

# Instructions on Applying for an Alcoholic Beverage License



## In St. Mary's County

**The Alcohol Beverage Board of St. Mary's County**

**P.O. Box 653**

**41650 Tudor Hall Road**

**Leonardtown, MD 20650**

**(301) 475-4200 Ext. 71600 - Fax (301) 475-3364**

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## **1. Before you start:**

**a.** You should have the following information prior to starting your application:

- i.** Is it a new business that you are starting or an existing business that you are taking over?
- ii.** Where is it located?
  - 1.** If your business is located in the Corporate Town of Leonardtown, you will need the approval of the Commissioners of the Corporate Town of Leonardtown before your application can be approved by the Alcohol Board of St. Mary's County
- iii.** Are you renting or buying the property?
- iv.** If your business will be a restaurant, will you be doing any catering?
- v.** What type of business entity are you:
  - 1.** Sole proprietor or Partnership
    - a.** All applicants will have to fulfill the residency requirement:
      - i.** Individual and partnership licensees must be the actual and true operators of the business for which the license is issued and a two (2) year resident of St. Mary's County.
    - 2.** Limited Liability Company or Limited Liability Partnership
      - a.** At least one applicant must fulfill the residency requirement
        - i.** If the application is made for a limited liability company or limited liability partnership, the license shall be applied for by and be issued to three (3) of the authorized persons of that LLC or LLP, as individuals, for the use of the LLC, at least one (1) of whom shall be a registered voter and taxpayer of the county when the application is filed with the Board Administrator and shall also have resided there at least two (2) years before the application.
    - 3.** Corporations
      - a.** At least one applicant must fulfill the residency requirement
        - i.** If the corporation has three (3) or more officers, the license shall be applied for by and be issued to three (3) officers or directors. All officers or directors shall make the application. If there are no officers or directors, at least one (1) stockholder shall make the application. At least one of the officers (or stockholder) shall be registered voter & taxpayer of the county & shall have resided in St. Mary's County at least two (2) years. The owners of 15% of the total stock shall have resided in St. Mary's County for six (6) months preceding the application. The application shall be signed by the president or vice-president as well as by the officers to whom the license shall be issued.
- vi.** Will your trade name be the same as your entity name? If not, you will need to file for a trade name too.
- vii.** Have your business entity formed as soon as you can. You cannot start the application process until it is formed.

## 2. Starting the application:

a. You will be given a **deadline date** and a **board meeting date**. Please make note of these dates. If you do not have all the required information into the office by **10:00 am** on the deadline date, your application will not be heard on the scheduled board meeting and you will have to wait another month. It is suggested that you do not wait until the deadline day to bring in your completed application package. Deadline day is a very busy day and there is little time to correct any problems with the application by 10:00 am. If there are problems with your application, it will most likely hold up your application for another month.

### b. Items needed by the deadline date:

- i. No application can be filed without a **Combined Registration number (Sales & Use Tax number)**. You will receive a Combined Registration Application in your package.
  1. **FIRST**, if you are a newly formed business ó fill this out and send off as directed on the form immediately. Fill in with the same business entity information that you will enter on your application for your liquor license.
  2. If you are an existing business ó use your current Combined Registration number. The information you put on your liquor license application should be exactly the same as what is on your Sales & Use Tax License
  3. If you have any questions regarding this form, please call the number listed on the form.
- ii. Fill out the **Application for a Liquor License**. Please follow the instruction sheet very carefully. If your application is filled out incorrectly, it will hold up the processing.
- iii. If you are renting the building/property your business will be operating out of, you must furnish us with a **copy of the lease**.
  1. Your lease may contain a clause that it is contingent upon your Application for a Liquor License being approved. Make sure that if this is something you need, it is included in your lease agreement. The Alcohol Beverage Board cannot be held responsible if you are not approved. You may want to have your attorney look over the lease before you sign it.
  2. If you are buying the property, your sales agreement may also be contingent upon the approval of your liquor license application. Again, this is your responsibility. It is recommended that your attorney look over the sales contract.
- iv. A criminal background check is necessary for an incoming licensee. All applicants must receive a **Live Scan pre-registration form** from this office. The office also has a list of CJIS approved sites. You must make an appointment with one of these sites before the Board meeting.
- v. A **plot plan** of the proposed license premise, dimensioned or drawn to scale, showing existing or proposed structures and a floor plan of premises showing interior locations with each room use labeled must be provided **The plot plan must not be larger than 8 ½” x 14”**.

- vi. **Corporate Town of Leonardtown approval** ó if your establishment is located within the Corporate Town of Leonardtown, you will need the Town Commissioners approval to open prior to coming before the Alcohol Board.
- vii. **Federal Special Occupational Tax Stamp** ó There is no longer a fee for this, however, the paperwork must still be filed with the Alcohol & Tobacco Tax and Trade Bureau. You may obtain the forms by contacting the TTB at (800)937-8864 or go to their website: [www.TTB.gov](http://www.TTB.gov) . You will need form F5630.5d
- viii. **Catering License Application** ó if you will be operating a restaurant that will have a catering service and you would like to be allowed to cater alcoholic beverages as well, you will need to request this application from this office. There are special Health Dept requirements that must be fulfilled before approval of this privilege. Catering privilege is an additional \$250 fee per year.
- ix. **Corkage License Application** – if you are applying for a Class B - Restaurant or Class C ó Club license, and you would like to offer corkage service to your patrons, you will need to request this application from this office.
- x. **Refillable/Non Refillable Container Permit** ó if you will be selling OFF sale (consumption off the premise) and you would like to sell growlers/crowlers, you will need to request this application from this office.
- xi. Copies of the following information for your Business Entity are needed:
  - 1. **Sole Proprietors or Partnerships:**
    - a. Business agreement if you have one
  - 2. **Limited Liability Partnerships:**
    - a. Certificate of Limited Liability Partnership status
    - b. Copy of Partnership Agreement, if you have one
    - c. Copy of Organization Minutes showing partners and their percentage of interest in the business, if you do not have a Partnership Agreement
    - d. Certificate of Good Standing from the State Dept of Assessments & Taxation, if an existing LLP
  - 3. **Limited Liability Companies:**
    - a. Articles of Organization
    - b. Approval of Articles from State Dept of Assessments & Taxation
    - c. Organizational Minutes showing members and/or authorized persons and their percentage of interest in the business
    - d. Operating Agreement, if you have one
    - e. Certificate of Good Standing from the State Dept of Assessments & Taxation, if an existing LLC
    - f. LLC Member Certification form (from this office)
  - 4. **Corporations:**
    - a. Articles of Incorporation
    - b. Approval of Articles from State Dept of Assessments & Taxation
    - c. By-Laws
    - d. Organizational Minutes of the Corporation indicating officers elected and shares of stock

- e. Stock certificates showing pecuniary (financial) interest of each applicant.
    - i. Note: if there is only one qualifying applicant (Resident) on the application, that applicant must own 15% of the capital stock of the corporation.
  - f. Certificate of Good Standing from the State Dept of Assessments & Taxation, if an existing corporation
- xii.** If this is an **existing business** that you are taking over, you will need the following:
1. **Management Agreement**, if you will be running the business prior to the approval to transfer the license. We must have this immediately, before you start running the business. You cannot take over the business until the Board has approved your application. You can be hired by the current owner to manage the business until the transfer is final.
  2. **Bulk Sales Transfer Form 010-3**
    - a. This is an inventory form of the current alcohol stock that is being transferred over to you from the current licensee. Fill this form out and include the inventory as the form instructs.
    - b. Please bring a copy of the completed form and a copy of the inventory and return to this office with the Affidavit of Compliance. The original is to be mailed with your \$200 check to the address on the form. Failure to do this will result in not receiving your alcohol license.
  3. **Affidavit of Compliance** w/Bulk Transfer Act, as required by §4-302(b)(3) of the Alcoholic Beverages Article of the Annotated Code of Maryland.
  4. All taxing agencies must be cleared of all tax obligations for the current licensee. If any taxes are due, the application will not be processed until all obligations are cleared.
  5. This office will check to see if the following tax obligations are cleared:
    - a. Personal Property
    - b. Retail Sales
    - c. Withholding & Amusement Tax
- xiii.** The following **checks** will be required:
1. For application fee:
    - a. Check for **\$250** made payable to the **Treasurer of St. Mary's County**
  2. For required legal advertisement:
    - a. Check for **\$66** made payable to **APG Media of Chesapeake, LLC**
  3. For background check:
    - a. You must check with the CJIS approved site for fee.
  4. For **transfer of license** from an existing business:
    - a. Check for **\$200** made payable to the **Alcohol & Tobacco Unit**, for the Bulk Transfer fee, to be mailed w/Bulk Transfer Form and inventory sheets
    - b. Check for **\$100** made payable to the **Treasurer of St. Mary's County**, for the transfer of the license fee

5. For license fee for a **new business**:

- a. Check for \$\_\_\_\_\_ made payable to the **Treasurer of St. Mary's County**
- c. **On (preferably prior to) Deadline Day** – you will meet with the Board Administrator or one of her staff members at the Alcohol Beverage Board Office: 41650 Tudor Hall Rd., Leonardtown. Your application package will be checked for completeness.
  - i. If any items are missing or any problems have arisen, the applicant will be given a chance to correct these things **IF TIME ALLOWS**. If the issues cannot be resolved by 10:00am on the deadline day, the application will be postponed for at least one (1) month, and the applicant will be issued a new deadline date.
  - ii. If all items are in order, the application will be accepted and the office will begin processing the application. Items needed by Board Meeting day will be discussed and any questions answered. The application will be heard at the scheduled Board Meeting.
- d. **Items needed by the Board Meeting:**

*If you are requesting an extension of premise, please make sure to inform the following agencies of that as well. They must be made aware of every area where patrons will be consuming alcoholic beverages, as well as any additional serving counters you may be using.*

- i. Approval from **Environmental Health**: 21580 Peabody St., Leonardtown
  1. Contact Health Dept ó (301) 475-4321, for an appointment.
- ii. Approval from **Land Use & Growth Management** ó Dept of Permits & Inspections: 23150 Leonard Hall Dr., Leonardtown
  1. Contact LUGM ó (301) 475-4200 ext. \*1580 for an **Occupancy or Change of Occupancy Permit**
- iii. Approval from the **State Fire Marshall's Office**
  1. Call (443) 550-6820 for an appointment
  2. Determine if you are required to have a **Crowd Manager** in accordance with the law for places of public assembly where 50 or more persons gather. If so, designate & train a Crowd Manager for your licensed premises in accordance with the Office of State Fire Marshall Crowd Manager Training Program requirements.
- iv. A copy of your **Traders License** - this license allows you to sell retail.
  1. Contact the License Department at the Courthouse ó (301)475-7844 x4563. you will need your workers comp #, Federal Tax ID #, Corporate ID # (if applicable), opening inventory amount, location and mailing address, phone #, Trade Name, and Corporate Name (if applicable).
- v. Approval of **Land Use & Growth Management** ó Dept of Planning & Zoning ó location of business must comply with zoning laws
  1. The Alcohol Beverage Board will check with LU&GM to see if you are within the zoning laws. If you would like to check yourself, you may contact Yvonne Chaillet ó (301) 475-4200 ext. \*1523

- e. **On Board Meeting Day – all applicants must be present** at the meeting of the Alcohol Beverage Board of St. Mary's County, held at **1:00pm** in the Chesapeake Bldg: 41770 Baldrige St., Leonardtown
- i. **Alcohol Awareness Training** ó applicants have **90 days from the time the application is approved** to fulfill this requirement. A schedule of classes is included in the application package. Since classes can be held very infrequently, it is suggested that you sign up for a class as soon as possible after you pick up your application package.
  - ii. **Responsible Alcohol Service Training** - applicants have **90 days from the time the application is approved** to fulfill this requirement. Contact the Alcohol Beverage Board office to RSVP for the next available class.
  - iii. If this is a **transfer** of an existing licensed establishment ó the **current license** must be brought to the Board Meeting in order for the transfer to take place.
- f. In your application package is a copy of the local **Rules and Regulations**. Please take the time to go over it, so you are aware of what is required of you as an Alcoholic Beverage Licensee. The Board may quiz you on the contents at your application hearing. Keep these Rules and Regulations in a safe place where you and your employees can refer to them as often as needed. The Rules and Regulations change often and you are responsible for knowing those changes. An updated copy is mailed to licensees once a year. A current copy can also be found on our website: [www.stmarysmd.com](http://www.stmarysmd.com) - click on Public Agencies and look for Alcohol Beverage Board.

### 3. Special Conditions:

- a. A **Conditional Approval** can be granted if certain circumstances exist that do not allow the business to begin operating by Board Meeting day. Once the óconditionsö of the approval are met and proof of such are submitted to the Board Administrator, the applicants can pick up their license without having to attend another Board Meeting. The following are two examples of reasons for a conditional approval:
  - i. If the building is a **new construction** and will not be complete by Board Meeting day, you can receive a conditional approval of your application. Please refer to Section 2.09 of the Rules and Regulations of the Alcohol Beverage Board of St. Mary's County, for further information. The Board will inquire as to how much time you will need to begin operations.
  - ii. If you have been unable to schedule an appointment with the Health Dept or Fire Marshall prior to Board Meeting day, you may ask for a conditional approval of your application.
- b. There is a limit to the number of **Class A (Liquor/Package Store) Licenses** that can be granted per election district. If you are applying for a new license (does not affect transfers) in a district that has already met its quota, you will be put on a waiting list and notified when there is an opening.
- c. **Specialty Licenses** may have additional requirements. For example a Salon (S-BW) license would require proof of licensing as a Beauty Salon

**For your convenience, a checklist of the requirements discussed has been provided for you on the following page. Please use it to help you keep track of where you are in your application process. Your deadline and Board Meeting dates are listed there as well.**

# APPLICATION CHECKLIST

**DEADLINE DATE: 10:00 am on \_\_\_\_\_**

## **Needed by Deadline Day:**

- Combined Registration Number
- Completed Application for Alcoholic Beverage License
- Copy of Lease
- Completed Live Scan pre-registration form
- Plot Plan of Proposed Licensed Premises (no larger than 8 1/2" x 14")
- Corporate Town of Leonardtown approval (if applicable)
- Special Tax Stamp Form
- Business Entity Information
  - ◆ Trade Name registration, if trade name different than entity name
  - ◆ Specialty Trade Licensing (Beauty Salon, etc.)
  - ◆ Sole Proprietor/Partnership
    - Business Agreement, if you have one
  - ◆ Limited Liability Partnership
    - Certificate of Limited Liability Partnership status
    - Copy of Partnership Agreement, if you have one
    - Copy of Organization Minutes
    - Certificate of Good Standing, if existing LLP
  - ◆ Limited Liability Company
    - Articles of Organization
    - Approval of Articles
    - Organizational Minutes
    - Operating Agreement, if you have one
    - Certificate of Good Standing, if existing LLC
    - LLC Member Certification form
  - ◆ Corporation
    - Articles of Incorporation
    - Approval of Articles
    - By-Laws
    - Organizational Minutes
    - Stock Certificates
    - Certificate of Good Standing, if existing Corporation
- If transferring a license
  - Management Agreement (if new ownership will be operating business before transfer is final)
  - Bulk Sales Transfer Form and Inventory
  - Affidavit of Compliance w/Bulk Transfer Act
  - All taxes cleared



## APPLICATION CHECKLIST cont'd

### Checks

- \$250 to **Treasurer of St. Mary's County** for application fee
- \$66.00 to **APG Media of Chesapeake, LLC**
- \$\_\_\_\_\_ for background check ó call CJIS site for more info
- \$200.00 to **Alcohol & Tobacco Unit**, if transfer
- \$100.00 to **Treasurer of St. Mary's County**, if transfer
- \$\_\_\_\_\_ to **Treasurer of St. Mary's County**, if new license
  - Plus \$\_\_\_\_\_ for special permits (catering/refillable container)

\* \* \* \* \*

**BOARD MEETING DAY: 1:00 pm on \_\_\_\_\_**

**ALL APPLICANTS MUST BE PRESENT**

### **Needed by or before Board Meeting Day:**

- Health Department Approval
- Occupancy or Change of Occupancy permit
- Fire Marshall Approval ó must have Load Occupancy Posting
- Traders License
- Alcohol Awareness Training **and**
- Responsible Alcohol Service Training

### **Needed to pick up your license:**

- Approved copy of Legal Notice from Board Administrator
- Current license, if a transfer
- Check to Treasurer for transfer fee, if existing business
- Check to Treasurer for license fee, if new business
- Traders License
- Current License, if an existing establishment

## **IMPORTANT REMINDER**

**Your license expires April 30<sup>th</sup> of every year. Renewal forms are mailed out in January and must be received no later than March 3<sup>rd</sup> of each year (or last business day prior). It is your responsibility to make sure that our office has your correct mailing address. If you fail to renew your license by the deadline of March 3<sup>rd</sup>, your current license will expire on April 30<sup>th</sup> and you will be required to reapply for a new license. This will mean that your establishment will not be allowed to sell or serve alcoholic beverages during that time. So mark your calendar, if you have not received your Renewal form by February 1<sup>st</sup>, please notify this office.**