

(Series 1997)

Divisional Order #812

March 5, 1997

MEMORANDUM
State Liquor Authority
ZONE 1

To: BUREAU HEADS - ZONE AND REGIONAL OFFICES

Subject: 500 FOOT RULE HEARINGS

The Members of the Authority at their meeting held on February 26, 1997 approved the following procedure for the conduct of hearings held pursuant to Section 64(a)(7) of the Alcoholic Beverage Control Law, concerning the question as to the existence of three or more premises licensed for on-premises consumption within 500 feet of the location applied for.

The 500 Foot hearings are not adjudicatory hearings, and should be conducted in as an informal a manner as possible and the following procedure should be observed:

(1) Administrative Law Judges are advised that these "hearings" are an opportunity for the Authority to gather facts about a particular application.

(2) The hearings should be conducted in an informal manner.

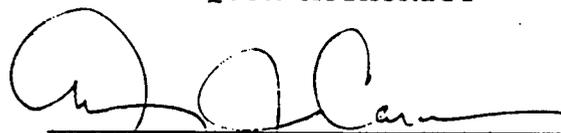
(3) Speakers should not be required to be sworn in.

(4) Speakers should not be subject to cross-examination.

(5) If possible, all speakers should be given the opportunity to speak. If that is impossible because of the sheer volume of speakers, then the Administrative Law Judge should have the discretion to limit speakers either as to the length of their presentation or to limit repetitive presentations.

(6) The applicant should be given an opportunity to respond to other speaker's comments. The opportunity should occur after all community persons have spoken.

STATE LIQUOR AUTHORITY



Anthony J. Gasale
Chairman