

F. Murray Benson, Esq., City Solicitor (cont'd)

refund of \$25.00 for a special license issued by the Clerk of the Court of Common Pleas for the premises known as the 3700 block of East Monument Street.

Mr. Markiewicz states that the day after the permit was issued, an inspector called at Mr. Markiewicz's home and asked for the license, stating that the Liquor Board had made a mistake. It appears from a letter written by Mr. James D. Shea, Secretary of the Liquor License Commissioners for Baltimore, to Mr. Herbert Fallin, on May 16, 1942, that the license was authorized by the Liquor Board when application for the same was first made, but it later developed that the organization was not qualified for the type of license applied for and the Liquor Board recalled the license.

Section 23 of Article 2B of the Annotated Code of Maryland (1939 Edition) as amended by Chapter 849 of the Acts of 1941, provides:

"Refunds. No holder of any class of license shall be entitled to a refund of the unearned portion of the fee paid for a license, upon the surrender thereof, except:

1. In the event of receivership or bankruptcy of the business, and in such case the refund shall be made for the benefit of the creditors of such licensee, or
2. In the event of the death of the license holder, and in such case the refund shall be made for the benefit of the estate of such deceased license holder, or
3. In the event that the licensee has volunteered for or been called into the armed forces of the United States or the regular State Militia, or
4. In the event that a license holder of one class surrenders his license and obtains a license of another class carrying a higher fee, in which case the refund shall be deducted from the amount of the fee to be paid for the newly obtained license, or
5. In the event that a licensee, against whom charges are pending at the time he renews his annual license, is found guilty of such charges and his license is revoked after he has paid his fee for the renewal thereof, in which case he shall be entitled to a refund of the unearned portion of his annual fee from the date the revocation becomes final."

As the request for a refund does not come within any of the provisions of the above exceptions, I am of the opinion that there is no authority to grant the same.