

1 assuming, of course, that the raid was an illegal raid --
2 because there are many that aren't.

3 THE CHAIRMAN: Delegate Rybczynski.

4 DELEGATE RYBCZYNSKI: For the purposes of
5 this question that is true. I am asking you the question
6 that because of the failure of the constable to
7 properly serve the warrant, as you said a little while ago,
8 the charge is dismissed in criminal court. By this amend-
9 ment would it be true that that same licensee could not
10 be brought before the licensing agency which issued the
11 license in the first place?

12 DELEGATE BOTHE: You are obviously trying to
13 create the impression that if the warrant weren't properly
14 served it would constitute an illegal search. As a better
15 lawyer than I am, you know this is not so.

16 The reasonableness of search and seizure would
17 be the question before the administrative agency. And
18 the fact that the criminal proceeding found that the evi-
19 dence was inadmissible would not necessarily be binding upon
20 the liquor board or whatever agency it was who determined
21 whether the evidence could be used against the licensee.