

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE  
Revised

Senate Bill 235

(Senator Ferguson, *et al.*)

Education, Health, and Environmental Affairs

Economic Matters

---

**Baltimore City - Alcoholic Beverages - License Revocation**

---

This bill specifies that an order by the Baltimore City Board of Liquor License Commissioners to revoke a license may be stayed, pending appeal, only by the court with which the appeal has been filed. The bill also prohibits a person whose license has been revoked from giving, serving, dispensing, keeping, or allowing to be consumed any alcoholic beverage until a stay is granted or the revocation is reversed on appeal.

The bill takes effect July 1, 2013.

---

**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Because few revocations occur annually, the bill should not have a significant impact on Baltimore City finances or operations.

**Small Business Effect:** Minimal.

---

**Analysis**

**Current Law:** Among other statewide provisions governing sanctions against an alcoholic beverages licensee, the decision of a local licensing board, in approving, suspending, revoking and restricting, or refusing to approve, suspend, revoke or restrict a license, or a licensee, may be appealed to a circuit court.

A licensee, license applicant, or group that appeals a decision of a local licensing board must be aggrieved by the decision of the board and must have appeared at the hearing of

the board either in person, by a representative, or by the submission of a written document that was introduced at the hearing. Upon the filing of an appeal, the local licensing board may stay its order until a final determination is made.

The burden of proof in such an appeal is on the petitioner to show that the decision complained of was against the public interest and that the local licensing board's discretion in rendering its decision was not honestly and fairly exercised, or that such decision was arbitrary, or procured by fraud, or unsupported by any substantial evidence, or was unreasonable, or that such decision was beyond the powers of the local licensing board, and was illegal.

Under certain circumstances, a further appeal may be made by any party of record to the Court of Special Appeals or the Court of Appeals.

**Background:** The Baltimore City Board of Liquor License Commissioners advises that only one or two license revocations occur annually. In some years there are none.

---

### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City, Department of Legislative Services

**Fiscal Note History:** First Reader - February 7, 2013  
mc/hlb Revised - Senate Third Reader - March 21, 2013  
Revised - Enrolled Bill - May 7, 2013

---

Analysis by: Guy G. Cherry

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