

**DEPARTMENT OF STATE
OFFICE OF THE ALCOHOLIC BEVERAGE CONTROL COMMISSIONER
100 Alcoholic Beverage Control Commissioner**

**101 (Formerly Rule 74) A Rule Pertaining to the Transcription of Testimony Taken Before the
Delaware Alcoholic Beverage Control Commissioner**

1.0 Purpose

The purpose of this rule is to ensure that an accurate and complete record is kept of proceedings before the Commissioner and that transcription of the record complies with the Administrative Procedures Act and Liquor Control Act and is prepared in a timely manner for the purpose of appeal.

2.0 Applicability

This rule shall apply to all appeals, including extraordinary writs, contesting any rule or regulation adopted by the Commissioner. It shall also apply to all appeals of any decision, including extraordinary writs, affecting the denial or issuance of an alcoholic liquor license and the cancellation, suspension, or other administrative sanction imposed on a licensee.

3.0 Procedure

- 3.1 Immediately upon filing an appeal of any matter heard before the Commissioner, the appellant shall notify the Commissioner in writing of the need for a transcript.
- 3.2 The Commissioner's staff shall make arrangements for the preparation of a transcript. The appellant shall pay the Commissioner's court reporter directly for the expense of transcribing the record and the cost of four (4) copies.
- 3.3 Upon payment, the court reporter shall forward the original transcript and four (4) copies to the Commissioner.
- 3.4 The Commissioner shall certify the transcript and file the original and one (1) copy with the court or the original and two copies with the Appeals Commission, as applicable. One (1) copy shall be retained by the Commissioner and placed in the licensee's file.
- 3.5 Failure by the appellant to pay the proper remittance directly to the court reporter will result in the Commissioner being unable to certify and file the transcript with the court or the Appeals Commission.
- 3.6 In summary, the cost of any transcript of record required by the Superior Court, the Appeals Commission or any other court on review of a decision of the Commissioner shall be borne by the party taking the appeal to the Superior Court or any other court. Such appellant shall be responsible for the costs of any transcript(s) required by the court(s), plus the cost of a copy for the licensee's file.

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