

**Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.
Act 1193 of the Regular Session**

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 1756

5 By: Representative Cowling
6
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For An Act To Be Entitled

9 AN ACT CONCERNING HEARINGS CONDUCTED BY THE
10 ALCOHOLIC BEVERAGE CONTROL DIVISION DEALING WITH
11 THE DENIAL, SUSPENSION, OR REVOCATION OF A
12 LICENSE; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT CONCERNING HEARINGS CONDUCTED BY
15 THE ALCOHOLIC BEVERAGE CONTROL DIVISION
16 DEALING WITH THE DENIAL, SUSPENSION, OR
17 REVOCATION OF A LICENSE.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 3-2-213 is amended to read as follows:
24 3-2-213. Denial, suspension, or revocation of license - Appeal to
25 board.

26 (a)(1) Any applicant or licensee aggrieved by an order of refusal,
27 suspension, or revocation issued by the director of the Alcoholic Beverage
28 Control Division or any person or group of persons who have formally
29 protested the issuance of any license before a decision has been rendered by
30 the director and are aggrieved by the issuance of the license may appeal from
31 the order or decision to the Alcoholic Beverage Control Board by filing a
32 notice of appeal with the board.

33 (2) The notice of appeal of a director's decision or order shall
34 be in a written form which shall be mailed or delivered to the offices of the
35 Alcoholic Beverage Control Division.



1 (3) The notice of appeal must be mailed or delivered to the
 2 offices of the Alcoholic Beverage Control Division within fifteen (15) days
 3 after the order to be appealed from was received by the recipient, as shown
 4 by the certified mail return receipt card returned to the Alcoholic Beverage
 5 Control Division. In the event the person filing an appeal of the director's
 6 decision or order was not sent a certified letter of the same, then the (15)
 7 fifteen-day appeal period begins on the date the director's decision or order
 8 was issued.

9 (4) Whenever any notice of appeal is filed with the Alcoholic
 10 Beverage Control Division, the Director of the Alcoholic Beverage Control
 11 ~~Division~~ Division shall forthwith notify the board of that fact.

12 (b)(1) A hearing shall be held within at least ~~thirty (30)~~ sixty (60)
 13 days after the date of the filing of the notice of appeal unless the person
 14 appealing shall consent to a later hearing.

15 (2) Not later than ten (10) days before the time fixed for the
 16 hearing, the director shall notify the board and the applicant, licensee, or
 17 protester, of the time when and the place where the appeal shall be heard by
 18 the board.

19 (3) At the time and place so fixed for the hearing, the board
 20 shall proceed to hear the appeal.

21 (4) At any such hearing the applicant, licensee, or protester,
 22 and the director may be present in person or by agent or counsel and present
 23 evidence and argument.

24 (5) The board shall adopt such rules and regulations as it shall
 25 deem necessary to govern the procedure in the hearing, and the board shall
 26 not be bound by the legal rules of evidence in hearing appeals and in making
 27 its determination.

28 (c)(1) Within five (5) days after the hearing is concluded, the board
 29 shall render its written opinion, decision, or order on the appeal.

30 (2) A copy of the opinion, decision, or order shall be mailed by
 31 the Alcoholic Beverage Control Division by certified mail to the applicant,
 32 licensee, or protester.

33 (3) The order and decision shall be final and binding on the
 34 director and the applicant, licensee, or protester.

35 (4) However, an appeal may be taken from any order suspending or
 36 revoking a license as provided for in this subchapter.

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APPROVED: 3/24/2005