

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE
Revised

House Bill 504 (Delegate Arnick)

Economic Matters

Alcoholic Beverages - Local Licensing Boards - Appeals to Circuit Courts

This bill establishes which individuals or groups may appeal a decision of a local alcoholic beverages licensing board to the local circuit court: (1) an individual holding a license issued by the local licensing board; (2) an applicant for the license that is the subject of the hearing; or (3) a group of ten or more persons who are residents or real estate owners in the district in which the licensed place of business is located or proposed to be located. A licensee, license applicant, or group that appeals a decision must be aggrieved by the board's decision and must have appeared at the hearing in person, by a representative, or by the submission of written testimony. The individual or group appealing to the circuit court must pay all costs associated with the local board hearing.

Fiscal Summary

State Effect: None.

Local Effect: Any addition to the number of circuit court appeals is expected be minimal and could be absorbed within existing resources.

Small Business Effect: Potential meaningful.

Analysis

Current Law: According to judicial decision, the holder of an existing alcoholic beverages license has no standing to appeal a licensing board decision regarding the issuance of a new license to a previously unlicensed applicant. A licensee, a license applicant, or a group of ten or more residents or property owners in the vicinity of the licensed premises or proposed licensed premises may appeal a licensing board decision to the local circuit court. In all

jurisdictions except Howard County, the person or party appealing a decision must first pay the costs of the licensing board hearing.

Background: In *Edgewater Liquors, Inc., et al. v. Agnes T. Liston et al.*, holders of existing alcoholic beverages licenses sought judicial review of the local licensing board’s decision to grant a new alcoholic beverage license to a previously unlicensed applicant. The Circuit Court of Anne Arundel County found that the holders of existing licenses had no standing to appeal the board’s decision. This decision was appealed to the Court of Special Appeals, and the court held that only the licensee whose license was acted upon by the board had standing to seek judicial review. The bill seeks to clarify that the holders of existing licenses would have standing to appeal local licensing board decisions not related to their own licenses.

Small Business Effect: To the extent that they utilize their right to appeal and are successful when doing so, holders of existing licenses would have the ability to affect the issuance and renewal of alcoholic beverage licenses in the jurisdiction of their local licencing boards. Through this process, small business licensees could have an impact on the numbers and types of licensed establishments that surround their businesses, and therefore, could affect local competition. New small business owners wishing to acquire an alcoholic beverage license may face additional obstacles.

Additional Information

Prior Introductions: None.

Cross File: SB 499 (Senator Bromwell) - Economic and Environmental Affairs.

Information Source(s): Allegany County, Baltimore City, Montgomery County, Prince George’s County, Department of Legislative Services

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