

Department of Legislative Services  
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 201 (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 Prince George's County Board of License Commissioners, the court may not stay an order of the board to close a licensed place of business.

The bill takes effect June 1, 2010.

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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.

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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 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 2009, there were 10 retail license violations in Prince George's County in fiscal 2009. These included three violations for sales of alcoholic beverages to a minor and one instance of each of the following violations: serving on Sunday without Sunday sales authorization; failure to cooperate (board/police, *etc.*); after hours sales; contents tampering/refills; illegal conduct; purchase from other than a wholesaler; and unauthorized entertainment.

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### Additional Information

**Prior Introductions:** SB 346 of 2009 passed the Senate, received a hearing in the House Economic Matters Committee, and had no further action taken on it. SB 128 of 2008 passed the Senate and received an unfavorable report from the House Economic Matters Committee.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 24, 2010  
mlm/hlb

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