

Liquor License, What Classes can be Revoked by County Commissioners. County Commissioners, Authority of to Revoke Liquor Licenses.

County Commissioners have authority to revoke only such licenses as are issued pursuant to their order, except where the licensee has been convicted of certain offenses.

Helena, Montana, June 24, 1909.

Mon, Henry R. Melton,
County Attorney,
Dillon, Montana.

Dear Sir:

I am in receipt of your letter of June 23, in which you request an opinion upon the following questions:

“Have boards of county commissioners power to revoke any retail liquor license other than such license as said boards have the power to order issued, and which have been issued by the treasurer upon the order of said boards?”

“Have boards of county commissioners power to revoke any retail liquor license held by persons engaged in doing business outside of the corporate limits of incorporated cities and towns, upon notice and for good cause shown?”

In answer to your first question I enclose you herewith an opinion

rendered to Honorable J. H. Stevens, county attorney of Flathead county, on February 2, 1909.

In answer to your second question, you are advised that section 2762, revised codes, provides that

"It shall be lawful for the board of county commissioners of any county who are authorized to issue any order for a license for the sale of intoxicating liquors under the provisions of this act, after notice to the person or persons holding such license, a reasonable opportunity to be heard, to revoke any license granted under the provisions of this act."

This section clearly gives the board of county commissioners authority to revoke a license issued pursuant to such act, and to declare the same forfeited, provided they first give notice to the holder of such license, giving him a reasonable opportunity to be heard, whenever it satisfactorily appears to the board, from the evidence taken at such hearing, that the holder of such license has violated any of the laws of this state relating to the sale of intoxicating liquors, or any laws regulating persons so licensed to sell liquors, or has violated any law regulating places where such liquors are sold, or that the holder of such license has permitted any of the laws of this state to be violated upon the premises wherein such liquors are authorized to be sold, or if the holder of such license shall permit such premises to become the resort of idle, dissolute or disorderly persons, or if he shall so conduct his place of business as to disturb the peace and quiet of the neighborhood.

Very truly yours,

ALBERT J. GALEN,
Attorney General.