



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

City Attorney's Office

300 Sixth Street

November 22, 2011

MEMORANDUM

TO: Mayor and City Council

FROM: Tamara Pier, Interim City Attorney

SUBJECT: Public Hearing Schedule for suspension/revocation of Package (off-sale) Malt Beverage License



Staff offers the following two options for the purpose of providing Notice of Public Hearing for the suspension or revocation of the Package (off-sale) Malt Beverage license for the Ranch Mart Convenience Store, 520 Birch Avenue (PB-1257) pursuant to SDCL 35-2-11.2. Option 1 moves the action forward immediately. Option 2 gives consideration to the licensee's written statement that he will voluntarily terminate the Malt Beverage license as of December 31, 2011

Option 1 – This option will start the Public Hearing process immediately, allowing Council to take action to suspend or revoke the license by January 17, 2012.

November 31, 2011	Legal & Finance Committee approves hearing schedule
December 5, 2011	City Council approves hearing schedule
December 5, 2011	Notice of Public Hearing letter mailed to Business Owner by Certified-Return Receipt mail
December 19, 2011	Malt Beverage license "Set for Hearing" for January 17, 2011
December 24, 2011	"Set for Hearing" legal ad published
January 17, 2012	Public Hearing for Malt Beverage license

The Public Hearing is scheduled for January 17, 2011 to comply with the 30 day advance notice to the license as required by State statute.



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OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

Option 2 – Allows the licensee to facilitate the voluntary termination of the license by December 31, 2011. Should the licensee fail to surrender the license card by Tuesday, January 3, 2012 the following schedule will allow Council to move forward with the Notice of Public Hearing.

November 31, 2011	Legal & Finance Committee approves hearing schedule
December 5, 2011	City Council approves hearing schedule
January 4, 2012	Notice of Public Hearing letter mailed to Business Owner by Certified-Return Receipt mail
February 6, 2012	Malt Beverage license "Set for Hearing" for February 21, 2012
February 11, 2012	"Set for Hearing" legal ad published
February 21, 2012	Public Hearing for Malt Beverage license

The Public Hearing is scheduled for February 21, 2011 to comply with the 30 day advance notice to the license as required by State statute.

35-2-11.2. Notice of hearing on local board's recommendation of suspension or revocation. Any action taken by the governing board of a municipality or board of county commissioners pursuant to § 35-2-11.1 shall be preceded by notification to the licensee, at the address given on the license, at least thirty days in advance of the date set for public hearing on the suspension action. Notice of public hearing shall be published in the official newspaper of the municipality or county at least one week prior to such hearing and in such form as deemed appropriate by the municipality or county governing body.