

FILE NO. 72170

July 22, 1940

To the Honorable Board of Estimates
City Hall
Baltimore, Maryland

Gentlemen:

On July 9, 1940, the Board of Estimates referred to the undersigned for report letter dated July 6, 1940, from Mr. Horace A. Harding, 2601 E. Chase Street, to Mayor Howard W. Jackson, requesting a return of money paid by him in connection with certain liquor licenses.

From information furnished by Mr. Harding it appears that he applied for a Class "B" Liquor License; that such a license was denied to him; that instead of a Class "B" License he was granted a Class "D" License, for which he paid the proper fee; that he appealed from the decision denying him a Class "B" License and on appeal the action of the lower board was reversed; that he thereupon surrendered the Class "D" License and obtained a Class "B" License upon payment of the proper fee for a Class "B" License. Mr. Harding now requests a return to him of the money he has been compelled to pay in excess of the cost of the Class "B" License.

The Board of Liquor License Commissioners for Baltimore City, as well as the State Board of Liquor License Commissioners, was created pursuant to an Act of the General Assembly of Maryland. Section 15 of Article 2-B of the Annotated Code of Maryland provides that -

"No holder of any class of license shall be entitled to a refund of the unearned portion of the fee paid for a license, upon the surrender thereof, except in the event of receivership or bankruptcy of the business, or in the event of the death of the license holder, and in such cases refunds shall be made for the benefit of the creditors or estate of any such licensee."

I am of the opinion that the Board of Estimates is vested with no discretion in connection with requests for refunds of unearned portions of liquor license fees and that in view of the provisions of the above mentioned Act of the Legislature, the request must be denied.

Very truly yours,

(signed) CHARLES C. G. EVANS

City Solicitor

CCGE/RRS