

CHECKLIST FOR APPLICATION REQUIREMENTS – ARTICLE 4-109

LICENSE APPLICANTS, TRANSFEREE'S OR MARYLAND CONTACT MUST BE

THE BOARD WILL ONLY ACCEPT APPLICATIONS WITH ALL DOCUMENTS LISTED BELOW, WE WILL NOT ACCEPT INCOMPLETE APPLICATIONS.

- (a) 21 years of age or over
- (b) One (1) applicant must be a Maryland Resident or have a Maryland Contact
- (c) Maryland Resident must be a United States citizen.
- (d) If you don't have a Maryland Resident then one other applicant must be United States Citizen.
- (e) Individual, Partnership, Corporation or LLC – All applicants must be fingerprinted
- (f) All Applicants will be fingerprinted and cannot have no felonies

ALL BELOW DOCUMENTS NEEDED OR A FINAL HEARING WILL NOT BE SCHEDULED

- (a) \$500.00 Application Fee
- (b) Completed Application
- (c) Incumbency Certificate for LLC – All applicants must be fingerprinted
- (d) Incumbency Certificate for Corporations – All applicants must be fingerprinted
- (e) Individual Business Interest Financial Affidavit
- (f) Affidavit for Maryland Contact Packet - (MD Attorney, Broker, Acct., see attached form)
- (g) Affidavit for Resident Licensee Packet-(Filled out by Maryland Resident/United States Citizen)
- (h) Affidavit for Licensee – (Filled out by non-resident)
- (i) Waiver for Inspections – (Filled out by all licensee's)
- (j) Background Questionnaire – (Filled out by all licensee's)
- (k) All Licensee's must attach a color copy of their valid driver's license or ID
- (l) Copy of Permanent Resident Card, Naturalization Certificate or US Passport
- (m) Copy of Articles of Organization formed in MD (needs to be in Good Standing)
- (n) Federal ID Number on IRS letterhead formed in MD
- (o) Copy of Zoning Certification from either the City of Hagerstown or Washington County.
- (p) Copy of Lease, Contingent Lease, deed of property or Contingent Settlement Agreement
- (q) Copy of full menu, including hours of operation (anyone selling or serving food)
- (r) Copy of Plat/Drawing of entire premises indicating sale of alcohol and storage area.
- (s) Finger printing will be scheduled when you turn the application in and results must be received before a final hearing is scheduled.
- (t) Full payment on Final Hearing date upon approval of license.
- (u) The licensee(s) will have one (1) year from the final hearing date / date approved to obtain their alcoholic beverage license or license will expire and you will need to reapply. (You must still complete the renewal packet and remit payment for each fiscal year; fiscal year runs from July 1st to June 30th.)

The Following Documents will need to be received the day of the Final Hearing or upon pickup of the license upon approval.

- (a) 2 persons Alcohol Awareness Certifications (**Classes given at the Liquor Board**)
- (b) 1 person (per every 250 people) Crowd Management Certificate – (**Class A excluded**) www.crowdmanagers.com/training
- (c) Transferee Cleared with Gaming, State & County
- (d) Copy of Inventory the day of the final hearing and the Board must receive the Bulk Transfer Certification **30 days** after the final hearing. (**Or inspector will retrieve license**)
- (e) Copy of Health Department Inspection (**if serving food**)
- (f) Copy of Fire Marshal Inspection
- (g) Copy of Assembly/Occupancy Permit – (**Class A excluded**)
- (h) Copy of Sales & Use License. (**Must have Corporation Name, Establishment Address on the license and not the licensee's home address.**)
- (i) Copy of Traders License with current fiscal year. (**Must have Corporation Name, Establishment Address on the license and not the licensee's home address.**) (**Transferee's Traders accepted the date of the Final Hearing or upon pick up of license**)
- (j) Copy of Final Settlement Agreement for Ownership of Property.
- (k) Copy of Final Settlement Agreement of Business (LLC or Corporation)

INFORMATION THAT YOU MIGHT NEED

- 1. Zoning Permit -
 - a. City of Hagerstown Zoning information may be found at www.hagerstownmd.org/Plan_Dev/Zoning/Zoning_index.asp
 - b. Washington County Zoning information may be found at http://www.washco-md.net/public_works/permits/permits.html
- 2. Federal Tax Number (EIN)
www.irs.gov/businesses/small/article/0,,id=97860,00.html
- 3. Maryland Sales and Use Tax Number
<http://interactive.marylandtaxes.com/webapps/comptrollercra/entrance.asp>
- 4. Clerk of Court – Traders License - [County Clerk - Washington County \(washco-md.net\)](http://www.washco-md.net)

PURSUANT TO MD. CODE ANN., § 4 - 109:

NOTE: Licenses are issued to individuals, applications may be made on behalf of or for the use of a partnership, corporation or club, or limited liability company.

In all cases, at least one individual license applicant must:

- 1. Maryland Resident must be a United States citizen OR**
- 2. If you don't have a Maryland resident, then one person on license must be a United States Citizen and you must have a Maryland Contact – See Form**

All applicants must have a pecuniary interest in the business to be conducted under the license.

- (A) PARTNERSHIPS.** If the application is on behalf of a **partnership**, the license shall be applied for by and be issued to all of the partners as individuals, **all of whom** shall have resided in Maryland or have a Maryland Contact. Partnerships must provide a copy of any written partnership agreement. If there is no written partnership agreement, submit a resolution reflecting names of all partners and their percentage interest. Limited liability partnerships must provide the Certificate of Limited Liability Partnership filed with SDAT.**MD. Code Ann., §4-103**
- (B) CORPORATIONS OR CLUBS.** If the application is on behalf of a **corporation** or **club** (incorporated or unincorporated), the license shall be applied for by and be issued **to two (2) or three (3) of the officers of that corporation or (3) officers for a club**, as individuals, for the use of the corporation or club, at least one of whom shall be a Maryland resident and United States citizen or have a Maryland Contact. The application must be signed by the president or vice president, as well as by the officers to whom the license shall be issued. Corporations must provide copies of: Articles of Organization, By-Laws, certificate of all issued stock or stock ledger reflecting the same, corporate resolution/secretary's certificate naming all officers by title and authorizing the application by the applicants. **MD. Code Ann., §4-104**
- (C) LLC'S.** IF the application is made on behalf of a **limited liability company**, the license shall be applied for by and be issued to **one to three (1 to 3) of the authorized persons of that limited liability company**, as individuals, for the use of the limited liability company. At least 1 of the individual applicants shall be a resident of Maryland and United States citizen or have a Maryland Contact, **all** authorized persons shall make the application. ("Authorized person" means any person, whether or not a member, who is authorized by the articles of organization, by an operating agreement, or by unanimous consent of the members and any other person whose consent is required by the operating agreement, to execute or file a document required or permitted to be executed or filed on behalf of a limited liability company or foreign limited liability company under this title, or to otherwise act as an agent of the limited liability company. An Incumbency Certificate will be required of LLC's. **MD. Code Ann., §4-105**
- (D) LLC's, Partnerships, Corporations, and Clubs** must provide a copy of the business's Sales & Use Permit, Traders License and Federal ID number.

The Final Hearing will be scheduled six (6) to ten (10) weeks after completed application has been turned in and approved by the Commissioners, based on Class of license applying for applicants may have to meet before the Board before the scheduled Final Hearing date. All Licensees' must be present at the Final Hearing. Once a hearing is scheduled, if you do not appear at the scheduled date and time, your final hearing will be rescheduled with a \$500.00 reprocessing fee.

Transferors may or may not be present at the Final Hearing, as long as all transfer documents have been received.

To verify compliance with Commercial Law Section 6-104, Seller(s) shall submit a copy of the Bulk Sales Affidavit with a listing of all creditors and/or claimants and amount of claim to the office of the Comptroller of Maryland with a \$200.00 fee.

AFFIDAVIT FOR MARYLAND CONTACT

I, HEREBY CERTIFY THE FOLLOWING:

1. I have agreed to serve as the Maryland Contact for _____, (the “Licensee”) the holder of liquor license issued by the Board of License Commissioners for Washington County, Maryland (the “Liquor Board”).

2. I agree to accept service of process (i.e. receive notifications) from the Liquor Board on behalf of the Licensee. Upon receipt of any notification from the Liquor Board, I agree to promptly notify the Licensee, and forward a copy of the notification received from the Liquor Board to the Licensee. I understand that service of process on me from the Liquor Board shall constitute service of process on the Licensee.

3. **I am a licensed Attorney with the State of Maryland, licensed Certified Public Accountant with the State of Maryland, or authorized agent of a Maryland Insurance Company. My office is registered and in good standing with the Maryland State Department of Assessments and Taxation.**

4. I agree that all service of process (i.e. notifications) from the Liquor Board may be served upon me personally at the following address located within the State of Maryland:

I agree to promptly notify the Liquor Board if the foregoing address should change.

5. I agree that I shall provide the Liquor Board with thirty (30) days advance written notice in the event that I should elect to resign as the Maryland Contact for the Licensee.

6. I acknowledge that I shall be required to complete a yearly form provided by the Liquor Board in connection with the Licensee’s renewal application. I agree to promptly complete this form upon receipt from the Liquor Board.

7. I am **NOT** currently serving as a Contact Person for any other licensee holding a liquor license issued by the Liquor Board.

I AM currently serving as a Maryland Contact for other licensee(s) holding liquor license(s) issued by the Liquor Board; the names and addresses of each licensee is listed below. An Exhibit may be attached if additional space is required.

I hereby swear and affirm under the penalty of perjury that the answers and responses made on this Affidavit of Maryland Contact to be the truth and nothing but the truth. I understand that if I am found guilty and convicted of making any false answers and/or responses in connection with this Affidavit of Maryland Contact, I may be subject to the penalties provided by law for this crime. (Annotated Code of Maryland, Article 2B, Section 16-501 and Criminal Law Article, Section 9-101).

_____(SEAL)

Printed Name: _____

STATE OF _____

THIS CERTIFIES, that on the _____ day of _____, 20____, before me the subscriber, a notary public of the State of Maryland, personally appeared the Maryland Contact

Who acknowledged himself / herself to be the person whose name is subscribed to within this Affidavit of Maryland Contact and they have acknowledged the execution of the foregoing statement to be (His/Her) voluntary and true act.

Witness my hand and official seal.

(SEAL) _____

My Commission Expires _____