

1972 WL 25178 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 17, 1972

\*1 The Honorable S. J. Pratt

The Honorable C. H. Lowder

The Honorable W. W. Lewis

Commissioners

Alcoholic Beverage Control Commission

1710 Gervais Street

Columbia, South Carolina 29201

Gentlemen:

The minutes of your meeting of January 13, 1972, request advice from this Office as to the procedure for the revocation, suspension, or refusal to renew a permit on the grounds that an individual has been convicted of such an offense as riot, which offense occurred at a place other than the individual's licensed premises.

Present statutory provisions apparently do not authorize action by the Commission upon proof of such facts. As an alternative, and should the Commission desire to do so, statutory amendment may be sought to authorize such action by the Commission by the adoption of a statute in the following tenor:

Amend Section 4-29(4)(D)(2) by adding the following Item (D):

The applicant has been convicted, entered a plea of guilty, or a plea of nolo contendere to an offense involving moral turpitude. If the Commission undertakes action upon this ground, the provisions of Section 4-27.7, Code of Laws of S. C., 1962, as amended, shall not be applicable.

It is not likely that the adoption of this statute would be effective for offenses already committed.

Very truly yours,

Daniel R. McLeod

Attorney General

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