

SECTION 1.19(34) *Native Brewers License* is a permit to operate a small brewery or a microbrewery restaurant where malt beverage products are manufactured in certain limited quantities as provided in Act 1805 of 2003.

Section 1.20(16) Any person applying for a Sunday Alcoholic Beverage Permit shall prove certain gross sales figures by submitting a financial statement which has been reviewed by a licensed accountant in accordance with standards established by the American Institute of Certified Public Accountants. As used in Regulations that apply to Sunday Alcoholic Beverage Permits, financial statement shall mean a financial presentation that shows a statement of operations by product lines that show gross sales for the following product lines: (a) receipts for sleeping accommodations (if applicable); (b) food and food items; (c) non-alcoholic beverage sales; (d) alcoholic beverages sales; (e) in the case of excursion boats, boat rental fees. Alcoholic beverage means all intoxicating liquor of any sort.

The financial statement shall be reviewed and the accountant shall render a review report in accordance with standards established by the American Institute of Certified Public Accountants. It is not intended that an audit be performed by the accountant, but a compiled financial statement cannot be substituted for a reviewed financial statement. The accountant shall include an additional paragraph in the accountant's review report which states that, based on the accompanying reviewed financial statement, the applicant does or does not have gross sales of sixty percent (60%) or more from items contained in categories (a), (b), (c), and (e) when gross sales of all product lines as set forth above are considered. Only twenty percent (20%) of receipts for sleeping accommodations may be used in meeting this test. The financial statement shall reflect the items as called for above, as well as other items required by generally accepted accounting principles.

The review period shall be for the previous twelve (12) full calendar months prior to the month of application or portion thereof that the applicant has held an on premises retail beverage permit. The review period shall not be less than three (3) full calendar months. Persons who have been a holder of an on premises retail beverage permit for less than ninety (90) days and who are without prior business experience shall not be required to comply with this Regulation, but shall meet the requirements of Section 1.20(17) of these Regulations in applying for a temporary permit. Applicants for this permit shall post the premises and publish notice of the application as set forth in Sections 1.23 and 1.26 of these Regulations, as well as any other requirements that apply to permits issued by the ABC Division. In cases where one business entity purchases another business entity which holds a mixed drink permit, the purchaser ~~shall be deemed to~~ may either "stand in the shoes" of the seller, and use such financial data as would be furnished by the seller shall be used by the purchaser ~~or may choose to operate as a new business entity and provide the buyer's financial data~~ to determine whether or not the new business is qualified to apply for and hold a regular or temporary Sunday Alcoholic Beverage Permit under these Regulations.

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Section 1.23 *Publication of Notice That Application Has Been Made For Permit.* After filing an application with the Director, the applicant shall cause to be published at least once a week for two (2) consecutive weeks in a legal newspaper of general circulation in the city in which the premises is situated, or if the premises is not in a city, in a newspaper of general circulation in the locality in which the business is to be conducted, a notice that the applicant has applied for a permit to sell, manufacture or dispense controlled beverages, as applicable. The notice shall be verified and shall give the name of the applicant and the name and address or location of the business, and shall state that the applicant is a resident of Arkansas, that he has good moral character, that he has never been convicted of a felony or had a permit revoked within the five (5) years preceding the date of notice. ***Provided***, that this requirement shall not apply if the applicant holds a restaurant mixed drink permit and subsequently makes application for a beer and/or wine permit only at the same location.

Section 1.26 Notice of Application to be Posted at Premises. Within five (5) days after filing an application for any permit issued by the ABC Division at any premises, a notice of the application in a form approved by the Director shall be posted in a conspicuous place at the front entrance to the premises. The applicant shall notify the Director of the date such notice was first posted. No application may be acted on and no permit issued to any applicant until the application has been in the possession of the agency and proper notice has been so posted on the premises for a period of at least thirty (30) consecutive days. **Provided,** that this requirement shall not apply to an applicant for a permit to conduct business at a premises for which a valid permit of the same type is in existence at the time of said applicant's application nor shall it apply if the applicant holds a restaurant mixed drink permit and subsequently makes application for a beer and/or wine permit only at the same location.

Section 1.33(15) Drive Up Windows Prohibited at Off Premises Retail Beer and Native Wine Permitted Outlets - Exception. Drive up windows are prohibited at off premises retail beer and native wine permitted outlets, except for such outlets that also hold a retail liquor off premises permit. **Provided,** that those off premises permitted outlets with health department approved kitchen facilities that prepare food on premises for off and/or on premises consumption may sell food products and other convenience store items, except beer and native wine, through drive up windows. Such permitted outlets must post a notice not less than three inches by five inches (3" x 5"), clearly affixed to the drive up window and clearly visible to patrons thereof, stating "**NO ALCOHOLIC BEVERAGES SOLD THROUGH THIS DRIVE UP WINDOW.**" The same notice must also be posted on the interior of the permitted outlet so as to be clearly visible to employees selling items, other than beer and native wine, through the drive up window.

SECTION 1.33(2) No Permit to be Issued for Certain Premises. No permit shall be issued pursuant to any Alcoholic Beverage Control Law of the State of Arkansas for the following premises:

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(2) ***Premises Operated in Conjunction with Certain Other Businesses.*** No off premises retail liquor permit shall be operated as part of the profit making business of any billiard hall, pool room, drug, grocery, sporting goods, dry goods, hardware, general mercantile store, or any other business unrelated to such permit;. However, the retail liquor store permittee may have tobacco products, mixers, soft drinks, and other items customarily associated with the retail package sale of the liquors;

Section 1.35 *Applications Granted Conditional-Time Limit Within Which to Meet Conditions.* Any conditions attached to the granting of a permit by the Director or Board must be met by the applicant within twelve (12) months of the final agency decision or the application will be cancelled by the agency. In order to extend the twelve (12) month conditional period, written approval must be obtained from the Director or Board before the expiration of the twelve (12) month period.

SECTION 1.38.1 Permit Renewal; Penalty for Failure to Renew on Time. Exception for Personnel Called to Active Duty in the Armed Forces of the United States Who Are Stationed Outside the State. All permits issued by the ABC Division are renewal on or before June 30th of each calendar for the fiscal year beginning July 1st. Any person renewing a permit after June 30th shall be required to pay a late renewal penalty in the amount of one-half (½) of the required yearly renewal fee for the permit for each sixty (60) days, or any portion thereof, after June 30th wherein the renewal is tendered, in addition to the amount of the yearly fee. Alcoholic Beverage Control Division permits may be renewed late by paying the above stated penalty beginning July 1st and ending October 28th of each fiscal year. No permit shall be renewed by the Alcoholic Beverage Control Division for the current fiscal year after October 28th.

For purposes of assessing the penalty, the renewal date shall be considered to be the date of the postmark if mailed, or the date of receipt, if hand delivered.

In accordance with Act 966 of 2003 any individual owner/operator permittee of this agency who is a member of the National Guard of Arkansas or any reserve component of the United States of America, who is ordered to active duty to a duty station located outside of Arkansas shall be allowed an extension for renewing an alcoholic beverage license issued by the Alcoholic Beverage Control Division. As provided by law the extension shall be allowed without penalty or assessment of a late fee if notification is given to the Alcoholic Beverage Control Division on or before June 30th of any Calendar Year that said individual owner/operator has been called to active duty as prescribed in Act 996 of 2003.

The extension shall not be granted where the person called to active duty is merely a manager for a corporation which is the permittee of this agency as other officers of the corporation may renew the permit in the absence of the person called to active duty. Likewise, the extension shall not be granted to any partnership or LLC where any partner or other member of the LLC can renew on behalf of the business entity. In accordance with Act 996 of 2003, the individual permittee of this agency that has been called to active duty outside the state shall have a grace period of six (6) months to complete the renewal process for his permit after release from active duty.

Section 1.60 Notice Required by Director to Certain Persons Upon Application for Permit. Upon receipt by the Director of an application for permit, written notice thereof, which shall include a copy of the application, shall be mailed by the Director to the Sheriff, Chief of Police, if located within a city, and Prosecuting Attorney of the locality in which the premises is situated, and to the Mayor and City Board of Directors or other governing body of the city in which the premises is situated, if within an incorporated area. No permit shall be issued by the Director until at least thirty (30) days have passed from the mailing by the Director of the notices required by this Regulation. **Provided,** that this requirement shall not apply if the applicant holds a restaurant mixed drink permit and subsequently makes application for a beer and/or wine permit only at the same location.

Section 1.79(28) Advertising, Selling or Dispensing Alcoholic Beverages on a Two or More for the Price of One Basis. The permittee advertised, sold, dispensed, or served any alcoholic beverages for on premises consumption on the basis of two or more drinks for the price of one. Further, the permittee advertised, sold, dispensed, or served alcoholic beverages without a limit to any person on the basis of a flat fee or cover charge. **Provided, further, that distilled spirits may not be sold by the bottle to patrons for self pouring at on premises consumption permitted outlets.**

SECTION 1.79(32) Failure to Be a Good Neighbor. The policy of the Arkansas General Assembly, per Act 695 of 1989, and the ABC Board, which is empowered to adopt regulations thereunder, is that every holder of an ABC license shall be held to a high duty of care and will operate their business where beverages are sold or dispensed in a manner which is in the public interest and which does not endanger the public health, welfare, or safety. Failure to maintain this duty of care shall be a violation of the Act and shall constitute grounds for the application of the full range of administrative sanctions and penalties against the subject license.

Any inquiry made under the provisions of this Regulation or Act 695 of 1989 shall be whether or not the outlet, as operated, promotes the public convenience and advantage or whether the continuation of the operation of the outlet would promote the public interest and whether or not the outlet's operation endangers the public health, welfare or safety in the area of a community in which it is located. It is specifically provided that during any hearing called under the provisions of this Regulation or the aforementioned Act the permitted outlet may be viewed as if it were a new application and all factors involved in the processing of the application may be re-determined as if the application was being made for the first time.

As to all violations occurring inside the permitted premises, the standard of proof shall be by substantial evidence. As to all violations occurring outside the permitted premises, the standard of proof shall be by clear and convincing evidence.

In addition to all factors which may be used on an initial application, inquiry may be made upon the control, or lack thereof, that the permittee exercises over parking lots and other areas adjacent to the permitted outlet which are under the direct control of the permittee. In addition, the permittee may be held accountable under this Section for excessive noise or loud music from his outlet and which is of such volume and such degree as to constitute a disturbance of the public peace.

Section 1.79(33) *Allowing Possession of Weapons on Premises.* That the permittee, or any employee of the permittee, allowed, or knew, or reasonably should have known, that any person without a possessory or proprietary interest in the permitted outlet was in possession of a weapon on the permitted premises. As used in this Regulation, “weapon” means any firearm that is designed, made, or adapted to be fired, or any knife or club as defined by Ark. Code Ann. § 5-73-120. Any weapon authorized to be in the permitted outlet pursuant to this Regulation must be kept out of sight and inaccessible to patrons and others who have no legal right to possess a weapon in the outlet. This Regulation excludes any law enforcement officer, any duly authorized agent of the Alcoholic Beverage Control Enforcement Division, and any licensed security guard, while acting in the course and scope of their official duties. ***Provided,*** that any person with a license issued by the Director of the Arkansas State Police may carry a concealed handgun, as such is defined in ACA § 5-73-301(2) and (3), into a restaurant, as such as defined in ACA § 5-73-306 1.(a)(12) and (13)(restaurants that have sixty percent (60%) or more of gross sales derived from food and food related items).

Section 1.81 Suspension of Permit When No Business Conducted for a Period of Thirty Days; Inactive Status of Permits. In the event a permittee does not conduct business under any permit issued for a period of thirty (30) days, the permit shall be surrendered to the Director and shall be placed on inactive status. Inactive status shall commence at the end of thirty (30) days after close of business, regardless of whether the permit is surrendered to the Director. In any event, for purposes of this Regulation, a business that has been closed for a period of thirty (30) days shall be deemed to be on inactive status. The permit may remain inactive for six (6) months or until the permittee notifies the Director that he is ready to resume business, whichever is shorter, subject to the permittee's petition to the Alcoholic Beverage Control Board for an extension of inactive status provided for in this Regulation. "Ready to resume business" includes the resumption of business at the permitted location or the filing of an acceptable application with the agency to transfer the location of the permitted business. If said application to transfer the location of the permitted business is granted conditional, the conditions must be met within twelve (12) months from the final agency decision granting the transfer application or the application will be cancelled. In order to extend the twelve (12) month conditional period, written approval must be obtained from the Director or Board before the expiration of the twelve (12) month period. Upon any such cancellation the inactive status of the permit will be calculated from the time the final agency decision granting the transfer of location was rendered. To secure the return of the permit, the permittee shall file with the Director a written statement showing that all taxes and fees owing to the State have been paid, the reason for the suspension of business activities and the date business activity will resume.

The permittee may petition the Alcoholic Beverage Control Board for an extension of inactive status for an additional six (6) month period. The Board may grant an initial extension upon a showing by the permittee and a finding by the Board that business circumstances exist to justify an extension, that the delay to return to business was not due to mere deferral or inattention on the part of the permittee, and that the inactive status should be extended. The permittee may appeal to the Alcoholic Beverage Control Board for a second extension of inactive status for an additional six (6) month period, but only upon a showing by the permittee and a finding by the Board that emergency circumstances exist to justify a final extension. Emergency circumstances are those delays in return to business which are beyond the control, planning, or foresight of the permittee, including, but not limited to, delays due to natural disasters, pending court actions, building construction problems, and contested insurance claims.

Any permit remaining on inactive status for a period of more than eighteen (18) months or which has not been granted an extension under the provision of this Regulation shall ~~be cancelled~~ expire pursuant to written notice given to permit holders by this agency or to the provisions of ACA § 3-4-201 as they apply. ~~All permits on inactive status with the ABC Division at the time that this~~

~~Regulation goes into effect shall be deemed to have such inactive status redefined in accordance with the provisions set forth herein, such time commencing to run from the date of adoption of this Regulation.~~ Any permitted outlet which has been on inactive status in excess of six (6) months shall be re-inspected by the ABC Enforcement Division to determine if the outlet is in compliance with required health and safety regulations before the permit(s) may be returned to active status. As part of the re-inspection process, the ABC Enforcement Division shall give notice of the request to return to active status to the law enforcement officer who has primary jurisdiction over the site of the permitted outlet.

SECTION 2.5.2 “Arkansas Native Brewer” means any small brewery or microbrewery restaurant licensed under the provisions of Act 1805 of 2003. A small brewery licensed under this law shall have the authority to manufacture and sell beer and malt beverages not to exceed an aggregate quantity of 60,000 barrels per year. The small brewery may sell to wholesalers or to the consumer at the brewery facility. A microbrewery restaurant operator who operates under the Arkansas Native Brewer license may manufacture beer and malt beverages in an aggregate quantity not to exceed 5000 barrels per year. The microbrewery restaurant may sell to wholesalers, to other retail dealers or to the consumer at the microbrewery restaurant for consumption either on or off the premises. Off premise sales are limited to those brand name products which are produced at the licensed facility. Native Brewer licensees may sell their beer and malt beverage products for off premises consumption during all legal operating hours of the business in which the business is normally and legally conducted if the Native Brewer provides tours and provides that only sealed containers are removed from the premises.

SECTION 3.19(10)B A Person Under Twenty-One (21); Exceptions. Any person less than twenty-one (21) years of age in the mixing, serving, selling or handling of controlled beverages. **Provided**, that nothing in this Regulation shall prohibit a minor eighteen (18) years of age or older to be employed as a musician or entertainer or to be employed in the preparation or serving of food or in the housekeeping department of any establishment licensed by this Agency; and nothing in this Regulation shall prohibit a minor eighteen (18) years of age or older, with the written consent of a parent or guardian, to be employed in the sale of beer at retail grocery establishments, nor from being employed by licensed liquor and beer wholesalers and by licensed native wineries to handle alcoholic beverages at the place of business of the licensed wholesaler or winery; and further, nothing in this Regulation shall prohibit a minor of any age to be employed as an entertainer when the minor and his parent or guardian perform together as part of the same show and the parent or guardian remains with the minor in a supervisory capacity.

For purposes of this Regulation, retail grocery establishments shall not include those establishments engaged in the sale of motor fuels which do not maintain an inventory of human consumables (not including alcoholic beverage products) in an amount in excess of fifty thousand dollars (\$50,000). The burden of providing this inventory requirement shall be on the permittee.

In accordance with Act 1807 of 2003 any person or organization which holds a public restaurant mixed drink permit as provided by ACA 3-9-202(8), a public hotel mixed drink permit as authorized by ACA 3-9-202(9), a restaurant wine permit as authorized by ACA 3-9-301 or a Sunday beer and wine permit as authorized under ACA 3-9-501 may employ persons 19 years of age or older, who have the written consent of a parent or guardian, to sell and handle alcoholic beverages at an establishment which holds one of the above licenses. **Provided**, that persons 19 years of age and older may not act as bartenders but they may otherwise open bottles of wine and beer and serve the alcoholic beverages and take payment for the same.

SECTION 5.14 “Private Club” means a non-profit corporation organized and existing under the laws of the State of Arkansas, no part of the net revenues of which shall inure directly or indirectly to the benefit of any of its members or any other individual, except for the payment of bona fide expenses of the club’s operation, having not less than 100 members ~~regularly paying dues of not less than five dollars (\$5.00) per member,~~ conducted for some common recreational, social, patriotic, political, national, benevolent, athletic, community hospitality, professional association, entertainment, or other non-profit objective or purpose other than the consumption of alcoholic beverages, owning or leasing a building or space therein for the reasonable comfort and accommodation of its members and their families and guests and restricting the use of the club facilities to such persons, and which shall have been in existence for a period of not less than one (1) year before application for permit. No organization holding a private club permit shall market, sell, or otherwise furnish the name of its members, or any other information pertaining to its members, to any other public or private entity, except as is authorized in Arkansas Code Annotated 3-9-232(a).

Section 5.15 Information, Statements and Documents to be Furnished by Applicant.

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- (13) Private club mixed drink permit not to be issued to any unqualified non-profit corporation. Pursuant to the authority of Ark. Code. Ann. 3-9-205, the definition of "Private Club" as stated in Ark. Code Ann. 3-9-202(10) henceforth will be interpreted by the Alcoholic Beverage Control Division as follows:
- A. Non-profit corporation must have been existence for a period of one (1) year upon the date of application for a private club mixed drink permit, as evidenced by an Order of approval signed by a State Circuit Court Judge and filing with the office of the Secretary of State;
 - B. At the date of filing for a private club permit, the non-profit corporation must have one hundred (100) or more members. ~~who have paid annual dues in the amount of five dollars (\$5.00) or more.~~ Copies of membership applications and receipts evidencing payment of membership dues may be required to be furnished with the application;
 - C. Non-profit corporation must have a non-profit objective or purpose, as set out by the Arkansas Code, other than the consumption of alcoholic beverages;
 - D. Non-profit corporation must have met regularly (at least once a month) for a period of one (1) year preceding the date of application, as evidenced by minutes of such meetings.

SECTION 5.45 *Hotel-Motel Guest Authorized to Apply for Membership of Private Clubs.* In any case where a private club is operating with facilities connected with or leased or rented from a hotel or motel, any person registered as a guest of such hotel or motel may be admitted as a member to such private club only after making the application ~~and payment of the yearly fee~~ prescribed by these Regulations for any other applicant for private club membership.

Section 5.47 Advertising the Availability of Alcoholic Beverages to the Public by a Private Club in a Dry Area. Private clubs in any area of the state where the sale of alcoholic beverages is prohibited by law (“dry” area) are prohibited from using the advertising media, including any signs or trade names on the exterior of the club building, to promote the consumption, use or availability of alcoholic beverages within the club. The use of terms that connote the availability of alcoholic beverages, such as “happy hour”, “two for one”, or any other term or brand name that generally identifies any brand or mixture of alcoholic beverages, is included in this prohibition.

~~Further, No licensed private club may use any term as part of its trade name that identifies the club as an outlet for alcoholic beverages. The use of terms such as “lounge”, “saloon”, tavern”, “bar”, “cantina”, or any other term that is generally associated with alcoholic beverage outlets, is prohibited. Any licensed private club that currently uses any such term as part of its trade name must file an acceptable change of trade name application with the Alcoholic Beverage Control Division within ninety (90) days of the effective date of this Regulation.~~

No private club may advertise or use any part of the advertising media to announce social functions of general interest to the membership, entertainment, or other similar activities within the confines of the club property, without preceding such advertisement or announcement with the words “Notice to Members” or “Attention Members” prominently displayed, and the name of the club sponsoring such social activities.

Section 5.49 Presence of Minors in Private Clubs.

No minors may be allowed on the permitted premises of a private club when alcoholic beverages ~~were~~ are being served ~~and there was no~~ unless there is food service available from health department approved kitchen facilities on such premises where ~~such~~ the food is prepared and being served.

SECTION 5.56 ~~Sale of membership to applicant at the time of entry into club~~—Application for Membership Only Required When Distilled Spirits Drink or Beverage Made From Distilled Spirits Product is Ordered - Optional “New Member Discount”. Any private club permittee located within a wet area, under the terms of Act 1371 of 1999, as applies to the dispensing or consumption of alcoholic beverages, shall require a person to become a member of the private club only when that person orders a distilled spirits drink or a beverage made from distilled spirits products. No membership application is required. No “guest” status (for the purpose of ordering a distilled spirits drink), as provided for private clubs in dry areas, is allowed. **Provided,** private clubs may elect, upon written notice to this agency, to operate the private club in accordance with the regulations promulgated by this agency prior to the passage of Act 1371 of 1999.

Section 5.60 Advertising Availability of Alcoholic Beverages to the Public by a Private Club in a Wet Area. Private clubs in any wet area of the state are prohibited from using the advertising media to promote the consumption, use or availability of ~~alcoholic beverages- distilled spirits~~ within the club. The use of terms which connote the availability of distilled spirits drinks, such as “Margarita Special”, “Martinis”, or any other term or brand name that generally identifies any brand or mixture of distilled spirits, is included in this prohibition. However, if an organization located in a wet area holding a private club permit also holds a retail beer and/or retail level wine permit, then said private club organization may advertise the availability of beer and/or wine ~~(with the applicable retail permit)~~ for consumption on the private club premises ~~without otherwise being in violation of this Regulations.~~ **Provided** Further, the visual observation of the dispensing, service, or consumption of alcoholic beverages or alcoholic beverage signage within a private club located in a wet area does not constitute ~~advertising the availability of alcoholic beverages~~ a violation of this section.

SECTION 5.65 *Payment for the Sale or Dispensing of Alcoholic Beverages in Private Clubs in Wet Areas Operating Pursuant to Act 1371 of 1999.*

Payment for alcoholic beverages sold or dispensed in a private club in a wet territory operating under the provisions of Act 1371 of 1999 shall be as is provided for in ABC Reg. 3.19(5). In addition, those private clubs that are located in any area of the state where the sale of alcoholic beverages is allowed by law (“wet” area) that assess minimum monthly dues of fifty dollars (\$50.00) may assess such members for the cost of controlled beverages at the time of dispensing of the alcoholic beverages and then bill that member only on a subsequent date by mail.

SECTION 6.7 Arkansas Native Brewers Authorized to Distribute Samples of Alcoholic Beverages in Any Wet Territory of the State. An Arkansas Native Brewery, as defined in Act 1805 of 2003, is authorized to seek permission from the Alcoholic Beverage Control Division for permission to conduct a beer tasting event for educational and promotional purposes in any wet area of the state.

Application for permission to distribute beer samples must be received by the ABC Division at least three (3) weeks prior to the event. Written notice of the application shall be mailed by the ABC Division to the law enforcement officer who has primary jurisdiction over the site where the event will be held. If the Director finds that circumstances exist which precluded the timely filing of the application with the ABC Division, written approval of the event by the law enforcement officer having primary jurisdiction over the site of the event must accompany any such late filed application received by the ABC Division.

The request must be submitted with authorization from the land owner or the party exercising legal control over the area where the event will be held. The application for permission must describe the area where the event will be held including the size and dimensions of the area and the request must clearly describe the character of the location. Beer tasting events conducted by Arkansas native brewers licensees may be held in any facility in any wet area of the state licensed by the Alcoholic Beverage Control Division if written notice is given to the Alcoholic Beverage Control Division as previously described.

The criminal penalties for drinking in public as prohibited by ACA 5-71-212 are not applicable to any beer and malt beverage tasting event approved by the Alcoholic Beverage Control Division under Act 1805 of 2003.

As used in this regulation beer or malt means any malt beverage product manufactured by an Arkansas native brewer licensee. Samples may be distributed on Monday through Friday between the hours of 7:00 a.m. and 1:00 a.m. the next day. On Saturday samples may be distributed only between the hours of 7:00 a.m. and 12:00 midnight. No sampling activity may take place on a Sunday unless the event is taking place in an area which is voted for the sale of liquor by the drink on a Sunday and, in such event, samples may be distributed between the hours of 12 noon and 10:00 p.m. or such lesser period of time as may be provided by local ordinance for the retail sale of alcoholic beverages on a Sunday.

Any action by the Director in granting or denying such application is appealable to the ABC Board pursuant to Section 1.51 of these regulations, provided that such action on the part of the Director shall be effective immediately without the requirement of such action being ratified by the ABC Board at the next Board meeting.