

# LIQUOR LAWS & NONPROFITS IN FREDERICK COUNTY

OCTOBER 18, 2018

DEBBIE BURRELL

LIQUOR BOARD CHAIR

# In the Beginning...

- ▶ Prohibition was repealed on December 5, 1933, which allowed each state to set its own consumption laws.
- ▶ Maryland has a 3-tier system. The state licenses the first 2 tiers; manufacturers and wholesalers. County Liquor Boards license the 3<sup>rd</sup> tier; retailers (sales i.e. stores, restaurants, and one-day licenses)
- ▶ Alcohol laws are passed in legislation. County Liquor Boards may then make regulations or policies that tighten those laws that are passed but, may not waive or make them more lenient. County Liquor Boards may ask for laws to be changed for just their jurisdiction through the Maryland General Assembly.



# Frederick County Liquor Board



- ▶ Frederick County's Liquor Board started as a one member board
- ▶ The board increased to 3 members in 1985.
- ▶ Board members are appointed to 5 year terms by the Governor.
- ▶ The process starts with an application that is applied for on line via the Governor's appointments website.
- ▶ Recommendation letters are also submitted on behalf of the applicant which can be submitted by anyone but mainly come from Senators.
- ▶ As of today, Frederick County Liquor Board licenses 331 establishments and have issued 369 Special One-Day Licenses.

# Frederick County Liquor Board-Staff

## Regulates the SALE of Alcohol

Chair Debbie Burrell

Board Member Frank Davis

Board Member Joan Aquilino

Penny Bussard, Coordinator

Bob Shrum, Inspector

Bob Lind, Inspector

Ashley Sklarew, Administrative Specialist

Dawn Shugars, Administrative Specialist

# A Special One-Day license is required:

- ▶ Cash Bar
- ▶ Included in the price of a ticket/entry fee (set fee or donation)
- ▶ For purchase of a ticket/token to exchange for an alcoholic beverage
- ▶ An event where everything is free, BUT a donation of any amount is required.



# A license is NOT required:

- ▶ BYOB events
- ▶ Wedding reception or open house type of events where the host is providing all the alcoholic beverages, and no fee of any type is being charged.





# Applicant(s)

- ▶ Requirements
  - ▶ 2-Year Frederick County resident
  - ▶ Registered voter
  - ▶ Cannot be a convicted felon
  - ▶ Cannot be financially interested in any other place of business in Frederick County were a license has been applied for, granted or issued.
- ▶ At least one of the applicants must be at the event (if only one applicant, must be at the event in its entirety).
- ▶ Not permitted to consume alcohol at the event
- ▶ Assumes responsibility for the event.

# Alcohol Awareness

- ▶ At least one person at the event must have Alcohol Awareness Training.
- ▶ There are several State approved courses: TIPS, TAM, BEST, John Murray, Maryland BEST, etc.
- ▶ FCLB offers reduced cost TIPS classes for \$30 twice a month.
- ▶ Certifications are valid for 4 years.
- ▶ This person(s) is not permitted to consume alcohol at the event.



# Download an application

[www.FrederickCountyMD.gov/Liquor](http://www.FrederickCountyMD.gov/Liquor)

Select Special "one-Day" Licenses (Per Diem)

10

enses (Per | x +

ps://www.frederickcountymd.gov/7746/Special-One-Day-Licenses-Per-Diem

count - Increase your productivity, customize your experience, and engage in information you care about.

**Frederick County**  
Government Maryland  
Rich History, Bright Future

Government Departments Services Community Business **How Do I**

Home > Government > Allied Agencies > Liquor Board > Special "One-Day" Licenses (Per Diem)

## Special "One-Day" Licenses (Per Diem)

[Special \(One-Day\) Licenses for Non-Profit Organizations](#)

Special Licenses are issued to Non-Profit Organizations and Clubs for specific Occasions or events, not to exceed a consecutive seven day duration. All Special Licenses are Class C, On Sale ONLY, for consumption on the premises only. To begin the process download and save the application below. When complete, print the application, obtain original signatures and notary information and submit it to the Liquor Board office at least two weeks prior to the event to avoid late fees. Instructions and a Diagram checklist are also listed below to assist you with the application.

Frederick County Liquor Board offers three different types of licenses. The types and prices are listed below:

- Beer Only \$10 per day
- Beer & Wine (Wine is up to 22% alcoholic content) \$10 per day
- Beer, Wine & Liquor \$30 per day

A license **IS** required when alcoholic beverages are sold, This includes, but is not limited to,

- A cash bar
- Included in the price of a ticket or entry fee (set fee or donation)
- For purchase of a ticket or token to exchange for an alcoholic beverage
- An event where everything is free, but a donation of any amount is required.

A license is **NOT** required for,

- An event that is BYOB
- Wedding reception or an open house, or some type of event where the host is providing all the alcoholic beverages, and no fee of any type is charged to attend

If the details of your event are not exactly as presented in this information, please click [here](#) to send an email with the event information so that we may be able to advise you if a license is required.

- [Special \(one day\) License Application](#) (for prompt service, [email](#) the completed application)
- [Promoter's Application](#)
- [Special \(one day\) License Application Instructions](#)
- [Diagram Checklist for Special \(one day\) License Applications](#)

\*\*Special Event and Anniversary Bottles are permitted, however you must contact staff for further details.

**ONLINE PAYMENTS**

- Mission/Customer Service Promise
- Applications
- Special "One-Day" Licenses (Per Diem)
- Forms (Liquor Board)
- License/Admin Fees
- Policies (Adopted)
- Training
- Hearing Agendas & Minutes
- Reports & Statistics
- News Flash (Liquor Board)
- Alcoholic Beverages Article of Maryland
- Incident Weather Closures/Delays
- Useful Links
- Licensee Tools

**Parks & Recreation**

**Health Department**

**Frederick Transit**

# Submit Applications at least two weeks prior to the event.

**FREDERICK COUNTY SPECIAL LICENSE APPLICATION FOR CLASS C SPECIAL LICENSE**

First time applicants must submit the following items: (This is only for the initial license, not subsequent licenses)  
 \*Constitution and by-laws showing that the organization is non-profit. (Exempt Status 501c (3))  
 \*Federal Tax ID Certificate (Exemption from federal income tax as provided for in 501c (3))  
 All applications must submit the following:  
 \*Application completed by a Frederick County resident of two years and a registered voter.  
 \*Affidavit completed and signed by the applicant.  
 \*Appropriate fee (personal check, company check, money order (made payable to Treasurer of Frederick County or cash (exact change only)).  
 \*Affidavit completed and signed by Landlord.

MULTI EVENT LICENSE

CHECK ONE:  CLUB (NON PROFIT)  SOCIETY  ASSOCIATION

TYPE OF LICENSE REQUESTED:  
 Beer Only \$10.00/day  Beer and Light Wine - \$10.00 /day  Beer, Wine and Liquor - \$30.00/day

**APPLICATIONS SUBMITTED WITHOUT 2 WEEKS NOTICE ARE SUBJECT TO A LATE FEE WITH APPLICATION FEE**

Date(s) of Event: \_\_\_\_\_ Times: \_\_\_\_\_ Rain Date: \_\_\_\_\_

NAME OF ORGANIZATION: \_\_\_\_\_  
 ADDRESS OF ORGANIZATION: \_\_\_\_\_

NAME OF APPLICANT: \_\_\_\_\_ PHONE: \_\_\_\_\_ CELL: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 EMAIL: \_\_\_\_\_ ALCOHOL AWARENESS: Name \_\_\_\_\_ Exp: \_\_\_\_\_

BIRTHDATE: \_\_\_\_\_ COUNTRY OF BIRTH: \_\_\_\_\_  
 NATURALIZED AT: \_\_\_\_\_ (If not born a US Citizen) YEAR: \_\_\_\_\_

PERIOD OF RESIDENCY IN FREDERICK COUNTY: \_\_\_\_\_ FREDERICK COUNTY REGISTERED VOTER:  Yes  No

TYPE OF EVENT: (Fundraiser, Crabfeast, etc) \_\_\_\_\_  
 PROVIDING SPECIAL EVENT BOTTLES:  Yes  No

NAME AND ADDRESS WHERE EVENT WILL BE HELD: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

IS A PERMIT REQUIRED BY MUNICIPALITY/COUNTY  Yes  No (attach if applicable)

DESCRIPTION OF PREMISES: (Please attach a diagram of the event):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

EVENT NAME: \_\_\_\_\_

OWNER OF FACILITY (Name and Address): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

HOURS OF EVENT: \_\_\_\_\_ HOURS OF ALCOHOL SERVICE: \_\_\_\_\_  
 ESTIMATED # OF ATTENDEES: \_\_\_\_\_  Indoor  Outdoor

WILL THERE BE ENTERTAINMENT  Yes  No HOURS OF ENTERTAINMENT: \_\_\_\_\_  
 TYPE OF ENTERTAINMENT: \_\_\_\_\_

CATERER/FOOD VENDOR:  
 NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_  
 NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

WILL A BREWERY/WINERY/DISTILLERY BE INVOLVED WITH THE EVENT IN ANY WAY:  Yes  No  
 If so, please attach a separate sheet listing each brewery/winery/distillery and explain how they are involved with the event and attach necessary permits.

TYPE OF ADVERTISING:  Radio  Flyer  Internet  Other \_\_\_\_\_  
 (A copy of invitation, flyer, any promotion associated with this event, must be submitted with this application)

WILL THE APPLICANT USE SERVICES OF A PROMOTER OR OTHER PERSON TO MANAGE THIS EVENT:  YES  NO  
 IF YES, NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

WILL THERE BE HIRED SECURITY:  YES  NO  
 A Security Plan is required for all outdoor events and any indoor event having more than 300 people or more daily. See attached sample of security plan.

IF YES, SECURITY COMPANY NAME: \_\_\_\_\_  
 CONTACT: \_\_\_\_\_ PHONE: \_\_\_\_\_

NUMBER OF SECURITY PERSONNEL PROVIDED AT THIS EVENT: \_\_\_\_\_

ALCOHOL PLAN: All events must submit an alcohol plan. (This can be included in your Security Plan). This plan should include how you will be serving/selling alcohol (bartender, sectioned off beer garden, etc.), who will be checking IDs, how drinks will be sold (tickets, cash bar, etc.), if under 21 persons are allowed to attend event, how will they be differentiated between those who are 21 years old and over. IF NEEDED, PLEASE ATTACH A SEPARATE SHEET. \*See attached Sketch Check List.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date \_\_\_\_\_ Signature of Applicant \_\_\_\_\_

**BOARD OF LICENSES COMMISSIONERS FOR FREDERICK COUNTY MARYLAND**

**CLASS C SPECIAL TEMPORARY LICENSE**

In applying for this special temporary license it is important that you realize the responsibility associated with the issuance of the license. All persons or groups using this license as authorized under Section 7-101 of Article 2B of the Annotated Code of Maryland are required to ensure compliance with all the laws and rules relating to the sale of alcoholic beverages. Special notice should be taken of the following:

- All persons must be 21 years of age to purchase alcoholic beverages.
- All sales must stop promptly at 2:00 am.
- No intoxicated person may be served any alcoholic beverage.
- No unnecessary noise or disturbance that could be a nuisance to the community shall occur.
- The person responsible for the function must see that order is kept at all times.
- The applicant is a Frederick County resident of two years and a registered voter.
- The applicant has not been convicted of a felony.
- The applicant has not had a license for alcoholic beverages denied or revoked.
- The applicant is not financially interested in any other place of business in Frederick County where, or for which a license had been applied for, granted or issued under Article 2B.
- The applicant agrees to purchase alcohol from a licensed Frederick County vendor.
- The license must be returned to the Board along with the receipts of where the alcohol was purchased within 30 days of the event.
- If, in the Board's discretion, the event is a threat to the health, peace and safety of the neighborhood, the license will be denied.
- If, in the Board's discretion, the organization abuses the privilege of the license or has requested an inordinate number of licenses, the license will be denied.
- The applicant will, if granted a license, conform to all laws and regulations relating to the business in which the applicant proposes to engage.
- Applicant has not been adjudged guilty of violating the laws governing the sale of alcoholic beverages within the United States or for the prevention of gambling in the State of Maryland, or adjudged guilty of any offense against the laws of the State of Maryland or of the United States.
- The Comptroller, the Comptroller's duly authorized deputies, inspectors and clerks, the Liquor Board for the aforesaid County, its duly authorized agents and employees, and any peace officer of such county, can inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building in which said business is to be conducted, at any and all hours.

Signature of Applicant (Notarized) \_\_\_\_\_ Printed Name of Applicant \_\_\_\_\_

STATE OF MARYLAND, COUNTY OF \_\_\_\_\_, SS  
 This certifies that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, Before me the subscriber, a Notary Public of the State of Maryland, aforesaid, personally appeared \_\_\_\_\_, who made oath in due form of law that he/she is the duly authorized agent for the aforesaid non-profit organization, social club, society or association.  
 \_\_\_\_\_ (Notary Signature)  
 My commission expires: \_\_\_\_\_ (SEAL)

**SIGNED NOTARIZED LANDLORD FORM**  
 STATEMENT OF OWNER OF PREMISES REQUIRED IN CONNECTION WITH ALCOHOLIC BEVERAGES LAW OF MARYLAND

(I, WE) hereby certify, that (I am, we are) the owner(s) of property know as:  
 \_\_\_\_\_  
 \_\_\_\_\_ (Property owner name Entity)  
 \_\_\_\_\_  
 \_\_\_\_\_ (Complete Name and Address of Property Required)

named in the foregoing application made to the aforesaid licensing authority for said county under the Alcoholic Beverages Law of Maryland; that (I, We) assent to the granting of a special license applied for, and that (I, We) hereby authorize the State Comptroller, the Comptroller's duly authorized deputies, inspectors and clerks, the Frederick County Liquor Board, its duly authorized agents and employees, and any peace officer such county to inspect and search, without warrant, the premises upon which the business is to be conducted, and any and all parts of the building in which said event is to be conducted, at any and all hours.

WITNESS (Our, My) hand(s) and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 (Authorized Property Owner's Signature)

STATE OF MARYLAND, County of \_\_\_\_\_, SS:  
 THIS CERTIFIES, That on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before the subscriber, a Notary Public of the State of Maryland, personally appeared \_\_\_\_\_ and acknowledged the execution of the foregoing statement to be a true act.  
 \_\_\_\_\_ (Notary Signature)  
 My commission expires: \_\_\_\_\_

**FOR OFFICE USE ONLY:**  
 BOARD APPROVAL: \_\_\_\_\_  
 ZONING APPROVAL: \_\_\_\_\_  
 FIRE MARSHAL APPROVAL: \_\_\_\_\_  
 HEALTH DPT. APPROVAL: \_\_\_\_\_  
 ADDITIONAL PERMITS/APPROVAL: \_\_\_\_\_

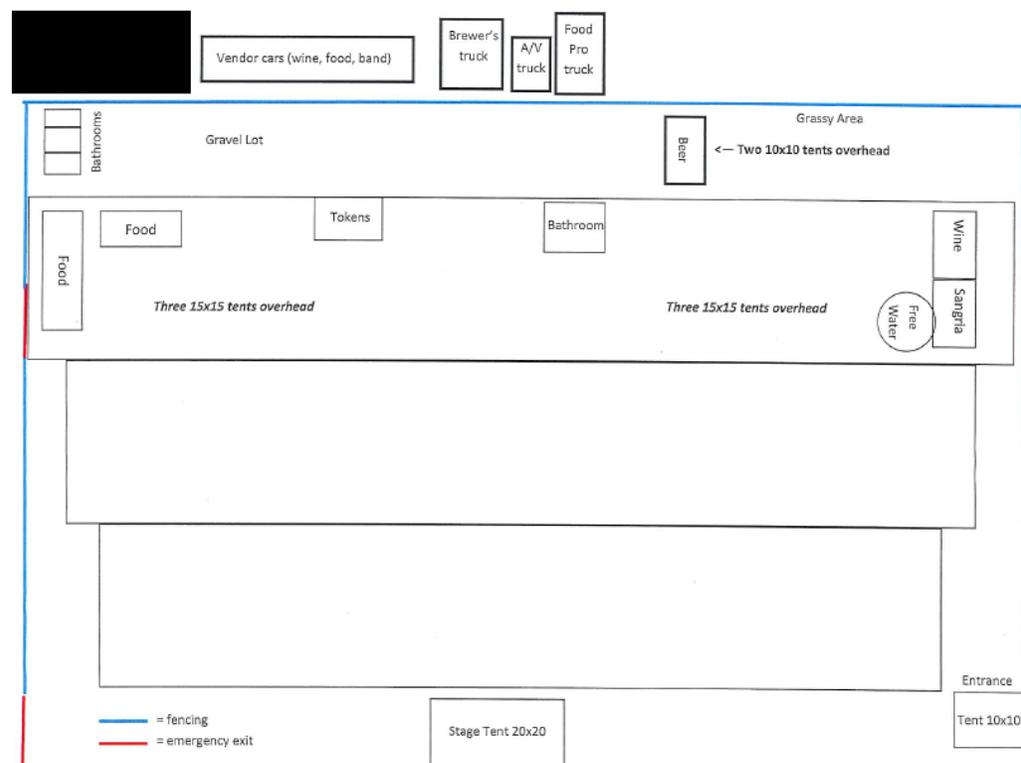
# Diagram

## DIAGRAM CHECKLIST

The following items are required to be shown and indicated on Diagrams submitted to the Liquor Board. Please use this as a check list.

- \_\_\_\_\_ Building Outlines
- \_\_\_\_\_ Entrance/Exit Locations (all points)
- \_\_\_\_\_ Approximate room(s) with dimensions or Area with dimensions (if outside)
- \_\_\_\_\_ Security Camera Locations (if applicable)
- \_\_\_\_\_ Table/Seating on diagram with number of chairs at each table
- \_\_\_\_\_ Outside Seating/Beer Garden Area
  - \_\_\_\_\_ Height/Type/Location of Enclosure
  - \_\_\_\_\_ Access Points
  - \_\_\_\_\_ Table/Seating on diagram with number of chairs at each table

## DIAGRAM



# Diagram continued

- ▶ Alcohol must be contained in the licensed area
- ▶ Outdoor areas must have a 42" Barrier
- ▶ Recommended to place signs on exit ways "No Alcohol Allowed Beyond this Point"



# Alcohol Plan

## ALCOHOL PLAN

- ▶ How will alcohol be served/sold?
- ▶ Who will be checking ids?
- ▶ Who will monitor the crowd
- ▶ If person under 21 are allowed to attend, how will they be differentiated between those who are 21 years old and over?

## EXAMPLE

### **Alcohol Plan 2018:**

Alcohol (beer and light wine) will be sold in a fenced-off outdoor beer garden that requires participants to be 21 or older to enter. Alcohol will be restricted to the fenced-off area and no alcohol consumption will occur outside of the fencing. Participants are required to stay in the fenced-off area with any alcohol. No alcohol will be served, opened, or consumed before or after the times of the liquor license. Volunteers [REDACTED] will pour alcohol for customers. There will be a fee of \$5 at the gate. Participants are charged separately for tokens that can be exchanged for one glass or beer or wine per person at a time. Security guards will arrive before the event attendees and will assist with clearing the area of attendees as soon as the event ends. All IDs will be checked by a TIPS certified security guard. At least one TIPS trained person will be on site to staff each event. Two additional security guards will be present at all times to help event staff monitor for intoxication and to ensure all event guests are safe and acting responsibly.

# Outdoor Events

**If inclement weather could affect event set-up, submit a back-up Diagram and Alcohol Plan with the original application.**



# Approvals

- ▶ Liquor Board (Pre-Event Meeting may be required)
- ▶ Zoning
- ▶ Permits
- ▶ Health Department
- ▶ Fire Marshal

Approvals may be required from the partnering agencies listed above.

The agencies are notified by FCLB staff during processing.

It is recommended to email your application once completed (even before obtaining signatures),

This allows staff to send out notices to the partnering agencies and this eliminates additional visit to FCLB.

If approvals are NOT needed, skip to the next step.



# Payment/Pick Up of License

- ▶ After all agencies approvals are complete, FCLB staff will email applicants that the license is ready for payment and pick up.
- ▶ Payment can be made:
  - ▶ Online by credit card or e-check
  - ▶ Office by credit card or check
- ▶ Application with original signatures must be brought in at this time
- ▶ Once payment is received license is issued.

The screenshot shows the website for the Frederick County Liquor Board. The URL is <https://www.frederickcountymd.gov/1291/Liquor-Board>. The page features the Frederick County Government logo and the tagline "Rich History, Bright Future". The navigation menu includes "Government", "Departments", "Services", and "Comm". The main content area is titled "Liquor Board" and includes a breadcrumb trail: "Home > Allied Agencies > Liquor Board". A yellow arrow points to the "ONLINE PAYMENTS" link in the left navigation menu. Other links in the menu include "Mission/Customer Service Promise", "Applications", and "Special 'One-Day' Licenses".

# Regulations



- ▶ Alcohol can only be sold for on-site consumption, (prior to two days before the event).
- ▶ License must be fully utilized, (some of each).
- ▶ Adhere to hours printed on the license.
- ▶ Alcohol cannot be advertised as “free”, alternative wording “included in the cost of the ticket”, “two for the price of one”
- ▶ Sell/Give/Raffle chances on any bottle containing alcoholic beverage is prohibited
  - ▶ The only exception is if the non-profit has applied for and received a Charity Wine Auction permit from the state.
- ▶ Performers/Band Members/DJs & etc cannot consume alcohol while performing. Alcohol can be consumed on breaks or in between sets at an area away from the stage/performance area

# Alcohol Requirements

- ▶ Beer and Wine (state law)
  - ▶ Must be purchased from a retailer in Frederick County; or,
  - ▶ A wholesaler licensed to sell Beer and Wine in Frederick County
- ▶ Liquor (state law)
  - ▶ Must be purchased from a retailer in Frederick County.
- ▶ Remember to ask for an itemized receipt from the retailer or wholesaler
- ▶ Receipts must be available for the inspectors to review at the event.
  - ▶ It is recommended to staple the receipts to the back of the license.

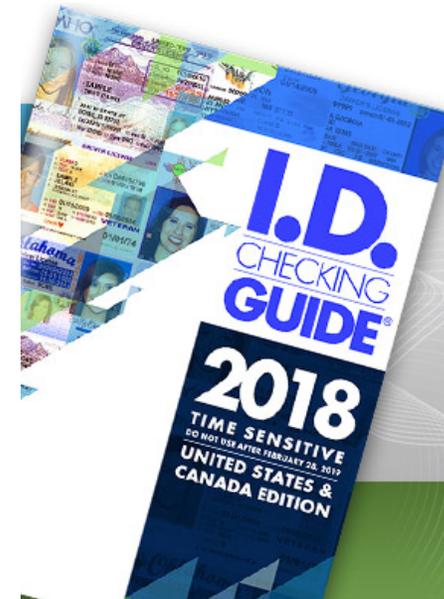


# Alcohol Requirements<sub>continued</sub>

- ▶ Alcohol cannot be stored on the premises.
- ▶ Alcohol may be purchased no more than two days prior to an event.
- ▶ Alcohol may be returned to the retailer or wholesale within two days after the event.
- ▶ Alcohol may go home with the licensee, for personal consumption
- ▶ Alcohol may not be re-used for another event.

# Acceptable Identification

- ▶ Maryland Driver's License
- ▶ Maryland Identification Card
- ▶ Out-of-State Driver's License (may ask for a second form of identification)
- ▶ Military ID
- ▶ USA Passport



# Promoter's License

- ▶ Required for a “for-profit” organization for an event held in conjunction with a special “One-Day” License.
- ▶ The license shall be approved by the Board before the organization may publicize, sell tickets, organize, operate, produce, or stage an event where alcoholic beverage are sold
- ▶ Contact staff if you need a promoter's license

# Multi-Event

- ▶ If you are having multiple events throughout a calendar year, at the same location, and with the same applicant(s), attach a list of dates, and times you would like additional licenses. This will eliminate multiple applications having to be completed throughout the calendar year.
- ▶ Each person within an organization is limited to 50 licenses per a calendar year.
- ▶ Licenses can be requested and picked up any time during the calendar year. You no longer have to wait until 30 days prior to an event. For instance in January you can file an application for events happening in May, August and December. Once they are processed you can pay for and pick up the license, even if it is only January.

# Final Remarks

- ▶ We are in the midst of reviewing our processes and trying to improve and streamline efforts.
- ▶ Expect changes in the future. Changes will be emailed and posted on our website.
- ▶ We have an open door policy, feel free to stop in, call or email at any time.

# Contact Information

- ▶ Email: [LiquorBoard@FrederickCountyMD.gov](mailto:LiquorBoard@FrederickCountyMD.gov)
- ▶ Phone: 301-600-2984
- ▶ Website: [www.FrederickCountyMD.gov/LiquorBoard](http://www.FrederickCountyMD.gov/LiquorBoard)
- ▶ Fax: 301-600-3500
- ▶ Location: Winchester Hall, 12 E Church Street, Frederick