

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1028
Economic Matters

(Prince George's County Delegation)

**Prince George's County - Alcoholic Beverages - Appeal of Order to Close Place
of Business
PG 308-08**

This bill specifies that an appeal from a decision of the Board of License Commissioners in Prince George's County does not stay an order of the board to close a licensed place of business.

The bill takes effect June 1, 2008.

Fiscal Summary

State Effect: None.

Local Effect: None. The bill clarifies current law and should not affect the number of appeals.

Small Business Effect: None.

Analysis

Current Law: An alcoholic beverages licensee or an applicant for an alcoholic beverages license may appeal the decision of a local alcoholic beverages licensing board in approving, suspending, revoking, and restricting, or refusing to approve, suspend, revoke, or restrict a license to the circuit court of the county. Upon filing appeal, the local licensing board may stay its order until the final determination.

Unless extended by the court for good cause, the local licensing board's decision must be affirmed, modified, or reversed by the court within 90 days after the record has been filed in the court by the local licensing board. The Court of Special Appeals or the Court of Appeals may not stay a local licensing board's decision to impose sanctions on a licensee if an appeal of a decision of a circuit court is being made or if the decision being appealed affirmed the decision of the local licensing board.

Background: According to the Comptroller's *Alcohol & Tobacco Tax Report* for fiscal 2007, there were 22 retail license violations in Prince George's County in fiscal 2007. These included eight violations for public welfare/nuisance/noises and six violations for sales of alcoholic beverages to a minor. There were three violations for purchase from other than a wholesaler and one instance of each of the following violations: open container after hours; ownership and operation; serving on Sunday without Sunday sales authorization; and trade name violation.

Additional Information

Prior Introductions: None.

Cross File: SB 128 (Senator Exum, *et al.*) – Education, Health, and Environmental Affairs.

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

Fiscal Note History: First Reader - February 12, 2008
mll/hlb

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