

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
1600 Commission On Adult Entertainment Establishments
Statutory Authority: 24 Delaware Code, Section 1604 (24 **Del.C.** §1604)
24 DE Admin. Code 1600

PROPOSED

1600 Commission on Adult Entertainment Establishments

PUBLIC NOTICE

Pursuant to 24 **Del.C.** §1604, the Commission on Adult Entertainment Establishments has proposed revisions to its rules and regulations.

A public hearing will be held on April 22, 2010 at 2:00 p.m. in the second floor conference room of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware, where members of the public can offer comments. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Commission on Adult Entertainment Establishments, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address. The final date to receive written comments will be at the public hearing.

The Commission has proposed to add a definition of "substantial portion" to the rules and regulations. This revision implements the recent amendment to the Commission's licensing law, Chapter 16 of Title 24 of the Delaware Code, with respect to adult oriented retail establishments.

The Board will consider promulgating the proposed rules and regulations at its regularly scheduled meeting following the public hearing.

1600 Commission on Adult Entertainment Establishments

1.0 Sanctions for Violations

- 1.1 Pursuant to 24 **Del.C.** §1618(c), the Commission may, following a hearing, impose civil fines and/or license suspensions for violations of the following statutes:
 - 1.1.1 24 **Del.C.** §1608
 - 1.1.2 24 **Del.C.** §1610
 - 1.1.3 24 **Del.C.** §1611
 - 1.1.4 24 **Del.C.** §1617
 - 1.1.5 24 **Del.C.** §1622
 - 1.1.6 24 **Del.C.** §1629
- 1.2 The Commission may, in its discretion, impose fines of no less than \$250.00 and no more than \$1000.00 and/or license suspensions of no less than one (1) day and no more than sixty (60) days for each violation of the laws set forth at Rule 1.1.
- 1.3 If a penalty imposed by the Commission, pursuant to this rule, is not complied with pursuant to the terms of the Commission's Order, the Commission shall convene a hearing for the licensee to show cause why the license should not be revoked and/or additional penalties imposed.
- 1.4 Nothing in this rule shall prohibit the Commission from imposing a license revocation in lieu of or in addition to any penalty established under this rule, if license revocation is a penalty authorized by statute for the specific offense(s).

2.0 Adult Oriented Retail Establishments

The Commission has determined that as used in 24 Del.C. §1602(3) the term "**substantial portion**" means fifty percent (50%) or more of the (i) retail floor space open to the public; or (ii) gross receipts earned by the retail establishment.

13 DE Reg. 1294 (04/01/10)