

**BOARD OF LICENSE COMMISSIONERS FOR
ANNE ARUNDEL COUNTY**



ENFORCEMENT ISSUES:

We heard from some licensees frustrated that the board was stepping beyond their scope in two ways:

-Enforcement of other zoning issues beyond alcohol laws.

Licensees have many responsibilities in connection with the privilege of possessing a liquor license, including, but not limited to compliance with all federal, state, or local statute, law, rules or regulations or ordinance.

Specifically, Section 2.13 of the Anne Arundel County Board of License Commissioners has long stated (at least 50+ years) the following: “No license shall be issued which will result in a use of Premises, *which violates any zoning or other statutory land use restriction.*”

While we are not an enforcement arm for OPZ or other county departments, we do work very closely with them to assist each other’s overall awareness... and the Liquor Board can often be more persuasive in ensuring compliance with these laws in a manner that ultimately benefits not just the public, but the other licensees who *are* following all required laws, etc. in good faith.

Due to its legal obligations, the Liquor Board and its Inspectors are required to liaise with these other departments when there may be possible violations of federal, state, or local statute, law, rules or regulations or ordinance.

-Angst over building drawings being required. There’s the obvious cost involved to create the drawings that is a hardship. Places being asked to provide this that are complaining are not new, they’re longtime licensed places, even VFWs.

There are a few items that speak to this questions:

1. Last year we performed a successful “Outdoor Alcohol Service Reset” which required any establishment with previously approved outdoor service to provide us with a description of outdoor service with *non-professional* drawings. We found that many of these outdoor spaces had changed without our knowledge over the years and through COVID and this was an opportunity to get a renewed understanding and to document how our licensees were operating with alcohol outdoors from a public safety perspective. This was a one-time re-set to use as a “baseline” that will not have

to be repeated in the foreseeable future. We believe that despite much communication to the contrary that some licensees may believe this will be an annual occurrence, which it will not be.

2. With respect to applications for New Licenses – a registered survey is required for certain licenses to be reviewed by Planning & Zoning to ensure all aspects of the New License follow the County’s regulations and approve/deny as necessary.
3. With respect to Transfer Licenses (meaning an establishment exists, but they are Transferring their License/Business to another entity). Transfers do not require a registered survey, however, they do require a current floor plan, including furniture and fixtures, either to scale or dimensions. We have modified this requirement to ease the burden on the applicant.
4. Special Permits and Outdoor Dining (New) requires a registered survey for Planning and Zoning review for various needs like location to schools, churches or neighboring residences. These permits may include Music, Dancing or other forms of entertainment.
5. Professional drawings are only required in the event of a significant architectural change to a premises (think, for example, “hammer to wall” or *anything that requires a permit from I&P*). We are not interested in cosmetic or aesthetic changes; we are really only interested in understanding any alterations to the premises that materially differ the establishment from when the license was originally granted. The language in the Rules and Regulations pertaining to this enforcement and licensee responsibility are below:
 - “(a) No Licensee shall make any installation or alteration of a licensed Premises or change the manner in which alcoholic beverages are dispensed without the prior approval of the Board.
 - (b) No Licensee shall make any installation or alteration on the licensed Premises until a permit therefore has been obtained from the Bureau of Building of Anne Arundel County, and until the approval of the Fire Department and Health Department of Anne Arundel County has been secured, where said approval is required.”

Financial explanation re proposed increases:

Proposal: Increase annual license fees to generate a 35% revenue boost. The fees have only been raised once in the past 30 years, with the last increase occurring 15 years ago through 2009's HB 1304.

Current revenue: \$925,075 from annual license fees.

Financial impact: Addition of \$323,776.

New total revenue: \$1,248,851.

Rationale:

- Ongoing Costs and Inflation.
- Technology Advancements related expenses.
Streamlining the application process through upgraded technology systems, allowing for faster processing and more user-friendly online interfaces, as well as an online portal for current licensees to access documents, make changes, and apply for special events and permits.
- Addressing rising personnel and data support.
- Current expenses for personnel: \$956,300.
Ensuring financial sustainability and adequate staffing to meet the growing demands of the board. This funding would help support the retention of skilled staff and recruitment for any necessary additional positions.
- Funding for enhanced services and oversight.
Licensee Outreach and Benefits. Including information/training seminars to all licensees free of charge and additional training for all inspectors to improve inspector interaction with licensees.
- Working with Prevention Coalitions throughout the county.
- The proposed increase will place the Anne Arundel County Liquor Board's aggregate license fees at just over 1% of the median range in comparison to all other Maryland counties' aggregate license fees.

Break down the new money that is being asked for as to how it will be spent, specifically.

The cost analysis concerning the proposed increases and how the funds will be allocated is still in progress. We'll provide the detailed report as soon as the evaluation is complete

If money is being turned back to the county annually, why is an increase needed?

We are working with the State and County to obtain the exact figures. Some of the funds are earmarked for specific line items that may not be spent annually, such as legal services for appeals, legal notices, professional services, and meeting or lodging expenses for the MALA seminar.

If an increase is really needed, can we hold the line for non profits?

The annual fee for a Class C (non-profit) license is currently \$600. With a 35% increase, the fee would rise to \$810. For a profit license with the same privileges, the fee is \$2,160, which includes the 35% increase

How can we be more efficient related to licenses:

To improve efficiency with licenses, we can further automate routine tasks like we do with renewals, payments, and inspections. Streamlining our online application system and integrating data-sharing with relevant state and county agencies will also reduce processing time. Additionally, enhancing staff

training and utilizing modern technology for record-keeping can help minimize delays and ensure quicker service.

Auto renewal or longer term permits for things like outdoor dining? Music, etc? Can we reduced the administrative burden for the licensees and the board?

This is already in effect. At the time of renewal, all permits and conditions are automatically renewed with no addition of paperwork or extra fees, streamlining the process for both licensees and the Board.

Hiring - posting positions for competitive applications? Lots of discussion related to promotions and new hires being done in a way that's not transparent.

The Board's staff has typically promoted internally due to extremely low turnover. While inspector positions have always been open to the public, we are now increasing transparency by ensuring that all future job openings are publicly posted on the Board's website for competitive applicants.

One day Events- 10 days HARD requirement? Can there be more flexibility? Online is great but for repeat organizations, can the 10 day requirement be reduced? Human error happens and this can cause big problems.

Yes, there is some flexibility for specific requests related to celebrations of life or funerals. Additionally, if a license has already been issued and there is a change of venue or a rain date, we can accommodate the request as well.

The 10-day policy allows time for review, verification, forward to the Anne Arundel County Police, and coordinate with the County's Special Events Team, as needed.

The surrounding counties require anywhere 15 to 30 days and Annapolis City requires a hearing.

If an applicant does not meet the 10-day requirement, we provide a list of state-approved caterers with SCAT licenses, authorized to serve alcohol, as provided by the ATCC.

John B. Maloney
CHAIRMAN

Otis M. Duffie
COMMISSIONER

Bernadette L. Snoops
COMMISSIONER



2011-D COMMERCE PARK DR.
ANNAPOLIS, MD 21401

(410) 222-1148
FAX: (410) 222-1810

BOARD OF LICENSE COMMISSIONERS FOR ANNE ARUNDEL COUNTY

KILLARNEY HOUSE

TIME LINE TO RECEIVE FULL ENTERTAINMENT LICENSE

- | | |
|------------|--|
| 10/30/2023 | Application package was dropped off to Phil Dales, Esquire office and Killarney House by Judy Hagner on her way home to help them get information in sooner. |
| 11/1/2023 | Application signed and notarized by Anthony Clarke and Thomas M. Galway.

(35 days) |
| 12/7/2023 | Left message for Mr. Phil Dales, Esq. regarding the remaining items that were not submitted with application. |
| 12/8/2023 | Sent email to Mr. Phil Dales, Esq. regarding items, did not receive call or email back.

(19 days) |
| 12/27/2023 | Sent another email to Mr. Phil Dales, Esq. follow-up, have not received any information by email or phone. |
| 12/27/2023 | Mr. Dales responded and said he is consulting with other professional regarding outstanding issues.

(21 days) |
| 1/17/2024 | Letter from Mr. Phil Dales with attached revised survey for the pending application to remove the restriction for the "Entertainment" special license held by Killarney House in association with their Class D (BWL) Entertainment and Sunday license. Approved to go to zoning.

(1 day) |
| 1/18/2024 | Sent package to zoning for approval.

(29 days) |
| 2/28/2024 | Received approval from zoning to set case in for a hearing.

(4 days) |
| 3/4/2024 | Sent letter to Mr. Dales and applicants to appear before Board on April 9, 2024 to hear case to approve full entertainment license. |

(34 days)

4/9/2024

Application was approved, neither Licensee appeared before the Board, both were out of the Country, however Mr. Dales the attorney, represented the Licensees and appeared at hearing.

(Renewal License had to be issued by May 1st, 2024)

6/10/2024

Approval letter for full Entertainment sent to attorney (scanned and First-Class Mail)

(14 days)

6/25/2024

License was issued to Killarney House, k/a BCG, Inc. for a Class D (BWL) Entertainment and Sunday license to expire on 4/30/25.