

1975 WL 28996 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 9, 1975

***1 Re: Elena Hendrix.**

Kenneth E. Allen
Director
South Carolina Alcoholic Beverage Control Commission
1205 Pendleton Street
Columbia, SC 29201

Dear Mr. Allen:

You have requested an opinion from this Office concerning the following set of facts: Mrs. Elena Hendrix was president of the Golden Key No. 13, DBA Point After, Inc., Greystone Boulevard, Columbia, South Carolina, and held a sale and consumption license for such establishment which was issued by the Alcoholic Beverage Control Commission. However, this license was revoked by the Commission because of four violations at said establishment within three years. Mrs. Hendrix, as President of the Golden Key Clubs of Columbia, has now applied for seven sale and consumption licenses at seven other locations in Columbia, the Point After Club not being one of these locations. Based upon the foregoing facts, you have inquired as to whether Mrs. Hendrix is entitled to any of these sale and consumption licenses for which he has submitted application.

Section 4-29.6 of the 1962 South Carolina Code of Laws, as amended, provides in part that:

...

Any person whose license has been suspended or revoked for a particular premises shall not be eligible for a license an any other location during the period such suspension or revocation is in effect. (emphasis added).

The facts presented by you clearly state that License No. SC-C403 issued to Elena Hendrix, Golden Key No. 13, DBA Point After, Inc., Greystone Boulevard, Columbia, South Carolina, was revoked pursuant to Section 4-29.10(3) of the South Carolina Code of Laws, as amended. Because of said revocation, the above-quoted Code section (4-29.6) renders Mrs. Hendrix ineligible for a license at any other location during the period such revocation is in effect.

Therefore, it is the opinion of this Office that Mrs. Hendrix is not eligible and should not be issued sale and consumption licenses at any of the seven locations for which she has applied.

Very truly yours,

Donald V. Myers
Assistant Attorney General

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