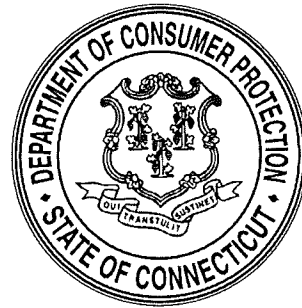
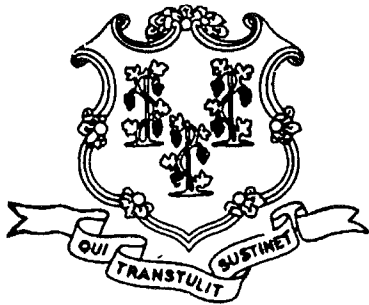


# Department of Consumer Protection



**Report to the General Assembly's General Law, Public Safety and  
Security, and Planning and Development Committees pursuant to  
Public Act 14-48,  
"AN ACT CONCERNING MUNICIPAL NOTICE OF ALCOHOLIC  
LIQUOR PERMIT RENEWALS"**

**January 5, 2015**

**William M. Rubenstein, Commissioner  
Department of Consumer Protection  
165 Capitol Avenue  
Hartford, CT 06106**

## REPORT PURSUANT TO PUBLIC ACT 14-48:

### “AN ACT CONCERNING MUNICIPAL NOTICE OF ALCOHOLIC LIQUOR PERMIT RENEWALS”

#### **Background and Legislative Mandate**

On May 28, 2014, Gov. Malloy signed into law Public Act 14-48. Section 1(a) of the act provides that municipalities may adopt ordinances requiring anyone applying to renew a DCP-issued liquor permit for on-premises alcohol consumption to simultaneously give written notice of the application to the chief law enforcement official or his or her designee within the municipality where the business is located. The chief law enforcement official or his or her designee may send written comments on the application to the Commissioner of Consumer Protection within fifteen (15) days after receiving said notice. The act further states that the Commissioner shall consider any written comments offered by such chief law enforcement official or his or her designee prior to approving such application.

Section 1(b) of the act requires the Commissioner of Consumer Protection to submit a report that shall include, but not be limited to:

- 1) the number of written comments submitted by chief law enforcement officials or their designees under subsection (a) of the act
- 2) copies of such written comments, if any
- 3) a summary of actions taken by the Department regarding the granting or denial of any liquor permit renewal application subject to the provisions of subsection (a) of the act
- 4) the Commissioner's conclusions and recommendations

#### **Summary of actions taken by the Department**

I. With passage of this act, the Department took steps to notify both Chief Law Enforcement Officials and affected liquor permit holders of the potential implications of the new law. Specifically, on or about October 27, 2014 the Department sent out notification to all Chief Law Enforcement Officials, under the signature of DCP's Liquor Control Division Director, John Suchy, of the provisions of this act. Specifically, the letter included:

- 1) notice of the act authorizing municipalities with the ability to adopt ordinances pertaining to the renewal of DCP-issued on-premises alcohol consumption licenses, and the businesses obligation to simultaneously give written notice of the renewal application to the chief law enforcement official of the municipality
- 2) notice that if towns wish to identify said establishments within their municipalities, that such information is available free from the Department's website
- 3) a recommendation that the chief law enforcement official contact each affected premise to advise them of the law, and if their town has adopted such new ordinance
- 4) notice that the Department intends to submit an advisory to the Connecticut Beverage Journal, (a widely read Industry Trade publication), to assist in advising permit holders of the new act
- 5) a statement that regardless of this new act, the Department is always, and at any time of the year, welcoming of input from Chief Law Enforcement officials of their comments on the conduct of liquor-permitted establishments within their jurisdiction

A copy of the letter is attached as Appendix A.

Soon thereafter the Department submitted the notice described in #4 above to the Connecticut Beverage Journal for publication. The notice was published in the December 2014 issue, and is included as Appendix B.

**II.** Soon after passage of the act, the Department was contacted by one town, West Hartford, to advise that the legislative body had adopted a municipal ordinance provided for in Section 1(a) of the act. Although not required to do so by the act, the Department at the request of the town, drafted a letter and mailed it to all affected permit holders located in West Hartford. The letter notified permit holders of the new Public Act as well as notice that the town had adopted said municipal ordinance.

A copy of the letter is attached as Appendix C.

**III.** The Department has not received any written comments submitted by chief law enforcement officials pertaining to liquor renewal permits pursuant to Section 1(a) of the act. As such, there are no written comments to include in this report, nor a summary of actions taken as a result of said written comments. The Department notes that the time period between passage of the act and this reporting date has been brief.

## Conclusion and Recommendations

As the Department reflects on the intent of the act as well as the actions that have taken place thus far, we begin with a statement of support. Specifically, it is the view of the Department that the input and concerns conveyed by the chief law enforcement officers throughout the state are always helpful to us. The Department views local law enforcement departments as our partners in the oversight of liquor-permitted establishments. Thus, any effort to increase and improve dialogue between the parties is beneficial.

We also note that the lack of written comments received by chief law enforcement officials thus far is not a cause for concern. As indicated above, an insufficient amount of time has passed between implementation of the act and this report to make any judgments about future effectiveness of the act.

With regard to the renewal of liquor licenses pursuant to this act, the Department notes that the act states that the Commissioner of Consumer Protection “shall **consider** any written comments offered by said chief law enforcement official or his or her designee prior to issuing a renewal of such applicant’s liquor permit.” (emphasis added). The requirement to “consider” comments leaves in question the Department’s authority to deny the renewal of a liquor permit. Consequently, the Department recommends that the legislature consider a statutory change wherein the filing of an objection for the renewal of an on-premises consumption liquor permit by the chief law enforcement officer with DCP would trigger a mandatory administrative hearing to consider said liquor permit. At such hearing, the chief law enforcement officer or his or her designee would have the opportunity and duty to present evidence at a hearing before the Department that would lead to a determination of approval, rejection, revocation or suspension of the liquor permit.

The Department thanks the legislature for the opportunity to present this report pursuant to Public Act 14-48. Additionally, the Department looks forward to working with the members of the legislature and other interested parties as it considers the recommendations of this report as well as any other amendments to the Liquor Control Act. Please contact DCP’s Legislative Program Manager Gary Berner for any questions or comments about this report.



October 27, 2014

From the Office of John Suchy  
Division Director of Liquor Control

To: Chief Law Enforcement Officials

Public Act 14-48- An Act Concerning Municipal Notice of Alcoholic Liquor Permit Renewals

We would like to share with you a tool available to you as it relates to premises operating with an on-premises consumption liquor permit. This Public Act, which can be read in its entirety below, allows municipalities to adopt ordinances requiring anyone applying to renew a liquor permit for on-premises alcohol consumption with the Department of Consumer Protection (DCP) to simultaneously give written notice of the application to the chief law enforcement official or his or her designee in the municipality where the business is located. The official or designee may send written comments on the application to the DCP commissioner within 15 days after receiving the notice. The commissioner must consider the comments before renewing the permit.

If your town adopts such an ordinance, you have the ability to download a roster of such permits from our website at [www.ct.gov/dcp](http://www.ct.gov/dcp) . We can also provide such a roster to you upon request.

If your town adopts such an ordinance, I suggest that the police chief send a letter to each of the affected premises informing them of this local requirement.

The department will submit an advisory to the Connecticut Beverage Journal, a trade publication, which is read by many liquor retailers, including those within your jurisdiction.

Going forward, it might be proper for the town to send reminder notices to the affected premises well ahead of their permit renewal dates.

Notwithstanding the ordinance, we welcome input from chiefs on permit premises within their jurisdiction at any time, not just at time of renewal.

**Public Act No. 14-48**

**AN ACT CONCERNING MUNICIPAL NOTICE OF ALCOHOLIC LIQUOR PERMIT RENEWALS.**

*Be it enacted by the Senate and House of Representatives in General Assembly convened:*

*Section 1. (NEW) (Effective from passage) (a) A municipality may adopt an ordinance requiring each person who files an application pursuant to section 30-39 of the general statutes for renewal of a liquor permit that allows on-premises serving or consumption of alcoholic liquor shall simultaneously give written notice of such liquor permit renewal application to the chief law enforcement official or such chief law enforcement official's designee of the town in which the place of business to be operated under such permit is located. Such chief law enforcement official or his or her designee may respond in writing, not later than fifteen days after receipt of such notice, to the Commissioner of Consumer Protection, with comments regarding the renewal application that is the subject of such notice. The commissioner shall consider any written comments offered by such chief law enforcement official or his or her designee prior to approving such application.*

*(b) Not later than January 1, 2015, the Commissioner of Consumer Protection shall submit a report, in accordance with section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to local government, public safety and security and alcoholic beverages. Such report shall include, but not be limited to: (1) The number of written comments submitted by chief law enforcement officials or their designees under subsection (a) of this section, (2) copies of such written comments, if any, (3) a summary of actions taken by the Department of Consumer Protection regarding the granting or denial of any liquor permit renewal applications subject to the provisions of subsection (a) of this section, and (4) the commissioner's conclusions and recommendations, after consultation with such chief law enforcement officials or their designees, regarding the notice requirement contained in subsection (a) of this section.*



Connecticut

Appendix B



How Beer, Wine & Spirits Get To The Marketplace

# THE BEVERAGE JOURNAL

December 2014

Search & Order Online with  
[www.TheBeverageJournal.com](http://www.TheBeverageJournal.com)

## BUBBLES UP

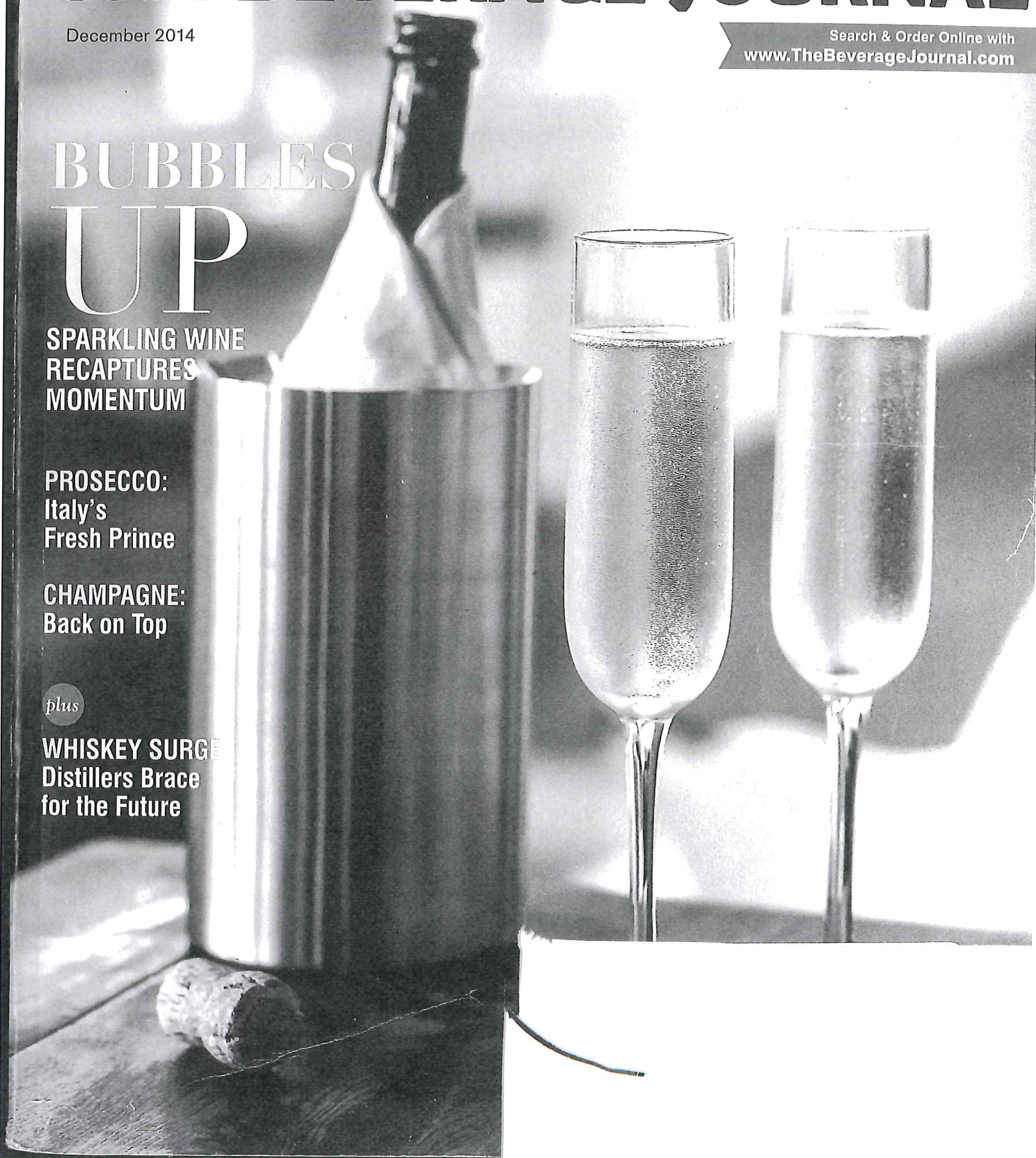
SPARKLING WINE  
RECAPTURES  
MOMENTUM

PROSECCO:  
Italy's  
Fresh Prince

CHAMPAGNE:  
Back on Top

plus

WHISKEY SURGE  
Distillers Brace  
for the Future





# STATE OF CONNECTICUT

## DEPARTMENT OF CONSUMER PROTECTION

From the Office of John Suchy

Division Director of Liquor Control

November 10, 2014

To: Liquor Retailers for On-Premises Consumption

### **Public Act 14-48- An Act Concerning Municipal Notice of Alcoholic Liquor Permit Renewals**

We would like to share with you a tool available to your local police as it relates to premises operating with an on-premises consumption liquor permit. This Public Act, which can be read in its entirety below, allows municipalities to adopt ordinances requiring anyone applying to renew a liquor permit for on-premises alcohol consumption with the Department of Consumer Protection (DCP) to simultaneously give written notice of the application to the chief law enforcement official or his or her designee in the municipality where the business is located. The official or designee may send written comments on the application to the DCP commissioner within 15 days after receiving the notice. The commissioner must consider the comments before renewing the permit.

Please check with your local town clerk's office to see if your town has adopted such an ordinance. I am aware that West Hartford has adopted such an ordinance.

### **Public Act No. 14-48**

### **An Act Concerning Municipal Notice of Alcoholic Liquor Permit Renewals**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective from passage) (a) A municipality may adopt an ordinance requiring each person who files an application pursuant to section 30-39 of the general statutes for renewal of a liquor permit that allows on-premises serving or consumption of alcoholic liquor shall simultaneously give written notice of such liquor permit renewal application to the chief law enforcement official or such chief law enforcement official's designee of the town in which the place of business to be operated under such permit is located. Such chief law enforcement official or his or her designee may respond in writing, not later than fifteen days after receipt of such notice, to the Commissioner of Consumer Protection, with comments regarding the renewal application that is the subject of such notice. The commissioner shall consider any written comments offered by such chief law enforcement official or his or her designee prior to approving such application.

(b) Not later than January 1, 2015, the Commissioner of Consumer Protection shall submit a report, in accordance with section 11-4a of the general statutes, to the joint standing committees of the General Assembly having cognizance of matters relating to local government, public safety and security and alcoholic beverages. Such report shall include, but not be limited to: (1) The number of written comments submitted by chief law enforcement officials or their designees under subsection (a) of this section, (2) copies of such written comments, if any, (3) a summary of actions taken by the Department of Consumer Protection regarding the granting or denial of any liquor permit renewal applications subject to the provisions of subsection (a) of this section, and (4) the commissioner's conclusions and recommendations, after consultation with such chief law enforcement officials or their designees, regarding the notice requirement contained in subsection (a) of this section.

John J. Suchy

Director of the Liquor Control Division



Appendix C

November 6, 2014

SENT BY REGULAR MAIL

Public Act 14-48- An Act Concerning Municipal Notice of Alcoholic Liquor Permit Renewals

I would like to share with you a tool available to local police chiefs as it relates to premises operating with an on-premises consumption liquor permit. This Public Act allows municipalities to adopt ordinances requiring anyone applying to renew a liquor permit for on-premises alcohol consumption with the Department of Consumer Protection (DCP) to simultaneously give written notice of the application to the chief law enforcement official or his or her designee in the municipality where the business is located. The police official or designee may then send written comments on the application to the DCP commissioner within 15 days after receiving the notice. The commissioner must consider the comments before renewing the permit.

The town of West Hartford has adopted such an ordinance (see below). All written notices, which you are now required to send, should be directed to:

Police Chief Tracey Gove  
West Hartford Police Department  
103 Raymond Road  
West Hartford, CT 06107

*Article III — Liquor Permit Renewals*

*§ 45-6 — Notice of Liquor Permit Renewals*

*Pursuant to Public Act No. 14-48, Section 1, each person who files an application for renewal of a liquor permit pursuant to section C.G.S. § 30-39 that allows on-premises serving or consumption of alcoholic liquor shall simultaneously give written notice of such liquor permit renewal application to the Chief of Police.*

If you have questions about this local ordinance, please contact the West Hartford Police Department.

Sincerely,



John J. Suchy  
Division Director of Liquor Control