

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 346

(Senator Exum)

Education, Health, and Environmental Affairs

Economic Matters

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

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, 2009.

Fiscal Summary

State Effect: None.

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

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

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 an 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 2008, there were 19 retail license violations in Prince George's County in fiscal 2008. These included five violations for sales of alcoholic beverages to a minor and four violations for serving on Sunday without Sunday sales authorization. There was one instance of each of the following violations: public welfare/nuisance/noises; purchase from other than a wholesaler; open container after hours; and trade name violation.

Additional Information

Prior Introductions: SB0128 LR0580 2008 EHE

Cross File: None.

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

Fiscal Note History: First Reader - March 4, 2009
ncs/mwc

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