

**Department of Legislative Services**  
Maryland General Assembly  
2008 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 128

(Senator Exum, *et al.*)

Education, Health, and Environmental Affairs

Economic Matters

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

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

The bill takes effect June 1, 2008.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Prince George's County finances would not be materially affected.

**Small Business Effect:** Minimal. Businesses ordered to close by the Prince George's County Board of License Commissioners would not be able to remain open while appealing that decision.

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**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 or the circuit court may stay an order to close a licensed place of business 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.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 1028 (Prince George's County Delegation) – Economic Matters.

**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 Revised - Senate Third Reader - March 27, 2008

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Analysis by: Erik P. Timme

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510