



ALAN WILSON
ATTORNEY GENERAL

March 17, 2014

The Honorable Mike Fair
Senator, District No. 6
P.O. Box 14632
Greenville, S.C. 29610

Dear Senator Fair,

You seek an opinion as to whether a person or entity whose license to sell alcohol has been suspended or revoked is eligible to obtain another license for a different location during the period in which such suspension or revocation is in effect.

Law/Analysis

The statutory provisions regulating alcoholic beverages are found in Title 61 of the S.C. Code (1976, as amended). Directly on point is subsection (E) of § 61-2-140 which states:

(E) A person whose license or permit has been suspended or revoked for a particular premises is not eligible to receive an additional new license or permit at another location during the period the suspension or revocation is in effect, and the department may suspend or revoke all other licenses or permits held by the person if the suspended or revoked premises is within close proximity.

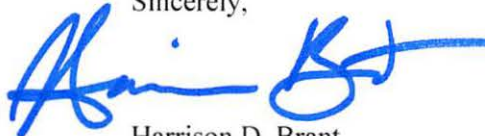
§ 61-2-140(E) (Supp. 1996) (emphasis added). The term "person" as used in Title 61, unless the context requires otherwise, "includes an individual, a trust, estate, partnership, limited liability company, receiver, association, company, corporation, or any other group." § 61-2-100(H)(1).

It is unequivocally clear from the plain language of § 61-2-140(E) that a person or entity whose license has been suspended or revoked is ineligible for a license or permit at another location during the effective period of the suspension or revocation. We therefore affirm a 1975 opinion of this Office in which we specifically concluded that the president of a company whose alcohol license at a particular location was revoked was ineligible for another alcohol license at any of the seven other locations she

The Honorable Mike Fair
Page 2
March 17, 2014

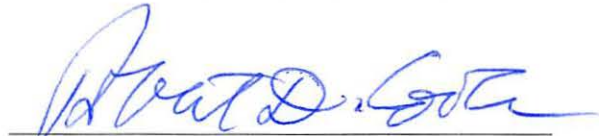
applied for based on a statutory provision nearly identical to § 61-2-140(E).¹ See Op. S.C. Att'y Gen., 1975 WL 28996 (July 9, 1975).

Sincerely,



Harrison D. Brant
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Solicitor General

¹ At that time, § 4-29.6 of the 1962 Code of Laws provided, in part, that "[a]ny person whose license has been suspended or revoked for a particular premises shall not be eligible for a license at any other location during the period such suspension or revocation is in effect."