

VIRGINIA ACTS OF ASSEMBLY -- 2000 SESSION

CHAPTER 147

An Act to amend and reenact § 4.1-224 of the Code of Virginia, relating to alcoholic beverage control; hearings by the Alcoholic Beverage Control Board.

[H 1455]

Approved March 17, 2000

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-224 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-224. Notice and hearings for refusal to grant licenses; Administrative Process Act; exceptions.

A. The action of the Board in granting or in refusing to grant any license shall be subject to review in accordance with the Administrative Process Act (§ 9-6.14:1 et seq.), except as provided in subsections B and C. Review shall be limited to the evidential record of the proceedings provided by the Board. Both the petitioner and the Board shall have the right to appeal to the Court of Appeals from any order of the court.

B. The Board may refuse a hearing on any application for the granting of any retail alcoholic beverage or mixed beverage license, including a banquet license, provided such:

1. License for the applicant has been refused or revoked within a period of twelve months;
2. License for any premises has been refused or revoked at that location within a period of twelve months; ~~or~~

3. Applicant, within a period of twelve months immediately preceding, has permitted a license granted by the Board to expire for nonpayment of license tax, and at the time of expiration of such license, there was a pending and unadjudicated charge, either before the Board or in any court, against the licensee alleging a violation of this title; *or*

4. *Applicant has received a restricted license and reapplies for a lesser-restricted license at the same location within twelve months of the date of the issuance of the restricted license.*

C. If an applicant has permitted a license to expire for nonpayment of license tax, and at the time of expiration there remained unexecuted any period of suspension imposed upon the licensee by the Board, the Board may refuse a hearing on an application for a new license until after the date on which the suspension period would have been executed had the license not have been permitted to expire.