

# The State of South Carolina

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## Office of the Attorney General

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September 18, 1990

The Honorable Joyce C. Hearn  
Chairman  
Alcoholic Beverage Control Commission  
Edgar Brown Office Building  
1205 Pendleton Street  
Columbia, South Carolina 29201

Dear Mrs. Hearn:

In a letter to this Office you referenced the provisions of Section 61-5-180 of the Code which provide for the issuance of temporary permits to nonprofit organizations and business establishments for the possession, sale or consumption of alcoholic beverages in sealed containers of two ounces or less. This statute provides that such a permit

... is valid for a period not to exceed twenty-four hours and may be issued only to bona fide nonprofit organizations and business establishments otherwise authorized to be licensed for sales. The commission shall charge a nonrefundable filing fee of one hundred dollars for processing each application and a daily permit fee of fifty dollars for each day for which a permit is approved. An application must be filed for each permit requested.

You questioned whether the Alcoholic Beverage Control Commission can charge a one time application fee of one hundred (\$100.00) dollars when a period of time is covered of up to twenty-six (26) weeks and still charge the fifty (\$50.00) dollars permit fee per day. You indicated that currently the Commission is charging the \$100.00 application fee for each Sunday a permit is requested plus the \$50.00 permit fee per day. I understand that the Commission has consistently interpreted Section 61-5-180 in this manner since its inception.

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Section 61-5-180 provides that any temporary permit is valid for only a 24 hour period. The provision specifies that "(t)he commission shall charge a nonrefundable filing fee of one hundred dollars for processing each application and a daily permit fee of fifty dollars for each day for which a permit is approved." Moreover, it is specified that "(a)n application must be filed for each permit requested." Inasmuch as a permit is valid for only 24 hours and an application must be filed each time a permit is requested, it appears that the \$100.00 filing fee charged for each application must be paid for each daily permit requested, for which a fee of \$50.00 is charged. In other words, for each day a permit is requested, there must be paid the \$100.00 application fee along with the \$50.00 permit fee.

If there is anything further, please advise.

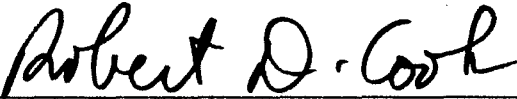
Sincerely,



Charles H. Richardson  
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:



Robert D. Cook  
Executive Assistant for Opinions