

NECESSARY. THE PLACE OF ANY HEARING SHALL BE IN THE AREA WHERE THE PROBLEM EXISTS.

(d) The Commission, in addition to its other duties, shall serve as an appeal board for the review of decisions of the hearing examiner. The appellate panel of commissioners, as determined by the rules of procedure of the Commission, may allow any party affected by the examiner's decision to introduce additional relevant testimony or evidence at the time of an appeal from the hearing examiner.

[11] 5.

It is unlawful for an owner or operator of a place of public accommodation or an agent or employee of the owner or operator, because of the race, creed, SEX, AGE, color, national origin, marital status, or physical or mental handicap, of any person, to refuse, withhold from, or deny to such person any of the accommodations, advantages, facilities and privileges of such place of public accommodation. Nothing in this section shall be construed or interpreted to prohibit the proprietor of any establishment, or the employees thereof, from the right to deny service to any person for failure to conform to the usual and regular requirements, standards and regulations for the establishment so long as the denial is not based upon discrimination on the grounds of race, color, creed, national origin, marital status, or physical or mental handicap. For the purpose of this subtitle, a place of public accommodation means: (1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence; (2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food or alcoholic beverages for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station; (3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and (4) any establishment (A) (i) which is physically located within the premises of any establishment otherwise covered by this subsection, or (ii) within the premises of which is physically located any such covered establishment, and (B) which holds itself out as serving patrons of such covered establishment. The provisions of this section shall not apply to a private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishments are made available to the customers or patrons of an establishment within the scope of this section. WITH RESPECT TO SEX DISCRIMINATION, THIS SECTION MAY NOT BE CONSTRUED TO APPLY TO THOSE FACILITIES WHICH ARE UNIQUELY PRIVATE AND PERSONAL IN NATURE, DESIGNED TO ACCOMMODATE ONLY A PARTICULAR SEX.