

**REPORT OF THE
VIRGINIA STATE CRIME COMMISSION**

**COMMUNITY PARTICIPATION IN
THE ALCOHOLIC BEVERAGE
CONTROL LICENSING PROCESS**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 48

**COMMONWEALTH OF VIRGINIA
RICHMOND
1997**



COMMONWEALTH of VIRGINIA

VIRGINIA STATE CRIME COMMISSION

General Assembly Building

John R. Isom
Executive Director

December 10, 1996

To: The Honorable George Allen, Governor of Virginia,
and Members of the General Assembly:

MEMBERS:
FROM THE SENATE OF VIRGINIA:
Janet D. Howell, Vice-Chair
Mark L. Earley
Kenneth W. Stolle

FROM THE HOUSE OF DELEGATES:
Clifton A. Woodrum, Chairman
James F. Almand
Jean W. Cunningham
John J. Davies, III
Raymond R. Guest, Jr.
William S. Moore, Jr.

APPOINTMENTS BY THE GOVERNOR:
Robert C. Bobb
Terry W. Hawkins
Robert J. Humphreys

ATTORNEY GENERAL'S OFFICE
James S. Gilmore, III

House Joint Resolution 217 directed the Virginia State Crime Commission to study the opportunity for local community participation in the issuance and review of Alcoholic Beverage Control licenses, and to submit our findings and recommendations to the Governor and the 1997 session of the General Assembly.

In fulfilling this directive, a study was conducted by the Virginia State Crime Commission in 1996. I have the honor of submitting herewith the study report.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Clifton A. Woodrum".

Clifton A. Woodrum
Chairman

MEMBERS OF THE VIRGINIA STATE CRIME COMMISSION

From the Senate of Virginia

Janet D. Howell, Vice Chair
Mark L. Earley
Kenneth W. Stolle

From the House of Delegates

Clifton A. Woodrum, Chairman
James F. Almand
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William S. Moore, Jr.

Appointments by the Governor

Robert C. Bobb
Terry W. Hawkins
Robert J. Humphreys

Attorney General

James S. Gilmore, III

Law Enforcement Subcommittee

Senator Janet D. Howell, Subcommittee Chair
Delegate James F. Almand
Mr. Robert C. Bobb
Senator Mark L. Early
Mr. James S. Gilmore, III
Mr. Robert J. Humphreys
Delegate William S. Moore, Jr.

Staff

John R. Isom, Executive Director
Rich Savage, Counsel

HJR 217 -- Community Participation in the Alcoholic Beverage Control Licensure Process

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Appendix C: Correspondence from two District Special Agents in Charge explaining background and notification procedures in specific jurisdictions.

Appendix D: Code of Virginia § 4.1-222, Conditions under which Board may refuse to grant licenses.

Appendix E: Code of Virginia § 4.1-225, Grounds for which Board may suspend or revoke licenses.

I. Authority for the Study

During the 1996 legislative session, Delegate Jean W. Cunningham sponsored House Joint Resolution 217 directing the Virginia State Crime Commission to study the opportunity for local community participation in the issuance and review of Alcoholic Beverage Control (ABC) licenses.

Section 9-125 of the Code of Virginia establishes and directs the Virginia State Crime Commission to "study, report, and make recommendations on all areas of public safety." Section 9-127 of the Code of Virginia provides that "the Commission shall have the duty and power to make such studies and gather information in order to accomplish its purpose, as set forth in Section 9-125, and to formulate its recommendations to the Governor and the General Assembly." The Virginia State Crime Commission, in fulfilling its legislative mandate, undertook the study the opportunity for local community participation in the issuance and review of ABC licenses.

II. Members Appointed to Serve

At the May 1996 meeting of the Crime Commission, Chairman Clifton A. Woodrum of Roanoke appointed Janet D. Howell to serve as Chair of the Law Enforcement Subcommittee studying the opportunity for local community participation in the issuance and review of ABC licenses. The following members were selected to serve on the subcommittee:

Senator Janet D. Howell, Reston, Subcommittee Chair
Delegate James F. Almand, Arlington
Mr. Robert C. Bobb, Richmond
Senator Mark L. Early, Chesapeake
Mr. James S. Gilmore, III, Attorney General of Virginia
Mr. Robert J. Humphreys, Virginia Beach
Delegate William S. Moore, Portsmouth

III. Executive Summary

Information for the Crime Commission's study concerning community participation in the ABC licensing process was gathered from: interviews, working groups, discussions with representatives of the Alcoholic Beverage Control Board, discussions with local and state officials, administrative hearings, and site visits. During the course of the study, the Commission addressed and made recommendations on issues pertaining to community participation in the licensing process. The Commission made the following recommendation:

- The Alcoholic Beverage Control Board should design and print easy-to-understand informational brochures for both licensees and members of the community. The brochures should clearly explain the rights and the processes for utilizing those rights regarding both the issuance and the revocation of ABC licenses. These brochures should be distributed upon a new license application, a change of an existing license, or the receipt of a complaint.

These brochures should clearly explain:

1. The ability of citizens to contest license applications, the steps necessary to accomplish that task, and the corresponding appellate rights;
2. The ability of citizens to contest the continuation of a license, the steps necessary to accomplish that task, and the corresponding appellate rights; and
3. A retailer's right to appeal a decision of the Board, the steps necessary to accomplish that task, and the corresponding appellate rights.

IV. Background

A. Introduction

The General Assembly has created a statewide system of alcoholic beverage control. Much of the discretion for the statewide regulation of alcoholic beverages rests with the Alcoholic Beverage Control Board. Virginia Code § 4.1-103 authorizes the Board to “[c]ontrol the possession, sale, transportation and delivery of alcoholic beverages.” Furthermore, Virginia Code § 4.1-111 authorizes the Board to “promulgate reasonable regulations...which it deems necessary to carry out the provisions of this title and to prevent the illegal manufacture, bottling, sale, distribution, and transportation of alcoholic beverages. The broad discretion attributed by statute to the ABC Board can be traced to the period in history when prohibition was undergoing repeal.¹

In comparison to the broad discretion given to the ABC Board, localities are given very limited discretion to govern the manufacture, sale or use of alcoholic beverages. Code § 4.1-128 states that “[n]o county, city, or town shall...adopt any ordinance or resolution which regulates or prohibits the manufacture, bottling, possession, sale, distribution, handling, transportation, drinking, use, advertising or dispensing of alcoholic beverages in the Commonwealth.” The only exceptions to these broad prohibitions for localities are: the regulation of the hours of sale of wine and beer ², the collection of licensing taxes ³, public drinking ⁴, the referendum for establishing government stores ⁵, and the referendum on the sale of mixed beverages. ⁶

¹ In August of 1933, the General Assembly convened in special session to deal with the possibility of the repeal of prohibition. During this session a committee was chosen to draft legislation for “a plan of liquor control” if the electorate in an October special election demonstrated that the people of the Commonwealth favored the repeal of prohibition. As indicated by the special election, the people favored repeal and the committee began its work. The Committee’s work was based on eight fundamental principles of liquor control which were to be applied to any legislation drafted by the Committee. The second principle guiding the legislation was the idea that the liquor control plan should be strong and flexible, yet contain only the “main guiding principle[s]” which vest the agency with “wide discretionary powers to modify the details as the conditions demand.” Liquor Control: Report of the Committee appointed under authority of an Act approved August 29, 1933, Senate Document No. 5.

² § 4.1-129, Local ordinances regulating time of sale of wine and beer.

³ § 4.1-205, Local licenses.

⁴ § 4.1-128B, Local ordinances or resolutions regulating alcoholic beverages.

⁵ § 4.1-121, Referendum on establishment of government stores.

⁶ § 4.1-124, Referendum on the sale of mixed beverages.

With these constructs in mind, the General Assembly requested that the Crime Commission study the opportunities for local government participation in the issuance and review of ABC retail licenses. The following study analyzes the current statutory, regulatory, and policy requirements for the issuance and review of ABC retail licenses.

B. Licensing Procedures

1. Types of Licenses

The Code of Virginia provides only broad procedural guidelines for obtaining an ABC license. Virginia Code § 4.1-206 through § 4.1-209 enumerate the types of licenses that the ABC Board may grant. Generally, the Board can issue licenses based upon the type of beverage, type of establishment, or place of consumption. The Code specifically provides for four types of retail licenses: wine, beer, beer and wine, and mixed beverages. To obtain one of these licenses, all applicants must strictly comply with a myriad of statutes, regulations, policies, and procedures.

2. Statutory process for application and community notification

Section 4.1-230⁷ of the Code of Virginia is the primary section that governs any

⁷ Section 4.1-230 states in part:

A. Every person intending to apply for any license authorized by this chapter shall file with the Board an application on forms provided by the Board and a statement in writing, under oath, setting forth any information required by the Board. Applications for banquet licenses or mixed beverage special events licenses shall not be required to be under oath, but the information contained therein shall be certified as true by the applicant.

B. In addition, each applicant for a license under the provisions of this chapter, except applicants for banquet licenses or special events licenses issued under the provisions of Chapter 2 of this title, or beer or wine importer's licenses located outside the Commonwealth, shall post a notice of his application with the Board on the front door of the building, place or room where he proposes to engage in such business for no more than thirty days and not less than ten days. Such notice shall be of a size and contain such information as required by the Board.

The applicant shall cause a copy of such notice to be published at least once a week for two consecutive weeks in a newspaper published in or having a general circulation in the county, city or town wherein such applicant proposes to engage in such business. In the case of operators of boats, dining cars, buffet cars, club cars, and airplanes, the posting and publishing of notice shall not be required.

Except for applicants for banquet licenses or mixed beverage special events licenses, the Board shall conduct a background investigation, to include a criminal history records search, on each applicant for a license.

person applying to be a licensed provider of alcoholic beverages. The requirements of the section are delineated in a clear manner, with specific responsibilities for both the applicant and the ABC Board; the Code states that all applicants shall:

- 1.) file with the Board an application stating under oath any information required by the Board;
- 2.) post a notice of the application on the front door of the place attempting to be licensed for at least ten but not more than 30 days; and
- 3.) cause a copy of the notice of application to be published once a week for two consecutive weeks in the local paper.

Additionally, per § 4.1-230, the Board is required to:

- 1.) conduct a background investigation on each applicant; and
- 2.) notify the local governing body, through the county or city attorney or the chief law enforcement officer, of each license application.

These requirements form the basis of the community/locality notification provisions within the Code of Virginia. Individual localities, as well as members of a community in which a license is sought, are notified: 1) by the applicant through posting and publication and 2) by the Board through field agents and specific written communications. While Code section 4.1-230 requires the Board to conduct a background check and notify localities, the specific procedures and guidelines for fulfilling these two requirements are detailed in the policies and procedures manual of the Board.

a. Background checks and community notification

The policy and procedure manual of the Board provides the most detailed guidance regarding background checks and community notification. Within these two areas, the manual's primary focus is for the field agent to conduct a thorough background investigation encompassing several types of community notification.

The manual states that upon receiving an application, agents of the Board are to perform a systematic background investigation, whereby applicant information is

The Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement officer of the locality. Local governing bodies shall submit objections to the granting of a license within thirty days of the filing of the application.

verified by the field agent. The procedures of the Board direct each agent to contact officials and "residents and business people in the vicinity of the establishment." The agent in charge is given wide discretion to "contact the persons who [he] reasonably feel[s] may be affected by the issuance of the license." Once a citizen is contacted the agent has the responsibility of explaining to that contact "who is applying for the license, the location of the establishment, the type of license applied for and what privileges may be exercised with this type of license." Agents are encouraged to get specific reasons for a contact's objections other than that person is generally opposed for moral or religious reasons. Once the agent makes the contacts, he is required to number and list specific objections. The wording and objections are taken from a "Charges and Objections Manual" to which each agent has access.⁸

Additionally, the manual requires that, upon receiving an application, the Board must notify the county or city attorney, the local law enforcement department, and "all other officials who might be interested in a particular application." Any individual who is notified in this manner may take advantage of the administrative code provisions which allow "[a]ny interested person who would be aggrieved by a decision of the Board upon an application" to file their comments and to be heard on the application. Local governing bodies have thirty days from the filing of the initial application to object to the issuance of the license.⁹

b. Issuance of a license

Once the appropriate contacts are made, the background check is finalized and the agent completes his application investigation, a report to either issue the license or to seek a hearing is prepared. If no objections are raised, then a process exists whereby the local Special Agent in Charge can authorize the issuance of a license to an applicant. If valid objections are raised, a hearing will take place.

i. Administrative approval

As stated, if no objections are raised, the Special Agent in Charge of District Operations can issue a license to an applicant. District Special Agents in Charge are directed to follow the guidelines detailed in the enforcement manual for issuing uncontested licenses. The following caveat reinforces the Board's position on uncontested licenses:

⁸ For selected excerpts from the *Charges and Objections Manual*, see Appendix B.

⁹ For examples of specific notification actions that the agents and the localities undertake when receiving a new application, see Appendix C.

Again it must be emphasized that extreme caution must be exercised on the application contacts. Assure that we do not fail to contact adjacent residents, churches, schools, business people, etc., who would be more severely affected by any adverse conditions, resulting from the issuance of an ABC license at the location. Check to determine if adequate contacts have been made.¹⁰

ii. Hearing

If an application is contested (i.e. valid objections have been raised), the Virginia Administrative Code provides the mechanism for being heard, an administrative hearing before a hearing officer. The Virginia Administrative Code states “[a]ny interested party who would be aggrieved by a decision of the board upon an application ... may appear and be heard in person.”¹¹

If, after a hearing is held, the “interested party”¹² is not satisfied with the decision, then he or she can appeal the decision to the Board.¹³ If the interested party is still not satisfied with the decision, then the record for the Board’s action of granting or denying a license is subjected to further review by the courts under the Administrative Process Act (9-6.14:1 et seq.).¹⁴

c. Denial of a license

The Code of Virginia lists 26 valid categories of objections for denying a license.¹⁵ Based on these categories, the *Charges and Objections Manual* of the Board lists 39 objections for denial of a license.¹⁶ When the Board makes a determination regarding a licensee, the decision must be based on a

¹⁰ Alcoholic Beverage Control Board Enforcement Manual.

¹¹ 3 VAC 5-10-10, 1996, Appearance.

¹² The VAC defines “interested parties” to mean: the applicant; the licensee; “[p]ersons who would be aggrieved by a decision of the board”; and “[f]or the purposes of appeal pursuant to 3 VAC 5-10-240, interested parties shall be only those persons who appeared at and asserted an interest in the hearing before a hearing officer.”

¹³ 3 VAC 5-10-240, 1996, Appeals.

¹⁴ See Code § 4.1-224, Notice and hearings for refusal to grant licenses; Administrative Process Act; exceptions (“The action of the Board in granting or refusing to grant any license shall be subject to review in accordance with the Administrative Process Act.”).

¹⁵ For the full text of Virginia Code § 4.1-222, see Appendix D.

¹⁶ See Virginia Alcoholic Beverage Control Board Charges and Objections Manual.

“reasonable cause to believe” that one or more of the reasons for denial exists. If a license is denied, the same administrative and judicial procedures for appeal exist for the licensee as discussed in subsection 2(b)ii above.

3. Suspension or revocation of an existing license.

The Code of Virginia provides only broad procedural guidelines for the suspension or revocation of an ABC license. Section 4.1-225 lists thirty-one reasons for suspending or revoking a license.¹⁷ The Board may suspend a license if it has “reasonable cause to believe” that any of the thirty-one reasons enumerated in the Code exists. The Board has two primary methods for discovering problems associated with current licensee: site visits or citizen complaints.

Site visits are conducted by the field agents on a random basis. These visits can be as simple or as complex as necessary depending on the situation. Field agents attempt to conduct at least two site visits per licensee/per year.

The second method for uncovering problems with an existing licensee are through citizen and locality complaints. The Virginia Administrative Code provides the procedure for filing a complaint. The VAC states:

The board, in its discretion for good cause shown, may arrange a hearing upon the complaint of any aggrieved party(s) against the continuation of a license. The complaint shall be in writing directed to the Director, Division of Enforcement and Regulation, setting forth the name and post office address of the person(s) against whom the complaint is filed, together with a concise statement of all the facts necessary to an understanding of the grievance and a statement of the relief desired.¹⁸

If a valid complaint is made, a disciplinary hearing with a hearing officer is conducted regarding the continuation of the license. Aggrieved localities and members of the community may attend the hearing and voice any relevant

¹⁷ For the full text of Virginia Code § 4.1-225, see Appendix E.

¹⁸ 3 VAC 5-10-50, Complaints.

objections they may have concerning the continuation of the license.¹⁹ If, after the hearing is held, an interested party is not satisfied with the decision, then that decision can be appealed to the Board.²⁰ If the interested party is still not satisfied with the decision, then the Code of Virginia, §4.1-224, subjects the record of the Board's action to further review by the courts under the Administrative Process Act (9-6.14:1 et seq.).

¹⁹ The Virginia Administrative Code states "[a]ny interested party who would be aggrieved by a decision of the board ... in a disciplinary proceeding may appear and be heard in person." 3 VAC 5-10-10, 1996, Appearance.

²⁰ 3 VAC 5-10-240, Appeals.

V. Findings and Recommendation

A. Finding: The *Code of Virginia* contains sufficient mechanisms to allow the members of the community to participate in the ABC licensing procedure.

B. Finding: The *Code of Virginia* contains sufficient mechanisms to allow citizens of a local community to participate in the revocation of an establishment's ABC license.

C. Finding: Citizens within the local communities do not understand their legal rights regarding their ability to participate in the issuance or revocation of ABC licenses.

Recommendation: The Alcoholic Beverage Control Board should design and print easy-to-understand informational brochures for both licensees and members of the community. The brochures should clearly explain the rights and the processes for utilizing those rights regarding both the issuance and the revocation of ABC licenses. These brochures should be distributed upon a new license application, a change of an existing license, or the receipt of a complaint.

These brochures should clearly explain:

1. The ability of citizens to contest license applications, the steps necessary to accomplish that task, and the corresponding appellate rights;
2. The ability of citizens to contest the continuation of a license, the steps necessary to accomplish that task, and the corresponding appellate rights; and
3. A retailer's right to appeal a decision of the Board, the steps necessary to accomplish that task, and the corresponding appellate rights.

VI. Acknowledgements

Virginia Alcoholic Beverage Control Board

**Ms. Anne P. Petera, Chairman
Mr. Clater C. Mottinger, Member
Mr. Clarence W. Roberts, Member**

**Mr. W. Curtis Coleburn
Policy/Judicial/Legislative Director
Richmond, Virginia**

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Alexandria, Virginia**

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City Manager
Richmond, Virginia**

**Maria J.K. Everett
Division Of Legislative Services**

Appendix A

1996 SESSION

968063188

1 HOUSE JOINT RESOLUTION NO. 217
2 AMENDMENT IN THE NATURE OF A SUBSTITUTE
3 (Proposed by the House Committee on Rules
4 on February 9, 1996)

5 (Patron Prior to Substitute—Delegate Cunningham)

6 *Directing the Virginia State Crime Commission, in conjunction with the Alcoholic Beverage Control*
7 *Board, to study the opportunity for local community participation in the review process of*
8 *Alcoholic Beverage Control retail license applications.*

9 WHEREAS, several local governments have identified reducing crime as a top priority in their
10 strategic plans; and

11 WHEREAS, retail establishments licensed by the Virginia Alcoholic Beverage Control Board that
12 evidence a disregard for the Commonwealth's alcoholic beverage control (ABC) laws and regulations
13 and the communities they serve are often the loci for illegal, undesirable, and rowdy behavior; and

14 WHEREAS, citizens and local governments throughout the Commonwealth are concerned about
15 retail establishments licensed by the Alcoholic Beverage Control Board to sell alcoholic beverages
16 that evidence a disregard for the Commonwealth's alcoholic beverage control laws and regulations
17 and for the communities they serve; and

18 WHEREAS, citizens and local government officials who have appeared before the Alcoholic
19 Beverage Control Board to oppose license applications have been frustrated in their attempts to block
20 the issuance of retail licenses or otherwise restrict such licenses due to their unfamiliarity with the
21 Alcoholic Beverage Control Board's license application and review procedures; and

22 WHEREAS, it is important and essential that the Alcoholic Beverage Control Board properly
23 consider the views of citizens and local government officials in its deliberative process on alcoholic
24 beverage control retail license applications; now, therefore, be it

25 RESOLVED by the House of Delegates, the Senate concurring, That the Virginia State Crime
26 Commission, in conjunction with the Alcoholic Beverage Control Board, be directed to study the
27 opportunity for local community participation in the review process of Alcoholic Beverage Control
28 retail license applications and the enforcement of Alcoholic Beverage Control statutes and regulations
29 governing the retail sale of alcoholic beverages. The Commission shall study the (i) process used by
30 the Alcoholic Beverage Control Board in reviewing and evaluating retail license applications,
31 including the means by which the Board solicits, receives, and considers the comments and concerns
32 of citizens and local governments on retail license applications; (ii) the methods by which the
33 Alcoholic Beverage Control Board may effect better coordination of enforcement of the existing
34 alcoholic beverage control laws and regulations relative to the retail sale of alcoholic beverages; and
35 (iii) ways to improve and enhance the coordination and cooperation among state police, alcoholic
36 beverage control special agents, and local law enforcement agencies in the enforcement of such laws
37 and regulations.

38 All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

39 The Commission shall complete its work in time to submit its findings and recommendations to
40 the Governor and the 1997 Session of the General Assembly as provided in the procedures of the
41 Division of Legislative Automated Systems for the processing of legislative documents.

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Appendix B

APPLICATION OBJECTIONS**WINE, BEER AND MIXED BEVERAGES****401. QUALIFICATIONS - RESTAURANT WINE AND BEER OR BEER ONLY**

The characteristics of the food business conducted upon the premises are such that the establishment fails to qualify as a "restaurant" within the meaning of Section 4.1-100 of the Code of Virginia and Section 11(?) of VR125-01-5.

402. QUALIFICATIONS - MIXED BEVERAGES

The characteristics of the food business conducted upon the premises are such that the establishment fails to qualify as a "restaurant" within the meaning of Sections 4.1-100 and 4.1-210 of the Code of Virginia and Section 11D1 and 11D2 of VR125-01-5.

403. QUALIFICATIONS - GROCERY STORE - WINE AND BEER OR BEER ONLY

The characteristics of the business conducted upon the premises are such that the establishment fails to qualify as a "grocery store" within the meaning of Section 10 of VR125-01-5.

404. QUALIFICATIONS - CONVENIENCE GROCERY STORE

The characteristics of the business conducted upon the premises are such that the establishment fails to qualify as a "convenience grocery store" within the meaning of Section 4.1-209 4. of the Code of Virginia and Section 10 of VR125-01-5.

405. QUALIFICATIONS - AMENDMENT OF BEER LICENSE TO INCLUDE WINE ON AND OFF - "RESTAURANT"

The characteristics of the food business conducted upon the premises are such that the establishment fails to qualify as a "restaurant" for a license with wine privileges within the meaning of Section 4.1-100 of the Code of Virginia and Section 11B2 of VR125-01-5.

406. QUALIFICATIONS - AMENDMENT OF BEER LICENSE TO INCLUDE WINE OFF - "GROCERY STORE"

The characteristics of the business conducted upon the premises are such that the establishment fails to qualify as a "grocery store" for a license with wine privileges within the meaning of Section 10A3 of VR125-01-5.

407. QUALIFICATIONS - CLUB

The characteristics of your organization are such that it fails to qualify as a "club" within the meaning of Section 4.1-100 of the Code of Virginia and Section 13 of VR125-01-5.

408. QUALIFICATIONS - GOURMET SHOP (FORMERLY SPECIALTY SHOP)

The characteristics of the business conducted upon the premises are such that the establishment fails to qualify as a "gourmet shop" (formerly "specialty shop") within the meaning of Section 4.1-209 3. of the Code of Virginia and Section 10A5 of VR125-01-5.

409. QUALIFICATIONS - STADIUM LICENSE

The characteristics of the business conducted upon the premises are such that the establishment fails to qualify as a coliseum, stadium, or other facility within the meaning of Section 4.1-209 1.f. of the Code of Virginia.

410. SO LOCATED - VIOLATIONS - "PEACE & GOOD ORDER"

The place to be occupied by you is so located that violations of the ABC Act or of the laws of the Commonwealth relating to peace and good order would result from issuance of the license and operation thereunder by you. REF: Section 4.1-222 A.2.b. of the Code of Virginia.

411. SO LOCATED - VIOLATIONS - "PEACE AND GOOD ORDER" - CITY OF NORFOLK

The place to be occupied by you is so located that violations of the ABC Act or of the laws of the Commonwealth or ordinances of the City of Norfolk relating to peace and good order would result from the issuance of the license and operation thereunder by you.

REF: Section 4.1-222 A.2.b. of the Code of Virginia.

412. SO SITUATED WITH RESPECT TO (INSERT FACILITY) CHURCH, SYNAGOGUE, HOSPITAL, PUBLIC, PRIVATE OR PAROCHIAL SCHOOL, COLLEGE OR UNIVERSITY, PUBLIC OR PRIVATE PLAYGROUND OR SIMILAR RECREATIONAL FACILITIES, OR ANY STATE, LOCAL OR FEDERAL GOVERNMENT OPERATED FACILITY

The place to be occupied by you is so situated with respect to a (facility) that the operation of such place under the license will adversely affect or interfere with the normal orderly conduct of the affairs of such (institution) (facility).

REF: Section 4.1-222 A.2.c. of the Code of Virginia.

413. SO SITUATED WITH RESPECT TO RESIDENCE OR RESIDENTIAL AREA

The place to be occupied by you is so situated with respect to (residence or residential area) that the operation of such place under the license will adversely affect real property values or substantially interfere with the usual quietude and tranquility of such (residence or residential area).

REF: Section 4.1-222 A.2.d. of the Code of Virginia.

414. DOES NOT CONFORM TO THE REQUIREMENTS OF THE GOVERNING BODY WITH RESPECT TO (INSERT APPROPRIATE LANGUAGE)

The place to be occupied by you does not conform to the requirements of the governing body of the (County of _____)(City of _____)(Town of _____) with respect to (sanitation, health, construction, equipment) or (any similar requirements established by the laws of this Commonwealth) (or by the regulations of the Board).

REF: Section 4.1-222 A.2.a. of the Code of Virginia.

415. UNDER A RETAIL ON-PREMISES LICENSE IS SO (CONSTRUCTED/ARRANGED/ILLUMINATED)

The place to be occupied by you is so (constructed/arranged/illuminated) that law-enforcement officers and special agents of the Board are prevented from ready access to and reasonable observation of any room or area within which alcoholic beverages are to be sold or consumed.

REF: Section 4.1-222 A.2.e. of the Code of Virginia.

416. THE NUMBER OF LICENSES EXISTENT - INTEREST, MORALS, SAFETY OR WELFARE OF THE PUBLIC

The number of licenses existent in the locality is such that the granting of a license is detrimental to the interest, morals, safety or welfare of the public.

REF: Section 4.1-222 A.3. of the Code of Virginia.

417. CONVICTION OF A (FELONY) (CRIME OR OFFENSE INVOLVING MORAL TURPITUDE)

You have been convicted of a (felony) (crime or offense involving moral turpitude).

REF: Section 4.1-222 A.1.b. of the Code of Virginia.

418. CONVICTION WITHIN FIVE YEARS NEXT PRECEDING THE DATE OF THE APPLICATION - VIOLATION OF LAW APPLICABLE TO (MANUFACTURE/TRANSPORTATION/POSSESSION/USE/SALE) OF ALCOHOLIC BEVERAGES

You have been convicted within the five years next preceding the date of the application for the license of a violation of a law applicable to the (manufacture/transportation/possession/use/sale) of alcoholic beverages.

REF: Section 4.1-222 A.1.c. of the Code of Virginia.

On (date) you were convicted of a violation of a law applicable to the (manufacture/transportation/possession/use/sale) of alcoholic beverages.

REF: Section 4.1-222 A.1.c. of the Code of Virginia.

On (date) (If partnership or corporation, name the person) was convicted a violation of a law applicable to the (manufacture/transportation/possession/use/sale) of alcoholic beverages.

REF: Section 4.1-222 A.1.c. of the Code of Virginia.

419. APPLICANT NOT OF GOOD MORAL CHARACTER AND REPUTE

You are not a person of good moral character and repute.
REF: Section 4.1-222 A.1.d. of the Code of Virginia.

(If partnership or corporation, name person) is not a person of good moral turpitude and repute.

420. NOT LEGITIMATE OWNER OR OTHER PERSONS HAVE OWNERSHIP INTERESTS IN BUSINESS

You are not the legitimate owner of the business proposed to be licensed, or another person has an ownership interest in the business which has not been disclosed.

REF: Section 4.1-222 A.1.e. of the Code of Virginia.

421. FAIL/REFUSE TO COMPLY WITH PARTNERSHIP CERTIFICATE PROVISIONS

There exists a law of this Commonwealth which warrants refusal by the Board to issue the license in that you have failed or refused to comply with the "partnership certificate" provisions of Section 50-74 of Chapter 3 of the Code of Virginia.

REF: Section 4.1-222 A.4. of the Code of Virginia.

422. HAS NOT DEMONSTRATED FINANCIAL RESPONSIBILITY

You have not demonstrated financial responsibility sufficient to meet the requirements of the business proposed to be licensed.

REF: Section 4.1-222 A.1.f. of the Code of Virginia.

423. HAS MAINTAINED A (NOISY/LEWD/DISORDERLY/UNSANITARY) ESTABLISHMENT

You have maintained a (noisy/lewd/disorderly/unsanitary) establishment.

REF: Section 4.1-222 A.1.g. of the Code of Virginia.

424. HAS DEMONSTRATED BY (POLICE RECORD/RECORD AS FORMER LICENSEE) A LACK OF RESPECT FOR LAW AND ORDER

You (if partnership or corporation, name person) have/has demonstrated by your/his/her police record a lack of respect for law and order.

REF: Section 4.1-222 A.1.h. of the Code of Virginia.

You (if partnership or corporation, name person) have/has demonstrated by your/his/her record as a former licensee of the Board, a lack of respect for law and order.

REF: Section 4.1-222 A.1.h. of the Code of Virginia.

425. UNABLE TO SPEAK, UNDERSTAND, READ AND WRITE ENGLISH LANGUAGE - REASONABLE MANNER

You are unable to speak, understand, read and write the English language in a reasonably satisfactory manner.

REF: Section 4.1-222 A.1.i. of the Code of Virginia.

426. IS A PERSON TO WHOM ALCOHOLIC BEVERAGES MAY NOT BE SOLD

You are a person to whom alcoholic beverages may not be sold under the provisions of the Code of Virginia.

REF: Section 4.1-222 A.1.j. of the Code of Virginia.

427. REPUTATION OF DRINKING ALCOHOLIC BEVERAGES TO EXCESS - OR ADDICTED TO USE OF NARCOTICS

You (if partnership or corporation, name person) have/has the general reputation of drinking alcoholic beverages to excess.

REF: Section 4.1-222 A.1.k. of the Code of Virginia.

You (if partnership or corporation, name person) are/is addicted to the use of narcotics.

REF: Section 4.1-222 A.1.k. of the Code of Virginia.

428. MISREPRESENTED A MATERIAL FACT IN APPLYING FOR LICENSE

You misrepresented a material fact in applying to the Board for a license.

REF: Section 4.1-222 A.1.l. of the Code of Virginia.

429. VIOLATING OR VIOLATED PROVISION OF THE ABC ACT WHILE APPLICATION PENDING. (SOLD/SELLING ALCOHOLIC BEVERAGES)

You are violating or allowing the violation of a provision of the ABC Act in the establishment at the time your application for the license is pending, in that you, a person who is not licensed under the provisions of the ABC Act to sell alcoholic beverages in this Commonwealth, are selling alcoholic beverages other than as permitted by the provisions of the ABC Act.

REF: Sections 4.1-222 A.1.n. and 4.1-302 of the Code of Virginia.

Since (date) you have violated a provision of the ABC Act in the establishment at the time your application for the license was pending in that, you, a person who is not licensed under the provisions of the ABC Act to sell alcoholic beverages in this Commonwealth, have been selling alcoholic beverages other than as permitted by the ABC Act.

REF: Sections 4.1-222 A.1.n. and 4.1-302 of the Code of Virginia.

430. VIOLATING OR VIOLATED PROVISION OF THE ABC ACT WHILE APPLICATION PENDING (KEEPING ALCOHOLIC BEVERAGES)

On (date) at approximately (time) you violated or allowed the violation of a provision of the ABC Act in the establishment at the time your application for the license was pending in that you kept or allowed to be kept upon the premises of a restaurant, or other place where food or refreshments were furnished for compensation, alcoholic beverages which you as owner or operator of such place of business were not authorized by license under the ABC Act to purchase and sell at such place of business.

REF: Sections 4.1-222 A.1.n. and 4.1-315 of the Code of Virginia.

431. POLICE OFFICER AS APPLICANT FOR ABC LICENSE HAS POLICE AUTHORITY WHERE ESTABLISHMENT IS LOCATED

You (if partnership or corporation, name person) are/is a police officer with police authority in the political subdivision in which the establishment designated in the application is located.

REF: Section 4.1-222 A.1.o. of the Code of Virginia.

432. APPLICANT IS PHYSICALLY UNABLE OR ADJUDICATED INCOMPETENT

You (if partnership or corporation, name person) are/is physically unable to carry on the business for which the application for a license is filed.

REF: Section 4.1-222 A.1.p. of the Code of Virginia.

You (if partnership or corporation, name person) have/has been adjudicated incompetent.

REF: Section 4.1-222 A.1.p. of the Code of Virginia.

433. APPLICANT IS EMPLOYEE OF ALCOHOLIC BEVERAGE CONTROL BOARD

You are an officer or employee of the Virginia Alcoholic Beverage Control Board.

REF: Section 4.1-222 A.1.q. of the Code of Virginia.

434. APPLICANT HAS NOT RESIDED IN COMMONWEALTH ONE YEAR PRECEDING APPLICATION

You have not resided in this Commonwealth for at least one year immediately preceding application for the license.

REF: Section 4.1-222 B. of the Code of Virginia.

435. NOT A "DINING AREA"

There exists a law of this Commonwealth which warrants refusal by the Board to approve the area in that it is not a "dining area" where meals are regularly served.

REF: Sections 4.1-222 A.4. and 4.1-100 of the Code of Virginia. (ADD 4.1-208 5. for beer, 4.1-209 1.a. for wine and beer, and 4.1-210 for mixed beverage license).

436. "ADDITIONAL STORAGE" NOT PART OF PREMISES

There exists a law of this Commonwealth which warrants refusal by the Board to approve the requested storage area in that it is not a storage area located on the licensed premises.

REF: Section 4.1-222 A.4. of the Code of Virginia and Section 9A of VR125-01-5.

437. DESIGNATED AREA OBJECTIONS

The (name of area) is so located that violations of the ABC Act or the rules and regulations of the Board or the laws of the Commonwealth relating to peace and good order would result from the extension of the license privileges to include such (building/area) as a "designated area" and operation thereunder by you.

REF: Section 4.1-222 A.2.b. of the Code of Virginia.

The (name of area) is so situated with respect to (residence or residential area) that the extension of the license privileges to include such (name of area) will adversely affect real property values or substantially interfere with the usual quietude and tranquility of such (residence or residential area).

REF: Section 4.1-222 A.2.d. of the Code of Virginia.

438. "TRADE NAME" OBJECTION

There exists a law of this Commonwealth which warrants refusal by the Board to issue the license in that you would advertise in this Commonwealth about or concerning alcoholic beverages except in accordance with rules and regulations of the Board.

REF: Sections 4.1-222 A.4. and 4.1-320 of the Code of Virginia, Section 1E of VR125-01-2 and Section 3 of VR125-01-2.

439. "ORDINANCE" OBJECTION

There exists an ordinance of the (County of _____), (City of _____), (Town of _____) which warrants refusal by the Board to issue the license.

REF: Section 4.1-222 A.4. of the Code of Virginia.

440. USUAL "BANQUET OBJECTIONS"

The place to be occupied by you is so located that violations of the ABC Act or the laws of the Commonwealth relating to peace and good order would result from issuance of the license and operation thereunder by you.

REF: Section 4.1-222 A.2.b. of the Code of Virginia.

The Board is not authorized and empowered under the provisions of the ABC Act to issue the license.

REF: Sections 4.1-222 A.5., 4.1-209 6. and 4.1-200 10. of the Code of Virginia.

441. MIXED BEVERAGE SPECIAL EVENTS OBJECTIONS

The place to be occupied by you is so located that violations of the ABC Act or the laws of the Commonwealth relating to peace and good order would result from issuance of the license and operation thereunder by you.

REF: Sections 4.1-222 A.2.b. of the Code of Virginia.

The Board is not authorized and empowered under the provisions of the ABC Act to issue the license, in that you would not be in charge of a special event operated solely for objects of an athletic, charitable, civic, educational, political, or religious nature, or the like.

REF: Sections 4.1-210 3. of the Code of Virginia.

Appendix C



**BUREAU OF
LAW ENFORCEMENT OPERATIONS**

TO: Mr. C. Curtis, Director
FROM: Mr. L. G. Coleman, SAC *LGC*
DATE: June 5, 1996
RE: Procedures for Processing Applications: City of Norfolk

The following applicant investigation procedures are followed by this office when processing submitted ABC applications forwarded by the Licensing Division. List of procedures for routing applications for investigation by the City of Norfolk is as follows:

1) A copy of the 805-52(application) is delivered, in person, by a representative of the Region Three ABC Office, and a second copy (of the 805-52) stamped by the City of Norfolk (which determines the beginning of the thirty day period) is retained by this office indicating the date that the City of Norfolk received a copy in accordance with 4.1-230 SC

Internal City of Norfolk investigation procedures are noted:

A copy of the ABC application is routed by the City Attorney's office to the following City Departments:

- a) Norfolk Health Department
- b) Norfolk Fire Department
- c) Norfolk Building Codes Department
- d) Norfolk Commissioner of the Revenue
- e) Norfolk Planning Commission
- f) Norfolk Police Department
- g) Area Civic Leagues/Homeowners Associations, (if a request is made to the city to notify them)

All reports are collected by the city and a letter is forwarded by the City Attorney's office to the ABC office indicating the status of the application including local objections (if applicable) or no objections.

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PROCEDURES FOR PROCESSING APPLICATIONS: CITY OF NORFOLK

The agent periodically contacts the City of Norfolk's Planning Commission to receive updates on the status of the city's investigation.

Finally, a similar process is also utilized by other major cities in Region Three to include Hampton, Newport News, Portsmouth, Chesapeake, and Virginia Beach.

LGC/bdf



**BUREAU OF
LAW ENFORCEMENT OPERATIONS**

**TO: Mr. S. C. Curtis
Director, Bureau of Law Enforcement Operations**

**FROM: T. E. Broyles, Jr.
SAC, Region 5**

DATE: May 31, 1996

**RE: Retail Application Procedure in
the City of Alexandria**

Per your request, the following is the procedure used to notify the City of Alexandria of pending applications received in Region 5.

Once an application is received in the Alexandria Regional Office it is faxed to the Vice Narcotics Section of the Alexandria Police Department. The Vice Narcotics Section then notifies the following persons:

- City Manager
- Personnel Director
- Fire Chief
- Health Department
- Code Enforcement Bureau (handles business licenses)

- Director of Citizen's Assistance
- Police Department's Civic Association Liaison (contacts community groups)
- Police Department's Crime Prevention Unit

Upon notifying the above, the Vice Narcotics Section requests that any response be returned to them within about two weeks. The Vice Narcotics Section will then respond back to the Alexandria Regional Office

Retail Application Procedure - City of Alexandria

Page 2

Regarding restrictions requested against licenses issued, the City of Alexandria requests that the following restrictions be placed on off premises licenses:

1. That the sale of "single beer" be prohibited. A "single beer" is defined as any container having a capacity of 40 fluid ounces or less and sold in less than a 6-pack; and,
2. That the sale of "fortified wine" be prohibited. "Fortified wine" is defined as wine having an alcoholic content of more than 14% by volume but not more than 21%.

The above restrictions, with the agreement of the applicant, are placed against all off premises licenses as a way of curbing the problem of public drinking and public drunkenness.

Appendix D

**§ 4.1-222, Conditions under which Board may refuse to grant
licenses.**

A. The Board may refuse to grant any license if it has reasonable cause to believe that:

1. The applicant, or if the applicant is a partnership or association, any partner or member thereof, or if the applicant is a corporation, any officer, director, or manager thereof or shareholder owning ten percent or more of its capital stock:

a. Is not twenty-one years of age or older;

b. Has been convicted in any court of a felony or any crime or offense involving moral turpitude under the laws of any state, or of the United States;

c. Has been convicted, within the five years immediately preceding the date of the application for such license, of a violation of 1. The applicant, or if the applicant is a partnership or association, any partner or member thereof, or if the applicant is a corporation, any officer, director, or manager thereof or shareholder owning ten percent or more of its capital stock:

a. Is not twenty-one years of age or older;

b. Has been convicted in any court of a felony or any crime or offense any law applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages;

d. Is not a person of good moral character and repute;

e. Is not the legitimate owner of the business proposed to be licensed, or other persons have ownership interests in the business which have not been disclosed;

f. Has not demonstrated financial responsibility sufficient to meet the requirements of the business proposed to be licensed;

g. Has maintained a noisy, lewd, disorderly or unsanitary establishment;

h. Has demonstrated, either by his police record or by his record as a former

licensee of the Board, a lack of respect for law and order;

i. Is unable to speak, understand, read and write the English language in a reasonably satisfactory manner;

j. Is a person to whom alcoholic beverages may not be sold under B 4.1-304;

k. Has the general reputation of drinking alcoholic beverages to excess or is addicted to the use of narcotics;

l. Has misrepresented a material fact in applying to the Board for a license;

m. Has defrauded or attempted to defraud the Board, or any federal, state or local government or governmental agency or authority, by making or filing any report, document or tax return required by statute or regulation which is fraudulent or contains a false representation of a material fact; or has willfully deceived or attempted to deceive the Board, or any federal, state or local government, or governmental agency or authority, by making or maintaining business records required by statute or regulation which are false and fraudulent;

n. Is violating or allowing the violation of any provision of this title in his establishment at the time his application for a license is pending;

o. Is a police officer with police authority in the political subdivision within which the establishment designated in the application is located;

p. Is physically unable to carry on the business for which the application for a license is filed or has been adjudicated incompetent; or

q. Is a member, agent or employee of the Board.

2. The place to be occupied by the applicant:

a. Does not conform to the requirements of the governing body of the county, city or town in which such place is located with respect to sanitation, health, construction or equipment, or to any similar requirements established by the laws of the Commonwealth or by Board regulation;

b. Is so located that granting a license and operation thereunder by the applicant

would result in violations of this title, Board regulations, or violation of the laws of the Commonwealth or local ordinances relating to peace and good order;

c. Is so located with respect to any church; synagogue; hospital; public, private or parochial school, college or university; public or private playground or other similar recreational facilities; or any state, local or federal government-operated facility, that the operation of such place under such license will adversely affect or interfere with the normal, orderly conduct of the affairs of such facilities or institutions;

d. Is so located with respect to any residence or residential area that the operation of such place under such license will adversely affect real property values or substantially interfere with the usual quietude and tranquility of such residence or residential area; or

e. Under a retail on-premises license is so constructed, arranged or illuminated that law-enforcement officers and special agents of the Board are prevented from ready access to and reasonable observation of any room or area within which alcoholic beverages are to be sold or consumed.

3. The number of licenses existent in the locality is such that the granting of a license is detrimental to the interest, morals, safety or welfare of the public. In reaching such conclusion the Board shall consider the (i) character of, population of, the number of similar licenses and the number of all licenses existent in the particular county, city or town and the immediate neighborhood concerned; (ii) effect which a new license may have on such county, city, town or neighborhood in conforming with the purposes of this title; and (iii) objections, if any, which may have been filed by a local governing body.

4. There exists any law, ordinance, or regulation of the United States, the Commonwealth or any political subdivision thereof, which warrants refusal by the Board to grant any license; or

5. The Board is not authorized under this chapter to grant such license.

B. The Board may refuse to grant any retail wine and beer license, retail beer license or retail wine or winery license to any person who has not resided in the Commonwealth for at least one year immediately preceding application therefor, or to any corporation a majority of the stock of which is owned by persons who have not resided in the Commonwealth for at least one year immediately preceding application therefor, unless refusal to grant the license would in the opinion of the Board substantially impair the transferability of the real property upon which the licensed establishment would be located.

Appendix E

§ 4.1-225, Grounds for which Board may suspend or revoke licenses.

The Board may suspend or revoke any license other than a brewery license, in which case the Board may impose penalties as provided in § 4.1-227, if it has reasonable cause to believe that:

1. The licensee, or if the licensee is a partnership or association, any partner or member thereof, or if the licensee is a corporation, any officer, director, or manager thereof or shareholder owning ten percent or more of its capital stock:

a. Has misrepresented a material fact in applying to the Board for such license;

b. Has defrauded or attempted to defraud the Board, or any federal, state or local government or governmental agency or authority, by making or filing any report, document or tax return required by statute or regulation which is fraudulent or contains a false representation of a material fact; or has willfully deceived or attempted to deceive the Board, or any federal, state or local government, or governmental agency or authority, by making or maintaining business records required by statute or regulation which are false or fraudulent;

c. Within the five years immediately preceding the date of the hearing held in accordance with § 4.1-227, has (i) been convicted of a violation of any law, ordinance or regulation of the Commonwealth, of any county, city or town in the Commonwealth, of any state, or of the United States, applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages; (ii) violated any provision of Chapter 3 (§ 4.1-300 et seq.) of this title; (iii) committed a violation of the Wine Franchise Act (§ 4.1-400 et seq.) or the Beer Franchise Act (§ 4.1-500 et seq.) in bad faith; (iv) violated or failed or refused to comply with any regulation, rule or order of the Board; or (v) failed or refused to comply with any of the conditions or restrictions of the license granted by the Board;

d. Has been convicted in any court of a felony or of any crime or offense involving moral turpitude under the laws of any state, or of the United States;

e. Is not the legitimate owner of the business conducted under the license granted by the Board, or other persons have ownership interests in the business which have not been

disclosed;

f. Cannot demonstrate financial responsibility sufficient to meet the requirements of the business conducted under the license granted by the Board;

g. Has been intoxicated or under the influence of some self-administered drug while upon the licensed premises;

h. Has allowed noisy, lewd or disorderly conduct upon the licensed premises, or has maintained such premises in an unsanitary condition, or allowed such premises to become a meeting place or rendezvous for persons of ill repute, or has allowed any form of illegal gambling to take place upon such premises;

i. Knowingly employs in the business conducted under such license, as agent, servant or employee, any person who has been convicted in any court of a felony or of any crime or offense involving moral turpitude, or who has violated the laws of the Commonwealth, of any other state, or of the United States, applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages;

j. Subsequent to the granting of his original license, has demonstrated by his police record a lack of respect for law and order;

k. Has allowed the consumption of alcoholic beverages upon the licensed premises by any person whom he knew or had reason to believe was (i) less than twenty-one years of age, (ii) interdicted, or (iii) intoxicated, or has allowed any person whom he knew or had reason to believe was intoxicated to loiter upon such licensed premises;

l. Has allowed any person to consume upon the licensed premises any alcoholic beverages except as provided under this title;

m. Is physically unable to carry on the business conducted under such license or has been adjudicated incompetent;

n. Has allowed any lewd, obscene or indecent literature, pictures or materials upon the licensed premises;

o. Has possessed any illegal gambling apparatus, machine or device upon the licensed

premises; or

p. Has upon the licensed premises (i) illegally possessed, distributed, sold or used, or has knowingly allowed any employee or agent, or any other person, to illegally possess, distribute, sell or use marijuana, controlled substances, imitation controlled substances, drug paraphernalia or controlled paraphernalia as those terms are defined in Articles 1 and 1.1 (β 18.2-247 et seq.) of Chapter 7 of Title 18.2 and the Drug Control Act (β 54.1-3400 et seq.); (ii) laundered money in violation of β 18.2-248.7; or (iii) conspired to commit any drug-related offense in violation of Articles 1 and 1.1 of Chapter 7 (β 18.2-247 et seq.) of Title 18.2 or the Drug Control Act (β 54.1-3400 et seq.). The provisions of this subdivision shall also apply to any conduct related to the operation of the licensed business which facilitates the commission of any of the offenses set forth herein.

2. The place occupied by the licensee:

a. Does not conform to the requirements of the governing body of the county, city or town in which such establishment is located, with respect to sanitation, health, construction or equipment, or to any similar requirements established by the laws of the Commonwealth or by Board regulations;

b. Has been adjudicated a common nuisance under the provisions of this title or β 18.2-258; or

c. Has become a meeting place or rendezvous for illegal gambling, illegal users of narcotics, drunks, prostitutes, pimps, panderers or habitual law violators. The Board may consider the general reputation in the community of such establishment in addition to any other competent evidence in making such determination.

3. The licensee or any employee of the licensee discriminated against any member of the armed forces of the United States by prices charged or otherwise.

4. Any cause exists for which the Board would have been entitled to refuse to grant such license had the facts been known.

5. Any other cause authorized by this title.

