciary, means:

(1) a spouse of the employee;

(2) a child of the employee or employee's spouse, including a stepchild and current foster child;

(3) a parent of the employee or employee's spouse, including a stepparent or other individual who took the place of a parent; (4) a grandparent of the employee or employee's spouse, including a step-grandparent or other individual who took the place of a grandparent;

(5) a sibling of the employee or employee's spouse, including a step- and half-sibling;

(6) an aunt or uncle of the employee or employee's spouse;

(7) a nephew or niece of the employee or employee's spouse;

(8) a first cousin of the employee or employee's spouse;

(9) a son-in-law or daughter-in-law of the employee or employee's spouse; and

(10) a brother-in-law or sister-in-law of the employee or employee's spouse.

(b) Policy for Judiciary Employment

The policy of the Maryland Judiciary is that decisions regarding the recruitment, selection, promotion, reassignment, and transfer of judicial employees or disciplinary action taken against such employees be based on their demonstrated ability, knowledge, skills, and conduct and shall not be influenced by familial relationships.

(c) Employment of Relatives

(1) Generally

Relatives who meet established requirements for job vacancies based on their qualifications and performance are eligible for Judiciary employment except as provided in subsection (c)(2) of this Rule.

(2) Exceptions and Limitations

Except as provided in subsection (c)(4) of this Rule, (i) an employee and the employee's relative may not become or continue to be employed in a superior-subordinate relationship; (ii) an employee may not act as an advocate for the employee's relative with respect to any condition of employment; promotion, reassignment, transfer, or demotion or other disciplinary action; (iii) unless employed by the Judiciary prior to [effective date of Rule], a relative of any incumbent judge, regardless of whether compensated from state or local funds, is ineligible for employment in the same court, unless that employee is filling a temporary position with a term limit; and (iv) more than one relative may not work for the same supervisor, without the prior approval of the Judiciary's Human Resources Department.

(3) Responsibility of Appointing Authority

If employees become relatives while employed by the Judiciary, the appointing authority with control over the employees shall ensure that a superior-subordinate relationship does not occur.

(4) Approval of Employment of Relative by Court of Appeals

On recommendation of a Circuit Administrative Judge or District Administrative Judge, the Court of Appeals may approve the employment of a relative otherwise prohibited by subsection (c)(2) of this Rule but only in instances of unusual circumstances involving temporary and limited employment.

(d) Disclosure; Penalties

Each applicant for employment by the Judiciary shall disclose in writing the name of each relative employed by the Judiciary. Each employee of the Judiciary shall disclose in writing any prohibited relationship that may arise due to (1) demotion, promotion, reassignment, or transfer of the employee or (2) an election. Failure of an applicant or employee to provide complete and accurate information may result in termination of employment with the Judiciary.

(e) Department of Public Safety and Correctional Services

A judge of the Maryland Judiciary may not have any involvement in the hiring process for employees of any unit within the Department of Public Safety and Correctional Services.

(f) Application of Administrative Order dated May 4, 2006 and Rule

Any employee relationship that was permitted prior to [effective date of Rule] may continue subject to satisfactory job performance,

but this Rule shall govern any promotion, reassignment, transfer, or disciplinary action occurring on or after its effective date as to the relationship.

Committee note: Prior to this Rule, the Judiciary's anti-nepotism policy has been in effect through various administrative orders.

Source: This Rule is new.

REPORTER'S NOTE

Although an anti-nepotism policy for the Judiciary has been in existence since 1996, it has been located only in the Administrative Orders addressing it. The Committee recommends the placement of the anti-nepotism policy in a Rule so it is more accessible to employees of the Judiciary and to the public.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 800 - MISCELLANEOUS COURT  
ADMINISTRATION MATTERS**

**Rule 16-805. APPOINTMENT OF BAIL BOND COMMISSIONER  
– LICENSING AND REGULATION OF BAIL BONDSMEN**

A majority of the judges of the circuit courts in any appellate judicial circuit may appoint a bail bond commissioner and license and regulate bail bondsmen and acceptance of bail bonds. Each bail bond commissioner appointed pursuant to this Rule shall prepare, maintain, and periodically distribute to all District Court commissioners and clerks within the jurisdiction of the appellate judicial circuit for posting in their respective offices, to the State Court Administrator, and to the Chief Clerk of the District Court, an alphabetical list of bail bondsmen licensed to write bail bonds within the appellate judicial circuit, showing the bail bondsman's name, business address and telephone number, and any limit on the amount of any one bond, and the aggregate limit on all bonds, each bail bondsman is authorized to write.

Source: This Rule is derived from former Rule 16-817 (2013).

REPORTER'S NOTE

Rule 16-805 carries forward current Rule 16-817 verbatim.

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS**

**TABLE OF CONTENTS**

**Rule 16-901. DEFINITIONS**

- (a) Administrative Record
- (b) Business License Record
- (c) Case Record
- (d) Court
- (e) Court Record
- (f) Custodian
- (g) Individual
- (h) Judicial Agency
- (i) Notice Record
- (j) Person
- (k) Remote Access

**Rule 16-902. GENERAL POLICY**

- (a) Presumption of Openness
- (b) Protection of Records
- (c) Exhibit Attached to Motion or Marked for Identification
- (d) Fees
- (e) New Court Records

(f) Access by Judicial Employees, Parties, and Counsel of Record  
Rule 16-903. COPIES

Rule 16-904. ACCESS TO NOTICE, ADMINISTRATIVE, AND  
BUSINESS LICENSE RECORDS

- (a) Notice Records
- (b) Administrative and Business License Records
- (c) Personnel Records - Generally
- (d) Personnel Records - Retirement
- (e) Certain Administrative Records

Rule 16-905. CASE RECORDS - REQUIRED DENIAL OF  
INSPECTION – IN GENERAL

Rule 16-906. REQUIRED DENIAL OF INSPECTION - CERTAIN  
CATEGORIES OF CASE RECORDS

Rule 16-907. REQUIRED DENIAL OF INSPECTION – SPECIFIC  
INFORMATION IN CASE RECORDS

Rule 16-908. ELECTRONIC RECORDS AND RETRIEVAL

- (a) In General
- (b) Current Programs Providing Electronic Access to Database
- (c) New Requests for Electronic Access to or Information from  
Databases

Rule 16-909. COURT ORDER DENYING OR PERMITTING  
INSPECTION OF CASE RECORD

- (a) Motion
- (b) Shielding Upon Motion or Request
  - (1) Preliminary Shielding Upon Motion
  - (2) Shielding Upon Request
- (c) Temporary Order Precluding or Limiting Inspection
- (d) Final Order
- (e) Filing of Order
- (f) Non-exclusive Remedy

Rule 16-910. PROCEDURES FOR COMPLIANCE

- (a) Duty of Person Filing Record
- (b) Duty of Clerk

Rule 16-911. RESOLUTION OF DISPUTES BY  
ADMINISTRATIVE OR CHIEF JUDGE

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS**

Rule 16-901. DEFINITIONS

In this Chapter, the following definitions apply except as expressly otherwise provided or as necessary implication requires.

(a) Administrative Record

(1) Except as provided in subsection (a)(3) of this Rule, “administrative record” means a record that:

- (A) pertains to the administration of a court, another judicial agency, or the judicial system of the State; and
- (B) is not a case record.

(2) “Administrative record” includes:

- (A) a rule adopted by a court pursuant to Rule 1-102;
- (B) an administrative order, policy, or directive that governs the operation of a court, including an order, policy, or directive that determines the assignment of one or more judges to particular divisions of the court or particular kinds of cases;

(C) an analysis or report, even if derived from court records, that is:

- (i) prepared by or for a court or other judicial agency;
- (ii) used by the court or other judicial agency for purposes of judicial administration; and
- (iii) not filed, and not required to be filed, with the clerk of a court.

(D) judicial education materials prepared by, for, or on behalf of a unit of the Maryland Judiciary for use by Maryland judges;

(E) a jury plan adopted by a court;

(F) a case management plan adopted by a court;

(G) an electronic filing plan adopted by a court; and

(H) an administrative order issued by the Chief Judge of the Court of Appeals pursuant to Rule 16-902.

(3) “Administrative record” does not include a document or information gathered, maintained, or stored by a person or entity other than a court or other judicial agency, to which a court or other judicial agency has access but which is not a case record.

(b) Business License Record

(1) “Business license record” means a court record pertaining to an application for a business license issued by the clerk of a court, and includes the application for the license and a copy of the license.

(2) “Business license record” does not include a court record pertaining to a marriage license.

(c) Case Record

(1) Except as otherwise provided in this Rule, “case record” means:

(A) a document, information, or other thing that is collected, received, or maintained by a court in connection with one or more specific judicial actions or proceedings including docket entries;

(B) a copy of a marriage license issued and maintained by the court, including, after the license is issued, the application for the license;

(C) a miscellaneous record filed with the clerk of the court pursuant to law that is not a notice record.

(2) “Case record” does not include a document or information described in subsection (a)(3) of this Rule.

(d) Court

“Court” means the Court of Appeals of Maryland, the Court of Special Appeals, a circuit court, the District Court of Maryland, and an orphans’ court of Maryland.

(e) Court Record

“Court record” means a record that is:

- (1) an administrative record;
- (2) a business license record;
- (3) a case record; or
- (4) a notice record.

(f) Custodian

“Custodian” means:

- (1) the clerk of a court; and
- (2) any other authorized individual who has physical custody and control of a court record.

(g) Individual

“Individual” means a human being.

(h) Judicial Agency

“Judicial agency” means a unit within the Judicial Branch of the Maryland Government.

(i) Notice Record

“Notice record” means a record that is filed with a court pursuant to statute for the principal purpose of giving public notice of the record. It includes deeds, mortgages, and other documents filed among the land records; financing statements filed pursuant to Code, Commercial Law Article, Title 9; and tax and other liens filed pursuant to statute.

(j) Person

“Person” means an individual, sole proprietorship, partnership, firm, association, corporation, or other entity.

(k) Remote Access

“Remote access” means the ability to inspect, search, or copy a court record by electronic means from a location other than the location where the record is stored. For purposes of this definition, a case record in electronic form is deemed to be stored in the office of the clerk of the court in which the case record was filed.

Committee note: The Rules in this Chapter recognize that court records can be of four types: (1) those, like land records, that are filed with the court, not in connection with any litigation, but for the sole purpose of providing public notice of them; (2) those that are essentially administrative in nature - that are created by the court or judicial agency itself and relate to the internal operation of a court or other judicial agency as an agency of Government; (3) those that are filed or created in connection with business licenses (excluding marriage licenses) issued by the clerk; and (4) those that are filed with the court in connection with a judicial action or the issuance of a marriage license. The premise of the Rules in this Chapter is that, although the presumption of openness applies to all four kinds of records, they need to be treated differently in some respects.

Land records and other similar kinds of records that are filed with the clerk for the sole purpose of giving public notice of them are court records, but, because the court's only function with respect to those records is to preserve them and make and keep them available for public inspection, there is no justification for shielding them, or any part of them, from public inspection. Those kinds of records are defined as "notice records," and it is the intent of the Rules in this Chapter that there be no substantive (content) restrictions on public access to them.

The Rules in this Chapter assume that the kinds of internal administrative records maintained by a court or other Judicial Branch agency, mostly involving personnel, budgetary, and operational management, are similar in nature and purpose to the kinds of administrative records maintained by Executive Branch agencies and that records pertaining to business licenses issued by a court clerk are similar in nature to records kept by Executive Branch agencies that issue licenses of one kind or another. The Rules in this Chapter thus treat those kinds of records more or less the same as comparable Executive Branch records. The Public Information Act ("PIA") provides the most relevant statement of public policy regarding those kinds of records, and, as a general matter, the Rules in this Chapter apply the PIA to those kinds of records.

A different approach is taken with respect to case records - those that come into the court's possession as the result of their having been filed by litigants in judicial actions. As to them, the Rules in this Chapter carve out only those exceptions to public access that are felt particularly applicable. The exceptions, for the most part, are much narrower than those provided by the PIA. Categorical exceptions are limited to those that (1) have an existing basis, either by statute other than the PIA, or by specific Rule, or (2) present some compelling need for non-access. In an attempt to remove discretion from clerical personnel to deny public access and require that closure be examined by a judge on a case-by-case basis, the Rules in this Chapter require that all other exclusions be by court order.

To achieve the differentiation between these various kinds of court records, four categories are specifically defined in this Rule - "administrative records," "business license records," "case records," and "notice records." Some principles enunciated in the Rules in this Chapter apply to all four categories, and, for that purpose, the term "court records," which includes all four categories, is used.

Source: This Rule is derived from former Rule 16-1001 (2013).

**MARYLAND RULES OF PROCEDURE**  
**TITLE 16 - COURT ADMINISTRATION**  
**CHAPTER 900 - ACCESS TO COURT RECORDS**

Rule 16-902. GENERAL POLICY

(a) Presumption of Openness

Court records maintained by a court or other judicial agency are presumed to be open to the public for inspection. Except as otherwise provided by the Rules in this Chapter, the custodian of a

court record shall permit an individual appearing in person in the office of the custodian during normal business hours, to inspect the record.

Committee note: For normal business hours, see Rule 16-403. The definition of "business day" in Rule 20-101 (e) has no application to this Rule.

(b) Protection of Records

To protect court records and prevent unnecessary interference with the official business and duties of the custodian and other court personnel,

(1) a clerk is not required to permit in-person inspection of a case record filed with the clerk for docketing in a judicial action or a notice record filed for recording and indexing until the document has been docketed or recorded and indexed; and

(2) the Chief Judge of the Court of Appeals, by administrative order, a copy of which shall be filed with and maintained by the clerk of each court, may adopt procedures and conditions, not inconsistent with the Rules in this Chapter, governing the timely production, inspection, and copying of court records.

Committee note: It is anticipated that, by Administrative Order, entered pursuant to section (b) of this Rule, the Chief Judge of the Court of Appeals will direct that, if the clerk does not permit inspection of a notice record prior to recording and indexing of the record, (1) persons filing a notice record for recording and indexing include a separate legible copy of those pages of the document necessary to identify the parties to the transaction and the property that is the subject of the transaction and (2) the clerk date stamp that copy and maintain it in a separate book that is subject to inspection by the public.

(c) Exhibit Attached to Motion or Marked for Identification

Unless a judicial action is not open to the public or the court expressly orders otherwise, a court record that consists of an exhibit (1) attached to a motion that has been ruled upon by the court or (2) marked for identification at trial, whether or not offered in evidence, and if offered, whether or not admitted, is subject to inspection, notwithstanding that the record otherwise would not have been subject to inspection under the Rules in this Chapter.

Cross reference: See Rule 2-516.

(d) Fees

(1) In this Rule, "reasonable fee" means a fee that bears a reasonable relationship to the actual or estimated costs incurred or likely to be incurred in providing the requested access.

(2) Unless otherwise expressly permitted by the Rules in this Chapter, a custodian may not charge a fee for providing access to a court record that can be made available for inspection, in paper form or by electronic access, with less than two hours of effort by the custodian or other judicial employee.

(3) A custodian may charge a reasonable fee if two hours or more of effort are required to provide the requested access.

(4) The custodian may charge a reasonable fee for making or supervising the making of a copy or printout of a court record.

(5) The custodian may waive a fee if, after consideration of the ability of the person requesting access to pay the fee and other relevant factors, the custodian determines that the waiver is in the public interest.

(e) New Court Records

(1) Except as expressly required by other law and subject to Rule 16-908, a custodian, a court, or another judicial agency is not required by the Rules in this Chapter to index, compile, re-format, program, or reorganize existing court records or other documents or information to create a new court record not necessary to be maintained in the ordinary course of business. The removal, deletion, or redaction from a court record of information not subject to inspection under the Rules in this Chapter in order to make the court

record subject to inspection does not create a new record within the meaning of this Rule.

(2) If a custodian, court, or other judicial agency (A) indexes, compiles, re-formats, programs, or reorganizes existing court records or other documents or information to create a new court record, or (B) comes into possession of a new court record created by another from the indexing, compilation, re-formatting, programming, or reorganization of other court records, documents, or information, and there is no basis under the Rules in this Chapter to deny inspection of that new court record or some part of that court record, the new court record or a part for which there is no basis to deny inspection shall be subject to inspection.

(f) Access by Judicial Employees, Parties, and Counsel of Record

The Rules in this Chapter address access to court records by the public at large. The Rules do not limit access to court records by judicial officials or employees in the performance of their official duties, or to a case record by a party or counsel of record in the action.

Source: This Rule is derived from former Rule 16-1002 (2013).

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS**

**Rule 16-903. COPIES**

(a) Except as otherwise expressly provided by law, a person entitled to inspect a court record is entitled to have a copy or printout of the court record. The copy or printout may be in paper form or, subject to Rule 16-908 (a)(3) and the Rules in Title 20, in electronic form.

(b) To the extent practicable, a copy or printout in paper form shall be made where the court record is kept and while the court record is in the custody of the custodian.

Source: This Rule is derived from former Rule 16-1003 (2013).

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS**

**Rule 16-904. ACCESS TO NOTICE, ADMINISTRATIVE, AND BUSINESS LICENSE RECORDS**

(a) Notice Records

A custodian may not deny inspection of a notice record that has been recorded and indexed by the clerk.

(b) Administrative and Business License Records

(1) Except as otherwise provided by the Rules in this Chapter, the right to inspect administrative and business license records is governed by Code, State Government Article, §§10-611 through 10-626.

(2) (A) A custodian shall deny inspection of an administrative record used by the jury commissioner in the jury selection process, except (i) as a trial judge orders in connection with a challenge under Code, Courts Article, §§8-408 and 8-409; and (ii) as provided in subsections (b)(2)(B) and (b)(2)(C) of this Rule.

(B) Upon request, a custodian shall disclose the names and zip codes of the sworn jurors contained on a jury list after the jury has been impaneled and sworn, unless otherwise ordered by the trial judge.

Cross reference: See Rule 4-312 (d).

(C) After a source pool of qualified jurors has been emptied and re-created in accordance with Code, Courts Article, §8-207, and after every person selected to serve as a juror from that pool has completed the person's service, a trial judge shall, upon request, disclose the name, zip code, age, sex, education, occupation, and spouse's

occupation of each person whose name was selected from that pool and placed on a jury list, unless, in the interest of justice, the trial judge determines that this information remain confidential in whole or in part.

(D) A jury commissioner may provide jury lists to the Health Care Alternative Dispute Resolution Office as required by that Office in carrying out its duties, subject to any regulations of that office to ensure against improper dissemination of juror data.

(E) At intervals acceptable to the jury commissioner, a jury commissioner shall provide to the State Board of Elections and State Motor Vehicle Administration data about prospective, qualified, or sworn jurors needed to correct erroneous or obsolete information, such as that related to a death or change of address, subject to the Board's and Administration's adoption of regulations to ensure against improper dissemination of juror data.

(c) Personnel Records - Generally

Except as otherwise permitted by the Maryland Public Information Act or by this Rule, a custodian shall deny to a person other than the person who is the subject of the record inspection of the personnel records of an employee of the court or other judicial agency or of an individual who has applied for employment with the court or other judicial agency. Except as otherwise required by law, the following records or information are not subject to this exclusion and shall be open to inspection:

(1) The full name of the individual;

(2) The date of the application for employment and the position for which application was made;

(3) The date employment commenced;

(4) The name, location, and telephone number of the court or judicial agency to which the individual has been assigned;

(5) The current and previous job titles and salaries of the individual during employment by the court or judicial agency;

(6) The name of the individual's current supervisor;

(7) The amount of monetary compensation paid to the individual by the court or judicial agency and a description of any health, insurance, or other fringe benefit that the individual is entitled to receive from the court or judicial agency;

(8) Unless disclosure is prohibited by law, other information authorized by the individual to be released; and

(9) A record that has become a case record.

(d) Personnel Records - Retirement

Unless inspection is permitted under the Maryland Public Information Act or the record has become a case record, a custodian shall deny inspection of a retirement record of an employee of the court or other judicial agency.

(e) Certain Administrative Records

A custodian shall deny inspection of the following administrative records:

(1) Judicial work product, including drafts of documents, notes, and memoranda prepared by a judge or other court personnel at the direction of a judge and intended for use in the preparation of a decision, order, or opinion;

(2) Unless otherwise determined by the Board of Directors of the Judicial Institute, judicial education materials prepared by, for, or on behalf of a unit of the Maryland Judiciary for use by Maryland judges;

(3) An administrative record that is:

(A) prepared by or for a judge or other judicial personnel;

(B) either (i) purely administrative in nature but not a local rule, policy, or directive that governs the operation of the court or (ii) a draft of a document intended for consideration by the author or others and not intended to be final in its existing form; and

(C) not filed with the clerk and not required to be filed with the clerk.

Source: This Rule is derived from former Rule 16-1004 (2013).



**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS**

**Rule 16-905. CASE RECORDS - REQUIRED DENIAL OF INSPECTION – IN GENERAL**

(a) A custodian shall deny inspection of a case record or any part of a case record if inspection would be contrary to:

(1) The Constitution of the United States, a Federal statute, or a Federal regulation adopted under a Federal statute and having the force of law;

(2) The Maryland Constitution;

(3) A provision of the Maryland Public Information Act that is expressly adopted in the Rules in this Chapter;

(4) A rule adopted by the Court of Appeals; or

(5) An order entered by the court having custody of the case record or by any higher court having jurisdiction over

(A) the case record, or

(B) the person seeking inspection of the case record.

(b) Unless inspection is otherwise permitted by the Rules in this Chapter, a custodian shall deny inspection of a case record or any part of a case record if inspection would be contrary to a statute enacted by the Maryland General Assembly, other than the Maryland Public Information Act (Code, State Government Article, §§10-611 through 10-626), that expressly or by necessary implication applies to a court record.

Committee note: Subsection (a)(5) allows a court to seal a record or otherwise preclude its disclosure. So long as a court record is under seal or subject to an order precluding or limiting disclosure, it may not be disclosed except in conformance with the order. The authority to seal a court record must be exercised in conformance with the general policy of these Rules and with supervening standards enunciated in decisions of the United States Supreme Court and the Maryland Court of Appeals.

Source: This Rule is derived from former Rule 16-1005 (2013).

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS**

**Rule 16-906. REQUIRED DENIAL OF INSPECTION - CERTAIN CATEGORIES OF CASE RECORDS**

Except as otherwise provided by law, court order, or the Rules in this Chapter, the custodian shall deny inspection of:

(a) All case records filed in the following actions involving children:

(1) Actions filed under Title 9, Chapter 100 of the Maryland Rules for:

(A) Adoption;

(B) Guardianship; or

(C) To revoke a consent to adoption or guardianship for which there is no pending adoption or guardianship proceeding in that county.

(2) Delinquency, child in need of assistance, and child in need of supervision actions in Juvenile Court, except that, if a hearing is open to the public pursuant to Code, Courts Article, §3-8A-13 (f), the name of the respondent and the date, time, and location of the hearing are open to inspection.

(b) The following case records pertaining to a marriage license:

(1) A certificate of a physician or certified nurse practitioner filed pursuant to Code, Family Law Article, §2-301, attesting to the pregnancy of a child under 18 years of age who has applied for a marriage license.

(2) Until a license becomes effective, the fact that an application for a license has been made, except to the parent or guardian of a party to be married.

Cross reference: See Code, Family Law Article, §2-402 (f).

(c) Case records pertaining to petitions for relief from abuse filed pursuant to Code, Family Law Article, §4-504, which shall be sealed until the earlier of 48 hours after the petition is filed or the court acts on the petition.

(d) In any action or proceeding, a record created or maintained by an agency concerning child abuse or neglect that is required by statute to be kept confidential.

Committee note: Statutes that require child abuse or neglect records to be kept confidential include Code, Human Services Article, §§1-202 and 1-203 and Code, Family Law Article, §5-707.

(e) The following case records in actions or proceedings involving attorneys or judges:

(1) Records and proceedings in attorney grievance matters declared confidential by Rule 19-707 (b).

(2) Case records with respect to an investigative subpoena issued by Bar Counsel pursuant to Rule 19-712;

(3) Subject to the provisions of Rule 19-105 (b), (c), and (d) of the Rules Governing Admission to the Bar, case records relating to bar admission proceedings before the Accommodations Review Committee and its panels, a Character Committee, the State Board of Law Examiners, and the Court of Appeals.

(4) Case records consisting of IOLTA Compliance Reports filed by an attorney pursuant to Rule 19-409 and Pro Bono Legal Service Reports filed by an attorney pursuant to Rule 19-503.

(5) Case records relating to a motion filed with respect to a subpoena issued by Investigative Counsel for the Commission on Judicial Disabilities pursuant to Rule 18-406.

(f) The following case records in criminal actions or proceedings:

(1) A case record that has been ordered expunged pursuant to Rule 4-508.

(2) The following case records pertaining to search warrants:

(A) The warrant, application, and supporting affidavit, prior to execution of the warrant and the filing of the records with the clerk.

(B) Executed search warrants and all papers attached thereto filed pursuant to Rule 4-601.

(3) The following case records pertaining to an arrest warrant:

(A) A case record pertaining to an arrest warrant issued under Rule 4-212 (d) and the charging document upon which the warrant was issued until the conditions set forth in Rule 4-212 (d)(3) are satisfied.

(B) Except as otherwise provided in Code, State Government Article, §10-616 (q), a case record pertaining to an arrest warrant issued pursuant to a grand jury indictment or conspiracy investigation and the charging document upon which the arrest warrant was issued.

(4) A case record maintained under Code, Courts Article, §9-106, of the refusal of a person to testify in a criminal action against the person's spouse.

(5) A presentence investigation report prepared pursuant to Code, Correctional Services Article, §6-112.

(6) A case record pertaining to a criminal investigation by (A) a grand jury, (B) a State's Attorney pursuant to Code, Criminal Procedure Article, §15-108, (C) the State Prosecutor pursuant to Code, Criminal Procedure Article, §14-110, or (D) the Attorney General when acting pursuant to Article V, §3 of the Maryland Constitution or other law.

Committee note: Although this Rule shields only case records pertaining to a criminal investigation, there may be other laws that shield other kinds of court records pertaining to such investigations. This Rule is not intended to affect the operation or effectiveness of any such other law.

(g) A transcript, tape recording, audio, video, or digital recording of any court proceeding that was closed to the public pursuant to rule or order of court.

(h) Backup audio recordings made by any means, computer disks, and notes of a court reporter that are in the possession of the court reporter and have not been filed with the clerk.

(i) The following case records containing medical information:

(1) A case record, other than an autopsy report of a medical examiner, that (A) consists of a medical or psychological report or record from a hospital, physician, psychologist, or other professional health care provider, and (B) contains medical or psychological information about an individual.

(2) A case record pertaining to the testing of an individual for HIV that is declared confidential under Code, Health-General Article, §18-338.1 or §18-338.2.

(3) A case record that consists of information, documents, or records of a child fatality review team, to the extent they are declared confidential by Code, Health-General Article, §5-709.

(4) A case record that contains a report by a physician or institution concerning whether an individual has an infectious disease, declared confidential under Code, Health-General Article, §18-201 or §18-202.

(5) A case record that contains information concerning the consultation, examination, or treatment of a developmentally disabled person, declared confidential by Code, Health-General Article, §7-1003.

(6) A case record relating to a petition for an emergency evaluation made under Code, Health-General Article, §10-622 and declared confidential under Code, Health-General Article, §10-630.

(j) A case record that consists of the federal or Maryland income tax return of an individual.

(k) A case record that:

(1) a court has ordered sealed or not subject to inspection, except in conformance with the order; or

(2) in accordance with Rule 16-909 (b), is the subject of a motion to preclude or limit inspection.

(l) As provided in Rule 9-203 (d), a case record that consists of a financial statement filed pursuant to Rule 9-202.

(m) A document required to be shielded under Rule 20-203 (e)(1).

(n) An unredacted document filed pursuant to Rule 1-322.1 or Rule 20-203 (e)(2).

Source: This Rule is derived from former Rule 16-1006 (2013).

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS**

**Rule 16-907. REQUIRED DENIAL OF INSPECTION – SPECIFIC INFORMATION IN CASE RECORDS**

Except as otherwise provided by law, the Rules in this Chapter, or court order, a custodian shall deny inspection of a case record or a part of a case record that would reveal:

(a) The name, address, telephone number, e-mail address, or place of employment of a person who reports the abuse of a vulnerable adult pursuant to Code, Family Law Article, §14-302.

(b) Except as provided in Code, State Government Article, §10-617 (e), the home address or telephone number of an employee of the State or a political subdivision of the State.

(c) Any part of the social security or Federal Identification Number of an individual, other than the last four digits.

(d) Information about a person who has received a copy of a case record containing information prohibited by Rule 1-322.1.

Cross reference: See Rule 16-909 (b)(2) concerning information shielded upon a request authorized by Code, Courts Article, Title 3,

Subtitle 15 (peace orders) or Code, Family Law Article, Title 4, Subtitle 5 (domestic violence) and in criminal actions.

Source: This Rule is derived from former Rule 16-1007 (2013).

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS**

**Rule 16-908. ELECTRONIC RECORDS AND RETRIEVAL**

(a) In General

(1) Subject to the conditions stated in this Rule and, to the extent applicable to the Rules in Title 20, a court record that is kept in electronic form is open to inspection to the same extent that the record would be open to inspection in paper form. (2) Subject to the other provisions of this Rule, the Rules in Title 20, and any other law or any administrative order of the Chief Judge of the Court of Appeals, a custodian, court, or other judicial agency, for the purpose of providing public access to court records in electronic form, is authorized but not required:

(A) to convert paper court records into electronic court records;

(B) to create new electronic records, databases, programs, or computer systems;

(C) to provide computer terminals or other equipment for use by the public;

(D) to create the ability to inspect or copy court records through remote access; or

(E) to convert, supplement, modify, or replace an existing electronic storage or retrieval system.

(3) (A) Subject to the other provisions of this Rule, a custodian may limit access to court records in electronic form to the manner, form, and program that the electronic system used by the custodian, without modification, is capable of providing. Subject to the Rules in Title 20, if a custodian, court, or other judicial agency converts paper court records into electronic court records or otherwise creates new electronic records, databases, or computer systems, it shall, to the extent practicable, design those records, databases, or systems to facilitate access to court records that are open to inspection under the Rules in this Chapter.

(B) (i) Subject to subsection (a)(3)(B)(ii) of this Rule and except for identifying information relating to law enforcement officers, other public officials or employees acting in their official capacity, and expert witnesses, a custodian shall prevent remote access to the name, address, telephone number, date of birth, e-mail address, and place of employment of a victim or nonparty witness in (1) a criminal action, (2) a juvenile delinquency action under Title 3, Subtitle 8A of the Courts Article, (3) an action under Title 4, Subtitle 5 of the Family Law Article (domestic violence), or (4) an action under Title 3, Subtitle 15 of the Courts Article (peace order).

(ii) A person who files or otherwise causes to be placed in a court record identifying information relating to a witness shall give the custodian written or electronic notice as to whether or not the identifying information is not subject to remote access under Rule 1-322.1, Rule 20-201, or subsection (a)(3)(B)(i) of this Rule. Except as may be provided by federal law, in the absence of such notice, a custodian is not liable for allowing remote access to the information.

(4) Subject to subsection (a)(3)(B) of this Rule, the Rules in Title 20, and procedures and conditions established by administrative order of the Chief Judge of the Court of Appeals, a person may view and copy electronic court records that are open to inspection under the Rules in this Chapter:

(A) at computer terminals that a court or other judicial agency makes available for public use at the court or other judicial agency; or

(B) by remote access that the court or other judicial agency makes available through dial-up modem, web site access, or other technology.

(b) Current Programs Providing Electronic Access to Databases

Any electronic access to a database of court records that is provided by a court or other judicial agency and is in effect on October 1, 2004 may continue in effect, subject to review by the Technology Oversight Board for consistency with the Rules in this Chapter. After review, the Board may make or direct any changes that it concludes are necessary to make the electronic access consistent with the Rules in this Chapter.

(c) New Requests for Electronic Access to or Information from Databases

(1) A person who desires to obtain electronic access to or information from a database of court records to which electronic access is not then immediately and automatically available shall submit to the Office of Communications and Public Affairs a written application that describes the court records to which access is desired and the proposed method of achieving that access.

(2) The Office of Communications and Public Affairs shall review the application and may consult the Judicial Information Systems. Without undue delay and, unless impracticable, within 30 days after receipt of the application, the Office of Communications and Public Affairs shall take one of the following actions:

(A) The Office of Communications and Public Affairs shall approve the application if it determines that the application does not request access to court records not subject to inspection under the Rules in this Chapter or Title 20 and will not impose a significant fiscal, personnel, or operational burden on any court or judicial agency. The approval may be conditioned on the applicant's paying or reimbursing the court or agency for any additional expense that may be incurred in implementing the application.

(B) If the Office of Communications and Public Affairs is unable to make the findings provided for in subsection (c)(2)(A) of this Rule, it shall inform the applicant and:

(i) deny the application;

(ii) offer to confer with the applicant about amendments to the application that would meet the concerns of the Office of Communications and Public Affairs; or

(iii) if the applicant requests, refer the application to the Technology Oversight Board for its review.

(C) If the application is referred to the Technology Oversight Board, the Board shall determine whether approval of the application would be likely to permit access to court records or information not subject to inspection under the Rules in this Chapter, create any undue burden on a court, other judicial agency, or the judicial system as a whole, or create undue disparity in the ability of other courts or judicial agencies to provide equivalent access to court records. In making those determinations, the Board shall consider, to the extent relevant:

(i) whether the data processing system, operational system, electronic filing system, or manual or electronic storage and retrieval system used by or planned for the court or judicial agency that maintains the records can currently provide the access requested in the manner requested and in conformance with Rules 16-901 through 16-907, and, if not, what changes or effort would be required to make those systems capable of providing that access;

(ii) any changes to the data processing, operational electronic filing, or storage or retrieval systems used by or planned for other courts or judicial agencies in the State that would be required in order to avoid undue disparity in the ability of those courts or agencies to provide equivalent access to court records maintained by them;

(iii) any other fiscal, personnel, or operational impact of the proposed program on the court or judicial agency or on the State judicial system as a whole;

(iv) whether there is a substantial possibility that information retrieved through the program may be used for any fraudulent or other unlawful purpose or may result in the dissemination of inaccurate or misleading information concerning court records or individuals who are the subject of court records and, if so, whether there are any safeguards to prevent misuse of disseminated information and the dissemination of inaccurate or misleading information; and

(v) any other consideration that the Technology Oversight Board finds relevant.

(D) If, upon consideration of the factors set forth in subsection (c)(2)(C) of this Rule, the Technology Oversight Board concludes that the proposal would create (i) an undue fiscal, personnel, or operational burden on a court, other judicial agency, or the judicial system as a whole, or (ii) an undue disparity in the ability of other courts or judicial agencies to provide equivalent access to judicial records, the Board shall inform the Office of Communications and Public Affairs and the applicant in writing of its conclusions. The Office of Communications and Public Affairs and the applicant may then discuss amendments to the application to meet the concerns of the Board, including changes in the scope or method of the requested access and arrangements to bear directly or reimburse the appropriate agency for any expense that may be incurred in providing the requested access and meeting other conditions that may be attached to approval of the application. The applicant may amend the application to reflect any agreed changes. The application, as amended, shall be submitted to the Technology Oversight Board for further consideration.

Source: This Rule is derived from former Rule 16-1008 (2013).

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS**

**Rule 16-909. COURT ORDER DENYING OR PERMITTING INSPECTION OF CASE RECORD**

(a) Motion

(1) A party to an action in which a case record is filed, including a person who has been permitted to intervene as a party, and a person who is the subject of or is specifically identified in a case record may file a motion:

(A) to seal or otherwise limit inspection of a case record filed in that action that is not otherwise shielded from inspection under the Rules in this Chapter or Title 20; or

(B) to permit inspection of a case record filed in that action that is not otherwise subject to inspection under the Rules in this Chapter or Title 20.

(2) The motion shall be filed with the court in which the case record is filed and shall be served on:

(A) all parties to the action in which the case record is filed; and

(B) each identifiable person who is the subject of the case record.

(b) Shielding Upon Motion or Request

(1) Preliminary Shielding Upon Motion

Upon the filing of a motion to seal or otherwise limit inspection of a case record pursuant to section (a) of this Rule, the custodian shall deny inspection of the case record for a period not to exceed five business days, including the day the motion is filed, in order to allow the court an opportunity to determine whether a temporary order should issue.

(2) Shielding Upon Request

If a request to shield information in a case record is filed by or on behalf of a person entitled to request the shielding under Code, Courts Article, Title 3, Subtitle 15 (peace orders) or Code, Family Law Article, Title 4, Subtitle 5 (domestic violence), and the request is

granted, or if a request to shield the address or telephone number of a victim, victim's representative, or witness is filed in a criminal action, and the request is granted, a custodian shall deny inspection of the shielded information. The shield remains in effect until terminated or modified by order of court. If the request is denied, the person seeking to shield information may file a motion under section (a) of this Rule.

Committee note: If a court or District Court Commissioner grants a request to shield information under subsection (b)(2) of this Rule, no adversary hearing is held unless a person seeking inspection of the shielded information files a motion under section (a) of this Rule.

(c) Temporary Order Precluding or Limiting Inspection

(1) The court shall consider a motion filed under this Rule on an expedited basis.

(2) In conformance with the provisions of Rule 15-504 (Temporary Restraining Order), the court may enter a temporary order precluding or limiting inspection of a case record if it clearly appears from specific facts shown by affidavit or other statement under oath that (A) there is a substantial basis for believing that the case record is properly subject to an order precluding or limiting inspection, and (B) immediate, substantial, and irreparable harm will result to the person seeking the relief if temporary relief is not granted before a full adversary hearing can be held on the propriety of a final order precluding or limiting inspection.

(3) A court may not enter a temporary order permitting inspection of a case record that is not otherwise subject to inspection under the Rules in this Chapter in the absence of an opportunity for a full adversary hearing.

(d) Final Order

(1) After an opportunity for a full adversary hearing, the court shall enter a final order:

(A) precluding or limiting inspection of a case record that is not otherwise shielded from inspection under the Rules in this Chapter;

(B) permitting inspection, under such conditions and limitations as the court finds necessary, of a case record that is not otherwise subject to inspection under the Rules in this Chapter; or

(C) denying the motion.

(2) A final order shall include findings regarding the interest sought to be protected by the order.

(3) A final order that precludes or limits inspection of a case record shall be as narrow as practicable in scope and duration to effectuate the interest sought to be protected by the order.

(4) In determining whether to permit or deny inspection, the court shall consider:

(A) if the motion seeks to preclude or limit inspection of a case record that is otherwise subject to inspection under the Rules in this Chapter, whether a special and compelling reason exists to preclude or limit inspection of the particular case record; and

(B) if the motion seeks to permit inspection of a case record that is otherwise not subject to inspection under the Rules in this Chapter, whether a special and compelling reason exists to permit inspection.

(C) if the motion seeks to permit inspection of a case record that has been previously sealed by court order under subsection (d)(1)(A) of this Rule and the movant was not a party to the case when the order was entered, whether the order satisfies the standards set forth in subsections (d)(2), (3), and (4)(A) of this Rule.

(5) Unless the time is extended by the court on motion of a party and for good cause, the court shall enter a final order within 30 days after a hearing was held or waived.

(e) Filing of Order

A copy of any preliminary or final order shall be filed in the action in which the case record in question was filed and shall be subject to public inspection.

(f) Non-exclusive Remedy

This Rule does not preclude a court from exercising its authority at any time to enter an appropriate order that seals or limits inspection of a case record or that makes a case record subject to inspection.

Source: This Rule is derived from former Rule 16-1009 (2013).

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS**

Rule 16-910. PROCEDURES FOR COMPLIANCE

(a) Duty of Person Filing Record

(1) A person who files or authorizes the filing of a case record shall inform the custodian, in writing, whether, in the person's judgment, the case record, any part of the case record, or any information contained in the case record is confidential and not subject to inspection under the Rules in this Chapter.

(2) The custodian is not bound by the person's determination that a case record, any part of a case record, or information contained in a case record is not subject to inspection and shall permit inspection of a case record unless, in the custodian's independent judgment, subject to review as provided in Rule 16-911, the case record is not subject to inspection.

(3) Notwithstanding subsection (b)(2) of this Rule, a custodian may rely on a person's failure to advise that a case record, part of a case record, or information contained in a case record is not subject to inspection, and, in default of such advice, the custodian is not liable for permitting inspection of the case record, part of the case record, or information, even if the case record, part of the case record, or information in the case record is not subject to inspection under the Rules in this Chapter.

(b) Duty of Clerk

(1) In conformance with procedures established by administrative order of the Chief Judge of the Court of Appeals, the clerk shall make a reasonable effort, promptly upon the filing or creation of a case record, to shield any information that is not subject to inspection under the Rules in this Chapter and that has been called to the attention of the custodian by the person filing or authorizing the filing of the case record, in order that the case record, as shielded, may be subject to inspection.

(2) Persons who filed or authorized the filing of a case record filed prior to October 1, 2004 may advise the custodian in writing whether any part of the case record is not subject to inspection. The custodian is not bound by that determination. The custodian shall make a reasonable effort, as time and circumstances allow, to shield from those case records any information that is not subject to inspection under the Rules in this Chapter and that has been called to the attention of the custodian, in order that those case records, as shielded, may be subject to inspection. The duty under this subsection is subordinate to all other official duties of the custodian.

Source: This Rule is derived from former Rule 16-1010 (2013).

**MARYLAND RULES OF PROCEDURE  
TITLE 16 - COURT ADMINISTRATION  
CHAPTER 900 - ACCESS TO COURT RECORDS**

Rule 16-911. RESOLUTION OF DISPUTES BY ADMINISTRATIVE OR CHIEF JUDGE

(a) If, upon a request for inspection of a court record, a custodian is in doubt whether the record is subject to inspection under the Rules in this Chapter, the custodian, after making a reasonable effort to notify the person seeking inspection and each person to whom the court

record pertains, shall apply in writing for a preliminary judicial determination whether the court record is subject to inspection.

(1) If the record is in an appellate court or an orphans' court, the application shall be to the chief judge of the court.

(2) If the record is in a circuit court, the application shall be to the county administrative judge.

(3) If the record is in the District Court, the application shall be to the district administrative judge.

(4) If the record is in a judicial agency other than a court, the application shall be to the Chief Judge of the Court of Appeals, who may refer it to the county administrative judge of a circuit court.

(b) After hearing from or making a reasonable effort to communicate with the person seeking inspection and each person to whom the court record pertains, the court shall make a preliminary determination of whether the record is subject to inspection. Unless the court extends the time for good cause, the preliminary determination shall be made within 10 days after the court receives the written request.

(c) If the court determines that the record is subject to inspection, the court shall file an order to that effect. If a person to whom the court record pertains objects, the judge may stay the order for not more than five working days in order to allow the person an opportunity to file an appropriate action to enjoin the inspection. An action under this section shall be filed within 30 days after the order is filed, and the person who requested inspection of the record shall be made a party. If such an action is timely filed, it shall proceed in accordance with Rules 15-501 through 15-505.

(d) If the court determines that the court record is not subject to inspection, the court shall file an order to that effect and the person seeking inspection may file an action under the Public Information Act or on the basis of the Rules in this Chapter to compel the inspection. An action under this section shall be filed within thirty days after the order is filed.

(e) If a timely action is filed under section (c) or (d) of this Rule, the preliminary determination by the court shall not have a preclusive effect under any theory of direct or collateral estoppel or law of the case. If a timely action is not filed, the order shall be final and conclusive.

Source: This Rule is derived from former Rule 16-1011 (2013).

**MARYLAND RULES OF PROCEDURE**  
**TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT**  
**CHAPTER 500 - TRIAL**

AMEND Rule 2-508 to delete section (d), delete the cross reference, add a new cross reference to Rule 16-803, and make stylistic changes, as follows:

**Rule 2-508. CONTINUANCE OR POSTPONEMENT**

(a) Generally

On motion of any party or on its own initiative, the court may continue *or postpone* a trial or other proceeding as justice may require.

(b) Discovery not Completed

When an action has been assigned a trial date, the trial shall not be continued *or postponed* on the ground that discovery has not yet been completed, except for good cause shown.

(c) Absent Witness

A motion for a continuance *or postponement* on the ground that a necessary witness is absent shall be supported by an affidavit. The affidavit shall state: (1) the intention of the affiant to call the witness at the proceeding, (2) the specific facts to which the witness is expected to testify, (3) the reasons why the matter cannot be determined with justice to the party without the evidence, (4) the

facts that show that reasonable diligence has been employed to obtain the attendance of the witness, and (5) the facts that lead the affiant to conclude that the attendance or testimony of the witness can be obtained within a reasonable time. The court may examine the affiant under oath as to any of the matters stated in the affidavit and as to the information or knowledge relied upon by the affiant in determining those facts to which the witness is expected to testify. If satisfied that a sufficient showing has been made, the court shall continue *or postpone* the proceeding unless the opposing party elects to stipulate that the absent witness would, if present, testify to the facts stated in the affidavit, in which event the court may deny the motion.

[(d) Legislative Privilege

Upon request of an attorney of record who is a member or desk officer of the General Assembly, a proceeding that is scheduled during the period of time commencing five days before the legislative session convenes and ending ten days after its adjournment shall be continued. Upon request of an attorney of record who is a member of the Legislative Policy Committee or one of its committees or subcommittees or a member of a committee or subcommittee of the State legislature functioning during the legislative interim, a proceeding that is scheduled on the day of a meeting of the Committee or subcommittee shall be continued. When a brief or memorandum of law is required to be filed in a proceeding to be continued under the provisions of this section, the proceeding shall be continued for a time sufficient to allow it to be prepared and filed.]

[(e)] (d) Costs

When granting a continuance *or postponement* for a reason other than one stated in [section (d)] *Rule 16-803 (c)*, the court may assess costs and expenses occasioned by the continuance *or postponement*. Cross reference: [For the Revised Administrative Order for Continuances for Conflicting Case Assignments or Legislative Duties, see the Maryland Judiciary Website, [www.mdcourts.gov](http://www.mdcourts.gov).] See *Rule 16-803 for postponements or continuances for conflicting case assignments or legislative duties*.

Source: This Rule is derived as follows:

Section (a) is derived from former Rule 527 a 1.

Section (b) is derived from former Rule 526.

Section (c) is derived from former Rule 527 c 1, 2, 3, and 4.

[Section (d) is derived from former Rule 527 b.]

Section [(e)] (d) is derived from former Rule 527 e.

REPORTER'S NOTE

See the Reporter's note to Rule 16-803.

**MARYLAND RULES OF PROCEDURE**  
**TITLE 3 - CIVIL PROCEDURE - DISTRICT COURT**  
**CHAPTER 500 - TRIAL**

AMEND Rule 3-508 to delete section (c), add a cross reference to Rule 16-803, and make stylistic changes, as follows:

**Rule 3-508. CONTINUANCE OR POSTPONEMENT**

(a) Generally

On motion of any party or on its own initiative, the court may continue *or postpone* a trial or other proceeding as justice may require.

(b) Discovery not Completed

When an action has been assigned a trial date, the trial shall not be continued *or postponed* on the ground that discovery has not yet been completed, except for good cause shown.

[(c) Legislative Privilege

Upon request of an attorney of record who is a member or desk officer of the General Assembly, a proceeding that is scheduled during the period of time commencing five days before the legislative session convenes and ending ten days after its adjournment shall be continued. Upon request of an attorney of record who is a member of the Legislative Policy Committee or one of its committees or subcommittees or a member of a committee or subcommittee of the State legislature functioning during the legislative interim, a proceeding that is scheduled on the day of a meeting of the Committee or subcommittee shall be continued. When a brief or memorandum of law is required to be filed in a proceeding to be continued under the provisions of this section, the proceeding shall be continued for a time sufficient to allow it to be prepared and filed.]

[(d)] (c) Costs

When granting a continuance or postponement for a reason other than one stated in [section (c)] Rule 16-803 (c), the court may assess costs and expenses occasioned by the continuance or postponement.

Cross reference: See Rule 16-803 for continuances or postponements for conflicting case assignments or legislative duties.

Source: This Rule is derived as follows:

Section (a) is derived from former M.D.R. 527.

Section (b) is derived from former M.D.R. 526.

[Section (c) is derived from former Rule 527 b.]

Section [(d)] (c) is derived from former Rule 527 e.

REPORTER'S NOTE

See the Reporter's note to Rule 16-803.

[13-10-26]

**SCHEDULE**

**Wednesday, June 5, 2013**

**Bar Admissions**

- AG 35 Attorney Grievance Commission of Maryland v. Thomas Patrick Dore
- No. 87 Roguell Blue v. Prince George's County, Maryland, et al.
- Nos. 95 In Re: Ryan W.
- & 101

**Thursday, June 6, 2013**

- AG 22 Attorney Grievance Commission of Maryland v. Melissa Donnelle Gray
- No. 85 David C. Winters v. State of Maryland
- No. 88 Victoria Little v. Roger Schneider

**Monday, June 10, 2013**

- No. 90 Ogden E. Coleman, II v. State of Maryland
- No. 93 Jeremy K. Fishman, et al. v. Sheila Murphy, Personal Representative of the Estate of Dorothy Mae Urban

**Tuesday, June 11, 2013**

- No. 96 Adeline Sturdivant, et al. v. Maryland Department of Health and Mental Hygiene
- No. 94 Lincoln Miller v. State of Maryland
- No. 97 Josephine Chesson, et al. v. Montgomery Mutual Insurance Co.

On the day of argument, counsel are instructed to register in the Clerk's Office no later than 9:30 a.m. unless otherwise notified.

After June 11, 2013 the Court will recess until September 4, 2013.

BESSIE M. DECKER  
Clerk

[13-10-25]

**COURT OF SPECIAL APPEALS**

**SCHEDULE FOR JUNE 3, 4, 5, 6, 7, 10, 11, 17, 18, 19, 20, 2013**

**Monday, June 3, 2013**

Courtroom No. 1

- No. 02274/11\* Lauren McClanahan f/k/a Lauren Hottinger vs. John Hottinger
- No. 00830/12 Baltimore County, Maryland vs. Fraternal Order of Police, Baltimore County Lodge 4
- No. 00548/12 David Marion Connors, III vs. Kayla Marie Wilkinson
- No. 00957/12 Mark G. Midei vs. Catholic Health Initiatives, Inc.
- No. 00620/12 Judith Adedje vs. Westat, Inc. et al.
- No. 02047/11 Travis D. Wright vs. State of Maryland
- \*8-207(a)

Courtroom No. 2

- No. 01970/12\* Radka Elloin Duku vs. Kofi Elloin Duku
- No. 00870/12 Scott Matthai et al. vs. Joan L. Bresko et vir.
- No. 00806/12 Sandy Lewallen etc. et al. vs. Justin Wasserman et al.
- No. 00731/12 Mayor and City Council of Baltimore vs. Edward J. Shockney et al.
- No. 00975/12 John R. Garza et al. vs. Council of Unit Owners of 77 S. Washington Condo et al.
- \*8-207(a)

**Tuesday, June 4, 2013**

Courtroom No. 1

- No. 00980/12 Lincoln Peters vs. Department of Public Safety and Correctional Services et al.
- No. 00696/12 Houses of Hope, LLC vs. James W. Holderness et al.
- No. 01078/12 Comptroller of the Treasury vs. Henry Immanuel
- No. 01008/12 Twin Ridge Apartments, Inc. vs. Susan Ross-Siegel
- No. 01066/11 Park Avenue Property, Ltd. et al. vs. John Wetzel
- No. 02284/11 Matthew Manning vs. State of Maryland

Courtroom No. 2

- No. 00258/12 Thomas H. Quispe del Pino vs. Maryland Department of Public Safety and Correctional Services et al.
- No. 00741/12 Wayne K. Bartsch vs. Francis K. Bartsch et al.
- No. 01522/12 Patricio Tolentino-Tellez vs. State of Maryland
- No. 00817/12 Whiting - Turner Contacting Company vs. Commissioner of Labor and Industry
- No. 02745/10 Rocco Belmonte vs. Maryland Jockey Club of Baltimore City, Inc. et al.

**Wednesday, June 5, 2013**Courtroom No. 1

- No. 00932/10 Traimne Martinez Allen vs. State of Maryland  
 No. 00734/12 Virat Exports Pvt., Ltd. et al. vs. Angels of Mercy International, Inc. et al.  
 No. 00890/12\* Beth Michelle Katz vs. Jerold P. Katz  
 No. 01474/11 Jeffrey A. King, Personal Representative of the Estate of Svetlana Y. Coontz et al. vs. Shannon Smith-Wood  
 No. 01548/11 Vincent S. Serio vs. Matt P. Lavine  
 \*8-207(a)

Courtroom No. 2

- No. 00929/10 Howard Bay Diggs vs. State of Maryland  
 No. 00866/12 Felecia Amos-Hoover vs. Antonio J. Amos, Sr.  
 No. 00807/12 Phuonglan Ngo vs. CVS Pharmacy, Inc. et al.  
 No. 00824/12 Michael Robert O'Brien Sr. et al. vs. Bank of America et al.  
 No. 01958/12\* Helen Adames vs. Kevin McCray  
 No. 00483/12 Jerome Sachs et ux. vs. Highfield House Condominium, Inc. et al.  
 \*8-207(a)

**Thursday, June 6, 2013**Courtroom No. 1

- No. 02226/10 John Americo Giorgilli vs. State of Maryland  
 No. 01887/12 In the Matter of Annette I. Hammond for the Appointment of a Guardian of the Person and Property  
 No. 00539/12 Lois E. Williams vs. Thomas P. Dore et al., Substitute Trustees  
 No. 00819/12 Daniel S. Smithpeter vs. Maryland Board of Physicians  
 No. 01765/11 Ahmad Bagheri vs. Bruce Goodarzi

Courtroom No. 2

- No. 00828/12 Alvin Coates vs. GRA, Inc. et al.  
 No. 00925/12 M & I Investments t/a Boulevard Fine Wine & Spirits vs. Crandall Liquors, LLC  
 No. 00715/12 Washington Metropolitan Area Transit vs. vs. Lisa Holloman  
 No. 00633/12 Scott Shirley vs. Eric Heckman et al.  
 No. 00720/12\*\* Marilyn H. Weimer vs. Amerifirst Fuel Equipment & Services, LLC  
 No. 01772/12\*\* Marilyn H. Weimer vs. Amerifirst Fuel Equipment & Services, LLC  
 No. 00794/12 Blue Ocean Enterprises, LLC d/b/a The Family Market vs. Yeun-Hee Juhn et al.

\*\*Consolidated Cases

**Friday, June 7, 2013**Courtroom No. 1

- No. 00545/12 Glen S. Ains et ux. vs. Thomas Parkinson  
 No. 00739/12 Richard B. Myers et ux. vs. HSBC Bank USA  
 No. 00978/12 David Ross vs. John Agurs et al.  
 No. 00763/12 Woodburn's Beverage, Inc. vs. Board of License Commissioners for Calvert County et al.  
 No. 01119/12 Evergreen Associates LLC vs. Joseph Crawford  
 No. 01370/12 Willie Quinones vs. State of Maryland

Courtroom No. 2

- No. 01016/12 John Gorospe et ux. vs. Nova Construction and Consulting, Inc. et al.  
 No. 00909/12 Paul Edery et al. vs. David Edery et al.  
 No. 02854/11 John A. Chase vs. The Coca-Cola Company et al.  
 No. 00872/12 Deven Angel Matos vs. State of Maryland  
 No. 02472/11 Ray Charles Love vs. Renatta Marie Love  
 No. 00231/12 Cal Stafilatatos vs. State of Maryland

**Monday, June 10, 2013**Courtroom No. 1

- No. 00646/10 Charles Donald Hall vs. Maple Hill Limited Partnership et al.  
 No. 01693/12 City of District Heights, Maryland vs. Kimberly Yvette Eatmon  
 No. 01075/12 Steven Burnett vs. Cereta Spencer  
 No. 00474/12 Allen R. Dyer vs. Maryland State Board of Education  
 No. 00977/12 Stroehmann Bakeries, Inc. et al. vs. Linda C. Densmore

Courtroom No. 2

- No. 00001/12 Robert Douglas More vs. State of Maryland  
 No. 00327/11\*\* Halle Development, Inc. vs. Anne Arundel County, Maryland  
 No. 00956/12\*\* Halle Development Inc. et al. vs. Anne Arundel County, Maryland  
 No. 00608/12 Davon Wilkins vs. State of Maryland  
 No. 00919/12 Frank Orazio Cipriani vs. State of Maryland  
 No. 00233/12 Anil R. Patel et al. vs. GIM, LLC  
 No. 01369/12 Travis Chad-Egbert Mason vs. State of Maryland

\*\*Consolidated Cases

**Tuesday, June 11, 2013**Courtroom No. 1

- No. 01153/12 Charles E. Richter, Jr. vs. State of Maryland  
 No. 00758/12 Gregory L. Dively et ux. vs. Lorraine Parrish  
 No. 00891/12 Andrew Kim vs. Heatherwood, LLP  
 No. 01213/12 Muriel A. Edwards et vir vs. Rosemarie Lehner et vir  
 No. 00730/12 Rental Solutions, LLC et al. vs. Samy Reyes et al.  
 No. 00798/12 Roderick Dotson et al. vs. Raphael Prevot

Courtroom No. 2

- No. 00868/12 Perdue Incorporated et al. vs. Joseph Edward Baine  
 No. 02134/12\* In Re: Adoption/Guardianship of Sierra M. and Alissa M.  
 No. 02073/12\* In Re: Ziad M., Melvin M. and Madison D.  
 No. 00908/12 100 Harborview Drive Council of Unit Owners vs. Penthouse 4C, LLC  
 No. 00982/12 County Council of Prince George's County, Sitting as the District Council vs. Barnabas Road Associates, LLC  
 No. 01070/12 Linda Martin et al. vs. Allegany County Board of Education

\*8-207(a)

**Monday, June 17, 2013**Courtroom No. 1

- No. 02303/11 Tony Williams vs. State of Maryland  
 No. 00969/12 Aeon Financial LLC vs. Weldon Sollers et al.  
 No. 00968/12 Aeon Financial, LLC vs. Seung Chun Moon et al.

**THE JUDICIARY**

**914**

No. 02965/10 Publish America, LLLP vs. Sally Stern a/k/a Sally Ann Miketa Stern  
 No. 01006/12 Tonia Bravo Llanten vs. Cedar Ridge Counseling Centers, LLC  
 No. 01104/12 Prince George’s County Police Dept. vs. State of Maryland, et al.

Courtroom No. 2

No. 00889/12 William Rounds et al. vs. Maryland-National Capital Park and Planning Commission et al.  
 No. 00229/12 Juan Cortez vs. C G Electric, Inc.  
 No. 01057/12 Kevin Dorsey a/k/a Donta Coates vs. State of Maryland  
 No. 02051/12 Kerenhappuch Akumah vs. Anthony Opore  
 No. 00210/12 Chad Michael Hook vs. State of Maryland

**Tuesday, June 18, 2013**  
 All cases submitted on brief  
Courtroom No. 1

No. 01033/12 Welvin J. Wills vs. Mark H. Wittstadt et al. vs.  
 No. 01087/12 James Dixon vs. State of Maryland  
 No. 00520/12 Pilar Luntao vs. Joyce Bryant  
 No. 00842/12 Sami McCargo vs. State of Maryland  
 No. 01086/12 Ryan King vs. State of Maryland  
 No. 01824/11 Anthony Witherspoon vs. Gregg L. Hershberger, Warden  
 No. 00003/12 Jose Ricardo Odom vs. State of Maryland

Courtroom No. 2

No. 00488/12 Michael A. Shephard vs. James Lantry  
 No. 00587/12 Diana R. Williams vs. Board of Education of Baltimore County et al.  
 No. 01661/11 Francis Ryan vs. State of Maryland  
 No. 00779/12 Justin Storto vs. State of Maryland  
 No. 02207/11 Donald Ray Blann vs. State of Maryland  
 No. 01295/12 Marlon Smith vs. State of Maryland  
 No. 00601/12 Bryan Edwards a/k/a Jerrod Sparrow vs. State of Maryland  
 No. 00773/12 Nicholas Jordan Bush vs. State of Maryland

**Wednesday, June 19, 2013**  
 All cases submitted on brief  
Courtroom No. 1

No. 01099/11 Veron Kalos vs. United States Surety Company  
 No. 01159/12 Langley Eugene Willis vs. State of Maryland  
 No. 00883/12 James Puryear vs. State of Maryland  
 No. 00516/12 Deborah Vollmer vs. Arthur Schwartz et ux.  
 No. 00205/12 Andre Fisher vs. State of Maryland  
 No. 01990/11 Deborah A. Vollmer vs. Arthur Schwartz et ux.  
 No. 01097/12 In Re: Chase M.  
 No. 01009/12 Sharon Duncan vs. George Mason University Foundation  
 No. 00799/12 S.G. vs. State of Maryland  
 No. 00857/12 Larry Joseph vs. State of Maryland  
 No. 01367/12 Jeffrey Sanchez vs. State of Maryland  
 No. 00626/12 Kevin Dennis George, Sr. vs. State of Maryland

Courtroom No. 2

No. 02016/12\* James Armstead vs. Matta Karimu  
 No. 01014/12 Mehmet Yavuz Corapcioglu vs. Sharon Roosevelt  
 No. 00813/12 Eric Carlton Sines vs. State of Maryland  
 No. 02541/11 Mustapha Mboob vs. State of Maryland  
 No. 00496/12\*\* Miguel Angel Morales-Iraheta vs. State of Maryland

No. 01375/12\*\* Miguel Angel Morales-Iraheta vs. State of Maryland  
 No. 01107/12 In Re: Darnell F.  
 No. 00905/12 William Hill vs. State of Maryland  
 \*8-207(a)  
 \*\*Consolidated Cases

**Thursday, June 20, 2013**  
 All cases submitted on brief  
Courtroom No. 1

No. 01065/12 Peter A. Muntjan vs. Frank D. Scarfield, Sr. et al.  
 No. 01066/12 David Brooks vs. Montgomery County Department of Health and Human Services  
 No. 00796/12 Maurice Morgan vs. State of Maryland  
 No. 00987/12 Anthony Hill vs. State of Maryland  
 No. 02256/11 Mark O. Langston vs. State of Maryland  
 No. 00841/12 Patrick Williams vs. State of Maryland  
 No. 01392/12 Rondell Copes vs. State of Maryland  
 No. 02451/11\*\* Peter Miller vs. State of Maryland  
 No. 02510/11\*\* William Rhodes a/k/a Eric Williams vs. State of Maryland  
 No. 02766/11\*\* Derrell Johnson vs. State of Maryland  
 No. 01294/12 Antwan Harris vs. State of Maryland  
 No. 01038/12 Joseph Fields vs. State of Maryland  
 \*\*Consolidated Cases

Courtroom No. 2

No. 01088/12 Timothy Snipes vs. State of Maryland  
 No. 00838/12 James T. Walker vs. ZC Sterling Insurance Agency Inc. et al.  
 No. 00200/12 Michael James Quander vs. State of Maryland  
 No. 00530/12 Caroline L. Fazenbaker vs. Maryland State Board of Nursing  
 No. 02572/11 In Re: Khalil F.  
 No. 00852/12 Terrell Scott vs. State of Maryland  
 No. 01102/12 Billy Joe Simon vs. State of Maryland  
 No. 01884/11 Jeremy Allen House vs. State of Maryland  
 No. 00686/12 Anthony Waters vs. State of Maryland  
 No. 00368/12 Darian Harold Makle vs. State of Maryland  
 No. 00344/12 Cecil Mooney, Sr. vs. State of Maryland

On the day of argument, counsel are instructed to register in the Office of the Clerk **no later than 9 a.m.** The Court is located at 361 Rowe Boulevard, in the Robert C. Murphy Courts of Appeals Building. After June, 2013, the Court will recess until July, 2013.

LESLIE D. GRADET  
 Clerk

**ADMINISTRATIVE ORDER**

Pursuant to Maryland Rule 8-522(a), I hereby direct that oral argument in the month of June be limited to 20 minutes per side, subject to the discretion of the hearing panel to allow additional argument, not exceeding a total of 30 minutes per side.  
 This directive applies only to cases scheduled in June, 2013.

Chief Judge’s signature appears on  
 original Administrative Order

Dated: April 25, 2013

[13-10-24]



# Regulatory Review and Evaluation

Regulations promulgated under the Administrative Procedure Act will undergo a review by the promulgating agency in accordance with the Regulatory Review and Evaluation Act (State Government Article, §§10-130 — 10-139; **COMAR 01.01.2003.20**). This review will be documented in an evaluation report which will be submitted to the General Assembly's Joint Committee on Administrative, Executive, and Legislative Review. The evaluation reports have been spread over an 8-year period (see **COMAR 01.01.2003.20** for the schedule). Notice that an evaluation report is available for public inspection and comment will be published in this section of the Maryland Register.

## Title 11 DEPARTMENT OF TRANSPORTATION

### Subtitle 14 MOTOR VEHICLE ADMINISTRATION — VEHICLE INSPECTIONS

#### Notice of Opportunity for Comment

In accordance with the Regulatory Review and Evaluation Act, State Government Article, §§10-130—10-139, Annotated Code of Maryland, the Motor Vehicle Administration (MVA) and Maryland State Police (MSP) are currently reviewing and evaluating the following chapters:

- 11.14.01 General Inspection
- 11.14.02 Safety Standards for Passenger Cars, Taxicabs, Light Trucks, Vans, Multipurpose Passenger Vehicles, and Type II School Vehicles
- 11.14.03 Safety Standards for Motorcycles
- 11.14.04 Safety Standards for Trucks, Truck Tractors, Commercial Buses, and Type I School Vehicles
- 11.14.05 Safety Standards for Trailers
- 11.14.06 Emissions Equipment Standards
- 11.14.07 Noise Abatement Program
- 11.14.08 Vehicle Emissions Inspection Program
- 11.14.09 Safety Standards for Low Speed Vehicles

The purpose of this review and evaluation is to determine whether existing regulations continue to accomplish the purposes for which they were adopted, clarify ambiguous or unclear language, and repeal obsolete or duplicative provisions. Pursuant to its work plan, MVA and MSP will evaluate the need to retain, amend, or repeal the regulations based on whether the regulations:

- Continue to be necessary for public interest;
- Continue to be supported by statutory authority and judicial opinions;
- Are obsolete or otherwise appropriate for amendment or repeal;
- Continue to be effective in accomplishing the intended purposes of the regulations

MDOT would like to provide interested parties with an opportunity to participate in the review and evaluation process by submitting comments on the regulations. The comments may address any concerns about the regulations. If the comments include suggested changes to the regulations, please be as specific as possible and provide language for the suggested changes. Comments must be received by June 14, 2013.

Comments should be directed to Tracey C. Sheffield, Regulations Coordinator, Motor Vehicle Administration, 6601 Ritchie Highway, N.E., Room 200, Glen Burnie, Maryland 21062 or by email to [tsheffield@mdot.state.md.us](mailto:tsheffield@mdot.state.md.us).

[13-10-21]

## Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

### Subtitle 43 BOARD OF CHIROPRACTIC AND MASSAGE THERAPY EXAMINERS

#### Rulemaking Project

Revision of COMAR 10.43.01 et seq.  
(Chiropractic & Massage Regulations):

The MD Board of Chiropractic & Massage Therapy Examiners Regulations Subcommittee has been engaged in a lengthy review project regarding its chiropractic and massage regulations; 3 public meetings were held (advertised online and in MD Register). The Subcommittee has arrived at an initial draft; major substantive revisions include liberalizing CEU course submission/review requirements for both chiropractic and massage therapy, and defining record keeping requirements for massage therapists. Any final revisions made and final review and vote will be taken at a June 20th General Session Meeting, Room 100, 4201 Patterson Ave., Baltimore., MD. Upon final approval, the rule making proposal must be submitted to DHMH for review and will subsequently be printed in the MD Register for general public comments in accordance with DHMH guidelines.

[13-10-23]

# Final Action on Regulations

## Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- ~~[[Double brackets]]~~ indicate text deleted at the time of final action.

## Title 08 DEPARTMENT OF NATURAL RESOURCES

### Subtitle 02 FISHERIES SERVICE

#### 08.02.22 Sharks

Authority: Natural Resources Article, §§4-206 and 4-2A-03, Annotated Code of Maryland

#### Notice of Final Action

[13-079-F]

On May 7, 2013, the Secretary of Natural Resources adopted amendments to Regulations .02 and .04 under **COMAR 08.02.22 Sharks**. This action, which was proposed for adoption in 40:6 Md. R. 477—478 (March 22, 2013), has been adopted as proposed.

**Effective Date: May 27, 2013.**

JOHN R. GRIFFIN  
Secretary of Natural Resources

## Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

### Subtitle 03 COMMISSIONER OF FINANCIAL REGULATION

#### 09.03.14 Money Transmitters

Authority: Financial Institutions Article, §12-403, Annotated Code of Maryland

#### Notice of Final Action

[13-030-F]

On April 29, 2013, the Commissioner of Financial Regulation adopted new Regulation .01 under a new chapter, **COMAR 09.03.14 Money Transmitters**. This action, which was proposed for adoption in 40:2 Md. R. 86 (January 25, 2013), has been adopted as proposed.

**Effective Date: May 27, 2013.**

MARK KAUFMAN  
Commissioner of Financial Regulation

## Subtitle 12 DIVISION OF LABOR AND INDUSTRY

### 09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards

Authority: Labor and Employment Article, §§2-106(b)(4) and 5-312(b), Annotated Code of Maryland

#### Notice of Final Action

[13-082-F]

On May 7, 2013, the Commissioner of Labor and Industry adopted, through incorporation by reference under **COMAR 09.12.31 Maryland Occupational Safety and Health — Incorporation by Reference of Federal Standards**, a technical amendment to OSHA's Bloodborne Pathogens Standard; Corrections and Technical Amendment, 29 CFR Part 1910, published in 77 FR 19933 — 19934 (April 3, 2012), as amended. This action, which was proposed for adoption in 40:6 Md. R. 479 (March 22, 2013), has been adopted as proposed.

**Effective Date: May 27, 2013.**

J. RONALD DEJULIIS  
Commissioner of Labor and Industry

## Subtitle 12 DIVISION OF LABOR AND INDUSTRY

### 09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards

Authority: Labor and Employment Article, §§2-106(b)(4) and 5-312(b), Annotated Code of Maryland

#### Notice of Final Action

[13-083-F]

On May 7, 2013, the Commissioner of Labor and Industry adopted, through incorporation by reference under **COMAR 09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards**, corrections and amendments related to Respiratory Protection; Mechanical Power Presses; Scaffold Specifications; Correction and Technical Amendment, 29 CFR Parts 1910 and 1926, published in 77 FR 46948 — 46950 (August 7, 2012), as amended. This action, which was proposed for adoption in 40:6 Md. R. 479 — 480 (March 22, 2013), has been adopted as proposed.

**Effective Date: May 27, 2013.**

J. RONALD DEJULIIS  
Commissioner of Labor and Industry

## Subtitle 12 DIVISION OF LABOR AND INDUSTRY

### 09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards

Authority: Labor and Employment Article, §§2-106(b)(4) and 5-312(b),  
Annotated Code of Maryland

#### Notice of Final Action

[13-084-F]

On May 7, 2013, the Commissioner of Labor and Industry adopted, through incorporation by reference under **COMAR 09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards**, amendments relating to Rigging Equipment for Material Handling Construction Standard; Correction and Technical Amendment, 29 CFR Part 1926, published in 77 FR 23117 — 23118 (April 18, 2012), as amended. This action, which was proposed for adoption in 40:6 Md. R. 480 (March 22, 2013), has been adopted as proposed.

**Effective Date: May 27, 2013.**

J. RONALD DEJULIIS  
Commissioner of Labor and Industry

## Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

### Subtitle 09 MEDICAL CARE PROGRAMS

#### 10.09.41 Employed Individuals with Disabilities

Authority: Health-General Article, §15-138, Annotated Code of Maryland

#### Notice of Final Action

[13-077-F]

On May 6, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulations **.02— .04** and **.07** under **COMAR 10.09.41 Employed Individuals with Disabilities**. This action, which was proposed for adoption in 40:5 Md. R. 413—415 (March 8, 2013), has been adopted as proposed.

**Effective Date: May 27, 2013.**

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## Subtitle 46 BOARD OF OCCUPATIONAL THERAPY PRACTICE

### 10.46.04 Continuing Competency Requirement

Authority: Health Occupations Article, §§10-205 and 10-311, Annotated Code  
of Maryland

#### Notice of Final Action

[13-048-F]

On May 2, 2013, the Secretary of Health and Mental Hygiene adopted amendments to Regulation **.04** under **COMAR 10.46.04 Continuing Competency Requirement**. This action, which was proposed for adoption in 40:2 Md. R. 116—117 (January 25, 2013), has been adopted as proposed.

**Effective Date: May 27, 2013.**

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

## Title 11 DEPARTMENT OF TRANSPORTATION

### Subtitle 07 MARYLAND TRANSPORTATION AUTHORITY

#### 11.07.05 Public Notice of Toll Schedule Revisions

Authority: Transportation Article, §§4-205, 4-312, 21-1401, 21-1414, and 27-  
110, Annotated Code of Maryland

#### Notice of Final Action

[13-024-F]

On March 25, 2013, the Executive Secretary of the Maryland Transportation Authority adopted the repeal of existing Regulations **.01 — .05** and adopted new Regulations **.01 — .05** under **COMAR 11.07.05 Public Notice of Toll Schedule Revisions**. This action, which was proposed for adoption in 40:2 Md. R. 131—132 (January 25, 2013), has been adopted as proposed.

**Effective Date: May 27, 2013.**

HAROLD D. BARTLETT  
Executive Secretary  
Maryland Transportation Authority

# Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

## Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

## Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

## Title 08

# DEPARTMENT OF NATURAL RESOURCES

## Subtitle 03 WILDLIFE

### 08.03.09 Wildlife Possession

Authority: Natural Resources Article, §10-907, Annotated Code of Maryland

#### Notice of Proposed Action

[13-125-P]

The Department of Natural Resources proposes to repeal existing Regulation .07 and adopt new Regulation .07 under **COMAR 08.03.09 Wildlife Possession**.

#### Statement of Purpose

The purpose of this action is to repeal the existing falconry regulations and replace those with regulations that are in compliance with the new federal falconry standards established by the U.S. Fish and Wildlife Service. The U.S. Fish and Wildlife Service established new standards for falconry and require that each state's falconry program be in compliance with these standards by January 1, 2014. The proposed regulations are in compliance with the new federal standards.

#### Comparison to Federal Standards

In compliance with Executive Order 01.01.1996.03, this proposed regulation is more restrictive or stringent than corresponding federal standards as follows:

(1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:

Proposed Regulation .07C(1)(f) restricts an apprentice to possess only one of three species of raptors and no raptor that was captive produced. Proposed Regulation .07D(1) adds four additional species to the list of raptors that must be marked. Proposed Regulation .07G(1) prohibits take from the wild in Maryland of five

species of raptor and prohibits take from the wild of northern goshawk from Allegany and Garrett counties.

(2) Benefit to the public health, safety, or welfare or to the environment:

Benefits of these more restrictive regulations are that the wild populations of rare, threatened, or endangered raptors in Maryland will be protected. Restricting the species of raptor an apprentice falconer may possess protects species that require more experience in handling.

(3) Analysis of additional burden or cost on the regulated person:

There will be no additional burden or cost on the regulated person.

(4) Justification for the need for more restrictive standards:

More restrictive standards are needed to protect species of raptors considered rare, threatened, endangered, or in need of conservation in Maryland.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Glenn D. Therres, Associate Director, DNR - Wildlife and Heritage Service, 580 Taylor Avenue E-1, Annapolis, MD 21401, or call 410-260-8572, or email to gtherres@dnr.state.md.us, or fax to 410-260-8596. Comments will be accepted through June 17, 2013. A public hearing has not been scheduled.

#### .07 Falconry.

##### A. Definitions.

(1) *In this regulation the following terms have the meanings indicated.*

(2) *Terms Defined.*

(a) *"Eyas" means a nestling raptor incapable of flight.*

(b) "Falconer" means the holder of a valid falconry permit issued by the Department.

(c) "Falconry" means the sport of hunting game birds and mammals or other wildlife by the means of a trained raptor.

(d) "Imping" means replacing a damaged feather with a molted feather.

(e) "ISO" means the International Organization for Standardization.

(f) "Passage bird" means a raptor in juvenile plumage less than 1 year old and capable of flight.

(g) "Permittee" means the holder of a valid falconry permit issued by the Department.

(h) Raptor.

(i) "Raptor" means a live bird of the family Accipitridae of the family Falconidae or of the family Strigidae.

(ii) "Raptor" does not include a bird of the family Pandionidae or the family Tytonidae.

(i) "Take" means to trap or capture or legally acquire, or to attempt to trap or capture or legally acquire, a raptor for falconry.

(j) "USFWS" means the United States Fish and Wildlife Service.

**B. Permit and Application Requirements.**

(1) An individual shall have a valid falconry permit from the Department to take, possess, or transport raptors for falconry or to hunt with them.

(2) To apply for a falconry permit, an applicant shall submit the following information:

(a) A completed application form from the Department;

(b) For an apprentice permit, the applicant shall obtain a sponsor and have the sponsor sign the bottom of the application;

(c) For an apprentice or general falconry permit, a parent or legal guardian shall co-sign the application if the applicant is under 18 years of age; and

(d) For renewal of general and master falconry permits, a copy of a current hunting license or a hunting license from the previous hunting season.

(3) To advance from an apprentice level to a general level falconry permit, the applicant shall provide:

(a) Information documenting the applicant's experience maintaining falconry raptors, including a summary of what species were held as an apprentice falconer and how long each bird was possessed; and

(b) A letter from a general falconer or master falconer serving as the applicant's sponsor attesting that the applicant has practiced falconry with a raptor at the apprentice falconer level for at least 2 years, including maintaining, training, flying, and hunting the raptor for at least 4 months in each year.

(4) To advance from a general level to a master level falconry permit, the applicant shall attest that the applicant has practiced falconry as a general falconer for at least 5 years.

(5) A permit may not be issued unless the applicant has adequate facilities and equipment, which are inspected and certified before issuance, by a representative of the Department, as meeting standards set forth in §F of this regulation.

(6) The application shall be accompanied by a \$25 fee. In addition, an annual fee of \$25 shall be due with each annual report, if the falconer desires to renew a permit.

(7) A nonresident falconry permit will be recognized as valid in the State if the falconer's resident state is recognized by the USFWS as a participating state, and the falconer's resident state allows reciprocity for Maryland falconers. A nonresident falconer shall possess a copy of the falconer's current resident state falconry permit while conducting falconry in the State.

C. Classes of Permits. The following classes of falconry permits are established with the following qualifications and criteria:

**(1) Apprentice Class.**

(a) An applicant for an apprentice class permit shall be at least 14 years of age.

(b) If the applicant is under 18 years of age, a parent or legal guardian shall sign the application and is legally responsible for all activities.

(c) A falconry permit may not be issued until the applicant has answered correctly at least 80 percent of the questions given on a supervised examination provided by the Department. The examination shall cover care and handling of raptors, federal and State laws and regulations relevant to falconry, and other appropriate subject matter. The examination shall be administered by a representative of the Department at a place and time designated by the representative on a date agreed to by the representative and the applicant. Retaking of the examination shall be provided no sooner than 30 days after failure and no later than 90 days after failure. An applicant shall be provided the opportunity to retake the examination no more than three times in 1 calendar year.

(d) The applicant shall obtain a sponsor that possesses a Maryland master class or a general class falconry permit. The sponsor shall be at least 18 years old and have at least 2 years of experience as a general class falconer. The sponsor shall assist the apprentice, as necessary, in:

(i) Learning about the husbandry and training of raptors held for falconry;

(ii) Learning about relevant wildlife laws and regulations affecting the sport of falconry; and

(iii) Determining what species of raptor is appropriate for the applicant to possess while an apprentice.

(e) An apprentice may possess no more than one raptor for use in falconry.

(f) An apprentice may only possess a red-tailed hawk, red-shouldered hawk, or American kestrel taken from the wild. An apprentice may not possess a captive-produced raptor.

(g) An apprentice may only take raptors less than 1 year old, except eyases, from the wild. An apprentice may only take red-tailed hawks, red-shouldered hawks, or American kestrels from the wild.

(h) An apprentice may possess a wild raptor trapped by another falconer who possesses a valid falconry permit and transfers the raptor to the apprentice in accordance with §G of this regulation.

(i) An apprentice may not possess a raptor taken from the wild as an eyas.

(j) An apprentice may not possess a bird that is imprinted on humans.

(k) The apprentice's raptor facilities shall pass an inspection by a representative of the Department before the apprentice will be granted a permit.

**(2) General Class.**

(a) A general falconer shall be at least 16 years of age.

(b) If the general falconer is 16 or 17 years of age, a parent or legal guardian shall sign the application and shall be legally responsible for the falconer's activities.

(c) To become a general falconer, the applicant shall submit a document from the applicant's sponsor stating that the applicant has practiced falconry with a raptor at the apprentice falconer level or equivalent for at least 2 years, including maintaining, training, flying, and hunting the raptor for at least 4 months in each year. That practice may include capture and release of falconry raptors.

(d) The applicant may not substitute any falconry school program or education to shorten the period of 2 years at the apprentice level.

(e) A general falconer may take and possess any raptor except golden eagle, bald eagle, white-tailed eagle, or Steller's sea-

eagle. A general falconer may not take northern harriers, gyrfalcons, peregrine falcons, long-eared owls, short-eared owls, or snowy owls from the wild in the State except by special permit. A general falconer may not take northern goshawks from Allegany or Garrett counties. A general falconer may not take an eyes merlin or Mississippi kite from the wild in the State. A general falconer may use captive-bred individuals and hybrids of the species the falconer is allowed to possess.

(f) A general falconer may possess no more than three raptors.

(3) Master Class.

(a) A master falconer shall have practiced falconry with the master falconer's own raptor at the general falconer level for at least 5 years.

(b) A master falconer may take and possess any raptor except a bald eagle. However, a master falconer may take and possess a golden eagle, white-tailed eagle, or Steller's sea-eagle only if the master falconer meets the qualifications set forth in §C(3)(g) of this regulation. A master falconer may not take northern harriers, gyrfalcons, peregrine falcons, long-eared owls, short-eared owls, or snowy owls from the wild in the State except by special permit. A master falconer may not take an eyes merlin or Mississippi kite from the wild in the State. A master falconer may not take northern goshawks from Allegany or Garrett counties.

(c) A master falconer may possess any captive-bred raptors or hybrid raptors for use in falconry.

(d) A master falconer may possess no more than five wild raptors.

(e) A master falconer may possess any number of captive-bred raptors. However, the master falconer shall train them in the pursuit of wild game and use them in hunting.

(f) A master falconer may possess up to three eagles of the following species:

- (i) Golden eagle;
- (ii) White-tailed eagle; or
- (iii) Steller's sea-eagle.

(g) Before approving a master falconer's request to possess an eagle to use in falconry, the following shall be documented:

(i) The master falconer's experience in handling large raptors, including information about the species the master falconer has handled and the type and duration of the activity in which the master falconer gained the experience; and

(ii) At least two letters of reference from people with experience handling and/or flying large raptors such as eagles, ferruginous hawks, goshawks, or great horned owls. Each shall contain a concise history of the author's experience with large raptors, which can include, but is not limited to, handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter shall also assess the master falconer's ability to care for eagles and fly them in falconry.

(h) A golden eagle, white-tailed eagle, or Steller's sea-eagle the master falconer holds will count as one of the raptors the master falconer is allowed to possess for use in falconry.

D. Marking.

(1) Any of the following raptors shall be banded with a permanent, nonreusable, numbered USFWS leg band provided by the Department if the bird is taken from the wild or acquired from another falconer or rehabilitator:

- (a) Northern harrier;
- (b) Northern goshawk;
- (c) Harris hawk;
- (d) Peregrine falcon;
- (e) Gyrfalcon;
- (f) Long-eared owl;
- (g) Short-eared owl; or

(h) Snowy owl.

(2) The falconer may purchase and implant an ISO-compliant 134.2 kHz microchip in addition to the band. The band number shall be reported when the acquisition of the bird is reported. Within 10 days from the day on which the raptor was taken from the wild, the falconer shall report take of the bird by entering the required information, including the band number, in the electronic database of the USFWS or by submitting a USFWS form 3-186A to the Department. A falconer may request an appropriate band from the Department in advance of any effort to capture a raptor.

(3) A raptor bred in captivity shall be banded with a seamless metal band. If a seamless band shall be removed from a raptor bred in captivity or if it is lost, within 10 days from the date of removal or loss the falconer shall report and obtain a replacement USFWS nonreusable band from the Department. The falconer shall submit the required information electronically immediately upon rebanding the raptor to the USFWS's electronic database or by submitting a USFWS form 3-186A to the Department. A seamless band that is removed or lost shall be replaced. A falconer may implant an ISO-compliant 134.2 kHz microchip in a falconry raptor in addition to the seamless band.

(4) If the band shall be removed or is lost from a wild-caught raptor in possession of a falconer, the falconer shall report the loss of the band within 5 days, and the falconer shall then do at least one of the following:

(a) Request a USFWS nonreusable band from the Department and submit the required information within 10 days of rebanding the raptor to the USFWS's electronic database or by submitting a USFWS form 3-186A to the Department; or

(b) Purchase and implant an ISO-compliant 134.2 kHz microchip in the bird and report the microchip information to the USFWS's electronic database or by submitting a USFWS form 3-186A form to the Department.

(5) A falconer may not alter, deface, or counterfeit any band. A falconer may remove the rear tab on a band on a raptor taken from the wild, and the falconer may smooth any imperfect surface as long as it does not affect the integrity of the band or the numbering on it.

(6) If the falconer documents health or injury problems for a raptor in possession that are caused by the band, the Department may provide an exemption to the requirement for that raptor. In that case, the falconer shall keep a copy of the exemption paperwork with the falconer when transporting or flying the raptor. If the bird is a wild goshawk, Harris hawk, peregrine falcon, or gyrfalcon, the falconer shall replace the band with an ISO-compliant microchip supplied by the Department. A microchip for a wild goshawk, Harris hawk, peregrine falcon, or gyrfalcon will not be provided unless the falconer has demonstrated that a band causes an injury or a health problem for the bird.

(7) A falconer may not band a raptor removed from the wild with a seamless numbered band.

E. Transportation and Transfers.

(1) A raptor held for the use of falconry by a Maryland resident falconer may be transported within, exported from, and imported into the State if it is properly marked with markers in accordance with §D of this regulation.

(2) An individual who does not have a permit may not ship, transport, carry, or convey any raptor legally acquired, or transfer it to another individual unless the individual first obtains written permission from the Department except to transport a sick or injured raptor to a licensed wildlife rehabilitator.

(3) Any raptor shipped, transported, carried, or conveyed into the State on or in any private or public conveyance shall be accompanied by a shipping permit, transportation tag, or a document authorizing the shipment from the State or country of origin, or other permit that provides proof that the raptor was legally taken, received,

or captured and possessed by the transporter. The individual taking possession of any raptor so entered into the State shall report to the Department within 10 days after the raptor's arrival into the State.

(4) When transporting raptors, or using them for hunting, or when they are away from the falconer's facilities, the falconer shall provide a suitable perch for the raptors and ensure that the raptors are protected from extreme temperatures, wind, and excessive disturbance.

(5) A falconer may sell, purchase, or barter, or offer to sell, purchase, or barter, captive-bred raptors marked with seamless bands to other permittees who are authorized to possess them.

(6) A falconer may not purchase, sell, trade, or barter wild raptors.

(7) *Transferring Raptors.*

(a) A falconer may transfer a wild-caught raptor to an individual if the recipient of the bird possesses the necessary permits for the other activity. The falconer may transfer the wild-caught raptor to a different permit the falconer possesses for the other activity;

(b) A falconer may transfer a wild-caught falconry bird to a raptor propagation permit after the bird has been used in falconry for at least 2 years or 1 year for a sharp-shinned hawk, Cooper's hawk, merlin, or American kestrel. When transferring a bird, the falconer shall provide a copy of the standard USFWS form 3-186A form documenting acquisition of the bird by the propagator to the federal migratory bird permit office that administers the propagation permit;

(c) A falconer may transfer a wild-caught bird to another individual who possesses an education or scientific collection permit within 2 years of capture or 1 year for a sharp-shinned hawk, Cooper's hawk, merlin, or American kestrel if the bird has been injured and a veterinarian or permitted wildlife rehabilitator has determined that the bird can no longer be flown for falconry;

(d) If a raptor is transferred to an individual who possesses an education or scientific permit, the falconer shall within 10 days of transferring the bird provide a copy of the USFWS form 3-186A documenting acquisition of the bird to the federal migratory bird permit office that administers the education or scientific permit; and

(e) When a falconer transfers a bird to an individual who possesses an education or scientific permit, the falconer shall provide a copy of the certification from the veterinarian or rehabilitator that the bird is not useable in falconry and a copy of the standard USFWS form 3-186A form to the federal migratory bird permits office that administers the education or scientific permit within 10 days of the transfer.

(8) A falconer may transfer captive-bred falconry raptors if the holder of the other permit type is authorized to possess the bird. Within 10 days the falconer shall report the transfer by entering the required information in the USFWS electronic database or by submitting a standard USFWS form 3-186A to the Department.

(9) If a falconer dies, a surviving spouse, executor, administrator, or other legal representative of a deceased falconer may transfer any bird held by the falconer to another authorized permittee within 90 days after the death of the falconer. After 90 days, disposition of a bird held under the permit is at the discretion of the Department.

*F. Facilities and Care Requirements.*

(1) A falconer shall keep all raptors held under a falconry permit in a humane and healthy environment.

(2) Whether they are indoors, referred to as mews, or outdoors, referred to as weathering area, the raptor facilities shall protect raptors in them from the environment, predators, and domestic animals. The falconer is responsible for the maintenance and security including protection from predators of raptors in possession.

(3) The falconer shall have raptor housing facilities approved by the Department. The facility shall have both indoor and outdoor facilities. A representative of the Department shall certify that the facilities and equipment meet the following standards:

(a) For housing raptors indoors or outdoors, the facility shall protect raptors from predators and domestic animals, as follows:

(i) The facility shall have a suitable perch for each raptor, have at least one opening for sunlight, and provide a healthy environment for raptors inside;

(ii) The falconer may house untethered raptors together if they are compatible with each other;

(iii) Each raptor shall have an area large enough to allow it to fly if it is untethered or, if tethered, to fully extend its wings or attempt to fly while tethered without damaging its feathers or coming into contact with other raptors; and

(iv) Each falconry bird shall have access to a pan of clean water unless weather conditions, the perch type used, or some other factor makes access to a water pan unsafe for the raptor.

(b) An indoor facility shall be large enough to allow easy access for the care and feeding of raptors kept there, and shall meet the following requirements:

(i) If raptors housed in this indoor facility are not tethered, all walls that are not solid shall be protected on the inside. Suitable materials may include vertical bars spaced narrower than the width of the body of the smallest raptor housed in the enclosure. However, heavy-duty netting or other such materials may be used to cover the walls or roof of the enclosure; and

(ii) Acceptable indoor facilities include shelf perch enclosures where raptors are tethered side by side. Other innovative housing systems are acceptable if they provide the enclosed raptors with protection and maintain healthy feathers.

(c) A falconer may keep a falconry raptor or raptors inside the falconer's place of residence if the falconer provides a suitable perch or perches. If the falconer houses the raptor inside the falconer's home, the falconer does not need to modify windows or other openings of the structure. Raptors kept in the home shall be tethered when they are not being moved into or out of the location in which they are kept.

(d) An outdoor facility shall be totally enclosed, and may be made of heavy-gauge wire, heavy-duty plastic mesh, slats, pipe, wood, or other suitable material, and shall have the following:

(i) The facility shall be covered and have at least a covered perch to protect a raptor held in it from predators and weather;

(ii) The facility shall be large enough to insure that the birds cannot strike the enclosure when flying from the perch; and

(iii) Other types of housing facilities and husbandry practices may be used if approved by the Department.

(4) A falconer may keep falconry raptors outside in the open if they are under watch by the falconer or a family member at any location or by a designated individual in a weathering yard at a falconry meet.

(5) A falconer shall inform the Department within 5 business days if the falconer changes the location of the falconer's facilities.

(6) The falconry facilities may be on property owned by another individual where the falconer resides, or at a different location. Regardless of location, the facilities shall meet the standards described above in this section.

(7) A falconer shall submit to the Department a signed and dated statement showing that the falconer agrees that the falconry facilities and raptors may be inspected without advance notice by the Department at any reasonable time of day, while the falconer is present. If the facilities are not on property that the falconer owns, the falconer shall submit a signed and dated statement showing that

the property owner agrees that the falconry facilities and raptors may be inspected by the Department at any reasonable time of day in the presence of the property owner while the falconer is present.

(8) Falconry equipment and records may be inspected in the presence of the falconer during any reasonable time of day on any day of the week by Department officials.

(9) A falconer may house a raptor in temporary facilities for no more than 120 consecutive calendar days if the bird has a suitable perch and is protected from predators, domestic animals, extreme temperatures, wind, and excessive disturbance.

(10) Another falconer may care for a raptor or raptors for a falconer at the falconer's facilities or at that individual's facilities for up to 120 consecutive calendar days. The other individual shall have a signed and dated statement from the falconer authorizing the temporary possession, plus a copy of USFWS form 3-186A that shows that the falconer is the possessor of each of the raptors. The statement shall include information about the time period for which the individual will keep the raptor, and about what the individual is allowed to do with it or them.

(a) The falconer's raptor will remain on the falconer's falconry permit, and will not be counted against the possession limit of the individual caring for these raptors;

(b) If the individual caring for the raptor holds the appropriate level falconry permit, the individual may fly these raptors in whatever way the falconer authorizes, including hunting; and

(c) This care of a falconer's raptors may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency.

(11) Another individual may care for falconry birds a falconer possesses at the falconer's facilities for up to 45 consecutive calendar days, and shall adhere to the following:

(a) The raptor will remain on the falconer's permit;

(b) The raptors shall remain in the falconer's facilities;

(c) This care may be extended indefinitely in extenuating circumstances, such as illness, military service, or for a family emergency; and

(d) The individual caring for the falconer's raptors may not fly them for any reason.

(12) A falconer shall have jesses or the materials and equipment to make them, leash and swivel, bath container, and appropriate scales or balances for weighing raptors in possession.

**G. Taking Raptors from the Wild.**

(1) A falconer may take no more than two raptors from the wild each year to use in falconry, except that no northern harriers, gyrfalcons, peregrine falcons, long-eared owls, short-eared owls, or snowy owls may be taken from the wild in the State except by special permit. A falconer may not take northern goshawks from Allegany or Garrett counties.

(2) A general or master falconer may take only raptors less than 1 year of age from the wild, except for an American kestrel and great horned owl. The open season for taking eyases is any time of the year that young raptors are in the nest. The open season for taking passage birds and American kestrels and great horned owls over 1 year old is any time of year. When taking a raptor from the wild the falconer shall meet the following requirements:

(a) A falconer shall leave at least one young from any nest from which the falconer takes an eyas;

(b) An apprentice falconer may not take an eyas from the wild; and

(c) A general or master falconer may not take an eyas merlin or Mississippi kite from the wild in the State.

(3) If a falconer transfers a bird the falconer took from the wild to another permittee in the same year in which the bird was captured, the bird will count as one of the raptors the falconer is allowed to

take from the wild that year; it will not count as a capture by the recipient, though it will always be considered a wild bird.

(4) A general or master falconer may remove eyases from a nest in accordance with State and federal restrictions. To take an eyas from a nest located on State property the falconer shall inform the land unit manager in advance and obtain written permission from the land unit manager.

(5) A falconer may not take raptors at any time or in any manner that violates any law of the State on whose land the falconer is trapping.

(6) A falconer can report the take from the wild of a raptor by entering the required information in the USFWS electronic database or by submitting a USFWS form 3-186A to the Department. The falconer shall do this within 10 days after the capture of the bird.

(7) If a falconer is present at the capture site, even if another individual captures the bird for the falconer, the falconer is considered the individual who removes the bird from the wild. That falconer is responsible for filing a USFWS form 3-186A reporting take of the bird from the wild.

(8) If a falconer receiving a raptor is not at the immediate location where the bird is taken from the wild, the individual who removes the bird from the wild shall be a general or master falconer, and shall report take of the bird. The bird will count as one of the two raptors the individual who took it from the wild is allowed to capture in any year. The individual who takes the bird from the wild shall report the take even if the individual promptly transfers the bird to another falconer.

(9) If a falconer has a long-term or permanent physical impairment that prevents the falconer from attending the capture of a species the falconer can use for falconry, a general or master falconer may capture a bird for that falconer. That falconer is then responsible for filing a USFWS form 3-186A reporting take of the bird from the wild, and the bird will count against the take of wild raptors that falconer is allowed in any year.

(10) A falconer may not intentionally capture a raptor species that the falconer's classification does not allow the falconer to possess for falconry.

(11) If a falconer captures a bird the falconer is not allowed to possess, the bird shall be released immediately.

(12) A falconer shall promptly release any bird captured unintentionally.

(13) A falconer may recapture a falconry bird the falconer lost at any time. Recapture of a falconry bird is not considered to be taking a bird from the wild.

(14) A falconer may recapture a raptor wearing falconry equipment, such as jesses, or a captive-bred bird at any time, even if the falconer is not allowed to possess the species. The bird will not count against the falconer's possession limit nor will its take from the wild count against that limit. The falconer shall report the recapture of the bird to the Department no more than 5 working days after the recapture. The falconer shall return a recaptured falconry bird to the individual who lost it, if that individual may legally possess it. Disposition of a bird whose legal possession cannot be determined will be at the discretion of the Department.

(15) If a raptor, including a peregrine falcon, captured by a falconer is marked with a seamless metal band, a transmitter, or any other item identifying it as a falconry bird, the falconer shall report the capture of the bird to the Department no more than 5 working days after the capture. The falconer shall return a recaptured falconry bird to the individual who lost it. If that individual cannot possess the bird or does not wish to possess it, the falconer may keep it. Otherwise, disposition of a bird whose legal possession cannot be determined will be at the discretion of the Department. While the falconer keeps a bird for return to the individual who lost it, the bird will not count against that falconer's possession limit.



(16) If a falconer captures a peregrine falcon that has a research band, such as a colored band with alphanumeric codes, or a research marking attached to it, the falconer shall immediately release the bird, except that if the falcon has a transmitter attached to it, the falconer is authorized to possess the bird up to 30 days if the falconer wishes to contact the researcher to determine if the researcher wishes to replace the transmitter or its batteries. If the researcher wishes to do so, or to have the transmitter removed, the researcher or the researcher's designee can make the change or allow the falconer to do so before the falconer releases the bird.

(17) If a raptor captured by a falconer has any other band, research marking, or transmitter attached to it, the falconer shall promptly report the band numbers and all other relevant information to the federal Bird Banding Laboratory.

(18) A falconer may take any raptor that the falconer is authorized to possess from the wild if the bird is banded with a federal Bird Banding Laboratory aluminum band except that the falconer may not take a banded peregrine falcon from the wild.

(19) If a raptor is injured due to a falconer's trapping efforts, the falconer has two options for dealing with a bird injured by the falconer's trapping efforts, but in either case the falconer is responsible for the costs of care and rehabilitation of the bird.

(a) The falconer may put the bird on a falconry permit. The falconer shall report take of the bird by entering the required information in the USFWS electronic database or by submitting a USFWS form 3-186A to the Department at the first opportunity to do so, but no more than 10 days after capture of the bird. The falconer shall then have the bird treated by a veterinarian or a permitted wildlife rehabilitator. The bird will count against the falconer's possession limit; and

(b) The falconer may give the bird directly to a veterinarian or a permitted wildlife rehabilitator authorized to possess migratory birds. If the falconer does so, it will not count against the allowed take or the number of raptors the falconer may possess.

(20) A falconer may acquire a raptor of any age of a species that the falconer is permitted to possess directly from a licensed wildlife rehabilitator. Transfer to the falconer is at the discretion of the rehabilitator.

(a) If a falconer acquires a bird from a rehabilitator, within 10 days of the transaction the falconer shall report it by entering the required information in the USFWS electronic database or by submitting a USFWS form 3-186A to the Department; and

(b) If a falconer acquires a bird from a rehabilitator, it will count as one of the raptors the falconer is allowed to take from the wild that year.

**H. General Conditions.**

(1) A falconer shall have a falconry permit or legible copies of them in immediate possession if the falconer is not at the location of the falconer's facilities and the falconer is trapping, transporting, working with, or flying a falconry raptor.

(2) Feathers that are molted or feathers from raptors that die while held in captivity may be retained and exchanged by a falconer for the purpose of imping under the following conditions:

(a) For imping, a falconer may possess flight feathers for each species of raptor the falconer possess or previously held for as long as the falconer has a valid falconry permit. A falconer may receive feathers for imping from other permitted falconers, wildlife rehabilitators, or propagators in the United States, and a falconer may give feathers to them. A falconer may not buy, sell, or barter such feathers;

(b) A falconer may donate feathers from a falconry bird, except golden eagle feathers, to any individual or institution with a valid permit to have them, or to anyone exempt from the permit requirement under federal regulation 50 CFR §21.12;

(c) Except for primary or secondary flight feathers or retrices from a golden eagle, a falconer is not required to gather feathers that are molted or otherwise lost by a falconry bird. The falconer may leave the feathers where they fall, store them for imping, or destroy them. However, a falconer shall collect molted flight feathers and retrices from a golden eagle. If the falconer chooses not to keep them for imping, the falconer shall send them to the National Eagle Repository; and

(d) If a falconer's permit expires or is revoked, the falconer shall donate the feathers of any species of falconry raptor except a golden eagle to any individual or any institution exempt from the permit requirement under federal regulation 50 CFR §21.12 or authorized by permit to acquire and possess the feathers. If the falconer does not donate the feathers, the falconer shall burn, bury, or otherwise destroy them.

(3) When flying a hybrid raptor, the hybrid shall have attached to it at least two functioning radio transmitters to help locate the bird.

(4) A falconer may not release to the wild a raptor that is not indigenous to the State or a hybrid raptor. The raptor may be transferred to another falconer.

(5) Release of falconry birds to the wild in the State may only occur under the following conditions:

(a) If the species to be released is native to the State and is captive-bred, a falconer may not release the bird to the wild without written permission from the Department. If permitted to do so, the falconer shall allow the bird to adjust to the wild at an appropriate time of year and an appropriate location. The falconer shall leave the seamless band on the bird. The falconer shall report release of the bird by entering the required information in the USFWS electronic database or by submitting a USFWS form 3-186A to the Department; or

(b) If the species to be released is native to the State and was taken from the wild, a falconer may release the bird only at an appropriate time of year and an appropriate location. The falconer shall remove its falconry band and report release of the bird by entering the required information in the USFWS electronic database or by submitting a USFWS form 3-186A to the Department.

(6) A falconer may use raptors possessed for falconry in captive propagation if the falconer or the individual overseeing the propagation has the necessary federal permit. The falconer does not need to transfer a bird from the falconer's falconry permit if the falconer uses it for fewer than 8 months in a year in captive propagation, but the falconer shall do so if the falconer permanently transfers the bird for propagation. The bird shall then be banded as required in §D of this regulation.

(7) A general or master falconer may only use a falconry bird the falconer possesses in conservation education programs presented in public venues provided that:

(a) The falconer uses the bird primarily for falconry;

(b) The falconer may only charge a fee for presentation of a conservation education program that does not exceed the amount required to recoup the falconer's costs;

(c) In conservation education programs, the falconer shall provide information about the biology, ecological roles, and conservation needs of raptors and other migratory birds, although not all of these topics shall be addressed in every presentation; and

(d) The falconer is responsible for all liability associated with conservation education activities undertaken.

(8) A falconer may allow photography, filming, or other such uses of falconry raptors to make movies or other sources of information on the practice of falconry or on the biology, ecological roles, and conservation needs of raptors and other migratory birds,

though the falconer may not be paid for doing so. The following conditions shall be adhered to:

(a) A falconer may not use falconry raptors to make movies or commercials or in other commercial ventures that are not related to falconry; and

(b) A falconer may not use falconry raptors for commercial entertainment; for advertisements; as a representation of any business, company, corporation, or other organization; or for promotion or endorsement of any products, merchandise, goods, services, meetings, or fairs, with the following exceptions:

(i) A falconer shall use a falconry raptor to promote or endorse a nonprofit falconry organization or association; and

(ii) A falconer may use a falconry raptor to promote or endorse products or endeavors related to falconry, including, but not limited to items such as hoods, telemetry equipment, giant hoods, perches, materials for raptor facilities, falconry training and education trials, and scientific research and publication.

(9) A general or master falconer may assist a State and federally permitted migratory bird rehabilitator to condition raptors in preparation for their release to the wild. The falconer may keep a bird the falconer is helping to rehabilitate in the falconer's facilities. The following conditions shall be adhered to:

(a) The rehabilitator shall provide the falconer with a letter or form that identifies the bird and explains that the falconer is assisting in its rehabilitation;

(b) The falconer does not need to meet the rehabilitator facility standards. The falconer need only meet the facility standards in §F of this regulation;

(c) The falconer does not have to add any raptor the falconer possesses for this purpose to the falconer's permit; it will remain under the permit of the rehabilitator;

(d) The falconer shall return any such bird that cannot be permanently released to the wild to the rehabilitator for placement within the 180-day time frame in which the rehabilitator is authorized to possess the bird, unless the Department authorizes the falconer to retain the bird for longer than 180 days; and

(e) Upon coordination with the rehabilitator, the falconer shall release all releasable raptors to the wild or return them to the rehabilitator for release within the 180-day timeframe in which the rehabilitator is authorized to possess the birds, unless the Department authorizes the falconer to retain and condition a bird for longer than 180 days, or unless the rehabilitator transfers the bird to the falconer to hold under the falconer's permit.

(10) The carcasses of dead falconry birds shall be disposed of as follows:

(a) The falconer shall send the entire body of a golden eagle held for falconry, including all feathers, talons, and other parts, to the National Eagle Repository;

(b) The falconer may donate the body or feathers of any other species of falconry raptor to any individual or institution exempt under federal regulation 50 CFR §21.12 or authorized by federal permit to acquire and possess such parts or feathers;

(c) If the bird was banded or microchipped prior to its death, the falconer may keep the body of any falconry raptor except that of a golden eagle. The falconer may keep the body so that the feathers are available for imping, or the falconer may have the body mounted by a taxidermist. The falconer may use the mount in giving conservation education programs. If the bird was banded, the falconer shall leave the band on the body. If the bird has an implanted microchip, the falconer shall leave the microchip in place;

(d) If the falconer does not wish to donate the bird body or feathers or keep it, the falconer shall burn, bury, or otherwise destroy it within 10 days of the death of the bird or after final examination by a veterinarian to determine the cause of death. Carcasses of euthanized raptors could pose a risk of secondary poisoning of eagles

and other scavengers. The falconer shall take appropriate precautions to avoid such poisonings; and

(e) If the falconer does not donate the bird body or feathers or have the body mounted by a taxidermist, the falconer may possess the flight feathers for as long as the falconer has a valid falconry permit. However, the falconer may not buy, sell, or barter the feathers. The falconer shall keep the paperwork documenting the acquisition of the bird.

(11) While practicing falconry, a falconer shall ensure that the falconer's activities do not cause the take of federally listed threatened or endangered wildlife. Take under the federal Endangered Species Act means to harass, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct. Within this definition, harass means any act that may injure wildlife by disrupting normal behavior, including breeding, feeding, or sheltering, and harm means an act that actually kills or injures wildlife.

(12) If a falconer moves to a new state, within 30 days the falconer shall inform both the Department and the permitting authority for the falconer's new place of residence of the falconer's address change. To obtain a new falconry permit, the falconer shall follow the permit application procedures of the authority under which the falconer wishes to acquire a new permit. The falconer may keep falconry birds while applying for a new falconry permit. However, the State, tribe, or territory into which the falconer moves may place restrictions on the possession of falconry birds until the falconer meets the residency requirements there.

**I. Reporting Requirements.**

(1) Acquisition, transfer, loss, or rebanding of a raptor shall be reported as follows:

(a) A falconer shall enter the required information in the USFWS's electronic database or submit in paper form the USFWS form 3-186A to the Department if:

(i) The falconer acquires, transfers, rebands, or microchips a raptor;

(ii) The falconer's raptor is stolen;

(iii) The falconer loses a raptor to the wild that it is not recovered within 30 days; or

(iv) The falconer's bird dies;

(b) If a falconer's raptor is stolen, the falconer shall report the theft to the Department and to the USFWS regional law enforcement office within 10 days of the theft of the bird; and

(c) The falconer shall keep copies of all electronic database submissions documenting take, transfer, loss, rebanding, or microchipping of each falconry raptor until 5 years after the falconer has transferred or lost the bird, or it has died.

(2) Each falconer shall file an annual report to the Department by August 1 of each year, using a form supplied by the Department listing:

(a) All raptors in possession as of June 30, by species, marker numbers, sex if known, age if known, the date and where or from whom acquired; and

(b) All raptors possessed or acquired at any time since the previous annual report but no longer possessed, by species, marker numbers, sex if known, age if known, date and where or from whom acquired or given to, whether escaped, died, or released, and when the event occurred.

**J. Hunting with Raptors.**

(1) The Department shall promulgate by regulation a lawful hunting season for use of raptors to take game birds and mammals and further regulate the species that may be taken with raptors.

(2) A falconer shall have a valid falconry permit and current hunting license to hunt game species with raptors. If hunting migratory game birds, the falconer also shall have a current federal Migratory Bird Hunting and Conservation Stamp.

(3) A falconer may possess game species at the falconer's facility in excess of the established possession limits for game species other than migratory birds for the purpose of feeding the raptors held for falconry.

(4) A falconer, whose hunting raptor accidentally kills wildlife that is out of season or of the wrong species or sex, shall leave the dead wildlife where it lies, except that the raptor may feed upon the wildlife before leaving the site of the kill.

(5) A nonresident falconer may hunt in the State provided the falconer possesses a current falconry permit or license from their state and that state provides reciprocity to Maryland falconers. A nonresident hunting license is also required to hunt with a raptor in the State.

**K. Reinstatement of a Falconry Permit.**

(1) If a falconry permit has lapsed for fewer than 5 years, it may be reinstated at the level the falconer previously held if the falconer has proof of the falconer's certification at that level.

(2) If a falconry permit has lapsed for 5 years or longer, the falconer shall correctly answer at least 80 percent of the questions on an examination administered by the Department. If the falconer passes the exam, the falconer's permit shall be reinstated at the level the falconer previously held. The falconer's facilities shall pass inspection before the falconer may possess a falconry bird.

JOHN R. GRIFFIN  
Secretary of Natural Resources

**Subtitle 18 BOATING — SPEED  
LIMITS AND OPERATION OF  
VESSELS**

**08.18.06 Bohemia River**

Authority: Natural Resources Article, §§8-703 and 8-704, Annotated Code of Maryland

**Notice of Proposed Action**  
[13-137-P]

The Secretary of Natural Resources proposes to amend Regulations .01—.05 under COMAR 08.18.06 Bohemia River.

**Statement of Purpose**

The purpose of this action is to update and clarify existing boating laws and coordinates of certain boundaries and to ensure safe boating on Maryland's waterways.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Lisa Gutierrez, Division Director, Boating Facilities & Access Planning, Maryland Department of Natural Resources — Boating Services Unit, 580 Taylor Avenue, E/4, Annapolis, Maryland 21401, or call 410-260-8778, or email to lgutierrez@dnr.state.md.us, or fax to 410-260-8453. Comments will be accepted through June 17, 2013. A public hearing has not been scheduled.

**.01 Bohemia River.**

The Bohemia River encompasses all the waters of the Bohemia River and its tributaries easterly of a line [from Lat. 39°29'17.26"N., Long. 75°55'28.19"W. (Town Point), running 230° True to the opposite shore, Lat. 39°28'27.34"N., Long. 75°56'45.86"W. (Ford Landing).] beginning at a point at or near Lat. 39° 29.295' N., Long. 75° 55.487' W. (Town Point), then running 229° (True) to a point at or near Lat. 39° 28.490' N., Long. 75° 56.668' W. (Ford Landing).

**.02 Middle Bohemia River.**

The Middle Bohemia River encompasses the area beginning at a point [Lat. 39°28'18.37" N., Long. 75°53'09.29" W. (Long Point), a line running 071° True to the opposite shore, Lat. 39°28'25.63" N., Long. 75°52'42.08" W. (Parlor Point),] at or near Lat. 39° 28.300' N., Long. 75° 53.183' W.(Long Point), then running 19° (True) to a point at or near Lat. 39° 28.697' N., Long. 75° 53.005' W. (Parlor Point), and downstream of a line beginning at or near Lat. 39° 27.753' N., Long. 75° 52.135' W. (north end MD 213 bridge), then running 205° (True) to a point, at or near Lat. 39° 27.580' N., Long. 75° 52.240' W. (south end MD 213 bridge), [and extending upriver to the bridge on Route 213,] including Manor Creek. This area has a 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays, all year.

**.03 Scotchman Creek.**

Scotchman Creek encompasses the area beginning at a point [Lat. 39°27'43" N., Long. 75°52'33" W., a line running 149° True to the opposite shore Lat. 39°27'39" N., Long. 75°52'03" W.,] at or near Lat. 39° 27.720' N., Long. 75° 52.570' W., then running 144° (True) to a point, at or near Lat. 39° 27.665' N., Long. 75° 52.518' W., and running to the head of the creek. This area has a minimum wake zone, all year.

**.04 Great Bohemia Creek.**

Great Bohemia Creek encompasses the area beginning at a point [Lat. 39°27'51.0" N., Long. 75°50'14.0" W., a line running 168° True to Lat. 39°27'47.5" N., Long. 75°50'13.0" W.,] at or near Lat. 39° 27.865' N., Long. 75° 50.230' W., then running 171° (True) to a point, at or near Lat. 39° 27.753' N., Long. 75° 50.208' W., and running to the head of the creek. This area has a minimum wake zone, all year.

**.05 Little Bohemia Creek.**

Little Bohemia Creek encompasses the area beginning at a point [Lat. 39°27'16.0" N., Long. 75°51'09.2" W., a line running 195° True to Lat. 39°27'06.8" N., Long. 75°51'12.4" W.,] at or near Lat. 39° 27.257' N., Long. 75° 51.150' W., then running 194° (True) to a point, at or near Lat. 39° 27.123' N., Long. 75° 51.192' W., and running to the head of the creek. This area has a minimum wake zone, all year.

JOHN R. GRIFFIN  
Secretary of Natural Resources

## Subtitle 18 BOATING — SPEED LIMITS AND OPERATION OF VESSELS

### 08.18.07 Chesapeake Bay

Authority: Natural Resources Article, §§8-703 and 8-704, Annotated Code of Maryland

#### Notice of Proposed Action

[13-139-P]

The Secretary of the Maryland Department of Natural Resources proposes to amend Regulations .01 and .02 under **COMAR 08.18.07 Chesapeake Bay**.

#### Statement of Purpose

The purpose of this action is to update and clarify existing boating laws and coordinates of certain boundaries and to ensure safe boating on Maryland's waterways.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Lisa Gutierrez, Division Director, Boating Facilities & Access Planning, Maryland Department of Natural Resources — Boating Services Unit, 580 Taylor Avenue, E/4, Annapolis, Maryland 21401, or call 410-260-8778, or email to lgutierrez@dnr.state.md.us, or fax to 410-260-8453. Comments will be accepted through June 17, 2013. A public hearing has not been scheduled.

#### .01 Eastern Shore.

A. The Eastern Shore areas, with their corresponding speed limits, are set forth in §§B—[I] K of this regulation.

##### B. Fairlee Creek.

(1) Fairlee Creek encompasses the area beginning at a point [Lat. 39°16'2.4"N., Long. 76°12'21.5"W.], a line running 142° True to the opposite shore, Lat. 39°16'1.7"N., Long. 76°12'20.8"W.], at or near Lat. 39° 16.040' N., Long. 76° 12.358' W., then running 142° (True) to a point, at or near Lat. 39° 16.028' N., Long. 76° 12.347' W., and running upstream to a line beginning at a point [Lat. 39°15'41.1"N., Long. 76°12'40.0"W., and running 87° True to the opposite shore, Lat. 39°15'42.1"N., Long. 76°12'15.0"W.] at or near Lat. 39° 15.685' N., Long. 76° 12.667' W., then running 87° (True) to a point, at or near Lat. 39° 15.702' N., Long. 76° 12.250' W. This area has a 6-knot [(6.9 miles per hour)] speed limit [at all times] during the boating season [which is April 15 through October 15].

(2) Fairlee Creek entrance channel encompasses the area beginning at a point [Lat. 39°16'11.4"N., Long. 76°12'40.1"W., running 61° True to a point 200 feet northeast of U.S. Coast Guard Light "2F", Lat. 39°16'15.9"N., Long. 76°12'29.8"W., running 163° True to a point at Fairlee Creek Entrance Channel Buoy "5", Lat. 39°16'8.9"N., Long. 76°12'27.0"W., running 106° True to a point at the intersection of a jetty and the shore. Lat. 39°16'6.5"N., Long. 76°12'16.1"W.] at or near Lat. 39° 16.190' N., Long. 76° 12.668' W., then running 61° (True) to a point 200 feet northeast of U.S. Coast Guard Light "2F", at or near Lat. 39° 16.265' N., Long. 76°

12.497' W., then running 163° (True) to Fairlee Creek Entrance Channel Buoy "5", at or near Lat. 39° 16.148' N., Long. 76° 12.450' W., then running 106° (True) to a point at the intersection of a jetty and the shore, at or near Lat. 39° 16.108' N., Long. 76° 12.268' W. and north of a line across Fairlee Creek beginning at a point on the west side of the creek, [Lat. 39°16'2.4"N., Long. 76°12'21.5"W., running 142° True on the east side of the creek, Lat. 39°16'1.7"N., Long. 76°12'20.8"W.] at or near Lat. 39° 16.040' N., Long. 76° 12.358' W., then running 142° (True) to a point, at or near Lat. 39° 16.028' N., Long. 76° 12.347' W. This area has a 6-knot [(6.9 miles per hour)] speed limit [at all times] during the boating season [which is April 15 through October 15].

C. Kent Island Narrows encompasses all of the waters of Kent Island Narrows south and west of a line [beginning at a point at or near Ferry Point, defined by Lat. 38°58.815'N., Long. 76°14.623'W.; then running approximately 179° True to a point at or near the shore at the south side of Kent Narrows, defined by Lat. 38°58.603'N., Long. 76°14.617'W.], beginning at Ferry Point, at or near Lat. 38° 58.815' N., Long. 76° 14.623' W., then running 179° (True) to a point on the shore at the south side of Kent Narrows, at or near Lat. 38° 58.603' N., Long. 76° 14.617' W., and north and east of a line beginning at a point at or near the shore at the southeast corner of the Kent Island Yacht Club, [defined by Lat. 38°58.013'N., Long. 76°14.823'W.; then running approximately 173° True to a point at or near the N. end of the N. breakwater at Kent Narrows, defined by Lat. 38°57.963'N., Long. 76°14.815'W.; then running approximately 142° True along the breakwater to a point at or near the south end of the N. breakwater at Kent Narrows, defined by Lat. 38°57.807'N., Long. 76°14.657'W.; then running approximately 138° True to a point at or near marker 5, defined by Lat. 38°57.698'N., Long. 76°14.530'W.; then running approximately 37° True to a point at or near the shore at Wells Point, defined by Lat. 38°57.755'N., Long. 76°14.475'W.] at or near Lat. 38° 58.013' N., Long. 76° 14.823' W., then running 173° (True) to a point near the N. end of the N. breakwater at Kent Narrows, at or near Lat. 38° 57.963' N., Long. 76° 14.815' W., then running 142° (True) along the breakwater to a point at or near the south end of the N. breakwater at Kent Narrows, at or near Lat. 38° 57.807' N., Long. 76° 14.657' W., then running 138° (True) to a point near DBN 5, at or near Lat. 38° 57.698' N., Long. 76° 14.530' W., then running 37° (True) to a point near the shore at Wells Point, at or near Lat. 38° 57.755' N., Long. 76° 14.475' W. This area has a 6-knot [(6.9 miles per hour)] speed limit [at all times, year round] all year.

D. Kent Island Narrows North—All the navigation channel at the northerly approach to Kent Island Narrows enclosed by a line beginning at a point at or near marker ["1K" (1K), defined by Lat. 38°59.225'N., Long. 76°14.748'W.; then running approximately 150° True to a point at or near marker "3" (3K), defined by Lat. 38°59.028'N., Long. 76°14.603'W.; then running approximately 150° True to a point at or near marker "5" (5K), defined by Lat. 38°58.830'N., Long. 76°14.455'W.; then running approximately 198° True to a point at or near marker "9" (9K), defined by Lat. 38°58.738'N., Long. 76°14.493'W.; then running approximately 243° True to a point at or near marker "11" (11K), defined by Lat. 38°58.707'N., Long. 76°14.573'W.; then running approximately 229° True to a point south of marker "12" (12K), defined by Lat. 38°58.676'N., Long. 76°14.619'W.; then running approximately 358° True to a point at or near marker "12" (12K), defined by Lat. 38°58.705'N., Long. 76°14.620'W.; then running approximately 60° True to a point at or near marker "8" (8K), defined by Lat. 38°58.753'N., Long. 76°14.513'W.; then running approximately 15° True to a point at or near marker "6" (6K), defined by Lat. 38°58.828'N., Long. 76°14.488'W.; then running approximately 330° True to a point at or near marker "4" (4K), defined by Lat. 38°59.017'N., Long. 76°14.625'W.; then running approximately

329° True to a point at or near marker “2K” (2K), defined by Lat. 38°59.211’ N., Long. 76°14.775’ W.; then running approximately 57° True to the point of beginning.] 12, at or near Lat. 38° 58.705’ N., Long. 76° 14.620’ W., then running 60° (True) to marker 8, at or near Lat. 38° 58.753’ N., Long. 76° 14.513’ W., then running 15° (True) to marker 6, at or near Lat. 38° 58.828’ N., Long. 76° 14.488’ W., then running 330° (True) to marker 4, at or near Lat. 38° 59.017’ N., Long. 76° 14.625’ W., then running 329° (True) to marker, 2K, at or near Lat. 38° 59.212’ N., Long. 76° 14.775’ W., then running 57° (True) to marker, 1K, at or near Lat. 38° 59.225’ N., Long. 76° 14.748’ W., then running 150° (True) to marker 3, at or near Lat. 38° 59.028’ N., Long. 76° 14.603’ W., then running 150° (True) to marker 5, at or near Lat. 38° 8.830’ N., Long. 76° 14.455’ W., then running 198° (True) to marker 9, at or near Lat. 38° 58.738’ N., Long. 76° 4.493’ W., then running 243° (True) to marker 11, at or near Lat. 38° 58.707’ N., Long. 76° 14.573’ W., then running 231° (True) to a point, at or near Lat. 38° 58.677’ N., Long. 76° 14.620’ W., then running approximately 358° (True) to the point of beginning. In the event of shoaling in the channel the regulated area will shift to encompass the channel marked by the United States Coast Guard or its agent(s). This area has a 6-knot [(6.9 miles per hour)] speed limit [at all times, year round] all year.

E. Knapps Narrows encompasses the area [beginning at a point Lat. 38°43’16.50” N., Long. 76°20’20.22” W., a line running 242° True to the opposite shore, Lat. 38°43’13.98” N., Long. 76°20’26.31” W., to a line from a point Lat. 38°43’00.18” N., Long. 76°19’38.50” W., a line running 208° True to the opposite shore, Lat. 38°42’54.74” N., Long. 76°19’42.19” W.] west of a line beginning at a point on shore at the east end of Knapps Narrows, at or near Lat. 38° 43.030’ N., Long. 76° 19.623’ W., then running 218° (True) to a point on shore at the southeast end of Knapps Narrows, at or near Lat. 38° 42.950’ N., Long. 76° 19.703’ W., and west of a line beginning at the west end of Knapps Narrows, at or near Lat. 38° 43.232’ N., Long. 76° 20.398’ W., then running 44° (True) to a point on shore, at or near Lat. 38° 43.293’ N., Long. 76° 20.323’ W. This area has a 6-knot [(6.9 MPH)] speed limit all year.

F. Rock Hall Harbor encompasses the area [beginning at a point Lat. 39°07’51.85” N., Long. 76°14’52.29” W., a line running 223° True to the opposite shore, Lat. 39°07’49.65” N., Long. 76°14’54.93” W.,] upstream (northeasterly) of a line beginning at a point at the south end of the west jetty at or near Lat. 39° 7.868’ N., Long. 76° 14.862’ W., then running 226° (True) to a point on the west end of the east jetty, at or near Lat. 39° 7.830’ N., Long. 76° 14.913’ W., and running to the head of the harbor. This area has a 6-knot [(6.9 MPH)] speed limit all year.

G. Swan Creek encompasses the area [beginning at a point Lat. 39°08’49.81” N., Long. 76°15’44.81” W., a line running 135° True to the opposite shore, Lat. 39°08’45.56” N., Long. 76°15’38.69” W., and running upstream to a line beginning at a point Lat. 39°09’21.40” N., Long. 76°15’17.83” W., and running 270° True to the opposite shore, Lat. 39°09’21.40” N., Long. 76°15’28.58” W.,] upstream (east) of a line beginning at a point on shore, at or near Lat. 39° 8.832’ N., Long. 76° 15.740’ W., then running 137° (True) to a point on the north shore of Swan Creek, at or near Lat. 39° 8.762’ N., Long. 76° 15.655’ W., and downstream (south) of a line beginning on the east side of Swan Creek, at or near Lat. 39° 9.342’ N., Long. 76° 15.303’ W., then running 270° (True) to a point on the west side of Swan Creek, at or near Lat. 39° 9.342’ N., Long. 76° 15.468’ W., including The Haven, and Denby Creek and all tributaries. This area has a 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays, during the boating season [only, which is April 15 through October 15].

H. Worton Creek encompasses the area [beginning at a point Lat. 39°17’03.50” N., Long. 76°10’05.05” W., a line running 075° True to the opposite shore, Lat. 39°17’04.55” N., Long. 76°10’00” W.,] south

of a line beginning at a point, at or near Lat. 39° 17.045’ N., Long. 76° 10.092’ W., then running 68° (True) to a point, at or near Lat. 39° 17.078’ N., Long. 76° 9.9850’ W., and running to the head of the creek, including all tributaries. This area has a 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays, all year.

I. Churn Creek is located in Kent County off Still Pond, [encompassing a line beginning at Lat. 39°19’10.75” N., Long. 76°07’56.25” W., and running 066° True to Lat. 39°19’13.56” W., Long. 76°07’49.43” W.,] and encompasses the area upstream (southeast) of a line beginning at a point at or near Lat. 39° 19.178’ N., Long. 76° 7.942’ W., then running 65° (True) to a point, at or near Lat. 39° 19.223’ N., Long. 76° 7.820’ W., to the head of the creek. This area has a minimum wake zone all year.

J. Kent Island Narrows South. All of the navigation channel at the southerly approach to Kent Island Narrows enclosed by a line beginning at a point at or near the south end of the north breakwater at Kent Narrows, [defined by Lat. 38°57.807’ N., Long. 76°14.657’ W.; then running approximately 138° True to a point at or near marker “5”, defined by Lat. 38°57.698’ N., Long. 76°14.530’ W.; then running approximately 37° True to a point at or near the shore at Wells Point, defined by Lat. 38°57.755’ N., Long. 76°14.475’ W.; then running approximately 170° True to a point at or near marker “4”, defined by Lat. 38°57.618’ N., Long. 76°14.443’ W.; then running approximately 250° True to a point at or near marker “3”, defined by Lat. 38°57.607’ N., Long. 76°14.481’ W.; then running approximately 325° True] at or near Lat. 38° 57.807’ N., Long. 76° 14.657’ W., then running 138° (True) to marker 5, at or near Lat. 38° 57.698’ N., Long. 76° 14.530’ W., then running 37° (True) to the shore at Wells Point, at or near Lat. 38° 57.755’ N., Long. 76° 14.475’ W., then running 170° (True) to marker 4, at or near Lat. 38° 57.618’ N., Long. 76° 14.443’ W., then running 249° (True) to marker 3, at or near Lat. 38° 57.607’ N., Long. 76° 14.482’ W., then running 326° (True) to the point of beginning. This area has a 6-knot [(6.9 miles per hour)] speed limit [at all times, year round] all year.

K. Big Thoroughfare encompasses all of the waters of Deale Island Harbor and Scott’s Cove east of a line beginning at a point at the west end of the north jetty at or near Lat. 38°10.181’ N., Long. 75°56.866’ W., then running 218° (True) to a point at the west end of the south jetty, at or near Lat. 38°10.158’ N., Long. 75°56.888’ W., and west of a line beginning at a point on the southwest abutment of the [Maryland Route] MD 363 bridge at or near Lat. 38°9.991’ N., Long. 75°56.749’ W., then running 34° (True) to a point on the northwest abutment of the [Maryland Route] MD 363 bridge, at or near Lat. 38°10.197’ N., Long. 75°56.573’ W. This area has a 6-knot [(6.9 miles per hour)] speed limit [at all times, year round] all year.

**.02 Western Shore.**

A. (text unchanged)

B. Deep Cove Creek encompasses the area beginning at a point [Lat. 38°48’17.66” N., Long. 76°30’31.16” W., a line running 250° True to the opposite shore, Lat. 38°48’17.05” N., Long. 76°30’33.33” W.,] at or near Lat. 38° 48.317’ N., Long. 76° 30.542’ W., then running 265° (True) to a point, at or near Lat. 38° 48.315’ N., Long. 76° 30.565’ W., and running to the head of the creek, including all tributaries. This area has a 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays, all year.

C. Fishing Creek—Chesapeake Beach encompasses the area [from a line ] beginning at a point [Lat. 38°41’27.21” N., Long. 76°31’57.78” W., and running 303° True to a point Lat. 38°41’27.94” N., Long. 76°31’59.18” W.,] at the east end of the north jetty at or near Lat. 38° 41.517’ N., Long. 76° 31.768’ W., then running 185° (True) to the east end of the south jetty, at or near Lat. 38° 41.448’ N., Long. 76° 31.775’ W., and running to the head of the creek. This area has a 6-knot [(6.9 MPH)] speed limit all year.

D. Flag Harbor encompasses the area beginning at a point [Lat. 38°27'55.77" N., Long. 76°28'13.06" W., a line running 202° True to the opposite shore, Lat. 38°27'51.05" N., Long. 76°28'15.48" W.,] at or near Lat. 38° 7.875' N., Long. 76° 28.278' W., then running 149° (True) to a point, at or near Lat. 38° 27.855' N., Long. 76° 28.263' W., and running to the head of the harbor. This area has a 6-knot [(6.9 MPH)] speed limit all year.

E. Hawk Cove; Brown's Creek.

(1) Hawk Cove encompasses the area of Hart-Miller Island beginning at a point [Lat. 39°15'53.33" N., Long. 76°21'11.45" W., (northeast point of Hart-Miller Island) a line running 326° True to a point Lat. 39°15'59.47" N., Long. 76°21'16.77" W., then 236° True to a point Lat. 39°14'56.98" N., Long. 76°23'13.97" W. (Drum Point).] at or near Lat. 39° 15.710' N., Long. 76° 21.380' W., (northeast point of Hart-Miller Island) then running 287° (True) to a point, at or near Lat. 39° 15.758' N., Long. 76° 21.585' W., then running 237° (True) to a point, at or near Lat. 39° 14.953' N., Long. 76° 23.183' W (Drum Point). This area has a 6-knot [(6.9 MPH)] speed limit all year.

(2) Brown's Creek encompasses the area beginning at a point on the west side of the entrance to the creek [Lat. 39°16.531' N., Long. 76° 23.893' W., a line running 88° True to a point on the east side of the entrance of the creek, Lat. 39°16.534' N., Long. 76°23.755' W.,] at or near Lat. 39° 16.532' N., Long. 76° 23.893' W., then running 89° (True) to a point on the east side of the entrance of the creek, at or near Lat. 39° 16.533' N., Long. 76° 23.755' W., and running to the head of the creek. This area has a 6-knot [(6.9 MPH)] speed limit all year.

F. Oyster Creek entrance channel which lies between the Severn and South rivers encompasses the area beginning at a point [Lat. 38°55'38.38" N., Long. 76°27'48.58" W., a line running 339° True to the opposite shore Lat. 38°55'38.81" N., Long. 76°27'48.89" W. and running upstream to a line beginning at a point Lat. 38°55'37.36" N., Long. 76°27'51.65" W., and running 339° True to the opposite shore Lat. 38°55'38.81" N., Long. 76°27'52.35" W.] at or near Lat. 38° 55.643' N., Long. 76° 27.795' W., then running 224° (True) to a point on the opposite shore, at or near Lat. 38° 55.637' N., Long. 76° 27.803' W., and running upstream to a line beginning at a point at or near Lat. 38° 55.632' N., Long. 76° 27.887' W., then running 142° (True) to a point on the opposite shore, at or near Lat. 38° 55.627' N., Long. 76° 27.882' W. This area has a 6-knot [(6.9 MPH)] speed limit all year.

G. Pleasure Island channel encompasses the area south of a line beginning at a point [Lat. 39°14'17.96" N., Long. 76°23'56.25" W., a line running 101° True to a point Lat. 39°14'12.30" N., Long. 76°23'18.83" W. (northern tip of Pleasure Island), to a line from a point Lat. 39°13'44.50" N., Long. 76°23'56.53" W., a line running 151° True to a point Lat. 39°13'33.58" N., Long. 76°23'46.85" W., then 018° True to a point Lat. 39°13'50.86" N., Long. 76°23'39.71" W. (southern end of Pleasure Island).] at or near Lat. 39° 14.292' N., Long. 76° 23.908' W., then running 112° (True) to the northern tip of Pleasure Island, at or near Lat. 39° 14.123' N., Long. 76° 23.377' W., and north of a line beginning at a point, at or near Lat. 39° 13.762' N., Long. 76° 23.895' W., then running 154° (True) to a point, at or near Lat. 39° 13.558' N., Long. 76° 23.770' W., then running 19° (True) to the south tip of Pleasure Island, at or near Lat. 39° 13.915' N., Long. 76° 23.608' W. This area has a 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays, all year.

H. Pleasure Cove yacht basin encompasses the area beginning at a point [Lat. 39°01'59.33" N., Long. 76°24'13.82" W., a line running 174° True to a point Lat. 39°01'58.44" N., Long. 76°24'13.70" W.,] at or near Lat. 39° 1.980' N., Long. 76° 24.233' W., then running 142° (True) to a point, at or near Lat. 39° 1.9680' N., Long. 76° 24.222' W., and running to the head of the basin. This area has a 6-

knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays, all year.

I. Rockhold Creek—Deale Area encompasses the area upstream (northwest) of a line beginning at a point [at or near the shore] at the north end of the Rockhold Creek jetty near Owings Beach, [defined by Lat. 38°46'11.2" N., Long. 76°33'17.1" W., then running approximately 151° True to a point approximately 250 feet northeast of Rockhold Creek Channel Light 1, defined by Lat. 38°45'57.8" N., Long. 76°33'7.6" W., then running approximately 201° True to a point at or near Rockhold Creek Channel Light 1, defined by Lat. 38°45'55.4" N., Long. 76°33'8.8" W., then running approximately 289° True to a point at or near the shore at Leitch defined by Lat. 38°46'2.4" N., Long. 76°33'34.9" W.,] at or near Lat. 38° 46.187' N., Long. 76° 33.285' W., then running 151° (True) to a point approximately 250 feet northeast of Rockhold Creek Channel Light 1, at or near Lat. 38° 45.963' N., Long. 76° 33.127' W., then running 201° (True) to USCG Light 1, at or near Lat. 38° 45.923' N., Long. 76° 33.147' W., then running 289° True to a point on shore at Leitch, at or near Lat. 38° 46.040' N., Long. 76° 33.582' W., and running to the head of the creek. This area has a 6-knot [(6.9 MPH)] speed limit all year.

J. Seneca Creek encompasses the area beginning at a point [Lat. 39°19'14" N., Long. 76°22'15.25" W., a line running 180° True to the opposite shore, Lat. 39°19'06.67" N., Long. 76°22'18.25" W.,] at or near Lat. 39° 19.063' N., Long. 76° 22.142' W., then running 17° (True) to a point, at or near Lat. 39° 19.321' N., Long. 76° 22.040' W., and running to the head of the creek, including all tributaries. This area has a 6-knot [(6.9 MPH)] speed limit Saturdays, Sundays, and State holidays, all year.

K. Blackwalnut Creek encompasses the area beginning at a point [Lat. 38°55'50.3" N., Long. 76°27'45.0" W.,] at or near Lat. 38° 55.835' N., Long. 76° 27.773' W., then running 0° (True) to a point, at or near Lat. 38° 55.838' N., Long. 76° 27.773' W., and running to the head of the creek. This area has a minimum wake zone all year.

L. Mezick Pond encompasses the area beginning at a point at the south end of the east jetty [Lat. 39°00'24.0" N., Long. 76°24'06.8" W., a line running 245° True to a point Lat. 39°00'23.5" N., Long. 76°24'08.2" W.,] at or near Lat. 39° 0.387' N., Long. 76° 24.108' W., then running 239° (True) to pier 7A of the westbound Lane Memorial Bridge, at or near Lat. 39° 0.375' N., Long. 76° 24.133' W., then running 333° (True) to the shore near the east side of the westbound Lane Memorial Bridge, at or near Lat. 39° 0.508' N., Long. 76° 24.220' W., and running to the head of the pond. This area has a minimum wake zone all year.

M. Parker Creek encompasses the area [westward of] beginning at a point [at Lat. 38°32'14.3" N., Long. 76°31'04.1" W.,] at or near Lat. 38° 32.228' N., Long. 76° 31.067' W., then running 15° (True) to a point, at or near Lat. 38° 32.238' N., Long. 76° 31.063' W., and running to the head of the creek. This area has a minimum wake zone all year.

JOHN R. GRIFFIN  
Secretary of Natural Resources

**Title 09  
DEPARTMENT OF LABOR,  
LICENSING, AND  
REGULATION**

**Subtitle 12 DIVISION OF LABOR AND  
INDUSTRY**

**09.12.31 Maryland Occupational Safety and  
Health Act — Incorporation by Reference of  
Federal Standards**

Authority: Labor and Employment Article, §§2-106(b)(4) and 5-312(b),  
Annotated Code of Maryland

**Notice of Proposed Action**  
[13-135-P]

The Commissioner of Labor and Industry proposes to adopt through incorporation by reference under **COMAR 09.12.31 Maryland Occupational Safety and Health Act — Incorporation by Reference of Federal Standards**, corrections and amendments relating to Updating OSHA Standards Based on National Consensus Standards; Head Protection, 29 CFR Parts 1910 and 1926, excluding Parts 1915, 1917, and 1918, published in 77 FR 37587—37600 (June 22, 2012), as amended. This direct final rule was originally published on June 22, 2012 and became effective on September 20, 2012.

This action was considered by the Maryland Occupational Safety and Health Advisory Board pursuant to a meeting held on September 5, 2012, notice of which was given in accordance with State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to revise consensus standards for head protection referenced in the personal protective equipment (PPE) sections of a number of OSHA standards. This action updates the references in OSHA’s standards to recognize the 2009 edition of the American National Standard for Industrial Head Protection, and deletes the 1986 edition of that national consensus standard because it is out of date.

**Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Debbie Stone, Regulations Coordinator, Department of Labor, Licensing, and Regulation, Division of Labor and Industry, 1100 N. Eutaw Street, Room 606, Baltimore, Maryland 21201, or call 410-767-2225, or email to dstone@dlr.state.md.us, or fax to 410-767-2986. Comments will be accepted through June 17, 2013. A public hearing has not been scheduled.

**SS-1. Personal Protective Equipment for General Industry and  
Construction.**

(1) — (6) text unchanged.

(7) All amendments and revisions to 29 CFR Parts 1910 and 1926, excluding Parts 1915, 1917, and 1918, that appear in the Federal Register on June 22, 2012 (77 FR 37587—37600) are adopted by reference, as amended. Effective date: July 8, 2013

J. RONALD DEJULIIS  
Commissioner of Labor and Industry

**Title 10  
DEPARTMENT OF HEALTH  
AND MENTAL HYGIENE**

**Subtitle 26 BOARD OF  
ACUPUNCTURE**

**Notice of Proposed Action**  
[13-136-P]

The Secretary of Health and Mental Hygiene proposes to amend:

- (1) Regulation .03 under **COMAR 10.26.01 Fee Schedule**; and
- (2) Regulation .05 under **COMAR 10.26.02 General Regulations**.

This action was considered at a public meeting on January 8, 2013, notice of which was given by publication on the Board’s website at <http://dhmh.maryland.gov/bacc/SitePages/boardmeetings.aspx>, pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to reduce the number of continuing education credits (or CEUs) required of licensees to bring the requirements in line with national standards and to reduce costs for licensees. The proposal also repeals the requirement that licensees take a 3 CEU ethics course because this requirement duplicates a requirement to be nationally certified to practice acupuncture and also drives up CEU costs. The Board will continue to encourage licensees to take an ethics course and will continue to accept ethics courses as contributing towards the overall CEU requirement.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** As a result of these proposed changes, licensees will be required to pay more in fee for initial licenses and for verifications.

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R+)	\$7,350
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	\$7,350
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. and D. In 2012, the Board issued 78 initial licenses and performed 50 verifications. The Board proposes to increase the fee for initial licenses by \$75 and the fee for verifications by \$30. Using those numbers, the following would be the revenue coming into the Board:

- \$75 × 78 = \$5,850 increase in fees from initial licenses
- \$30 × 50 = \$1,500 increase in fees from verifications
- \$5,850 + \$1,500 = \$7,350 increase in fees

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 210 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through June 17, 2013. A public hearing has not been scheduled.

**10.26.01 Fee Schedule**

Authority: Health Occupations Article, §§1A-205, 1A-206, and 1A-302; Annotated Code of Maryland

**.03 Fees.**

The following fees are established by the Board:

- A. Initial application — [\$450] \$525;
- B.—L. (text unchanged)
- M. License verification — [\$20] \$50; and
- N. (text unchanged)

**10.26.02 General Regulations**

Authority: Health Occupations Article, §§1A-306 and 1A-307, Annotated Code of Maryland

**.05 Term, Renewal, Reinstatement, and Inactive Status.**

A.—C. (text unchanged)

D. Reinstatement. Thirty days after the expiration date of a license, a licensee whose license has expired without seeking inactive status may have the license reinstated upon meeting all of the following:

- (1)—(2) (text unchanged)
- (3) One of the following:
  - (a) Forty hours of continuing education for each renewal period the license has lapsed, not to exceed [80] 60 hours; or
  - (b) (text unchanged)

E. Inactive Status.

- (1) (text unchanged)
- (2) To reactivate a license from inactive status, the applicant shall:

(a) (text unchanged)

(b) Complete [40] 30 hours of continuing education as specified under §F of this regulation.

F. Continuing Education.

(1) A licensee applying for renewal shall complete [40] 30 hours of relevant continuing education during the 2-year period preceding the expiration of the license which include the following:

(a) At least [25] 20 hours in formally organized programs which are relevant to the practice of acupuncture and Oriental medicine and are approved by the Board or sponsored by, but not limited to, the following organizations and their member organizations:

(i)—(vii) (text unchanged)

(b) Not more than [15] 10 hours of formally organized training programs in Western science and medical practices, medical ethics, medical research, or cardiopulmonary resuscitation which are relevant to the practice of acupuncture and are sponsored by, but not limited to, organizations listed in §F(1)(a) of this regulation and the following organizations:

(i)—(viii) (text unchanged)

(c) Not more than [15] 10 hours of training in approved programs which will assist a licensee to carry out the licensee's professional responsibilities, including, but not limited to:

(i)—(iii) (text unchanged)

(d) Not more than [15] 10 hours teaching acupuncture and related Oriental medical therapies in an accredited school or in a program approved for acupuncture continuing education;

(e) Not more than [10] 7 hours of pro bono work as outlined in §F(3) of this regulation; or

(f) Not more than [10] 7 hours in published writing or articles in acupuncture and Oriental medicine that are:

(i) (text unchanged)

(ii) Limited to [5] 4 hours per article.

[(2) Part of the 40 hours of relevant continuing education referenced in §F(1) of this regulation, shall consist of at least 3 hours in ethics or professional boundary training every 4 years. ]

[(3)] (2) Pro Bono Work.

(a) Pro bono work shall earn 1 credit hour for each 3 hours of pro bono activity up to a maximum of [10] 7 credit hours per renewal cycle.

(b)—(c) (text unchanged)

[(4) A licensee applying for reinstatement shall document evidence of 20 hours of approved continuing education for every year the individual has not been licensed by the Board as defined in §F of this regulation.]

[(5)] (3) — [(6)] (4) (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene



**Subtitle 29 BOARD OF MORTICIANS  
AND FUNERAL DIRECTORS**

**10.29.03 Inspection of Funeral Establishments  
and Funeral Service Businesses**

Authority: Health Occupations Article, §§7-101, 7-205, and 7-310, Annotated Code of Maryland

**Notice of Proposed Action**

[13-132-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .04 under **COMAR 10.29.03 Inspection of Funeral Establishments and Funeral Service Businesses**. This action was considered at a public meeting on February 13, 2013, notice of which was given on the Board’s website at <http://dhmh.maryland.gov/bom/SitePages/mtgdates.aspx> pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to provide that:

- (1) A specific exhaust system is the minimum standard for holding rooms in funeral establishments where embalming does not take place; and
- (2) Floor drainage is not required in the holding room of a funeral establishment where embalming does not take place.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** This proposal does not require licensed funeral establishments where embalming does not take place to install a floor drain in their holding rooms. Also, it changes the standard for ventilation in a holding room from the OSHA standard, provided no embalming takes place.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	(+)	Indeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

D. The proposed provisions should reduce costs for certain funeral establishments; however, the exact amount cannot be quantified.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [dhmh.regs@maryland.gov](mailto:dhmh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through June 17, 2013. A public hearing has not been scheduled.

**.04 Inspection by the Board of Morticians.**

- A.—D. (text unchanged)
- E. Standards for Inspection of Licensed Funeral Establishments.
  - (1) (text unchanged)
  - (2) Holding Room. If arterial or cavity injection will not take place at the funeral establishment, the funeral establishment shall maintain on the premises a holding room which shall be adequately equipped for the holding of dead human bodies which shall be kept in a clean and sanitary manner and used exclusively for the holding and storage of dead human bodies. The minimal requirements for the holding room shall be as follows:
    - (a)—(c) (text unchanged)
    - (d) [The ventilation shall be in accordance with current Occupational Safety and Health Administration (OSHA) regulations] *An exhaust system whereby gases would be drawn to outside air shall be the minimum standard for holding rooms in funeral establishments where embalming does not take place;*
    - (e)—(f) (text unchanged)
  - (3) (text unchanged)
  - (4) Water Supply.
    - (a)—(b) (text unchanged)
    - (c) [Each establishment with a holding room or preparation room shall have floor drainage] *Floor drainage is not required in the holding room of a funeral establishment where embalming does not take place.*
    - (5)—(8) (text unchanged)
- F. (text unchanged)

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

**Subtitle 29 BOARD OF MORTICIANS  
AND FUNERAL DIRECTORS**

**10.29.22 General Regulations**

Authority: Health-General Article, §5-513; Health Occupations Article, §7-205; Annotated Code of Maryland

**Notice of Proposed Action**

[13-131-P]

The Secretary of Health and Mental proposes to adopt new Regulation .01 under a new chapter, **COMAR 10.29.22 General Regulations**. This action was considered at a public meeting on February 13, 2013, notice of which was given by posting on the Board’s website at <http://dhmh.maryland.gov/bom/SitePages/mtgdates.aspx> pursuant to State Government Article, §10-506(c)(1), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to require that a refrigeration unit used in the storage of human remains shall be kept at a temperature of lower than 44 degrees Fahrenheit.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through June 17, 2013. A public hearing has not been scheduled.

**.01 Temperature of Refrigeration Units.**

*A refrigeration unit used in the storage of human remains shall be kept at a temperature lower than 44 degrees Fahrenheit.*

JOSHUA M. SHARFSTEIN, M.D.  
Secretary of Health and Mental Hygiene

**Title 26  
DEPARTMENT OF THE  
ENVIRONMENT  
Subtitle 12 RADIATION  
MANAGEMENT**

**26.12.01 Radiation Protection**

Authority: Environment Article, §§8-106, 8-301, and 8-304, Annotated Code of Maryland

**Notice of Proposed Action**  
[13-133-P-I]

The Secretary of Environment proposes to amend Regulation .01 under **COMAR 26.12.01 Radiation Protection.**

**Statement of Purpose**

The purpose of this action is to update COMAR 26.12.01.01, Incorporation by Reference, to incorporate Supplement 23, which includes:

- (1) Two U.S. Nuclear Regulatory Commission rules relating to radioactive material licensee decommissioning planning, and “construction” relative to radioactive material licensees;
- (2) Requirement for a decommissioning funding plan for certain radioactive material licensees;
- (3) Deletion of any use of a C-arm fluoroscope by an untrained user;
- (4) Documentation requirements for radiation machine preventive maintenance reports;

(5) Definition of a healing arts practitioner as related to radiation use; and

(6) Minor corrections to regulations.

**Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.** Indeterminable impact on small number of radioactive material licensees which will result in higher financial assurance for these licensees.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	(E-)	Indeterminable
C. On local governments:	(E-)	Indeterminable
	Benefit Cost (-)	(+) Magnitude
D. On regulated industries or trade groups:	(-)	Indeterminable
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(+)	Indeterminable

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

B. and C. These regulations require any industrial irradiator licensee that possesses certain quantities of radioactive material sealed sources that cannot be disposed of by return to the original source manufacturer, to conduct a written evaluation of true disposal costs of such sources and provide sufficient financial assurance for final decommissioning of the irradiator. The current dollar limit for financial assurance for decommissioning radioactive material licensees is insufficient for such Maryland licensees that are unable to return their radioactive sources to the original manufacturer. Without this regulation requiring a funding plan reflecting the true cost of decommissioning, it is likely that the excess costs of decommissioning would fall on State government and/or local governments. The assumption is avoidance of potential future expenditures.

D. The true cost of decommissioning those radioactive material licensees unable to return radioactive sources to the original manufacturer is indeterminate but will be higher than the current amounts required for financial assurance for decommissioning.

F. It is a benefit of indeterminate value to the public that sufficient funding be available to decommission all industrial irradiators of this type.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Written comments may be sent to Michael D. Kurman, Regulations Coordinator, Radiological Health Program, Air and Radiation Management Administration, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, Maryland 21230, or email to michael.kurman@maryland.gov, or call 410-537-3208, or fax to 410-537-3198. Comments will be accepted until the close of business on June 17, 2013.

No public hearing has been scheduled. For more information call Michael Kurman at 410-537-3208.

A copy of the proposed regulation may be viewed on the MDE Website at <http://www.mde.state.md.us/programs/regulations/air/Pages/index.aspx>, or at official depository libraries throughout the State. A listing of these depository libraries is available on the Internet at <http://www.dsd.state.md.us/depositories.htm>. You may also call the Division of State Documents at 410-974-2486 or 800-633-9657 for information about a depository library in your area. Also, a copy may be viewed at the Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, Maryland 21230; contact Michael Kurman for an appointment to view a copy of the proposed action at this location.

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Regulations for the Control of Ionizing Radiation (1994), as amended by Supplement 1 through Supplement 23, has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 40:1 Md. R. 9 (January 11, 2013), and is available online at [www.dsd.state.md.us](http://www.dsd.state.md.us). The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

**.01 Incorporation by Reference.**

All provisions of the “Regulations for the Control of Ionizing Radiation (1994)” as amended by Supplement 1 through Supplement [22] 23 are incorporated by reference.

ROBERT M. SUMMERS, Ph.D.  
Secretary of the Environment

**Title 36**  
**MARYLAND STATE**  
**LOTTERY AND GAMING**  
**CONTROL AGENCY**  
**Subtitle 03 GAMING PROVISIONS**

**36.03.04 Enforcement**

Authority: State Government Article, §§9-1A-04, 9-1A-24, and 9-1A-25, Annotated Code of Maryland

**Notice of Proposed Action**

[13-140-P]

The Maryland State Lottery and Gaming Control Agency proposes to adopt new Regulations .01—10 under a new chapter, **COMAR 36.03.04 Enforcement**, under a new subtitle, **Subtitle 03 Gaming Provisions**, under a new title, **Title 36 Maryland State Lottery and Gaming Control Agency**.

At this time, the proposal to adopt new Regulations .01—.07 under a new chapter, **COMAR 36.03.04 Enforcement**, under a new subtitle, **Subtitle 03 Gaming Provisions**, under a new title, **Title 36 Maryland State Lottery and Gaming Control Agency**, as published in 40:6 Md. R. 490—541 (March 22, 2013) is being withdrawn. This action was considered at the Maryland State Lottery and Gaming Control Commission open meeting held on March 28, 2013, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to update the regulations of the State Lottery and Gaming Control Agency to incorporate provisions to better conform to the Agency’s functions and specifically for stricter enforcement requirements related to the expanded gambling contained in Senate Bill 1 — 2012 Second Special Session and passed by referendum on November 6, 2012.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Robert W. Howells, Regulations Coordinator, Maryland State Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call 410-230-8789, or email to robert.howells@maryland.gov, or fax to 410-230-8727. Comments will be accepted through June 17, 2013. A public hearing has not been scheduled.

**.01 General.**

*This chapter establishes a framework within which the Commission may take enforcement action against a licensee that results in a reprimand, fine, or condition placed on a licensee, or a suspension or revocation of a license.*

**.02 Definitions.**

A. In addition to the terms defined in State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland, which have the same meanings in this chapter, in this chapter the following terms have the meaning indicated.

B. Terms Defined.

(1) “Penalty” means a per day fine, not exceeding \$5,000 for each separate violation, that the Commission may impose on a licensee under State Government Article, §9-1A-25(b), Annotated Code of Maryland.

(2) “Sanction” means non-monetary enforcement action that the Commission may take against a licensee for a violation specified in State Government Article, §9-1A-25(a), Annotated Code of Maryland, and includes suspension or revocation of a license, reprimand, or imposition of a condition on a licensee.

**.03 Violations.**

A licensee may not:

A. Violate:

(1) A provision of State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland;

(2) A regulation adopted under State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland; or

(3) A directive of the Commission or the Director;

B. Take, or attempt to take, any action that is intended to:

(1) Change or influence the outcome of a video lottery terminal or table game;

(2) Influence any person or unit of government that is involved in implementing or enforcing State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland; or

(3) Interfere with the regular operation of:

(a) The central monitor and control system;

(b) A video lottery terminal;

(c) Associated equipment or software; or

(d) A table game; or

C. Fail to:

(1) Conform to the information contained in a license application;

(2) Meet a licensing requirement;

(3) Promptly submit to the Commission a change to the information contained in a license application; or

(4) Adequately remedy a deficiency of which the licensee has received notice under Regulation .04E of this chapter.

**.04 Notice of Violation.**

A. After receiving a report of a licensee's alleged violation of Regulation .03 of this chapter, the agency shall:

(1) Notify the licensee of the alleged violation; and

(2) Investigate the report.

B. The Director may designate staff to serve on a review board that:

(1) Reviews the investigation of an alleged violation conducted under §A of this regulation; and

(2) Makes a recommendation to the Director for addressing the alleged violation.

C. The review board's recommendation to the Director may include:

(1) Requiring the licensee to implement a corrective action plan;

(2) Issuing the licensee a warning letter;

(3) Entering into a settlement agreement with the licensee;

(4) Recommending that the Director initiate Commission proceedings to impose a penalty or sanction on the licensee; or

(5) Any other appropriate action.

D. After reviewing the board's recommendation, the Director may:

(1) Initiate Commission proceedings to impose a penalty or sanction on the licensee; or

(2) Direct staff to:

(a) Implement the board's recommendation; or

(b) Take other appropriate action.

E. A licensee shall be provided a notice of the violation that describes the statute, regulation, or directive allegedly violated, along with the Director's recommendation for addressing the alleged violation.

F. Nothing in this chapter shall be construed to require that:

(1) The licensee receive an opportunity to meet with staff to discuss an informal settlement of a violation; or

(2) The agency undertake a corrective action plan or attempt to reach a settlement with the licensee before the Director initiates Commission proceedings for imposition of a penalty or sanction against a licensee.

**.05 Corrective Action Plan.**

A. If the Director directs staff to implement a corrective action plan with a licensee, agency staff shall give written notice to a licensee that includes:

(1) A description of the alleged violation;

(2) A description of the possible sanctions; and

(3) The requirement for the licensee to submit a corrective action plan to the Director.

B. Contents of Corrective Action Plan. A corrective action plan shall include:

(1) Periodic monitoring or progress reports;

(2) Timelines for completing corrective action;

(3) Implementation of measures to guard against recurrence of the alleged violation; and

(4) Any other measures necessary to resolve the alleged violation.

C. Time for Implementing a Corrective Action Plan.

(1) Within 10 days of receipt of a notice under §A of this regulation, the licensee shall submit a corrective action plan to the Director, or the Director's designee.

(2) The Director, or the Director's designee, shall review the corrective action plan and inform the licensee whether the corrective action plan is acceptable.

(a) If the corrective action plan is acceptable, the licensee shall execute it immediately.

(b) If the corrective action plan is not acceptable, the licensee shall submit a revised plan immediately.

(3) If the licensee fails to submit an acceptable corrective action plan within the time described under §C(1) of this regulation, the Director may:

(a) Provide the licensee with additional time within which to submit a revised corrective action plan; or

(b) Initiate proceedings before the Commission for imposition of a penalty or sanction on the licensee.

(4) If the Director, or the Director's designee, provided a licensee with a notice under §A of this regulation and did not receive a timely written response, the Commission may adopt a recommendation by the Director for imposition of a penalty or sanction.

D. Corrective Action Plan Outcome.

(1) After a licensee has completed, to the satisfaction of the Director or the Director's designee, a corrective action plan, the alleged violation is resolved, except that the alleged violation may be:

(a) The basis of a subsequent corrective action plan, settlement, penalty, or sanction if a similar violation occurs; or

(b) Raised during a Commission hearing as part of the agency's enforcement record for the licensee.

(2) If at any time during the corrective action period the Director, or the Director's designee, determines that the licensee has made insufficient progress toward fulfilling a requirement of the corrective action plan, the Director may:

(a) For good cause, extend the time for completion of a corrective action plan; or

(b) Initiate proceedings before the Commission for imposition of a penalty or sanction on the licensee.

(3) If at the end of the corrective action period the licensee has failed to satisfactorily complete the corrective action plan, the Director may initiate proceedings before the Commission for imposition of a penalty or sanction on the licensee.

**.06 Settlement.**

A. The Commission may provide a licensee with the opportunity to discuss with staff a means of entering into a settlement agreement between the licensee and the Commission by which the violation is settled without a penalty or sanction.

B. A settlement agreement:

(1) Shall be signed by an authorized representative of the licensee and the Director or the Director's designee; and

(2) May not be considered final and binding until approved by the Commission.

C. If a licensee violates a term of a settlement agreement, nothing in this regulation shall be construed to prevent the Commission from imposing a penalty or sanction against the licensee for that, or the underlying, violation.

**.07 Commission Action.**

A. The Director may initiate Commission proceedings for imposition of a penalty or sanction against a licensee if a licensee:

- (1) Violates a provision of Regulation .03 of this chapter;
- (2) Fails to timely or satisfactorily complete a corrective action plan required by the Commission;
- (3) Violates a term of a settlement agreement; or
- (4) Engages in any conduct that exposes the State’s gaming program to a serious and imminent risk of harm to its integrity, security, or profitability.

B. Initiation of Commission Proceedings. The Direction shall initiate Commission proceedings for the imposition of a penalty or sanction on a licensee by scheduling a Commission hearing in accordance with COMAR 36.01.02.06 on the alleged violation and providing the licensee with written notice of the:

- (1) Recommendation for imposition of the penalty or sanction;
- (2) Basis for the recommendation for imposition of the penalty or sanction;
- (3) Consequences of a decision by the Commission to impose a penalty or sanction;
- (4) Date, time and location of the hearing; and
- (5) Applicable hearing rights.

**.08 Emergency Suspension.**

A. The Director may emergently suspend a license if the Director determines that suspension is necessary in order to protect the State’s gaming program against a serious and imminent risk of harm to its integrity, security, or profitability.

B. Emergency Suspension—Process. If the Director emergently suspends a license, the Director shall promptly schedule a Commission hearing on the emergency suspension and provide the licensee with the written notice required under Regulation .07B of this chapter, along with notice directing the licensee that:

- (1) The licensee shall immediately cease performing under the license; and
- (2) Failure to comply with the Director’s directive to cease performing under the license constitutes a separate violation of Regulation .03 of this chapter for which an additional penalty or sanction may be imposed.

**.09 Imposition of Penalties and Sanctions.**

A. Consequences. For a violation of Regulation .03 of this chapter, the Commission may impose a:

- (1) Penalty not exceeding \$5,000 for each day and each violation;
- (2) Sanction, including:
  - (a) Revocation of a license;
  - (b) Suspension of a license for a period of time;
  - (c) Reprimand; or
  - (d) Condition that must be met within a specified time as to:
    - (i) Training;
    - (ii) Staffing;
    - (iii) Supervision;
    - (iv) Compliance with internal controls;
    - (v) Probationary periods; or
    - (vi) Any other directive to address the violation.

B. Penalty—Required Considerations. To determine the amount of a penalty to impose on a licensee, the Commission shall consider:

- (1) The seriousness of the violation;
- (2) The harm caused by the violation; and

(3) Whether the person who committed the violation acted in good faith.

C. Sanction—Considerations. To determine the appropriate sanction to impose on a licensee, the Commission may consider the factors in §B of this regulation, and:

- (1) Whether a violation was willful;
- (2) Whether the licensee had, or should have had, control of the situation;
- (3) Whether the violation may have occurred in connection with unclear or insufficient:
  - (a) Information;
  - (b) Training;
  - (c) Communication; or
  - (d) Requirements;
- (4) Any extraordinary circumstances;
- (5) Prior disciplinary history with the Commission;
- (6) Profit that resulted, or may have resulted, from the violation;
- (7) Harm that resulted, or may have resulted, from the violation;
- (8) How the violation was detected;
- (9) Tailoring the discipline to address the violation;
- (10) Action taken by the licensee to prevent recurrence of the violation;
- (11) Action taken by the Commission to address similar violations; and
- (12) Any other information that the Commission finds relevant.

D. Ignorance No Defense. Because a licensee is presumed to be familiar with applicable statutes and regulations governing the State’s video lottery terminal program, a claim of ignorance of the law may not be used as a defense to a finding of a violation or to the imposition of a penalty or sanction.

E. Imposition of penalty and sanction. A penalty and a sanction may be imposed for each violation.

**.10 Commission Action.**

A. Commission action against a licensee for a violation of Regulation .03 of this chapter shall be conducted as specified in COMAR 36.01.02.06, and the Commission shall:

- (1) Make a finding whether the licensee violated a provision of Regulation .03 of this chapter; and
- (2) If the licensee violated a provision of Regulation .03 of this chapter, decide whether, and to what extent, to impose a penalty or sanction.

B. A licensee may seek judicial review of the Commission’s decision.

C. A licensee against whom the Commission ordered the imposition of suspension or revocation of a license shall immediately comply with the Commission’s order.

D. A licensee against whom the Commission imposed a penalty shall remit to the Commission payment in full of the penalty within 30 calendar days.

STEPHEN L. MARTINO

Director

Maryland State Lottery and Gaming Control Agency

## Subtitle 05 TABLE GAMES

### Notice of Proposed Action

[13-134-P]

The Maryland State Lottery and Gaming Control Agency proposes to adopt:

(1) New Regulations .01 — .13 under a new chapter, **COMAR 36.05.16 Ultimate Texas Hold ‘Em Rules**; and

(2) New Regulations .01 — .13 under a new chapter, **COMAR 36.05.17 Mini Baccarat Rules**.

This action was considered at the Maryland State Lottery and Gaming Control Commission open meeting held on March 28, 2013, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

### Statement of Purpose

The purpose of this action is to update Regulations of the State Lottery and Gaming Control Agency to incorporate provisions for expanded gambling contained in S.B. 1 of 2012, Second Special Session, and passed by referendum on November 6, 2012, specifically to include provisions necessary for the implementation of table games operations.

### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

### Estimate of Economic Impact

**I. Summary of Economic Impact.** Although the actual amount of revenue from table games will depend on the number, distribution, and type of table games awarded, and assuming that there will be about a 6-month implementation delay between approval of table games and introduction of table games at VLT Facilities, DLS estimates that the revenues from table games will be \$36.7 million in FY 2013; \$136 million in FY 2014; \$231.1 million in FY 2015; \$249.1 million in FY 2016; and \$331.8 million in FY 2017. (Ref: Fiscal & Policy Note (rev) for S.B. 1 of 2012, Second Special Session)

### II. Types of Economic Impact.

	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	(R+)	Large
	Benefit (+)	
	Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	Large
E. On other industries or trade groups:	(+)	Large
F. Direct and indirect effects on public:	(+)	Large

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

C. — F. Although the actual amount of revenue from table games will depend on the number, distribution, and type of table games awarded, and assuming that there will be about a 6-month implementation delay between approval of table games and introduction of table games at VLT Facilities, DLS estimates that the

revenues from table games will be \$36.7 million in FY 2013; \$136 million in FY 2014; \$231.1 million in FY 2015; \$249.1 million in FY 2016; and \$331.8 million in FY 2017. (Ref: Fiscal & Policy Note (rev) for S.B. 1 of 2012, Second Special Session)

### Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

To the extent that the VLT facility purchases goods from local businesses that are small businesses, these small businesses will benefit. Expenditures from the Small, Minority, and Woman-Owned Business Investment Account will benefit small businesses. Other small businesses will be harmed by the substantial substitution of consumer spending away from other consumption to gambling. Small businesses in the entertainment and retail food service near VLTs could be particularly harmed. (Ref: Fiscal & Policy Note (rev) for S.B. 1 of 2012, Second Special Session)

### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

### Opportunity for Public Comment

Comments may be sent to Robert W. Howells, Regulations Coordinator, Maryland State Lottery and Gaming Control Agency, 1800 Washington Blvd., Suite 330, Baltimore, MD 21230, or call 410-230-8789, or email to robert.howells@maryland.gov, or fax to 410-230-8727. Comments will be accepted through June 17, 2013. A public hearing has not been scheduled.

## 36.05.16 Ultimate Texas Hold ‘Em Rules

*Authority: State Government Article, §§ 9-1A-02(b) and 9-1A-04(d), Annotated Code of Maryland*

### .01 Definitions.

A. In addition to the terms defined in COMAR 36.05.13, which have the same meaning in this chapter, in this chapter the following terms have the meaning indicated.

#### B. Terms Defined.

(1) “Check” means to waive the right to place a Play Wager but remain in the round of play.

(2) “Envy Bonus” means an additional fixed sum payout made to a player who placed a Progressive Payout Wager when another player at the Ultimate Texas Hold ‘Em Poker table is the holder of an Envy Bonus Qualifying Hand.

(3) “Envy Bonus Qualifying Hand” means a player’s five-card Poker hand with a rank of a straight flush or better.

(4) “Fold” means the withdrawal of a player from a round of play by not making a Play Wager.

(5) “Play Wager” means an additional wager that a player makes if the player opts to remain in competition against the dealer after the player reviews the player’s hand.

(6) “Progressive Payout Hand” means a player’s five-card Poker hand with a rank of three-of-a-kind or better.

(7) “Trips Wager” means the wager that a player is required to make prior to any cards being dealt to compete against a posted payable, regardless of the outcome of the player’s hand against the dealer’s hand.

### .02 Ultimate Texas Hold ‘Em Poker Tables.

A. Ultimate Texas Hold ‘Em Poker shall be played on a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

B. The layout for an Ultimate Texas Hold ‘Em Poker table shall be submitted to the Commission and contain, at a minimum:

(1) The name or logo of the facility operator;

(2) Four separate betting areas designated for the placement of Ante, Blind, Play, and Trips Wagers for each player, with the Blind Wager betting area located to the right of the Ante Wager betting area and separated by an equal symbol;

(3) A separate area designated for the placement of the five community cards located directly in front of the table inventory container;

(4) A separate area designated for the placement of the dealer's two cards;

(5) If a facility operator offers the optional Progressive Payout Wager, a separate area designated for the placement of the Progressive Payout Wager for each player;

(6) Inscriptions that advise players of the payout odds or amounts for all permissible wagers offered by the facility operator, but if the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Ultimate Texas Hold 'Em Poker table;

(7) Inscriptions indicating the following:

(a) An Ante Wager will push if the dealer has less than a pair;

(b) Depending on the payable selected by the facility operator, a Blind Wager will push if the player's winning hand is not a straight or better or a flush or better;

(c) The rules governing the required amount of a Play Wager as a multiple of the player's Ante Wager; and

(d) The payout limit per hand established by the facility operator under Regulation .12 of this chapter or a generic inscription indicating that the game is subject to the posted payout limit; and

(8) If the information required under §B(7) of this regulation is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Ultimate Texas Hold 'Em Poker table.

C. If a facility operator offers a Progressive Payout Wager under Regulation .07 of this chapter, a Ultimate Texas Hold 'Em Poker table shall have a progressive table game system for the placement of Progressive Payout Wagers that shall include:

(1) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager; and

(2) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table and includes a mechanism such as a lock-out button that prevents the recognition of any Progressive Payout Wager placed after the dealer has announced "no more bets".

D. Each Ultimate Texas Hold 'Em Poker table shall have a:

(1) Drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Commission; and

(2) Discard rack securely attached to the top of the dealer's side of the table.

E. The Commission may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

**.03 Cards; Number of Decks.**

A. Except as provided in §B of this regulation:

(1) Ultimate Texas Hold 'Em Poker shall be played with one deck of cards;

(2) The cards of a deck shall be identical in appearance; and

(3) A deck shall contain two cover cards.

B. If an automated card shuffling device is utilized, Ultimate Texas Hold 'Em Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck shall be of the same design;

(2) The backs of the cards in one deck shall be of a different color than the cards included in the other deck;

(3) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game;

(4) Both decks of cards shall be continuously alternated in and out of play, with each deck being used for every other round of play; and

(5) The cards from only one deck shall be placed in the discard rack at any given time.

C. The decks of cards used in Ultimate Texas Hold 'Em Poker shall be changed at least every:

(1) Four hours if the cards are dealt by hand; and

(2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

**.04 Opening a Table for Gaming.**

A. After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects and a floorperson assigned to the table shall verify the inspection.

B. After the cards are inspected, the dealer shall spread out the cards face up, in horizontal fan shaped columns by deck according to suit and in sequence, on the table for visual inspection by the first player to arrive at the table.

C. After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the dealer shall:

(1) Turn the cards face down on the table;

(2) Mix the cards thoroughly by washing them; and

(3) Stack the cards.

D. After stacking the cards, the dealer shall shuffle the cards in accordance with Regulation .05 of this chapter.

E. If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked, and shuffled in accordance with §§A — C of this regulation.

F. If the decks of cards received at the table are preinspected and reshuffled, §§A — D of this regulation do not apply.

**.05 Shuffling and Cutting the Cards.**

A. Unless the cards were reshuffled, the dealer shall shuffle the cards so they are randomly intermixed, manually or with an automated card shuffling device:

(1) Immediately prior to commencement of play;

(2) After each round of play has been completed; or

(3) When directed by a floorperson or above.

B. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack.

C. The facility operator may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

D. After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with Regulations .08, .09, and .10 of this chapter; or

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with §F of this regulation.

E. The deck shall be removed from the table if an automated card shuffling device:

(1) Is being used which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present; and

(2) The device reveals that an incorrect number of cards are present.

F. If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack.

(1) After the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack.

(2) The stack of cards shall then be inserted into the dealing shoe for commencement of play.

G. After the cards have been cut and before any cards have been dealt, a flooperperson or above may require the cards to be recut if the flooperperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

H. If there is no gaming activity at an Ultimate Texas Hold 'Em Poker table which is open for gaming, the dealer shall:

(1) Unless a player requests that the cards be spread face up on the table, spread out the cards on the table face down; and

(2) After the first player arriving at the table is afforded an opportunity to visually inspect the cards, complete the procedures in Regulation .04 of this chapter.

I. If a facility operator utilizes a dealing shoe, or other device that automatically reshuffles and counts the cards, that was submitted to, and approved by, the Commission prior to its use in a licensed facility, §§D – F of this regulation do not apply.

**.06 Ultimate Texas Hold 'Em Poker Rankings.**

A. In order of highest to lowest rank, the rank of the cards used in Ultimate Texas Hold 'Em Poker is: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3, and 2.

B. Notwithstanding §A of this regulation, an ace may be used to complete a straight flush or a straight formed with a 2, 3, 4, and 5 card but may not be combined with any other sequence of cards.

C. All suits are equal in rank.

D. In order of highest to lowest rank, the permissible five-card Poker hands at the game of Ultimate Texas Hold 'Em Poker are:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack, and 10 of the same suit;

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10, and 9 being the highest ranking straight flush and ace, 2, 3, 4, and 5 being the lowest ranking straight flush;

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind;

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house;

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack, and 9 being the highest ranking flush and 2, 3, 4, 5, and 7 being the lowest ranking flush;

(6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank, with an ace, king, queen, jack, and 10 being the highest ranking straight and an ace, 2, 3, 4, and 5 being the lowest ranking straight;

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind;

(8) Two pairs, which is a hand consisting of two pairs, with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair; and

(9) A pair, which is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

E. When comparing two Poker hands that are of identical rank under §B of this regulation or that contain none of the hands listed in §B of this regulation:

(1) The hand that contains the highest ranking card under §A of this regulation which is not contained in the other hand is the higher ranking hand; or

(2) If the hands are of identical rank after the application of this section, the hands are a tie.

**.07 Wagers.**

A. A player shall make a wager at Ultimate Texas Hold 'Em Poker by placing value chips or plaques on the appropriate areas of the table layout.

B. A verbal wager accompanied by cash may not be accepted.

C. Only a player who is seated at an Ultimate Texas Hold 'Em Poker table may wager at the game.

(1) After a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play.

(2) If a player leaves the table during a round of play, a wager made by the player may be considered abandoned and may be treated as a losing wager.

D. Except for the Play Wager, all wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in Regulations .08, .09, and .10 of this chapter.

E. Except as provided in Regulation .11 of this chapter, a wager may not be made, increased or withdrawn after the dealer has announced "no more bets".

F. The following wagers may be placed in the game of Ultimate Texas Hold 'Em Poker:

(1) A player shall compete against the dealer's five-card Poker hand by placing both an Ante Wager and a Blind Wager in equal amounts, then a Play Wager, in accordance with Regulation .11 of this chapter.

(2) In addition to the Ante Wager and Blind Wager, a player may compete against a posted payable by placing a Trips Wager.

(3) If specified in its Rules Submission, a facility operator may offer to each player at an Ultimate Texas Hold 'Em Poker table the option to make an additional Progressive Payout Wager that the player will receive a Progressive Payout Hand.

(a) After placing the Ante and Blind Wagers, a player may make the additional Progressive Payout Wager by placing a value chip onto the progressive wagering device designated for that player.

(b) A player is responsible for verifying that the player's Progressive Payout Wager has been accepted.

G. A player may not wager on more than one player position at an Ultimate Texas Hold 'Em Poker table.

**.08 Procedure for Dealing Cards from a Manual Dealing Shoe.**

A. If a manual dealing shoe is used, it shall be located on the table in a location approved by the Commission.

B. After the procedures required under Regulation .05 of this chapter have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by the automated card shuffling device.

C. Prior to dealing the cards, the dealer shall:

(1) Announce "no more bets";

(2) If the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers;

(3) If any Progressive Payout Wagers have been made, collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system; and

(4) Place the value chips into the table inventory container.



*D. The dealer shall:*

(1) Remove each card from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and place it on the appropriate area of the layout with the opposite hand;

(2) Starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed the required wagers in accordance with Regulation .07 of this chapter and to the dealer, under a cover card, until each player who placed the required wagers, and the dealer, have two cards;

(3) After dealing two cards to each player and to the area designated for the placement of the dealer's hand, deal the five community cards in accordance with Regulation .11 of this chapter; and

(4) After dealing all community cards, remove the stub from the manual dealing shoe and, except as provided in §F of this regulation, place the stub in the discard rack without exposing the cards.

*E. If an automated card shuffling device described in Regulation .05E(1) of this chapter is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck by counting the cards face down on the layout.*

*F. If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.*

*G. If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt.*

(1) *If the cards were misdealt but 52 cards remain in the deck, all hands are void and the dealer shall return all wagers to the players.*

(2) *If the cards were not misdealt, all hands are void, and the dealer shall return all wagers to the players and remove the entire deck of cards from the table.*

**.09 Procedure for Dealing Cards from the Hand.**

*A. If the cards are dealt from the dealer's hand, the following requirements shall be met:*

(1) *An automated shuffling device shall be used to shuffle the cards; and*

(2) *After the procedures required under Regulation .05 of this chapter have been completed, the dealer shall place the stacked deck of cards in either hand, and:*

(a) *After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play; and*

(b) *The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.*

(3) *Prior to dealing any cards, the dealer shall announce "no more bets," and:*

(a) *If the Progressive Payout Wager is being offered, use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers;*

(b) *If any Progressive Payout Wagers have been made, collect the wagers and, on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system; and*

(c) *Place the value chips into the table inventory container.*

*B. The dealer shall:*

(1) *Deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout;*

(2) *Starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at*

*a time to each player who placed the required wagers in accordance with Regulation .07 of this chapter and to the dealer, under a cover card, until each player who placed the required wagers and the dealer have two cards;*

(3) *After dealing two cards to each player and to the area designated for the placement of the dealer's hand, deal the five community cards in accordance with Regulation .11 of this chapter; and*

(4) *Except as provided in §C of this regulation, after dealing all community cards, place the stub in the discard rack without exposing the cards.*

*C. If an automated card shuffling device described in Regulation .05E(1) of this chapter is not being used, the dealer shall count the stub at least once every five rounds of play to determine if the correct number of cards are still present in the deck by counting the cards face down on the layout.*

*D. If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.*

*E. If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt.*

(1) *If the cards were misdealt but 52 cards remain in the deck, all hands are void and the dealer shall return all wagers to the players.*

(2) *If the cards were not misdealt, all hands are void, and the dealer shall return all wagers to the players and remove the entire deck of cards from the table.*

**.10 Procedure for Dealing Cards from an Automated Dealing Shoe.**

*A. If the cards are dealt from an automated dealing shoe, the following requirements shall be met:*

(1) *After the procedures required under Regulation .05 of this chapter have been completed, the cards shall be placed in the automated dealing shoe; and*

(2) *Prior to the shoe dispensing any stacks of cards, the dealer shall:*

(a) *Announce "no more bets"; and*

(b) *If the Progressive Payout Wager is being offered:*

(i) *Use the progressive table game system to prevent the placement of any additional Progressive Payout Wagers;*

(ii) *If any Progressive Payout Wagers have been made, collect the wagers and on the layout in front of the table inventory container, verify that the number of value chips wagered equals the number of Progressive Payout Wagers accepted by the progressive table game system; and*

(iii) *Place the value chips into the table inventory container.*

*B. The dealer shall:*

(1) *Deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed the required wagers in accordance with Regulation .07 of this chapter;*

(2) *As the automated dealing shoe dispenses the remaining stacks to the dealer, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a required wager in accordance with Regulation .07 of this chapter;*

(3) *Deliver a stack of two cards face down under a cover card to the area designated for the placement of the dealer's cards;*

(4) *After each stack of two cards has been dispensed and delivered, remove the remaining cards from the automated dealing shoe and, following the procedures in Regulation .09 of this chapter, deal from the dealer's hand the five community cards in accordance with Regulation .11 of this chapter; and*

(5) After dealing all five community cards, except as provided in §D, place the stub in the discard rack without exposing the cards.

C. If an automated card shuffling device described in Regulation .05E(1) of this chapter is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck by counting the cards face down on the layout.

D. If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

E. If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt.

(1) If the cards were misdealt but 52 cards remain in the deck, all hands are void and the dealer shall return all wagers to the players.

(2) If the cards were not misdealt, all hands are void, and the dealer shall return all wagers to the players and remove the entire deck of cards from the table.

F. Notwithstanding the requirements in §§B and C of this regulation, if a facility operator is utilizing an automated dealing shoe which automatically reshuffles the cards, the five community cards may be dispensed before the two cards are dispensed to each player and to the dealer. The community cards shall then be revealed in accordance with Regulation .11 of this chapter.

**.11 Procedure for Completing a Round of Play.**

A. After the dealing procedures required under Regulations .08, .09, and .10 of this chapter have been completed, a player shall examine the player's cards subject to the following limitations:

(1) A player who wagers at Ultimate Texas Hold 'Em Poker is responsible for the player's hand and no individual other than the dealer and the player to whom the cards were dealt may touch the cards of the player; and

(2) A player shall keep the player's cards in full view of the dealer at all times.

B. After each player has examined the player's cards, beginning with the player farthest to the dealer's left and moving clockwise around the table, the dealer shall ask each player if the player wishes to place a Play Wager prior to the dealing of the Flop.

(1) The player may check or place a Play Wager in an amount equal to three or four times the amount of the player's Ante Wager.

(2) If a player:

(a) Places a Play Wager, the wager shall be placed in the area designated for the Play Wager; or

(b) Checks, the player shall remain in the game and defer the player's decision to place a Play Wager until after the Flop is dealt.

C. After all players have placed a Play Wager or checked, the dealer shall:

(1) Burn the next card; and

(2) Deal the Flop face up to the designated area for the community cards.

D. After dealing the Flop, beginning with the player farthest to the dealer's left and moving clockwise around the table the dealer shall ask each player who has not already placed a Play Wager if the player wishes to place a Play Wager prior to the dealing of the final two community cards.

(1) The player may check or place a Play Wager in an amount equal to two times the amount of the player's Ante Wager.

(2) If a player:

(a) Places a Play Wager, the wager shall be placed in the area designated for the Play Wager; or

(b) Checks, the player shall remain in the game and defer the player's decision to place a Play Wager until after the next two community cards are dealt.

E. After all players have placed a Play Wager or checked, the dealer shall:

(1) Burn the next card; and

(2) Deal the next two cards in the deck face up to the designated area for the community cards.

F. After dealing the final two community cards, beginning with the player farthest to the dealer's left and moving clockwise around the table, the dealer shall ask each player who has not already placed a Play Wager whether the player wishes to fold or place a Play Wager equal in amount to the player's Ante Wager, and, if a player:

(1) Places a Play Wager, the wager shall be placed in the area designated for the Play Wager;

(2) Folds, the dealer shall collect the player's Ante and Blind Wagers and place them in the table inventory container; and

(3) If a player:

(a) Has also placed a Trips Wager, the dealer shall place the cards of the player face down underneath the player's Trips Wager pending its resolution at the conclusion of the round of play; and

(b) Has not placed a Trips Wager, the dealer shall immediately collect the player's cards and place them in the discard rack.

G. After each player has folded or placed a Play Wager, the dealer shall:

(1) Remove the cover card and turn the dealer's two cards face up on the layout;

(2) Select five cards from the dealer's two cards and the five community cards to form the highest ranking five-card Poker hand; and

(3) Announce the dealer's hand to the players.

H. If the dealer's highest ranking five-card Poker hand:

(1) Is lower than a pair, starting with the player farthest to the dealer's right who has placed a Play Wager and proceeding in a counterclockwise manner around the table, the dealer shall return each player's Ante Wager and resolve the Blind and Play Wagers in accordance with §H(2) of this regulation;

(2) Is a pair or better, starting with the player farthest to the dealer's right who has placed a Play Wager and proceeding in a counterclockwise manner around the table, the dealer shall:

(a) Turn the two cards of each player who has placed a Play Wager face up on the layout;

(b) Select five cards from the player's two cards and the five community cards to form the highest ranking five-card Poker hand;

(c) Announce the player's hand; and

(d) Regardless of outcome, resolve each player's wagers one player at a time; and

(3) If a player's five-card Poker hand:

(a) Is ranked lower than the dealer's five-card Poker hand, the dealer shall immediately collect the Ante, Blind and Play Wagers made by the player;

(b) Is ranked higher than the dealer's five-card Poker hand, the dealer shall pay the Ante, Blind and Play Wagers made by the player in accordance with the payout odds in Regulation .12 of this chapter;

(c) Depending on the payable selected by the facility operator, the dealer shall return the player's Blind Wager if the player's winning hand is not a straight or better or a flush or better; and

(d) Is equal in rank to the dealer's five-card hand, the dealer shall return the player's Ante, Blind and Play Wagers.

I. After settling a player's Ante, Blind, and Play Wagers, the dealer shall:

(1) Settle any Trips Wager made by the player by determining whether the player's five-card Poker hand qualifies for a payout in accordance with Regulation .12 of this chapter; and

(2) Pay a winning Trips Wager regardless of whether the player's five-card Poker hand outranks the dealer's hand.

J. The dealer shall then settle the Progressive Payout Wager, if offered by the facility operator.

(1) A winning Progressive Payout Wager shall be paid irrespective of whether the player's hand outranks the dealer's hand.

(2) If a player has won a progressive payout, the dealer shall:

(a) Verify that the hand is a winning hand;

(b) Verify that the appropriate light on the progressive table game system has been illuminated;

(c) Have a floorperson or above validate the progressive payout in accordance with the facility operator's approved internal control procedures;

(d) Pay the winning Progressive Payout Wager in accordance with the payout odds in Regulation .12 of this chapter;

(i) If a player has won a progressive payout that is a percentage of the jackpot amount on the progressive meter, the progressive payout may not be paid from the table inventory container; or

(ii) If a player has won a progressive payout that is not being paid from the table inventory container, the cards of that player must remain on the table until the necessary documentation has been completed; and

(e) Pay any Envy Bonus won in accordance with Regulation .12 of this chapter;

(i) Players making a Progressive Payout Wager shall receive an Envy Bonus when another player at the same Ultimate Texas Hold 'Em Poker table is the holder of an Envy Bonus Qualifying Hand.

(ii) Players are entitled to multiple Envy Bonuses if more than one other player is the holder of an Envy Bonus Qualifying Hand.

(iii) A player is not entitled to an Envy Bonus for his own hand or the hand of the dealer.

K. After all wagers of the player have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

**.12 Payout Odds; Envy Bonus; Payout Limitation.**

A. A facility operator shall pay each winning Ante Wager and Play Wager at odds of 1 to 1.

B. A facility operator shall pay the player's winning Blind Wager in accordance with the odds in one of the following paytables selected by the facility operator in its Rules Submission:

(1) Paytable A:

(a) For a Royal Flush the payout is 500 to 1;

(b) For a Straight Flush the payout is 50 to 1;

(c) For Four-of-a-kind the payout is 10 to 1;

(d) For a Full house the payout is 3 to 1;

(e) For a Flush the payout is 3 to 2;

(f) For a Straight the payout is 1 to 1; or

(g) For less than a Straight the payout is a push;

(2) Paytable B:

(a) For a Royal Flush the payout is 500 to 1;

(b) For a Straight Flush the payout is 50 to 1;

(c) For Four-of-a-kind the payout is 10 to 1;

(d) For a Full house the payout shall be 3 to 1

(e) For a Flush the payout is 3 to 2; or

(f) For less than a Straight the payout is a push.

C. A player placing a Trips Wager shall be paid at the odds in one of the following paytables, selected by the facility operator in its Rules Submission:

(1) Paytable A:

(a) For a Royal Flush the payout is 50 to 1;

(b) For a Straight Flush the payout is 40 to 1;

(c) For Four-of-a-kind the payout is 30 to 1;

(d) For a Full house the payout is 9 to 1;

(e) For a Flush the payout is 7 to 1;

(f) For a Straight the payout is 4 to 1; or

(g) For Three-of-a-kind the payout is 3 to 1;

(2) Paytable B:

(a) For a Royal Flush the payout is 50 to 1;

(b) For a Straight Flush the payout is 40 to 1;

(c) For Four-of-a-kind the payout is 30 to 1;

(d) For a Full house the payout is 8 to 1;

(e) For a Flush the payout is 6 to 1;

(f) For a Straight the payout is 5 to 1; or

(g) For Three-of-a-kind the payout is 3 to 1;

(3) Paytable C:

(a) For a Royal Flush the payout is 50 to 1;

(b) For a Straight Flush the payout is 40 to 1;

(c) For Four-of-a-kind the payout is 30 to 1;

(d) For a Full house the payout is 8 to 1;

(e) For a Flush the payout is 7 to 1;

(f) For a Straight the payout is 4 to 1; or

(g) For Three-of-a-kind the payout is 3 to 1;

(4) Paytable D:

(a) For a Royal Flush the payout is 50 to 1;

(b) For a Straight Flush the payout is 40 to 1;

(c) For Four-of-a-kind the payout is 20 to 1;

(d) For a Full house the payout is 7 to 1;

(e) For a Flush the payout is 6 to 1;

(f) For a Straight the payout is 5 to 1; or

(g) For Three-of-a-kind the payout is 3 to 1.

D. If a facility operator offers the Progressive Payout Wager:

(1) A player placing a Progressive Payout Wager shall be paid at the following odds:

(a) For a Royal Flush the payout is 100 percent of meter;

(b) For a Straight Flush the payout is 10 percent of meter;

(c) For Four-of-a-kind the payout is 300 to 1;

(d) For a Full house the payout is 50 to 1;

(e) For a Flush the payout is 40 to 1;

(f) For a Straight the payout is 30 to 1; or

(g) For Three-of-a-kind the payout is 9 to 1;

(2) A player shall receive the payout for only the highest ranking five-card Poker hand formed;

(3) The facility operator's Rules Submission shall include the:

(a) Rate of progression for the meter used for the progressive payout in §D(1) of this regulation; and

(b) The initial and reset amount, which shall be at least \$10,000;

(4) Winning Progressive Payout Hands shall be paid in accordance with the amount on the meter when it is the player's turn to be paid in accordance with Regulation .11 of this chapter; and

(5) Envy Bonus payouts shall be made according to the following payouts for Envy Bonus Qualifying Hands based upon the amount of the Progressive Payout Wager placed by the player receiving the Envy Bonus:

(a) \$1 Progressive Payout Wager:

(i) For a Royal flush the payout is \$1,000; and

(ii) For a Straight flush the payout shall be \$300; and

(b) \$5 Progressive Payout Wager:

(i) For a Royal flush the payout is \$5,000; and

(ii) For a Straight flush the payout is \$1,500.

E. Notwithstanding the payout odds in §§A — C of this regulation, in its Rules Submission a facility operator may establish a maximum amount that is payable to a player on a single hand.

(1) The maximum amount shall be at least \$50,000 or the maximum amount that one player could win per round when betting the minimum wager, whichever is greater.

(2) A maximum payout limit established by the facility operator shall apply only to payouts of Ultimate Texas Hold 'Em Poker Wagers placed under Regulation .07 of this chapter, but does not apply to payouts for Progressive Payout Wagers placed under Regulation .07 of this chapter.

**.13 Irregularities.**

A. A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack.

B. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands are void, and the dealer shall return all wagers to the players and reshuffle the cards.

C. Notwithstanding §§A and B of this regulation, if the cards are found face up after each player and the dealer has received their initial two cards, the community cards shall be dealt and any Trips Wager shall be settled in accordance with the payout odds in Regulation .12 of this chapter.

D. A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

E. If any player, the dealer, or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands are void, and the dealer shall return all wagers to the players and reshuffle the cards.

F. If either of the dealer's cards is inadvertently exposed before each player has folded or placed a Play Wager as described in Regulation .11 of this chapter, all hands are void, and the dealer shall return all Ante, Blind, and Play Wagers to the players and reshuffle the cards.

G. Notwithstanding §F of this regulation, if a player has placed a Trips Wager, the dealer shall deal the community cards and settle each Trips Wager in accordance with the payout odds in Regulation .12 of this chapter.

H. If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the dealer shall:

- (1) Reshuffle the cards;
- (2) Return all wagers to the players; and
- (3) Remove any cards from the device and reshuffle them with any cards already dealt.

I. If an automated dealing shoe is being used and the device jams, stops dealing cards, or fails to deal cards during a round of play, the round of play is void, and the dealer shall:

- (1) Return all wagers to the players;
- (2) Remove the cards from the device; and
- (3) Reshuffle the cards with any cards already dealt.

J. If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, before any other method of shuffling or dealing may be utilized at that table, the automated card shuffling device or automated dealing shoe shall be:

- (1) Covered; or
- (2) Marked with a sign indicating that the automated card shuffling device or automated dealing shoe is out of order.

**36.05.17 Mini Baccarat Rules**

Authority: State Government Article, §§ 9-1A-02(b) and 9-1A-04(d), Annotated Code of Maryland

**.01 Definitions.**

The terms defined in COMAR 36.05.10 have the same meanings in this chapter.

**.02 Mini Baccarat Tables.**

A. Mini Baccarat shall be played on a table having:

(1) Numbered positions for no more than nine seated players on one side of the table; and

(2) A place for the dealer on the opposite side of the table.

B. A facility operator shall submit to the Commission for approval the layout for a Mini Baccarat table, which shall contain at least:

(1) The name or logo of the facility operator;

(2) Separate areas designated for the placement of wagers on the Banker's Hand, Player's Hand, and Tie Hand for each player;

(3) The payout odds for all permissible wagers offered by a facility operator, except that if the payout odds are not inscribed on the layout, a sign identifying the payout odds shall be posted at each Mini Baccarat table;

(4) An area designated for the placement of cards for the Player's Hand and Banker's Hand;

(5) If a facility operator offers the Dragon Bonus Wager authorized under Regulation .07 of this chapter, separate areas designated for the placement of the Dragon Bonus Wager for each player;

(6) If a facility operator offers EZ Baccarat:

(a) Separate areas for each player designated for the placement of the Dragon 7 Insurance Wager authorized under Regulation .07 of this chapter; and

(b) Inscriptions that advise players that a wager on the Banker's Hand that results in a Dragon 7 shall push and be returned to the player, except that if the information is not inscribed on the layout, a sign containing the information shall be posted at each Mini Baccarat table; and

(7) Unless the dealer, in accordance with the option selected in the facility operator's Rules Submission, collects the vigorish from a player at the time the winning payout is made or the table is designated for play as an EZ Baccarat table, numbered areas that correspond to the seat numbers for the purpose of marking vigorish.

C. If marker buttons are used for the purpose of marking vigorish, the marker buttons shall be placed in the table inventory container or in a separate rack designed for the purpose of storing marker buttons.

D. If a separate rack is used, the rack shall be placed in front of the table inventory container during gaming activity.

E. A Mini Baccarat table shall have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Commission.

F. The Commission may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

G. A Mini Baccarat table shall have a discard bucket on the dealer's side of the table.

**.03 Cards; Number of Decks.**

A. Mini Baccarat shall be played with six to eight decks of cards that have:

- (1) Cards that are identical in appearance; and
- (2) Two cover cards.

B. If an automated card shuffling device is utilized, Mini Baccarat shall be played with 12 to 16 decks of cards in accordance with the following requirements:

- (1) The cards shall be separated into two batches with an equal number of decks included in each batch;
- (2) The cards in each batch must be of the same design but the backs of the cards in one batch must be of a different color than the cards in the other batch;
- (3) One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being used to play the game;
- (4) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe; and
- (5) The cards from only one batch shall be placed in the discard rack at any given time.

C. The decks of cards opened for use at a Mini Baccarat table shall be changed at least once every 24 hours.

**.04 Opening a Table for Gaming.**

A. After receiving six or more decks of cards at a table, a dealer shall inspect the cards for any defects and a floorperson assigned to the table shall verify the inspection.

B. After the cards are inspected, the dealer shall spread the cards out face up on the table, in horizontal fan shaped columns by deck according to suit and in sequence, for visual inspection by the first player to arrive at the table.

C. After the first player has been afforded an opportunity to visually inspect the cards, the dealer shall:

- (1) Turn the cards face down on the table;
- (2) Mix the cards thoroughly by washing them; and
- (3) Stack the cards.

D. If an automated card shuffling device is utilized and two batches of cards are received at the table, the dealer shall:

- (1) Spread all the decks in one batch of cards for inspection on the table separate from the decks in the other batch of cards; and
- (2) After the first player is afforded an opportunity to visually inspect the cards, separately turn each batch of cards face down on the table and stack the cards.

E. If the decks of cards received at the table are preinspected and reshuffled §§A — D of this regulation do not apply.

**.05 Shuffling and Cutting the Cards.**

A. Unless the cards were reshuffled, immediately prior to commencement of play the dealer shall:

- (1) Shuffle the cards manually or by use of an automated card shuffling device so that they are randomly intermixed; and
- (2) If the cards have been manually shuffled, leave the entire stack of cards intermixed but not entirely squared off so the floorperson can verify that the shuffle did not result in any uneven distribution of cards.

B. After the cards have been shuffled, the dealer shall offer the stack of cards to a player to be cut:

- (1) The cards shall be offered with the backs facing away from the dealer;
- (2) The dealer shall begin with the player seated in the highest number position at the table and, working clockwise around the table, offer the stack to each player until a player accepts the cut;
- (3) If a player does not accept the cut, the dealer shall cut the cards; and
- (4) The cards shall be cut by placing a cover card in the stack at least ten cards in from the top or the bottom of the stack.

C. Once the cover card has been inserted into the stack, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack, and:

- (1) Insert the second cover card in a position at least 14 cards above the bottom of the stack; and
- (2) Insert the stack of cards into the dealing shoe for commencement of play.

D. After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson or above determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

E. If a recut is required under §D of this regulation:

- (1) The cards shall be recut by the next person entitled to cut the cards, as described in §B of this regulation; and
- (2) The stack of cards shall be inserted into the dealing shoe for commencement of play.

F. Prior to commencement of play, the dealer shall remove and expose the first card from the dealing shoe and place it, and an additional number of cards, drawn face down, equal to the face value of the first card drawn, in the discard bucket.

G. When determining the face value of the first card removed from the dealing shoe under §F of this regulation:

- (1) A 10, jack, queen, or king count as ten; and
- (2) An ace counts as one.

H. If there is no gaming activity at a Mini Baccarat table which is open for gaming, the dealer shall:

- (1) Remove the cards from the dealing shoe and the discard rack;
- (2) Unless a player requests that the cards be spread face up on the table, spread the cards out on the table face down;
- (3) After the first player is afforded an opportunity to visually inspect the cards:

(a) If there is no automated shuffling device in use, mix the cards thoroughly by washing the cards, and then stack, shuffle, and cut them in accordance with this section;

(b) If an automated shuffling device is in use, stack the cards and place them in the automated shuffling device to be shuffled. The batch of cards already in the shuffler shall then be removed; and

(4) Unless a player requests otherwise, the batch of cards removed from the automatic shuffler under paragraph (b) of this section does not need to be spread for inspection and reshuffled prior to being dealt if:

- (a) The automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner; or
- (b) The shuffled cards have been secured, released and prepared for play in accordance with procedures submitted to the Commission and approved.

**.06 Value of Cards; Point Count of Hand.**

A. The value of the cards in each deck is as follows:

- (1) A card from 2 to 9 has its face value;
- (2) A 10, jack, queen, or king has a value of zero; and
- (3) An ace has a value of one.

B. The Point Count of a hand is:

- (1) A single digit number from 0 to 9; and
- (2) Determined by totaling the value of the cards in the hand.

C. If the total point count of the cards in a hand is a two-digit number under §B of this regulation:

- (1) The left digit of the number is discarded; and
- (2) The right digit constitutes the point count of the hand.

**.07 Wagers.**

A. The following are permissible wagers in the game of Mini Baccarat:

(1) A wager on the Banker's Hand, which:

(a) Unless EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7, wins if the Banker's Hand has a Point Count higher than that of the Player's Hand;

(b) Loses if the Banker's Hand has a Point Count lower than that of the Player's Hand; or

(c) Ties and is returned to the player if:

(i) The Banker's Hand and the Player's Hand have the same Point Count; or

(ii) If EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7;

(2) A wager on the Player's Hand, which:

(a) Wins if the Player's Hand has a Point Count higher than that of the Banker's Hand;

(b) Loses if:

(i) The Player's Hand has a Point Count lower than that of the Banker's Hand; or

(ii) If EZ Baccarat is being played and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7; or

(c) If the Point Counts of the Banker's Hand and the Player's Hand are equal, ties and is returned to the player;

(3) A Tie Wager, which:

(a) Wins if the Point Counts of the Banker's Hand and the Player's Hand are equal; or

(b) Loses if Point Counts of the Banker's Hand and the Player's Hand are not equal;

(4) If offered by a facility operator, a Dragon Bonus Wager on the Player's Hand or Banker's Hand, or both, which:

(a) Wins if the selected hand is:

(i) A Natural and the other hand is not a Natural;

(ii) A Natural 9 and the other hand is a Natural 8; or

(iii) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by four or more points;

(b) Loses if the selected hand is:

(i) A Natural 8 and the other hand is a Natural 9;

(ii) Not a Natural and has a Point Count less than or equal to the Point Count of the other hand; or

(iii) Not a Natural and has a Point Count that exceeds the Point Count of the other hand by less than four points; or

(c) Ties and is returned to the player if the selected hand is a Natural and the other hand is a Natural of equal Point Count; or

(5) A Dragon 7 Insurance Wager, if the table is designated for play as an EZ Baccarat table, which:

(a) Wins if the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7; or

(b) Loses if the Point Counts of the Banker's Hand and the Player's Hand do not result in a Dragon 7.

B. A player shall make a wager at Mini Baccarat by placing a value chip or plaque on the appropriate area of a Mini Baccarat layout.

C. If a verbal wager is confirmed by the dealer and the cash is expeditiously converted into a value chip or plaque, a verbal wager accompanied by cash may be accepted.

D. A player may not make, increase, or withdraw a wager after the dealer has announced "no more bets".

**.08 Player's and Banker's Hands; Procedure for Dealing Initial Two Cards.**

A. Two hands shall be dealt in Mini Baccarat:

(1) Player's Hand; and

(2) Banker's Hand.

B. Prior to dealing any cards, the dealer shall announce "no more bets".

C. The dealer shall deal an initial four cards from the dealing shoe:

(1) The first and third cards dealt shall be placed face down on the area designated for the Player's Hand; and

(2) The second and fourth cards dealt shall be placed face down on the area designated for the Banker's Hand.

D. After the four cards described in §C of this regulation have been dealt:

(1) The dealer shall place the Banker's Hand under the right corner of the dealing shoe;

(2) Players may not touch, handle, remove, or alter any cards used to play Mini Baccarat;

(3) After the dealer positions the cards, the dealer shall announce the Point Count of the Player's Hand and the Banker's Hand.

(4) Following the announcement of the Point Counts of each hand, the dealer shall determine whether to deal a third card to each hand in accordance with Regulation .10 of this chapter.

E. If a third card is required to be dealt to the Player's Hand, the card shall be placed face up on the area designated for the Player's Hand.

F. If a third card is required to be dealt to the Banker's Hand, the card shall be placed face up on the area designated for the Banker's Hand.

**.09 Procedure for Dealing a Third Card.**

A. After the dealer positions the cards in accordance with Regulation .08 of this chapter, the dealer shall announce the Point Count of the Player's Hand and the Banker's Hand.

B. Following the announcement of the Point Counts of the hands under §A of this regulation, the dealer shall:

(1) Determine whether to deal a third card to each hand in accordance with Regulation .10 of this chapter; and

(2) Any third cards required shall be dealt as provided in Regulation .08 of this chapter.

C. The dealer may not deal more than one additional card be dealt to either hand.

D. If a cover card appears as the first card in the dealing shoe at the beginning of a round of play or appears during play, the dealer shall:

(1) Remove the cover card, place it to the side, and complete the hand;

(2) Upon completion of that hand, announce "last hand"; and

(3) At the completion of one more hand, replace the cards with new decks of cards.

**.10 Rules for Determining Whether a Third Card is Dealt.**

A. If either the Player's Hand or the Banker's Hand is a Natural, there may be no more cards dealt to either hand.

B. If the Point Count of the Player's Hand and the Banker's Hand is 0 to 7 on the first two cards, the Player's Hand shall:

(1) Draw a third card if the Player's Hand has a Point Count of less than 6; or

(2) Stay if the Player's Hand has a Point Count of 6 or more.

C. If the Point Count of the Player's Hand and the Banker's Hand is 0 to 7 on the first two cards, the Banker's Hand shall draw or stay in accordance with the requirements of §§D — E of this regulation.

D. If the Player's Hand does not receive a third card, the Banker's Hand shall be dealt a third card if the Point Count of the Banker's Hand is 5 or less.

E. If the Player's Hand is dealt a third card, and:

(1) The Banker's Hand has a Point Count of less than 3, the Banker's Hand shall be dealt a third card;

(2) *The Banker's Hand has a Point Count of 7, the Banker's Hand may not be dealt a third card;*

(3) *The Banker's Hand has a Point Count of 3, 4, 5, or 6, the Banker's Hand shall be dealt or not dealt a third card in accordance with the following requirements:*

(a) *If the point count of the third card drawn by Player's hand is 0 and:*

(i) *The point count of Banker's hand after two card is 3 the Banker's hand shall draw a third card;*

(ii) *The point count of Banker's hand after two card is 4 the Banker's hand shall stay;*

(iii) *The point count of Banker's hand after two card is 5 the Banker's hand shall stay; or*

(iv) *The point count of Banker's hand after two card is 6 the Banker's hand shall stay;*

(b) *If the point count of the third card drawn by Players hand is 1 and:*

(i) *The point count of Banker's hand after two card is 3 the Banker's hand shall draw a third card;*

(ii) *The point count of Banker's hand after two card is 4 the Banker's hand shall stay;*

(iii) *The point count of Banker's hand after two card is 5 the Banker's hand shall stay; or*

(iv) *The point count of Banker's hand after two card is 6 the Banker's hand shall stay;*

(c) *If the point count of the third card drawn by Player's hand is 2 and:*

(i) *The point count of Banker's hand after two card is 3 the Banker's hand shall draw a third card;*

(ii) *The point count of Banker's hand after two card is 4 the Banker's hand shall draw a third card;*

(iii) *The point count of Banker's hand after two card is 5 the Banker's hand shall stay; or*

(iv) *The point count of Banker's hand after two card is 6 the Banker's hand shall stay;*

(d) *If the point count of the third card drawn by Player's hand is 3 and:*

(i) *The point count of Banker's hand after two card is 3 the Banker's hand shall draw a third card;*

(ii) *The point count of Banker's hand after two card is 4 the Banker's hand shall draw a third card;*

(iii) *The point count of Banker's hand after two card is 5 the Banker's hand shall stay; or*

(iv) *The point count of Banker's hand after two card is 6 the Banker's hand shall stay;*

(e) *If the point count of the third card drawn by Player's hand is 4 and:*

(i) *The point count of Banker's hand after two card is 3 the Banker's hand shall draw a third card;*

(ii) *The point count of Banker's hand after two card is 4 the Banker's hand shall draw a third card;*

(iii) *The point count of Banker's hand after two card is 5 the Banker's hand shall draw a third card; or*

(iv) *The point count of Banker's hand after two card is 6 the Banker's hand shall stay;*

(f) *If the point count of the third card drawn by Player's hand is 5 and:*

(i) *The point count of Banker's hand after two card is 3 the Banker's hand shall draw a third card;*

(ii) *The point count of Banker's hand after two card is 4 the Banker's hand shall draw a third card;*

(iii) *The point count of Banker's hand after two card is 5 the Banker's hand shall draw a third card; or*

(iv) *The point count of Banker's hand after two card is 6 the Banker's hand shall stay;*

(g) *If the point count of the third card drawn by Player's hand is 6 and:*

(i) *The point count of Banker's hand after two card is 3 the Banker's hand shall draw a third card;*

(ii) *The point count of Banker's hand after two card is 4 the Banker's hand shall draw a third card;*

(iii) *The point count of Banker's hand after two card is 5 the Banker's hand shall draw a third card; or*

(iv) *The point count of Banker's hand after two card is 6 the Banker's hand shall draw a third card;*

(h) *If the point count of the third card drawn by Player's hand is 7 and:*

(i) *The point count of Banker's hand after two card is 3 the Banker's hand shall draw a third card;*

(ii) *The point count of Banker's hand after two card is 4 the Banker's hand shall draw a third card;*

(iii) *The point count of Banker's hand after two card is 5 the Banker's hand shall draw a third card; or*

(iv) *The point count of Banker's hand after two card is 6 the Banker's hand shall draw a third card;*

(i) *If the point count of the third card drawn by Player's hand is 8 and:*

(i) *The point count of Banker's hand after two card is 3 the Banker's hand shall stay;*

(ii) *The point count of Banker's hand after two card is 4 the Banker's hand shall stay;*

(iii) *The point count of Banker's hand after two card is 5 the Banker's hand shall stay; or*

(iv) *The point count of Banker's hand after two card is 6 the Banker's hand shall stay;*

(j) *If the point count of the third card drawn by Player's hand is 9 and:*

(i) *The point count of Banker's hand after two card is 3 the Banker's hand shall draw a third card;*

(ii) *The point count of Banker's hand after two card is 4 the Banker's hand shall stay;*

(iii) *The point count of Banker's hand after two card is 5 the Banker's hand shall stay; or*

(iv) *The point count of Banker's hand after two card is 6 the Banker's hand shall stay.*

**.11 Announcement of Round Result; Payment and Collection of Wagers.**

A. *After every hand has received all the cards to which it is entitled under Regulations .08, .09, and .10 of this chapter, the dealer shall announce the final Point Count of each hand indicating which hand has won the round.*

(1) *If two hands have equal Point Counts, the dealer shall announce "tie hand".*

(2) *If the table is designated for play as an EZ Baccarat table and the Point Counts of the Banker's Hand and the Player's Hand result in a Dragon 7, the dealer shall announce "Dragon 7".*

B. *After the result of the round is announced, the dealer shall first collect each losing wager.*

(1) *Unless the table is designated for play as an EZ Baccarat table, after the losing wagers are collected, starting at the highest numbered player position at which a winning wager is located the dealer shall mark or collect the vigorish owed by a player.*

(2) *Immediately thereafter, the dealer shall pay a player's winning wager; and*

(3) *Proceeding in descending order to the next highest numbered player position at which a winning wager is located, repeat the procedure described in §B(1) and (2) of this regulation until the vigorish owed by each player is either marked or collected and each winning wager is paid.*

C. At the conclusion of a round of play, the dealer shall remove all cards from the table and place the cards in the discard bucket.

**.12 Payout Odds; Vigorish.**

A. A winning wager made on the Player's Hand shall be paid at odds of 1 to 1.

B. A winning Tie Wager shall be paid at odds of at least 8 to 1.

C. Unless a facility operator is offering EZ Baccarat, a winning wager made on the Banker's Hand shall be paid at odds of 1 to 1, except that the facility operator shall extract a vigorish from the winning players in an amount equal to 5 percent of the amount won.

D. When collecting the vigorish under §C of this regulation:

(1) The facility operator may round off the vigorish to 25 cents or the next highest multiple of 25 cents; and

(2) A dealer shall collect the vigorish from a player in accordance with one of the following procedures selected by the facility operator in its Rules Submission:

(a) At the time the winning payout is made; or

(b) At a later time, if:

(i) The outstanding vigorish shall be collected prior to beginning play with a new dealing shoe of cards or when the player leaves the gaming table, whichever occurs first;

(ii) The amount of the vigorish shall be tracked by placing a coin or marker button, which contains the amount of the vigorish owed, in the rectangular space on the layout that is imprinted with the number of the player owing the vigorish; and

(iii) The coin or marker button may not be removed from the layout until the vigorish owed is collected.

E. If a facility operator offers the Dragon Bonus Wager under Regulation .07 of this chapter, a vigorish may not be extracted on a winning Dragon Bonus Wager.

F. A winning Dragon Bonus Wagers shall be paid out at the odds in one of the following paytables selected by the facility operator in its Rules Submission:

(1) Paytable A:

(a) For a Win by 9 points payout is 30 to 1;

(b) For a Win by 8 points payout is 10 to 1;

(c) For a Win by 7 points payout is 6 to 1;

(d) For a Win by 6 points payout is 4 to 1;

(e) For a Win by 5 points payout is 2 to 1;

(f) For a Win by 4 points payout is 1 to 1;

(g) For a Natural winner payout is 1 to 1; and

(h) For a Natural tie payout is Push;

(2) Paytable B:

(a) For a Win by 9 points payout is 20 to 1;

(b) For a Win by 8 points payout is 8 to 1;

(c) For a Win by 7 points payout is 7 to 1;

(d) For a Win by 6 points payout is 4 to 1;

(e) For a Win by 5 points payout is 3 to 1;

(f) For a Win by 4 points payout is 1 to 1;

(g) For a Natural winner payout is 1 to 1; and

(h) For a Natural tie payout is Push;

(3) Paytable C:

(a) For a Win by 9 points payout is 30 to 1;

(b) For a Win by 8 points payout is 10 to 1;

(c) For a Win by 7 points payout is 4 to 1;

(d) For a Win by 6 points payout is 4 to 1;

(e) For a Win by 5 points payout is 2 to 1;

(f) For a Win by 4 points payout is 2 to 1;

(g) For a Natural winner payout is 1 to 1; and

(h) For a Natural tie payout is Push.

G. A winning Dragon 7 Insurance Wager described in Regulation .07 of this chapter shall be paid at odds of 40 to 1.

**.13 Irregularities.**

A. Except as provided in §B of this regulation, a card drawn in error from the dealing shoe that is not disclosed shall be used as the first card of the next hand of play.

B. If a third card is not authorized under Regulation .10 of this chapter, a third card dealt to the Player's Hand that is not disclosed shall become the:

(1) Third card of the Banker's Hand if the Banker's Hand is required to draw under Regulation .10 of this chapter; or

(2) If the Banker's Hand is required to stay, the first card of the next hand of play.

C. If a third card is not authorized under Regulation .10 of this chapter, if a third card dealt to the Player's Hand is disclosed at the time it is dealt or is found face up in the dealing shoe, the dealer shall:

(1) Use the disclosed card as the third card of the Banker's Hand if the Banker's Hand is required to draw under Regulation .10 of this chapter; or

(2) If the Banker's Hand is required to stay, follow one of the procedures designated in the facility operator's Rules Submission:

(a) Place the disclosed card and one additional card, drawn face down from the dealing shoe, into the discard bucket without disclosing the additional card; or

(b) Use the disclosed card as the first card of a simulated round of play in which wagers may not be accepted, and:

(i) Deal a disclosed card accordance with this chapter; and

(ii) Place the card in the discard bucket upon completion of the dealing procedures.

D. Except as provided in §C of this regulation, if a card is disclosed at the time it is dealt or a card is found face up in the dealing shoe, the dealer shall:

(1) Use the disclosed card as the first card of a simulated round of play in which wagers may not be accepted;

(2) Deal the card in accordance with this chapter; and

(3) Place the card in the discard bucket upon completion of the dealing procedures.

E. If there are insufficient cards remaining in the dealing shoe to complete a round of play:

(1) That round is void and the dealer shall return all wagers; and

(2) A new round shall commence after the entire set of cards has been replaced and the new set of cards have been placed in the dealing shoe.

STEPHEN L. MARTINO

Director

Maryland State Lottery and Gaming Control Agency



# Errata

## COMAR 07.02.11

At 40:9 Md. R. 792 (May 3, 2013), column 1, line 13 from the bottom:

For: seq.; and Education Article, §§7-101 and 15-106.1;  
Annotated Code of

Read: seq.; and Education Article, §§7-101(b) and 15-106.1;  
Annotated Code of

## Special Documents

### DEPARTMENT OF THE ENVIRONMENT SUSQUEHANNA RIVER BASIN COMMISSION

#### Projects Approved for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the projects approved by rule by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: March 1 through March 31, 2013

ADDRESSES: Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 306; fax: (717) 238-2436; e-mail: [rcairo@srbc.net](mailto:rcairo@srbc.net). Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22(f) for the time period specified above:

#### Approvals By Rule Issued Under 18 CFR 806.22(f):

- Chief Oil & Gas LLC, Pad ID: J. Brown Drilling Pad, ABR-201303001, Troy Township, Bradford County, Pa.; Consumptive Use of Up to 2.000 mgd; Approval Date: March 12, 2013.
- Carrizo Marcellus, LLC, Pad ID: Tomkins, ABR-201303002, McNett Township, Lycoming County, Pa.; Consumptive Use of Up to 2.100 mgd; Approval Date: March 15, 2013.
- Carrizo Marcellus, LLC, Pad ID: Hanlon, ABR-201303003, McNett Township, Lycoming County, Pa.; Consumptive Use of Up to 2.100 mgd; Approval Date: March 15, 2013.
- Carrizo Marcellus, LLC, Pad ID: Baumunk Lake South, ABR-201303004, Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.100 mgd; Approval Date: March 15, 2013.
- Carrizo Marcellus, LLC, Pad ID: Baumunk Lake North, ABR-201303005, Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 2.100 mgd; Approval Date: March 15, 2013.
- Southwestern Energy Production Company, Pad ID: DRANN PAD, ABR-201303006, New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: March 15, 2013.
- Cabot Oil & Gas Corporation, Pad ID: MolnarM P1, ABR-201303007, Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: March 15, 2013.
- Chesapeake Appalachia, LLC, Pad ID: Jes, ABR-201303008, Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: March 15, 2013.
- Chesapeake Appalachia, LLC, Pad ID: Lightcap, ABR-201303009, Overton and Elkland Townships, Bradford and Sullivan Counties, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: March 15, 2013.

Chesapeake Appalachia, LLC, Pad ID: Lasher, ABR-201303010, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: March 15, 2013.

Cabot Oil & Gas Corporation, Pad ID: CastrogiovanniA P3, ABR-201303011, Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: March 29, 2013.

Southwestern Energy Production Company, Pad ID: Marichini-Zingieser (Pad 9), ABR-201303012, Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.999 mgd; Approval Date: March 29, 2013.

Chesapeake Appalachia, LLC, Pad ID: Virginia, ABR-201303013, Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.500 mgd; Approval Date: March 29, 2013.

Cabot Oil & Gas Corporation, Pad ID: CarpenettiR P1, ABR-201303014, Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 3.575 mgd; Approval Date: March 29, 2013.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: April 30, 2013.

STEPHANIE L. RICHARDSON  
Secretary to the Commission

[13-10-41]

### SUSQUEHANNA RIVER BASIN COMMISSION

#### Projects Rescinded for Consumptive Uses of Water

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: This notice lists the approved by rule projects rescinded by the Susquehanna River Basin Commission during the period set forth in "DATES."

DATES: March 1 through March 31, 2013.

ADDRESSES: Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

FOR FURTHER INFORMATION CONTACT: Richard A. Cairo, General Counsel, telephone: (717) 238-0423, ext. 306; fax: (717) 238-2436; e-mail: [rcairo@srbc.net](mailto:rcairo@srbc.net). Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, being rescinded for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22(e) and §806.22(f) for the time period specified above:

#### Rescinded ABR Issued March 1-31, 2013

Norse Energy Corp USA, Pad ID: Aarismaa #1, ABR-20100666, Preston Town, Chenango County, NY; Rescind Date: March 18, 2013.

Norse Energy Corp USA, Pad ID: Anderson, C. #1, ABR-201007111, Coventry Town, Chenango County, NY; Rescind Date: March 18, 2013.

Norse Energy Corp USA, Pad ID: Byler, R. #1, ABR-20100627, Lebanon Town, Madison County, NY; Rescind Date: March 18, 2013.

Norse Energy Corp USA, Pad ID: Klecha, M. #1, ABR-201007108, Coventry Town, Chenango County, NY; Rescind Date: March 18, 2013.

Norse Energy Corp USA, Pad ID: Knapp, J. #1, ABR-201007107, Colesville Town, Broome County, NY; Rescind Date: March 18, 2013.

Norse Energy Corp USA, Pad ID: Krawiec #2, ABR-20100624, Smyrna Town, Chenango County, NY; Rescind Date: March 18, 2013.

Norse Energy Corp USA, Pad ID: Norse East #1, ABR-201007109, Afton Town, Chenango County, NY; Rescind Date: March 18, 2013.

Norse Energy Corp USA, Pad ID: Norse West #1, ABR-201007110, Afton Town, Chenango County, NY; Rescind Date: March 18, 2013.

Norse Energy Corp USA, Pad ID: Norse #3, ABR-201007112, Colesville Town, Broome County, NY; Rescind Date: March 18, 2013.

Norse Energy Corp USA, Pad ID: Stone #1, ABR-201007131, Coventry Town, Chenango County, NY; Rescind Date: March 18, 2013.

Norse Energy Corp USA, Pad ID: Thornhill #1, ABR-201007087, Colesville Town, Broome County, NY; Rescind Date: March 18, 2013.

AUTHORITY: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: April 30, 2013.

STEPHANIE L. RICHARDSON  
Secretary to the Commission  
[13-10-42]

## WATER MANAGEMENT ADMINISTRATION

### Notice of Tentative Determination and Public Hearing

#### General Permit for Discharges from Surface Coal Mines and Related Facilities

**General Discharge Permit No. 11CM (NPDES No. MDG85) applies to** discharges from surface coal mines and related facilities in the state of Maryland. The Department proposes to reissue State/NPDES (National Pollution Discharge Elimination System) General Permit for Discharges from Surface Coal Mines and Related Facilities with revisions to the previously issued permit (No. 06CM) as summarized below.

The renewal permit requires that the Notice of Intent (application) include better descriptions of the processes, sources of wastewater, and flows relevant to the permit conditions, and whether the receiving stream is high quality (Tier II) or impaired. Also required is the addition of a site map illustrating discharge locations. Discharges to high quality (Tier II) waters and impaired waters may not be eligible for coverage.

The definition for *active mining areas* has been updated to be consistent with the federal definition in 40 CFR 434.11. For active mining area discharges, limits for turbidity, total iron, total manganese and pH are continued from the previous permit and other limits have been added or changed as follows: total suspended solids

(35 mg/l average, 70 mg/l maximum), settleable solids (0.5 MI/l maximum), temperature (68°F for Use III and III-P waters, 75°F for Use IV and IV-P waters, and 90° for Use I and I-P waters), and selenium (0.02 mg/l maximum). In addition, for active mining area discharges, monitoring (without limits) has been added as follows: specific conductance, chloride, sulfates, aluminum, antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, silver, thallium, zinc, mercury, bromide, and total dissolved solids.

For post-mining reclamation area drainage, pH limits are continued from the previous permit but new limits have been added for temperature (68°F for Use III and III-P waters, 75°F for Use IV and IV-P waters, and 90° for Use I and I-P waters). In addition, the settleable solids effluent limit has been expanded to include access roads, non-controlled surface mine draining and discharges from preparation plants.

This permit now also authorizes discharges from reining activities provided that the facility voluntarily submits an application for coverage under the terms and limits of this general permit instead of seeking the allowances for reining applicable under COMAR 26.08.03.08 through issuance of an individual permit.

The Department proposes to change the requirements for transfer of authorization under this permit from 'non-transferable to a person' to 'non-transferable to a changed location'. This ensures the Department is not authorizing a discharge at a new location without appropriate review through submission of a new application.

Finally the permit updates various standard permit conditions. The updated standard permit conditions include, but are not limited to: requirements to obtain coverage under an individual permit, as necessary; termination of coverage under a permit; continuation of an expired general permit; and notice of intent (application) requirements.

The Department will hold a public hearing concerning the tentative determination on Wednesday, June 19, 2013 from 1-3 pm at Maryland Department of the Environment Bureau of Mines, 160 South Water Street, Frostburg, MD 21532.

Any hearing impaired person may request an interpreter at the hearing by contacting Michelle Romney, Office of Fair Practices at (410) 537-3964 at least ten working days prior to the scheduled hearing date. TTY users should contact the Maryland Relay Service at 1 800 201-7165.

The draft permit is available on MDE's website ([www.mde.state.md.us](http://www.mde.state.md.us)) through the comment period and can be found by going to the link at <http://www.mde.state.md.us/waterpermits> under "Water Applications and Other Forms" then "Surface Coal Mines...", or by searching "coalmines.aspx" in the right hand corner search engine. Any questions regarding this tentative determination, including the draft permit and fact sheet, should be directed to Michael Richardson at the Maryland Department of the Environment, Water Management Administration, at [mrichardson@mde.state.md.us](mailto:mrichardson@mde.state.md.us), by telephone at 410-537-3323 between the hours from 8:00 a.m. to 5:00 p.m., Monday through Friday. Copies of the document may be obtained at a cost of \$0.36 per page. Written comments concerning the tentative determination will also be considered in the preparation of a final determination if received by Michael Richardson at the above address, on or before June 26, 2013.

[13-10-47]

# General Notices

## Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

### ATHLETIC COMMISSION

**Subject:** Public Meeting  
**Date and Time:** May 30, 2013, 2 — 4:30 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Patrick Pannella (410) 230-6223  
 [13-10-22]

### ADVISORY COUNCIL ON CEMETERY OPERATIONS

**Subject:** Public Meeting  
**Date and Time:** June 27, 2013, 10 a.m. — 1 p.m.  
**Place:** Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Marilyn Harris-Davis (410) 230-6228  
 [13-10-08]

### BOARD OF COSMETOLOGISTS

**Subject:** Public Meeting  
**Date and Time:** July 1, 2013, 10 a.m. — 4:30 p.m.  
**Place:** 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD  
**Add'l. Info:** Centre St. Entrance  
**Contact:** Robert Wood (410) 230-6195  
 [13-10-16]

### JOINT CHAIRS OF THE DESIGN BOARDS

**Subject:** Public Meeting  
**Date and Time:** June 5, 2013, 1:30 p.m.  
**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD  
**Contact:** Pamela J. Edwards (410) 230-6262  
 [13-10-31]

### PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD

**Subject:** Public Meeting  
**Date and Time:** June 6, 2013, 9:30 a.m. — 12:30 p.m.; July 11, 2013; 9:30 a.m. — 12:30 p.m.  
**Place:** 200 W. Baltimore St., Baltimore, MD  
**Contact:** Madeline Koum (410) 767-0385  
 [13-10-09]

### MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS

**Subject:** Listing of Primary Stroke Centers Requesting Reverification of Status and Call for Applications from Those Wishing to Be Considered for Designation  
**Place:** 653 W. Pratt Street, Baltimore, MD  
**Add'l. Info:** Pursuant to COMAR 30.08.02C, the Maryland Institute for Emergency Medical Services Systems gives notice that the following hospitals have requested reverification as a Primary Stroke Center: Northwest Hospital; Frederick Memorial Hospital; and Union Hospital of Cecil County. Any person with knowledge of any reason why any of the above listed hospitals should not be reverified and redesignated is requested to submit a written statement of the reason to MIEMSS by July 5, 2013.

In addition, pursuant to COMAR 30.08.02.03C, hospitals not designated but who wish to be considered for designation as a Primary Stroke Center should submit a written letter of intent to the office listed above. Letters of intent are due to MIEMSS by July 31, 2013. For more information contact Anna Aycock, Chief, Division of Health Facilities and Special Programs, at (410) 706-3930 or email aaycock@miemss.org.  
**Contact:** Leandrea Gilliam (410) 706-4449  
 [13-10-39]

### STATE BOARD OF STATIONARY ENGINEERS

**Subject:** Public Meeting  
**Date and Time:** June 18, 2013, 10 a.m. — 12 p.m.  
**Place:** 500 N. Calvert St., Rm. 302, Baltimore, MD  
**Contact:** Gae Herzberger (410) 230-6163  
 [13-10-15]

### DEPARTMENT OF THE ENVIRONMENT/AIR AND RADIATION MANAGEMENT ADMINISTRATION

**Subject:** Notice of Public Hearing on Air Quality Plan  
**Date and Time:** June 12, 2013, 2:00 P.M.  
**Place:** Department of the Environment, 1800 Washington Blvd., 1st Fl. Conf. Rm., Baltimore, MD

**Add'l. Info:** The Maryland Department of the Environment (MDE) gives notice of a Public Hearing concerning the Maryland State Implementation Plan for Clean Air Act Section 110(a)(2) for Nitrogen Dioxide (NO<sub>2</sub>) and Section 128 for all National Ambient Air Quality Standards.

The hearing will focus on the State Implementation Plan to address Maryland implementation, maintenance, and enforcement measures for the 2010, 100 ppb 1-hour nitrogen dioxide (NO<sub>2</sub>) National Ambient Air Quality Standard (NAAQS) and disclosure of potential conflicts of interest of state boards and agency heads for all NAAQS.

The Public Hearing will be held as required by federal law (Clean Air Act at 42 U.S.C. 7410(a) and 40 CFR 51.102). Interested persons are invited to attend and express their views. After the Department considers the comments received, and revises the proposal if necessary, all related items will be submitted to the U.S. Environmental Protection Agency.

An electronic copy of the proposed revision will be available on the Maryland Department of the Environment's website at [http://www.mde.state.md.us/programs/Air/AirQualityPlanning/Pages/programs/airprogram/s/air\\_planning/index.aspx](http://www.mde.state.md.us/programs/Air/AirQualityPlanning/Pages/programs/airprogram/s/air_planning/index.aspx). Note: the public library systems in Maryland can be used for Internet access to view the document. An electronic copy of the document can also be obtained via email by writing to Molla Sarros at msarros@mde.state.md.us.

Copies of the document can also be viewed at the main office of the Maryland Department of the Environment, Air and Radiation Management Administration, 1800 Washington Boulevard, Baltimore, Maryland. For more information about a hard copy, contact Molla Sarros.

Written comments may be presented at the hearing, faxed to 410-537-3203, emailed to msarros@mde.state.md.us, or mailed to Molla Sarros, MDE ARMA, 1800 Washington Boulevard, Suite 730, Baltimore, MD, 21230. Comments must be received by 5:00 P.M. on June 12, 2013.

Anyone needing special accommodations at a public hearing should contact the Department's Fair Practices Office at (410) 537-3964. TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

For more information, contact Molla Sarros, Natural Resources Planner, at (410) 537-3240. Toll free in Maryland call 1-(800) 633-6101, ext. 3240, Maryland Department of the Environment, Air and Radiation Management Administration, 1800 Washington Boulevard, Ste. 730, Baltimore, Maryland 21230.

Contact: Molla Sarros (410) 537-3240.

[13-10-50]

**DEPARTMENT OF THE  
ENVIRONMENT/AIR AND  
RADIATION MANAGEMENT  
ADMINISTRATION**

**Subject:** Notice of Public Hearing on Air Quality Plan

**Date and Time:** June 12, 2013, 2:00 P.M.

**Place:** Department of the Environment, 1800 Washington Blvd., 1st Fl. Conf. Rm., Baltimore, MD

**Add'l. Info:** The Maryland Department of the Environment (MDE) gives notice of a Public Hearing concerning the Maryland State Implementation Plan for Clean Air Act Section 110(a)(2) for Lead (Pb).

The hearing will focus on the State Implementation Plan to address Maryland implementation, maintenance, and enforcement measures for the 2008, 0.15 µg/m<sup>3</sup>, National Ambient Air Quality Standard (NAAQS) for lead (Pb). This SIP is an addendum to SIP 12-09, dated December 12, 2012, which MDE submitted to EPA on January 3, 2013.

The Public Hearing will be held as required by federal law (Clean Air Act at 42 U.S.C. 7410(a) and 40 CFR 51.102). Interested persons are invited to attend and express their views. After the Department considers the comments received, and revises the proposal if necessary, all related items will be submitted to the U.S. Environmental Protection Agency.

An electronic copy of the proposed revision will be available on the Maryland Department of the Environment's website at [http://www.mde.state.md.us/programs/Air/AirQualityPlanning/Pages/programs/airprogram/s/air\\_planning/index.aspx](http://www.mde.state.md.us/programs/Air/AirQualityPlanning/Pages/programs/airprogram/s/air_planning/index.aspx). Note: the public library systems in Maryland can be used for Internet access to view the document. An electronic copy of the document can also be obtained via email by writing to Molla Sarros at [msarros@mde.state.md.us](mailto:msarros@mde.state.md.us).

Copies of the document can also be viewed at the main office of the Maryland Department of the Environment, Air and Radiation Management Administration, 1800 Washington Boulevard, Baltimore, Maryland. For more information about a hard copy, contact Molla Sarros.

Written comments may be presented at the hearing, faxed to 410-537-3203,

emailed to [msarros@mde.state.md.us](mailto:msarros@mde.state.md.us), or mailed to Molla Sarros, MDE ARMA, 1800 Washington Boulevard, Suite 730, Baltimore, MD, 21230. Comments must be received by 5:00 P.M. on June 12, 2013.

Anyone needing special accommodations at a public hearing should contact the Department's Fair Practices Office at (410) 537-3964. TTY users may contact the Department through the Maryland Relay Service at 1-800-735-2258.

For more information, contact Molla Sarros, Natural Resources Planner, at (410) 537-3240. Toll free in Maryland call 1-(800) 633-6101, ext. 3240, Maryland Department of the Environment, Air and Radiation Management Administration, 1800 Washington Boulevard, Ste. 730, Baltimore, Maryland 21230.

Contact: Molla Sarros (410) 537-3240.

[13-10-51]

**DEPARTMENT OF HEALTH AND  
MENTAL HYGIENE**

**Subject:** Public Meeting

**Date and Time:** May 30, 2013, 5 — 8 p.m.

**Place:** 201 W. Preston Street, L1, Baltimore, MD

**Contact:** Adelline Ntatin (410) 767-2623

[13-10-17]

**DEPARTMENT OF HEALTH AND  
MENTAL  
HYGIENE/LABORATORIES  
ADMINISTRATION**

**Subject:** Call for Pharmacist Nominations for Drug Utilization Review (DUR) Board

**Add'l. Info:** The Maryland Department of Health and Mental Hygiene Drug Utilization Review (DUR) Board is currently recruiting for two pharmacists to serve on the Maryland DUR Board beginning in September 2013.

The implementation of the Omnibus Budget Reconciliation Act of 1990 requires that the Maryland Department of Health and Mental Hygiene establish a DUR Board. The DUR Board is comprised of both physicians and pharmacists and has been in operation since November 1992. The activities of the DUR Board include:

- Overseeing retrospective and prospective DUR within the Maryland Medicaid Program.
- Approving DUR criteria and standards.
- Making recommendations concerning education and other types of interventions based on prospective and retrospective DUR findings.

- Preparing an annual report for submission to the Centers for Medicare and Medicaid (CMS) describing the nature and scope of the DUR program,

- summarizing educational/interventional strategies used, and estimating cost savings generated.

- Reviewing individual recipient profiles and make recommendations to restrict patients who might be abusing Medicaid prescription drugs.

The DUR Board has quarterly 3-hour meetings in the Baltimore area. Meetings are normally scheduled on a Thursday morning during the months of March, June, September, and December.

The membership of the Maryland DUR Board includes health care professionals who have recognized knowledge and expertise in one of the following areas:

- (1) The clinically appropriate prescribing of outpatient drugs.
- (2) The clinically appropriate dispensing and monitoring of outpatient drugs.
- (3) Drug use review, evaluation and intervention.
- (4) Medical quality assurance.

For an application packet, please contact Gina Homer at The Maryland Medicaid Pharmacy Program at 410-767-1749 or via email at [Gina.Homer@Maryland.gov](mailto:Gina.Homer@Maryland.gov). The application deadline is June 14, 2013.

**Contact:** Gina Homer (410) 767-1749

[13-10-18]

**BOARD OF HEATING,  
VENTILATION, AIR-  
CONDITIONING, AND  
REFRIGERATION CONTRACTORS  
(HVACR)**

**Subject:** Public Meeting

**Date and Time:** June 12, 2013, 9:30 a.m. — 12 p.m.

**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

**Contact:** Steve Smitson (410) 230-6169

[13-10-04]

**HOME IMPROVEMENT  
COMMISSION**

**Subject:** Public Meeting

**Date and Time:** June 6, 2013, 10 a.m. — 12 p.m.

**Place:** 500 N. Calvert St., 2nd Fl. Conf. Rm., Baltimore, MD

**Contact:** Steven Smitson (410) 230-6169

[13-10-03]

**STATE ADVISORY BOARD FOR  
JUVENILE SERVICES**

**Subject:** Public Meeting

## GENERAL NOTICES

952

**Date and Time:** June 18, 2013, 2 — 4 p.m.  
**Place:** Judiciary Education and Conference Center, 2011D Commerce Park Dr., Conf. Rm. 2, Annapolis, MD

**Add'l. Info:** The May 21, 2013 meeting has been canceled. The next meeting is scheduled for June 18th.

**Contact:** Tim Gilbert (410) 230-3488

[13-10-45]

### DIVISION OF LABOR AND INDUSTRY/AMUSEMENT RIDE SAFETY ADVISORY BOARD

**Subject:** Public Meeting

**Date and Time:** June 14, 2013, 10 a.m.

**Place:** Howard Johnson Oceanfront Plaza Hotel on the Boardwalk, 12th St. and 1109 Atlantic Ave., Ocean City, MD

**Add'l. Info:** The Board is scheduled to meet to discuss issues relating to amusement ride safety. Interested persons should call the contact person to confirm the meeting.

**Contact:** Debbie Stone (410) 767-2225

[13-10-27]

### BOARD FOR PROFESSIONAL LAND SURVEYORS

**Subject:** Public Meeting

**Date and Time:** June 5, 2013, 10 a.m.

**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

**Contact:** Pamela J. Edwards (410) 230-6262

[13-10-30]

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Public Meeting

**Date and Time:** June 20, 2013, 1 p.m.

**Place:** Maryland Health Care Commission, 4160 Patterson Ave., Conf. Rm. 100, Baltimore, MD

**Contact:** Valerie Wooding (410) 764-3460

[13-10-11]

### MARYLAND HEALTH CARE COMMISSION

**Subject:** Formal Start of Review — Notice of Docketing

**Add'l. Info:** The Maryland Health Care Commission (MHCC) hereby gives notice of docketing of the following application for Certificate of Need:

Father Martin's Ashley — Docket No. 13-12-2340 — Construction of a new 2-story building to house 2 patient units, a wellness center, and a centralized admissions office and an increase in beds from 85 to 100 ICF-C/D beds. Cost: \$18,416,000

MHCC shall review the application under Health-General Article, §19-101 et seq., Annotated Code of Maryland, COMAR 10.24.01, and the applicable State Health Plan standards.

Any affected person may make a written request to the Commission to receive copies of relevant notices concerning the application. All further notices of proceedings on the application will be sent only to affected persons who have registered as interested parties.

Persons desiring to become interested parties in the Commission's review of the above-referenced application must meet the requirements of COMAR 10.24.01.01B(2) and (20) and must also submit written comments to the Commission no later than close of business June 17, 2013. These comments must state with particularity the State Health Plan standards or review criteria that you believe have not been met by the applicant as stated in COMAR 10.24.01.08F.

Please refer to the Docket Number listed above in any correspondence on the application. Copies of the application are available for review in the office of MHCC during regular business hours by appointment. All correspondence should be addressed to Paul E. Parker, Director, Center for Hospital Services, Maryland Health Care Commission, 4160 Patterson Avenue, Baltimore, Maryland 21215.

**Contact:** Ruby Potter (410) 764-3276

[13-10-43]

### BOARD OF EXAMINERS IN OPTOMETRY

**Subject:** Public Meeting

**Date and Time:** May 29, 2013, 9:30 a.m. — 1 p.m.

**Place:** Metro Executive Bldg., 4201 Patterson Ave., Rm. 105, Baltimore, MD

**Add'l. Info:** Health Occupations Article, Title 11, Annotated Code of Maryland, and COMAR 10.28, amendments, additions, and revisions, maybe discussed/voted on. Budget information may also be discussed. It may be necessary to go into administrative session.

**Contact:** Patricia G. Bennett (410) 764-4710

[13-10-10]

### PHOTOGRAMMETRIST LICENSING COMMITTEE

**Subject:** Public Meeting

**Date and Time:** June 5, 2013, 11:30 a.m.

**Place:** 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

**Add'l. Info:** The committee will reconvene to discuss licensing for photogrammetrists.

**Contact:** Pamela J. Edwards (410) 230-6262

[13-10-32]

### BOARD OF PODIATRIC MEDICAL EXAMINERS

**Subject:** Public Meeting

**Date and Time:** June 13, 2013, 1 p.m.

**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD

**Contact:** Sheri Henderson (410) 764-4785

[13-10-05]

### BOARD OF PODIATRIC MEDICAL EXAMINERS

**Subject:** Public Meeting

**Date and Time:** July 11, 2013, 1 p.m.

**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD

**Contact:** Sheri Henderson (410) 764-4785

[13-10-06]

### BOARD OF PODIATRIC MEDICAL EXAMINERS

**Subject:** Public Meeting

**Date and Time:** September 12, 2013, 1 p.m.

**Place:** 4201 Patterson Ave., Rm. 110, Baltimore, MD

**Contact:** Sheri Henderson (410) 764-4785

[13-10-07]

### REAL ESTATE COMMISSION

**Subject:** Public Meeting

**Date and Time:** June 19, 2013, 10:30 a.m.

**Place:** Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

**Contact:** Patricia Hannon (410) 230-6199

[13-10-12]

### REAL ESTATE COMMISSION

**Subject:** Public Hearing

**Date and Time:** June 19, 2013, 12:30 p.m.

**Place:** Dept. of Labor, Licensing, and Regulation, 500 N. Calvert St., 3rd Fl. Conf. Rm., Baltimore, MD

**Contact:** Patricia Hannon (410) 230-6199

[13-10-13]

### RETIREMENT AND PENSION SYSTEM — ADMINISTRATIVE COMMITTEE

**Subject:** Public Meeting

**Date and Time:** June 4, 2013, 9:30 a.m.

**Place:** SunTrust Bldg., 120 E. Baltimore St., 16th Fl. Boardroom, Baltimore, MD

**Add'l. Info:** Meeting date and location are subject to change. Anyone interested in attending should contact the State

Retirement Agency for confirmation. Please note, the meeting may include a closed session. Sign language, interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 410-625-5609 or 1-800-735-2258 TTY.

**Contact:** Angie Jenkins (410) 625-5609

[13-10-14]

#### MARYLAND TRANSIT ADMINISTRATION

**Subject:** Public Hearing

**Date and Time:** June 4, 2013, 6 — 8 p.m.

**Place:** College Park City Hall, Council Chambers, 4500 Knox Road, 2nd Fl., College Park, MD

**Add'l. Info:** Hearing on the proposed elimination of commuter bus routes: 202, 203, and 205

**Contact:** Chrys Wilson (410) 767-3442

[13-10-36]

#### MARYLAND TRANSIT ADMINISTRATION

**Subject:** Public Hearing

**Date and Time:** June 5, 2013, 6 — 8 p.m.

**Place:** Owen Brown Interfaith Center, 7246 Cradlerock Way, Columbia, MD

**Add'l. Info:** Hearing on the proposed elimination of commuter bus routes: 202, 203, and 205.

**Contact:** Chrys Wilson (410) 767-3442

[13-10-37]

#### MARYLAND TRANSIT ADMINISTRATION

**Subject:** Public Hearing

**Date and Time:** June 6, 2013, 6 — 8 p.m.

**Place:** Activity Center, Bohrer Park at Summit Hall, 506 South Frederick Ave., Gaithersburg, MD

**Add'l. Info:** Hearing on the proposed elimination of commuter bus routes: 202, 203, and 205

**Contact:** Chrys Wilson (410) 767-3442

[13-10-38]

#### MARYLAND TRANSIT ADMINISTRATION

**Subject:** Public Hearing

**Date and Time:** June 19, 2013, 12 — 2 p.m.; June 19, 2013, 5 — 7 p.m.

**Place:** State Center Auditorium, 300 W. Preston St., Baltimore, MD

**Add'l. Info:** Hearings on modification to local bus routes: 11, 17, 20, 27, 33, 64, 64X, 77, 91, and 104.

**Contact:** Chrys Wilson (410) 767-3442

[13-10-33]

#### MARYLAND TRANSIT ADMINISTRATION

**Subject:** Public Hearing

**Date and Time:** June 20, 2013, 5 — 7 p.m.

**Place:** Towson Library, 320 York Rd., Baltimore, MD

**Add'l. Info:** Hearings on modification to local bus routes: 11, 17, 20, 27, 33, 64, 64X, 77, 91, and 104.

**Contact:** Chrys Wilson (410) 767-3442

[13-10-34]

#### MARYLAND TRANSIT ADMINISTRATION

**Subject:** Public Hearing

**Date and Time:** June 26, 2013, 5 — 7 p.m.

**Place:** Center for Urban Families, 2201 N. Monroe St., Baltimore, MD

**Add'l. Info:** Hearings on modification to local bus routes: 11, 17, 20, 27, 33, 64, 64X, 77, 91, and 104.

**Contact:** Chrys Wilson (410) 767-3442

[13-10-35]

#### BOARD OF WELL DRILLERS

**Subject:** Public Meeting

**Date and Time:** June 26, 2013, 9 a.m. — 4 p.m.

**Place:** MDE, 1800 Washington Blvd., Terra Conf. Rm., Baltimore, MD

**Add'l. Info:** A portion of this meeting may be held in closed session.

**Contact:** Willie Everett (410) 537-3644

[13-10-01]

#### WORKERS' COMPENSATION COMMISSION

**Subject:** Public Meeting

**Date and Time:** June 27, 2013, 9 — 11 a.m.

**Place:** 10 E. Baltimore St., Baltimore, MD

**Add'l. Info:** Portions of this meeting may be held in closed session.

**Contact:** Amy Lackington (410) 864-5300

[13-10-02]

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- 01 Procedures
- 02 Division of Reimbursements
- 03 Health Statistics
- 04 Fiscal
- 05 Freestanding Ambulatory Care Facilities
- 06 Diseases
- 07 Hospitals
- 08 Health Facilities Grants

#### Part 2

- 09 Medical Care Programs

#### Part 3

- 10 Laboratories
- 11 Maternal and Child Health
- 12 Adult Health
- 13 Drugs
- 14 Cancer Control
- 15 Food
- 16 Housing
- 17 Sanitation
- 18 Human Immunodeficiency Virus (HIV) Infection and  
Acquired Immunodeficiency Syndrome (AIDS)
- 19 Dangerous Devices and Substances
- 20 Kidney Disease Program
- 21 Mental Hygiene Regulations
- 22 Developmental Disabilities

#### Part 4

- 23 Advance Directive Registry
- 24 Maryland Health Care Commission
- 25 Maryland Health Care Commission
- 26 Board of Acupuncture
- 27 Board of Nursing
- 28 Board of Examiners in Optometry
- 29 Board of Morticians and Funeral Directors
- 30 Commission on Kidney Disease
- 31 Health Occupation Boards
- 32 Board of Physicians
- 33 Board of Examiners of Nursing Home Administrators
- 34 Board of Pharmacy
- 35 Postmortem Examiners Commission
- 36 Board of Examiners of Psychologists

#### Part 5

- 37 Health Services Cost Review Commission
- 38 Board of Physical Therapy Examiners
- 39 Board of Nursing – Certified Nursing Assistants
- 40 Board of Podiatric Medical Examiners
- 41 Board of Examiners for Audiologists, Hearing Aid  
Dispensers, and Speech-Language Pathologists
- 42 Board of Social Work Examiners
- 43 Board of Chiropractic and Massage Therapy Examiners
- 44 Board of Dental Examiners
- 45 Maryland Community Health Resources Commission
- 46 Board of Occupational Therapy Practice
- 47 Alcohol and Drug Abuse Administration
- 48 Child Abuse and Neglect Medical Reimbursement Program
- 49 State Anatomy Board
- 50 Tissue Banks
- 51 Forensic Laboratories
- 52 Preventive Medicine
- 53 Board of Nursing—Electrology Practice Committee
- 54 Special Supplemental Nutrition Program for Women,  
Infants, and Children (WIC)
- 55 State Board of Spinal Cord Injury Research
- 56 Board of Dietetic Practice
- 57 Board for Certification of Residential Child Care Program  
Professionals
- 58 Board of Professional Counselors and Therapists
- 59 Catastrophic Health Emergencies

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Department of Transportation – Volume & Subtitles

#### Volume 1

- 01 Office of the Secretary
  - 02 Transportation Service Human Resources System
  - 03 Maryland Aviation Administration
  - 04 State Highway Administration
  - 05 Maryland Port Administration
  - 06 Mass Transit Administration
  - 07 Maryland Transportation Authority
  - 08 State Railroad Administration
  - 09 Vacant
  - 10 Vacant
- #### Volume 2 and Volume 3
- 11 Motor Vehicle Administration – Administrative Procedures
  - 12 MVA – Licensing of Businesses and Occupations
  - 13 MVA – Vehicle Equipment
  - 14 MVA – Vehicle Inspections
  - 15 MVA – Vehicle Registration
  - 16 MVA – Vehicle Operations
  - 17 MVA – Driver Licensing and Identification Documents
  - 18 MVA – Financial Responsibility Requirements
  - 19 MVA – School Vehicles
  - 20 MVA – Motorcycle Safety Program
  - 21 MVA – Commercial Motor Vehicles
  - 22 MVA – Preventive Maintenance Program
  - 23 MVA – Drivers' Schools, Instructors, Driver Education Program

### Title 26

Department of the Environment – Part & Subtitles

#### Part 1

- 01 General Provisions
- 02 Occupational, Industrial, and Residential Hazards
- 03 Water Supply, Sewerage, Solid Waste, and Pollution Control  
Planning and Funding
- 04 Regulation of Water Supply, Sewage Disposal, and Solid Waste
- 05 Board of Well Drillers
- 06 Waterworks and Waste Systems Operators
- 07 Board of Environmental Sanitarians

#### Part 2

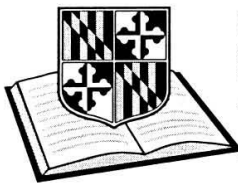
- 08 Water Pollution
- 09 Maryland CO<sub>2</sub> Budget Trading Program
- 10 Oil Pollution and Tank Management
- 11 Air Quality
- 12 Radiation Management

#### Part 3

- 13 Disposal of Controlled Hazardous Substances
- 14 Hazardous Substance Response Plan
- 15 Disposal of Controlled Hazardous Substances —  
Radioactive Hazardous Substances
- 16 Lead
- 17 Water Management
- 18 Susquehanna River Basin Commission

#### Part 4

- 19 Oil and Gas Resources
- 20 Surface Coal Mining and Reclamation under  
Federally Approved Program
- 21 Mining
- 22 Coastal Facilities Review
- 23 Nontidal Wetlands
- 24 Tidal Wetlands
- 25 Ballast Water Management
- 26 Community Right-to-Know Fund
- 27 Hazardous Material Security



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