

University of Montana

ScholarWorks at University of Montana

Graduate Student Theses, Dissertations, &
Professional Papers

Graduate School

1990

Improving the State of Montana all-alcoholic beverage license application process.

Diana L. Koon
The University of Montana

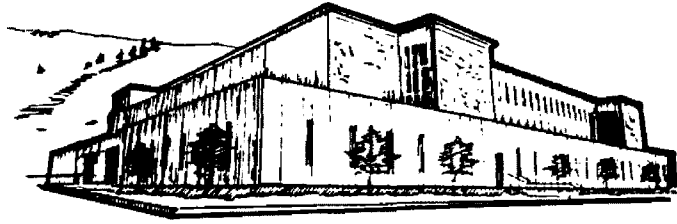
Follow this and additional works at: <https://scholarworks.umt.edu/etd>

Let us know how access to this document benefits you.

Recommended Citation

Koon, Diana L., "Improving the State of Montana all-alcoholic beverage license application process." (1990). *Graduate Student Theses, Dissertations, & Professional Papers*. 9220.
<https://scholarworks.umt.edu/etd/9220>

This Thesis is brought to you for free and open access by the Graduate School at ScholarWorks at University of Montana. It has been accepted for inclusion in Graduate Student Theses, Dissertations, & Professional Papers by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.



Mike and Maureen
MANSFIELD LIBRARY

Copying allowed as provided under provisions
of the Fair Use Section of the U.S.

COPYRIGHT LAW, 1976.

Any copying for commercial purposes
or financial gain may be undertaken only
with the author's written consent.

University of
Montana

Improving the State of Montana All-Alcoholic Beverage
License Application Process

By

Diana L. Koon

B. S., Montana State University, 1966

Presented in partial fulfillment of the requirements
for the degree of

Master of Public Administration

University of Montana

1990

Approved by


Chairman, Board of Examiners


Dean, Graduate School

August 2, 1990
Date

UMI Number: EP40022

All rights reserved

INFORMATION TO ALL USERS

The quality of this reproduction is dependent upon the quality of the copy submitted.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if material had to be removed, a note will indicate the deletion.

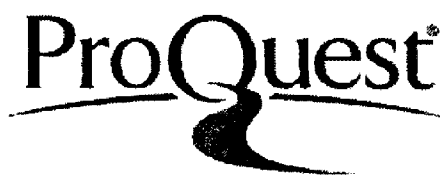


UMI EP40022

Published by ProQuest LLC (2013). Copyright in the Dissertation held by the Author.

Microform Edition © ProQuest LLC.

All rights reserved. This work is protected against unauthorized copying under Title 17, United States Code



ProQuest LLC.
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106 - 1346

TABLE OF CONTENTS

	Page
Chapter	
I. Introduction	1
II. Description of All-Beverages Licensing Process . .	6
III. Overview of Government Regulatory Functions . . .	14
IV. Interview Results	26
V. Recommendations	38
VI. Conclusions	47
Appendixes	
A. All-beverages License Application Packet	58
B. DOR Store License and Application	59
C. DHES Food Purveyor License and Application	60
D. DOC Building Code Permit	61
E. Survey Questions	62
Bibliography	65

CHAPTER I

Introduction

The Montana economy is depressed. State government revenue is below budget expectations. Among the current administration's goals are reducing government spending and regulation, stimulating the business environment, and returning to the private sector services that can be performed more efficiently and cost effectively by private business enterprise.

Minimal regulation is now a widely recognized political goal even in some areas long understood to need regulation. There is consensus among political leaders of both the Democratic and Republican parties in Montana that government is too large and too highly regulated and that agencies should be eliminated where not needed, essential programs better managed where possible, and regulation made more compatible with market realities.

A variety of licenses and permits are required by state and local government to operate a business in Montana. Each regulatory entity has its own set of laws, regulations and procedures. Some type of application process and fee precedes the issuing of a license or permit requiring some criteria or qualifications be met. Many regulatory entities ask for the same basic information and follow a similar process to verify that information. Each licensing entity has a separate office location and a staff of "experts."

There is no "master list" of all licenses or permits necessary for a specific business enterprise. The business person may, however, be penalized for failure to obtain a required license or permit.

I conducted a study of state business licenses and permits required to operate a business selling alcoholic beverages at retail to determine whether duplication of effort exists between licensing entities and, if so, whether that duplication of effort and current regulations can be reduced through consolidation or elimination of state licensing functions to provide the prospective business person the ability to understand the process and commence business promptly while assuring adequate protection of its citizens against illegal activity.

The Montana Legislature has determined that the alcoholic beverages industry requires regulatory control to protect the public health, safety and welfare of its citizens. Title Sixteen of the Montana Code Annotated, Chapters one through six is considered the Montana Alcoholic Beverages Code and contains the regulations governing the manufacture, sale and distribution of alcoholic beverages within the State of Montana. State law has delegated the authority for carrying out the requirements of the Montana Alcoholic Beverages Code to the Department of Revenue (DOR). The actual licensing administrative functions are the responsibility of the Liquor Division, License Bureau.

State law allows the DOR thirty days from receipt of a completed application to make a thorough investigation of all matters pertaining to the application and make a determination as to whether the applicant is qualified to receive a license and the premises is suitable for carrying on the business and whether the requirements of the Montana Alcoholic Beverages Code and the department rules are met. To make such a determination, License Bureau staff depend on the expertise of staff in other government agencies.

Due to the short period of time allowed under state law to complete the application process and the fact that the

law allows for revocation of a license if at any time the licensee or the premises fail to continue to qualify, it is division policy that application documents signed and declared by the applicant to be true, correct and complete are sufficient evidence for the License Bureau to decide a license can be issued (if no information providing cause for the department to deny the application is received within the investigation period). The investigation process will continue until completed. If, when the investigation process is completed, the License Bureau determines from the information received that the licensee or the premises does not qualify for a license, the bureau will initiate proceedings to revoke the license.

For purposes of this study only those state business licenses or permits directly related to the retail sale of alcoholic beverages are being evaluated. To identify processing problem areas and the opportunity for improvement of service to the license applicant, I interviewed a group of licensees who were recently issued licenses by the department, state regulatory officials who issued licenses or permits required to operate a retail all-beverages license business, and the License Bureau application processing staff. I used the results of the interviews, my review of state laws and rules governing the operation of an alcoholic beverages business and the information I obtained

from other states to form my conclusions and recommendations.

CHAPTER II

Description of State Retail All-Beverages Licensing Process

License Bureau staff learn that a party needs to obtain ownership of an all-beverages license through notification from local or state government officials or members of the public, routine inspection by liquor investigators, media reports, and receipt of application forms. Most often knowledge is gained through receipt of application forms.

The application forms are found in Appendix A. These forms, generally referred to as an "application packet," include an application, an assignment form, a mortgage addition, continuation or termination form, a temporary authority form, an employment agreement form, and forms to apply for a Federal tax stamp.

Three Licensing Certification Specialists are responsible for reviewing applications for the retail sale of alcoholic beverages within their assigned counties and gathering information from other state and local government

agencies to determine whether an application can be approved or must be denied. The License Bureau notifies the DOR Investigations Program and state and local government officials by letter that an application for an alcoholic beverages license has been received in their jurisdictional area. These officials are requested to advise the License Bureau if they have any concerns about the application by a specified deadline. If the License Bureau is notified that a deficiency exists, the applicant is advised to contact the appropriate official to resolve the problem. The application is held until the bureau is notified the problem has been resolved. If no response is received by the License Bureau, the processing continues.

The criteria used by the License Bureau to determine whether the applicant qualifies for a retail all-beverages license are found in Section 16-4-401 of the Montana Code Annotated. The criteria an individual applicant must meet to qualify for ownership of a retail all-beverages license are: 1) ownership of no more than one retail all-beverages license; 2) no financing from or affiliation to a manufacturer, importer, bottler or distributor of alcoholic beverages; 3) the applicant is a resident of the State of Montana and is qualified to vote; 4) the applicant is at least nineteen years of age; and 5) the applicant's record as a businessman and as a citizen demonstrates he/she is

likely to comply with all applicable laws of the state and local governments.

The criteria a corporate applicant must meet to qualify for ownership of a retail all-beverages license are: 1) fifty-one percent of the outstanding stock must be held by Montana residents qualified to vote; 2) any owner of ten percent or more stock must meet the individual requirements listed above; and 3) the corporation must be authorized to do business in Montana.

License Bureau staff determine whether the applicant has met the required criteria from the applicant's answers to questions on the application and a criminal background report provided by the investigator. Any written allegations as to the character or reputation of the applicant are looked into and considered if valid.

The premises proposed for licensing is considered suitable if it: 1) meets health codes; 2) meets building codes; 3) meets fire codes; 4) sale of alcohol at that location is not prohibited by zoning codes; 5) sale of alcohol at the location is not prohibited by local ordinance; 6) if alcoholic beverages are not currently being sold at that location, the premises is not within six hundred feet and on the same street as a church or school;

and 5) the applicant has possessory interest in the premises proposed for licensing.

License Bureau staff have no expertise in the area of health, building or fire code regulation nor do they have knowledge of local zoning or ordinance restrictions. The DOR has no ability to enforce regulations of other state or local government entities. Therefore, the License Bureau determines the suitability of a premises proposed for licensing through a combination of the following information: 1) responses by the applicant to questions on the application; 2) responses from government entities to the bureau's notification letter advising these entities that an application has been received; 3) a department investigator's inspection of the premises; and 4) verified statements by local citizens.

The alcoholic beverages application form is comprised of four sections. The first section contains general information questions to be completed by applicants for any type of retail or wholesale alcoholic beverages license. The information required is: 1) the type of license being applied for; 2) the name and address of the applicant; 3) the business or trade name; 4) the location of the premises proposed for licensing; 5) whether the location is zoned for the sale of alcoholic beverages; 6) whether local ordinances

prohibit the sale of alcohol at that location; 7) whether any persons other than the applicant are financially interested in the business; 8) whether the applicant owns, rents or leases the premises; 9) whether the location is within six hundred feet of and on the same street as a church or school; 10) whether the applicant or any member of his immediate family own any other establishment licensed for the sale of alcoholic beverages; and 11) whether the applicant or any member of his immediate family have any affiliation with or financial interest in the operation of any manufacturer, bottler or distributor of alcoholic beverages.

Section two is divided into three parts. The first part is to be completed by the applicant if applying for individual ownership, the second if applying as a partnership, and the third if applying as a corporation. Each section requires all applicants or stockholders to provide their date of birth, social security number, employment history, and residence addresses for the past five years. In addition, corporate applicants must list the date and place of incorporation, all officers, directors and stockholders and the number of shares of stock owned by each stockholder.

Section three is divided into six parts: the first part to be completed if applying for a retail on-premises consumption all-beverages license; the second part if applying for a retail on-premises consumption beer or beer/wine license; the third part if applying for a retail off-premises consumption beer or beer/wine license; the fourth part if applying for a veteran's or fraternal license; the fifth part if applying for a beer wholesaler's or wine distributor's license; and the sixth if applying for a brewer or beer importer's license.

Section four is entitled Declaration and Affidavit. All individual applicants or two members of a corporate applicant must sign the application declaring they have read and understand the application and have responded truthfully.

In addition to the application form, an applicant for transfer of ownership of a license must complete an assignment form. The current licensee must sign the document declaring he/she has assigned all of his/her right, title and interest to the applicant. The name of the applicant(s) listed on the assignment must agree with the applicant name(s) listed on the application form.

When the License Bureau has received the application and assignment forms along with a one hundred dollar processing fee and can determine who the applicant is and where the premises is located, the Licensing Certification Specialist prepares a public notice in the form of a legal advertisement and sends it to the newspaper of general circulation in the area of the proposed premises to notify the public that an application has been received and is being considered for issuance of a license. Receipt of an application to transfer ownership and/or location of a license must be published for two consecutive weeks. An application for a new license must be published for four consecutive weeks. The notice is required by state law and allows for public protest against the issuance of a license to the applicant. If protests are received, an administrative hearing must be scheduled to hear the protests.

A party applying for a transfer of ownership of an existing license is allowed the ability to operate temporarily while the application is being processed if requested. Temporary operating authority is issued when a complete application, an assignment form, and the processing fee is received if the documentation shows a bona fide sale of the license to the applicant.

When all the application documents have been received and the License Bureau has determined both the applicant and the premises qualify for licensing, the application is approved and a license issued (in the absence of written objections to the issuance of a license).

CHAPTER III

Overview of Government Regulatory Functions Related to State Retail All-Beverages Licensing Process

In addition to the DOR Liquor Division license, state licenses or permits required to operate a retail on-premises consumption all-beverages business are: 1) DOR store license; 2) Department of Health and Environmental Sciences (DHES) food purveyors license; 3) Department of Commerce (DOC) building occupancy permit. Although no license or permit is issued, an applicant for an all-beverages license must also go through an inspection process by the Department of Justice (DOJ) Fire Marshall Office to assure their premises meets state fire codes and a background investigation by the DOR Investigations Program to establish that the applicant is likely to operate the establishment in compliance with all applicable laws of the state and local governments.

DOR Store License

The Business and Miscellaneous Tax Section of the DOR processes applications for state store licenses. Any business, except grain merchandising, selling out of an inventory must apply for and obtain a store license. A copy of the state store license application form is found in Appendix B.

Applicants for a state store license must provide the business name and location, the owner name, and the license fee. The application is reviewed by section staff and a license issued if the form is properly completed and the fee paid. Operating without a store license is a misdemeanor and if convicted, the business person is subject to a fine of not less than twenty-five dollars or more than two hundred dollars per day that the violation continues.

According to the section supervisor, twenty-five percent of a grade seven, administrative clerk II, staff time is devoted to processing store applications. There are approximately twelve thousand store licenses renewed annually each January 1, contributing about \$276,000 to the state general fund. The majority of store licenses issued are for single business operations whose license fee is eleven dollars.

Montana law governing state store licenses is not being vigorously enforced at the present time. No full-time enforcement personnel are assigned to the section. Compliance is handled by staff on an exception basis when knowledge of a violation is gained through routine inspections or notification from other state or local government entities.

The Legislature considered repealing the state store license law in both the 1985 and 1987 Legislative Sessions. In both sessions the bills were killed.

DHES Food Purveyors License

The DHES, under Title Fifty, Chapter Fifty, is responsible for the prevention and elimination of conditions and practices which endanger public health. The Food and Consumer Safety Bureau carries out this responsibility in connection with food service establishments through inspection and issuance of food purveyor licenses. A copy of the food purveyor license application is found in Appendix C.

The DHES has defined food [ARM16.10.203(10)] as "an edible substance, beverage, or ingredient used, intended

for use, or for sale for human consumption." An alcoholic beverage meets the definition of food. Therefore, alcoholic beverages businesses are considered food services establishments and must obtain a food purveyor license.

The Food and Consumer Safety Bureau has a staff of three responsible for health inspections and licensing of food service establishments. As the DHES has either written or oral agreements with local governments to conduct these inspections, state staff must conduct inspections only in those areas where no agreement with the DHES exists or where state inspections are mandated by law.

Applicants for food purveyor licenses must provide the business name and location and the owner name. A license fee of thirty dollars must be submitted with the application. The license application is either mailed to the applicant by the DHES or it is given to the business owner at the time a favorable inspection of the premises is completed. The application is signed by the local sanitarian indicating the premises meets health standards. When the application is properly completed and mailed to the DHES, Food and Consumer Safety Bureau, a food purveyor license is prepared. The food purveyor license is returned to the local health official who validates the license by signature and then mails the license to the business owner.

Food purveyor licenses are renewed annually each January 1. If the license fee is unpaid on January 1, the licensee is subject to a late payment penalty fee of twenty-five dollars. During the 1989 license year, 5,116 food purveyor licenses were issued contributing approximately \$153,480.00 to the general fund. However, for each thirty dollar license fee collected, \$25.50 is returned to the local government to defray the cost of performing health inspections.

The DHES, Food and Consumer Safety Bureau and each local government entity share enforcement responsibility. There has been a low level of enforcement in the past due to lack of personnel and monetary resources. Local sanitarians do routine inspections of establishments with a food purveyor license as time permits.

DOC Building Code Permits

The DOC is responsible for providing safe and efficient buildings by supervising the enforcement of Title Fifty, Chapter Sixty of the Montana Code Annotated, Building Construction Standards. The DOC is the only state agency that may promulgate building regulations, except the State Fire Marshal who may promulgate regulations relating to the

use of buildings and installation of equipment. The purpose of the code is to provide reasonably uniform standards and requirements for construction and construction materials consonant with accepted standards of design, engineering and fire prevention, to permit where feasible modern technical methods, to eliminate restrictive, obsolete and unnecessary regulations, and to ensure that any new buildings constructed with public funds are accessible to and functional for physically handicapped persons.

The DOC, Building Codes Bureau carries out this responsibility by inspecting buildings and processing applications for building, electrical, mechanical and plumbing permits. Permits must be obtained for new construction or remodeling of existing buildings. Building code regulations do not apply to existing buildings that continue to be used for the same type of business operation. The building code term is "similar occupancy." Single family dwellings, two, three or four-plex, private garages, farm and ranch buildings, and mining buildings are exempt from state building code requirements. A copy of the building code permit application is found in Appendix D.

Applicants for building code permits must provide the Building Codes Bureau with a copy of the building plans and specifications prior to commencing construction. The

construction plans are reviewed and when approved permits are issued and construction may begin. An inspection is conducted after the construction has been completed to assure agreement with the plans submitted.

The Building Codes Bureau is staffed with two building inspectors, three plumbing and mechanical inspectors, and thirteen electrical inspectors. These individuals are responsible for inspection of all buildings subject to the state building code requirements within the State of Montana, unless a local government is certified by the DOC Building Codes Bureau to perform building code inspections. There are fifty-four certified local governments in Montana who do their own building inspections. There are approximately twelve thousand to fifteen thousand electrical permits, six hundred building permits, one thousand plumbing permits, and three hundred to four hundred mechanical permits issued yearly.

Permit fees vary based on the building valuation. For example, a \$100,000.00 building project would require payment of an eight hundred dollar building permit fee. A plumbing, mechanical, or electrical permit is a lesser fee.

Due to lack of staff, building code requirements are not actively enforced. Enforcement is handled on an

exception basis through routine building inspections, notification from other regulatory agencies, or complaints from the public. The Building Codes Bureau relies on self compliance. The bureau can assess an investigation fee equal to the permit fee for failure to obtain a permit. Court action can be pursued if parties refuse to comply with building code regulations.

DOJ Fire Code Approval

The DOJ, State Fire Marshal is responsible for supervising the enforcement of Title Fifty, Chapter Sixty-one of the Montana Code Annotated, Fire Safety In Public Buildings. The purpose of Chapter Sixty-one is to provide for the public safety in case of fire. The State Fire Marshal is responsible for seeing that inspections of public buildings are performed and that the buildings have adequate fire escapes, fire fighting apparatus, and fire alarms.

The State Fire Marshal has a staff of five Deputy Fire Marshals located across the state who perform inspections of public buildings. State law requires all school buildings to be inspected at least once each twelve months and all other public buildings to be inspected at least once each eighteen months. These deputies are assigned multi-county regions within which it is their responsibility to inspect

all public buildings. Although state law requires the inspections be conducted by the fire department of each municipality or district under the supervision of the Fire Chief or the County Sheriff or Deputy Fire Marshal where no fire department exists, only seven cities in Montana do their own inspections. Other fire departments either lack training, fear liability, or don't consider routine inspections as their responsibility. Legislation was proposed during the 1989 Legislative Session to exempt volunteer fire departments from enforcement of the law. The legislation died in committee.

Due to the small number of state and local staff actively conducting fire inspections, other than schools and state buildings, inspections are conducted on an exception basis. Deputy State Fire Marshals conduct inspections of buildings when requested to make an inspection or are notified by other regulatory agencies of new operations. Routine inspections of existing businesses are conducted as time permits.

There is no license application process associated with fire code inspections. However, there is a compliance process which if not completed will ultimately result in the inability to conduct business.

DOR Investigation Background Report

The DOR Investigations Program performs applicant background investigations and premises inspections for the DOR Liquor Division. The Investigations Program is responsible for providing information requested by the Liquor Division that is needed to determine the applicant and premises qualifications that can not be obtained by the Liquor Division.

There is no application process associated with the Investigations Program. The Investigations Program is directly supervised by the DOR Director's Office. The Investigations Program responsibilities as they relate to the Liquor Division licensing process is included in this study because the Investigations Program is operated independently from the Liquor Division. The Liquor Division Administrator has no authority over the Investigations Program. License Bureau communication with the Investigations Program is handled in much the same way as communication is handled with other agency bureaus. The Investigations Program provides inspection and information gathering support for the Liquor Division based on guidelines set by the Liquor Division.

The Investigations Program is staffed with seven investigators. Each investigator is responsible for gathering information on applications received for locations within his or her multi-county region. The investigator visits the location proposed for licensing to determine if the premises has been accurately represented to the department. The investigator also talks with the applicant and gathers background information sufficient to obtain criminal record information from law enforcement agencies. The background information is forwarded to the Investigations Program main office in Helena where it is disseminated to federal, state and local law enforcement agencies for information regarding any possible criminal record on the applicant.

When the information gathered by the investigator is accumulated by the Investigations Program main office staff, it is forwarded to the Liquor Division for review. The Investigations Program receives over one thousand requests for assistance from the Liquor Division each year. Due to the small number of investigators and the fact that each has additional duties unrelated to liquor license investigations, the Liquor Division does not always receive the requested information by the end of the thirty-day period required by law to complete the application process. If there is no information available requiring denial of the

application, the License Bureau must issue the license by the end of the required period.

The Liquor Division is responsible for enforcement of the Code. The only penalty imposed on an applicant, based on information provided by the Investigations Program, is denial of the application by the Liquor Division, License Bureau.

The DOR Liquor Division has no jurisdiction over an unlicensed premises. Sale of alcoholic beverages without a license (a felony offense) is a matter for local law enforcement. Upon conviction of sale without a license, a party may be fined not less than one thousand dollars or more than five thousand dollars or may be imprisoned in the state prison for not less than one year or more than five years or both fined and imprisoned.

CHAPTER IV

Interview Results

To identify license application processing problem areas, I interviewed a group of all-beverages licensees who recently applied for and were issued a license, state regulatory agency officials who issue licenses or permits required to operate a retail all-beverages license business, and the License Bureau application processing staff. The interview questions are found in Appendix E numbered one through three.

All-Beverages Licensees

Five all-beverages licensees were randomly selected for the interview by the License Bureau Administrative Assistant IV. The selections were based on the following criteria: 1) the licensee applied for an all-beverages license; 2) the application was received by the License Bureau within the last six months; 3) the application process has been

completed; and 4) each licensed location is within a different geographical quota area. (Quota areas are described in Section 16-4-201 of the Montana Code Annotated as: 1) an incorporated city or town and that area within a five-mile straight line distance from the nearest corporate boundary, or 2) the county area minus any incorporated cities or towns within the county.) The all-beverages licensees answered the questions in Appendix E-1.

Each licensee was asked how he/she was referred to the DOR Liquor Division. Three of the licensees had owned alcoholic beverages licenses in the past and understood the process. Of the remaining two applicants, one was a former state employee whose acquaintances told her about the licensing process while the other stated it was common knowledge that one needed a license to sell alcoholic beverages.

All five applicants interviewed agreed that the instructions on the forms were understandable. Two applicants commented that the forms were lengthy and detailed. One considered the forms "scary" and added that she was worried she would do something wrong.

When asked if they were provided adequate information or assistance to complete the forms, all of the applicants

responded, yes. Four out of the five applicants added that the License Bureau specialist they had talked to was nice, cooperative, and helpful and that they were able to get a quick, understandable response.

Two of the applicants believed that the DOR Liquor Division asked for more personal background information than they felt was necessary. One of the applicants felt that the requirement to provide a narrative description of the premises seemed unnecessary until he realized it was required because of the difficulty of locating the establishment from the legal description alone. The remaining two applicants felt the information requested was necessary to determine an applicant's qualifications for licensing.

When asked if the application processing period seemed to take less time than expected, about as much time as expected, or more time than expected, two applicants felt the processing time was shorter than expected. Two applicants felt that the processing time was about as long as they had expected. One applicant felt that the processing time took longer than he had expected. Their expectations were based on discussions with licensees who had gone through the application process and the information letter sent by the License Bureau stating that the

processing period takes approximately six to eight weeks to complete.

To operate an all-beverages licensed business the owner must be able to demonstrate his/her ability to comply with all applicable state and local laws. State law requires, in addition to an alcoholic beverages license, that the owner of an active business obtain a DHES food purveyor license and a DOR store license. If the owner of the business has built a new building or has remodeled an existing building, the owner must also obtain a building permit and the building must pass both building code and fire code inspections. Once the alcoholic beverages license is issued, the owner must obtain a license from the DOJ Video Gaming Bureau (if he/she intends to conduct a gambling business in conjunction with the alcoholic beverages business).

I asked the applicants what other licenses they were required to obtain in order to operate their alcoholic beverages business. One applicant was not required to obtain any other state licenses because the license transferred ownership due to a foreclosure action. He will not operate under the license. The remaining four applicants were aware that they were required to obtain a DHES food purveyor license. One applicant mentioned being

required to obtain a DOR store license. None of the applicants were required to obtain DOC building code permits because of plans to operate in existing buildings. Only one applicant indicated she was required to go through a fire code inspection. Three applicants mentioned being required to obtain a DOJ gambling license. A gambling license is not required to obtain a retail all-beverages license. However, to obtain a gambling license an applicant must first own a retail alcoholic beverages license.

Three applicants stated that they were required to provide information to the DOJ Video Gaming Bureau similar to that required by the DOR Liquor Division. The information considered similar was personal background information and general information concerning who the applicant is the where the premises is located. Two applicants said they provided similar information to the DHES Food and Consumer Safety Bureau. One applicant remembers providing similar information to the DOR Business and Miscellaneous Tax Section to obtain a store license. The information provided for both the DHES food purveyor license and the store license amounted to general questions such as the name of the applicant and the location of the premises.

State Regulatory Officials

The state regulatory agencies that issue licenses or permits required to operate a retail all-beverages license business are the DOR Business and Miscellaneous Tax Section, the DHES Food and Consumer Safety Bureau, the DOC Building Codes Bureau, and the DOJ Fire Marshal Office. I interviewed officials from these agencies responsible for overseeing the license or permit application process within their respective units. These officials answered the questions in Appendix E-2.

The responses given by all four officials to the first question, "What is your licensing Function?" essentially mirrored the language in the code they are responsible for enforcing. The function associated with the DOR store licenses is to issue a license to all businesses that sell out of an inventory with the exception of grain merchandising. The function of the DHES Food and Consumer Safety Bureau is to regulate establishments that sell and serve food to insure the establishment is in good sanitary condition. The DOC Building Codes Bureau function is to provide for safe and efficient buildings through enforcement and adoption of building code regulations. The function of the DOJ Fire Marshal Office is to inspect buildings for fire safety.

The DOR Business and Miscellaneous Tax Section gathers information from the owner of the business. However, the section uses other state licensing entities as a resource to determine whether a business needs to apply for a store license. The DHES Food and Consumer Safety Bureau gathers information from local sanitarians and health officers, county commissioners, the board of health and other bureaus in the DHES such as the Water Quality Bureau or the engineering staff. The DOC Building Codes Bureau gathers information from the applicant, design professionals, county planners, the DHES, and the DOR Liquor Division. The DOJ Fire Marshal Office gathers information from the DOC Building Codes Bureau, the DOR Liquor Division and the Family Services Bureau of the Department of Social and Rehabilitative Services Agency (SRS).

The DOR Business and Miscellaneous Tax Section responded to question two that the section does not provide information to other licensing entities. The DHES Food and Consumer Safety Bureau provides information to local sanitarians and health officers, the DOR Liquor Division, The DOC Building Codes Bureau, the DOJ Fire Marshal Office, and the SRS Family Services Bureau. The Building Codes Bureau provides information to DOR Liquor Division, the DHES Food and Consumer Safety Bureau, the DOJ Fire Marshal

Office, the Office of Public Instruction, the Department of Administration Architecture and Engineering Division, the Department of Fish, Wildlife and Parks, and the Department of Highways. The DOJ Fire Marshal Office provides information to the DOR Liquor Division, the DHES, and the SRS Family Services Bureau.

When asked what problems each official has experienced when gathering information from or providing information to other licensing entities, both the DHES and the DOJ Fire Marshal Office responded that there were communication difficulties. The DHES official described the difficulty as the large number of parties her office must contact. The DHES Food and Consumer Safety Bureau has no support staff which further complicates the bureau's ability to gather and provide information. The DOJ official stated that there is a lack of communication between the government entities enforcing fire codes and those enforcing building codes. However, communication and cooperation are improving. The DOR Business and Miscellaneous Tax Section official cited problems when sharing information with other state licensing entities due to differences in owner and/or business names provided by applicants. The DOC Building Codes Bureau responded that no problems were experienced other than lack of time to respond to other licensing entities.

The most frequent complaints of applicants as described by regulatory officials were similar. Applicants have complained to the DOR store licensing staff that their regulations were unnecessary, just one more thing to do, and a hassle. The DHES staff have heard from applicants that their regulations were too stringent and that they should exempt the applicant from meeting requirements. Applicants also complain because the food purveyor license fee is nontransferable and the new operator must pay the fee even if the previous owner recently paid. DOC Building Codes Bureau staff are told by applicants that there are too many places they have to contact to get things done. Applicants would like to be able to contact one place to accomplish all business application requirements. Applicants complain to the DOJ Fire Marshal Office staff that their requirements represent more government interference. Applicants are frustrated when they learn there are requirements in addition to the general building code requirements they have already met.

License Bureau Staff

The License Bureau application processing staff comprised of four individuals answered the questions in Appendix E-3. Two of the individuals have worked for the Liquor Division, License Bureau for over two years. The

other two individuals were hired within the last two months and are presently being trained to perform the duties of the position. Three of the positions are classified as Licensing Certification Specialists, grade eleven. One of the positions is classified as Administrative Assistant IV, grade twelve.

The application processing staff are responsible for answering questions about the application process, and explaining state law, department rules and division policy as it would pertain in a given set of circumstances. These individuals spend over seventy-five percent of their work day communicating orally or in writing with the general public, other regulatory agencies, and license applicants gathering or providing information and explaining licensing requirements.

All four individuals agree that an applicant's most-often-asked question is, "When can I start operating?" Usually the License Bureau receives an application after agreements to purchase or lease a building and/or to buy a license have been finalized. The seller has either received compensation for the sale of the real property or the license or is anxiously awaiting receipt of funds. The purchaser may already be making lease or purchase payments.

Each day the applicant is unable to operate could represent a substantial loss of income.

Four different responses were given when respondents were asked to identify the questions most often left unanswered. Two of the questions identified as most often unanswered are, "Have you ever been arrested, pleaded guilty or been convicted of any crime," and "Is the license to be held as joint tenants or as tenants in common." These questions are in obscure locations on the application document. Another response was to a question not asked on the application form: providing an exact location of the premises proposed for licensing. An applicant's mailing address and the premises location sometimes differ. An accurate description of the premises is needed because: 1) sale and consumption can only occur within the area identified on the face of the license; 2) other state or local regulatory personnel must inspect and/or determine whether alcohol can be sold or consumed at that location; and 3) citizens in the area may wish to protest issuance of a license at that location.

Three of the staff agree that a lease, rental or purchase agreement is the document most often not included with the initial filing of the application. A certified survey and affidavits of public convenience and necessity

were noted by one specialist as the documents most often not included with the application. The application does not state that these documents are needed.

The application processing staff advised that they gather information about a proposed premises from the DHES Food and Consumer Safety Bureau, the DOC Building Codes Bureau, and the DOJ Fire Marshal Office. They also gather information about the applicant's background from the DOR Investigations Program.

The processing staff provide notice that an application has been received to state and local government regulatory agencies. If the business owner has hired a manager to take care of the day to day operation of the business, bureau staff provide state taxing agencies a copy of the management agreement. Bureau approval letters are forwarded to the DOJ Video Gaming Bureau for applicants who are also applying for gaming licenses.

Two of the staff interviewed cite lack of communication as a problem. Unnecessary information is received from other state regulatory agencies, and some needed information is not received in time for it to be effectively used. The two newly hired staff persons claim that they have not experienced problems.

CHAPTER V

Recommendations

The DOR Liquor Division, License Bureau Chief must decide whether to grant or deny an application for an alcoholic beverages license within thirty days from receipt of a complete application. Generally, the applicant applies for a license after agreement has been reached with the seller of the property. As the applicant has purchased the property, he/she is anxious to complete the process swiftly and begin operating the business. Many applicants are not familiar with the liquor licensing requirements and, therefore, file an incomplete application with the department. The License Bureau must communicate to the applicant that additional information is needed.

The licensee group, the state regulatory official group, and the Liquor Division license processing staff agree that applicants lack knowledge of state licensing requirements. This lack of knowledge is partly due to

inadequate or untimely communication of information to applicants by state regulatory agencies.

Recommendations were offered by the individuals I interviewed. The suggestions were valid and directly related to the all-beverages licensing process. If implemented, the recommendations do not appear to involve significant time and effort.

Licensee Recommendations

Three of the five applicants I interviewed offered suggestions for improvement of the retail all-beverages application process. One applicant suggested the application forms be "trimmed down." He believed some of the forms were repetitive. Another applicant suggested the forms be rewritten to provide a more clear explanation of what was required. One applicant suggested it would be helpful to include with the application packet a check list of other licenses that may be needed depending on the intended business operation and the agency to contact.

State Regulatory Officials Recommendations

The state regulatory officials I interviewed offered recommendations to improve the problem areas identified.

All cited lack of staff to perform required duties as contributing to the problems experienced and recommended an increase in staff to reduce or eliminate problems associated with work load or untimely response to requests. Each official's individual recommendations are included in the following paragraphs.

The DOR Business and Miscellaneous Tax Section Supervisor suggested that because a store license is revenue generating rather than for the protection of the public, either the license fee should be increased or the requirement to obtain a store license eliminated.

The DHES official recommended getting information out to the public, perhaps in the form of press releases. She believes it is important for prospective business operators to understand what will be required of them should they commence business. They would then have the opportunity to choose whether or not to follow through with their plans. The DHES official believes the food purveyor license fee is not commensurate with the service provided and plans to propose legislation to increase the fee. Bureau staff was reduced due to recent budget cuts. The bureau has no support staff to perform receptionist and clerical functions. Technical staff has too much to do. The bureau

chief recommended an increase in staff to perform necessary duties in a more timely manner.

The DOC Building Codes Bureau Chief does not believe the bureau has experienced any problems working with other state agencies. He does believe the public's lack of knowledge of building code regulations and local government ineffectiveness in enforcing the code are problem areas. The bureau chief recommended a government coordinator similar to the Citizen's Advocate who would disseminate permit requirements to local governments. The coordinator could function as a public relations person or as a liaison between state and local government or government and the public. An increase in staff was also recommended in order to enforce vigorously building code regulations.

The DOJ Fire Marshal Office recommended an increase in staff to conduct inspections and gain compliance with the fire codes. Also recommended was better coordination with the DOC Building Codes Bureau to assure sharing of information. A review of construction or remodeling plans before construction has begun will eliminate any alterations needed later to comply with fire code requirements.

License Bureau Staff Recommendations

Two License Bureau application processing staff personnel offered recommendations. Both determined better communication is needed between state regulatory agencies. They each recommended the License Bureau communicate to other state regulatory agencies the type of information needed from them by the bureau. It was suggested if other agencies were informed of the reason the information was being requested and the License Bureau statutory deadlines, cooperation would likely be gained on a timely basis.

Liquor Division Administrator Recommendations

In keeping with the philosophy of the current administration, Mr. Gary Blewett, the Liquor Division Administrator, recommended the License Bureau application forms be redesigned to eliminate any questions or requests for documentation not specifically required by state law. Mr. Blewett suggested that requiring affirmations by the applicant rather than direct evidence is acceptable to establish that the applicant or his premises has met the qualifications for licensing. The Liquor Division has the ability when time permits to review a business operation to determine if the operation is consistent with the affirmations made on the application. Regular premises

inspections by the DOR investigators, perhaps once every sixty days, should reduce if not eliminate operations not authorized by the department. The investigator would be more visible and available to answer licensee questions. The licensee would be aware of the requirements of law and voluntarily comply law rather than be assessed a penalty for violating the law.

Mr. Blewett believes a review of department rules associated with the manufacture, sale and distribution of alcoholic beverages is needed. Unnecessary regulation should be reduced. Rules must be eliminated when they are not authorized by law. If the department has discretion under the law, the department should choose an option that is the least restrictive for the applicant.

It was suggested by Mr. Blewett that instructions be included with the application packet. This may reduce an applicant's need to communicate with the License Bureau prior to filing the application as well as correspondence from the License Bureau requesting additional information after the application is received.

What Other States Have Done

Other states have experienced problems similar to

Montana. Common problem areas are inadequate communication with the public and the public's lack of knowledge of licensing law.

The states of Washington and Oregon have prepared booklets not only to assist the applicant in preparing the application for a license but also to explain the steps in the application process, the applicant's rights, the public's rights, and how the agency decides whether to approve or deny an application. Included in both booklets is a section on license renewal. It explains how the licensee can protect himself/herself from losing a license by avoiding violations of law. The booklets explain what is a violation of law and how the licensee can safeguard against violations occurring at the licensed premises. The booklets explain the law in common language that is understandable regardless of the licensee's educational level. Office addresses and telephone numbers are listed in the booklets if further explanation is needed.

The state of Washington has recently instituted a "One-Stop" licensing center. A party interested in starting a business in the state of Washington can contact Business License Services in Olympia, Washington, and gain information and application forms for any type of business that requires a license. All applications are filed with

the Business License Services Agency. The information is disseminated by the agency to the appropriate regulatory agencies to perform inspections and investigate the applicants. The individual regulatory agencies decide whether to grant or deny the application and notify the Business Services Agency. If the application is granted, the Business Services Agency forwards the license(s) to the applicant. I discussed this concept with the Washington State Liquor Control Board, License Division Assistant Supervisor. I was told that the alcoholic beverages processing time period has increased and, in her opinion, the process is more cumbersome since the "One-Stop" licensing center was instituted.

During the 1983 Montana Legislative Session, money was appropriated to study the "One Stop" licensing center concept. One of the study's final recommendations was that the liquor laws were too complicated for one-stop licensing.

Montana has a licensing information center. The DOC Business Licensing Center was created to provide information to the public about state licensing requirements and to direct unknowing members of the public to the proper licensing agency. The licensing center produces a handbook that lists the different types of state licenses required for specific business enterprises and the agencies to

contact for an application and specific information concerning licensing requirements. Montana's Business Licensing Center is not involved in the application process.

CHAPTER VI
Conclusions

Government generally attempts to provide benefits and services that will not be provided by the private sector. One service is regulation of activities that present public health, safety and welfare problems. Government may also assess fees to generate revenue in order to provide benefits and services. Government exists to serve the public interest. Regulation should exist only to the extent that it serves this purpose.

Each state regulatory official commented that additional staff is needed to perform adequately assigned duties and responsibilities, but the current administration is committed to reducing the size and cost of state government. It is unlikely the administration would support an increase in staff or funding for these regulatory agencies. Each agency must review its responsibilities and look for more efficient methods of performance so duties may be accomplished with available staff.

Having conducted interviews and a review of state law and current procedures, I conclude that implementing the following recommendations would improve the applicant's awareness of licensing requirements and reduce the all-beverages license processing period and the associated costs.

1. eliminate DOR store license
2. issue food purveyor license at local level
3. improve communication between state regulatory agencies
4. combine building code and fire code inspections
5. eliminate unnecessary information on alcoholic beverages application forms
6. prepare alcoholic beverages instruction booklet
7. prepare list of state licenses or permits needed to include with application packet
8. eliminate unnecessary alcoholic beverages rules
9. promote DOC Business Licensing Center

Eliminate DOR Store License

The DOR state store licensing process does not provide a control mechanism that assures protection of the public's health, safety and welfare. There are no health, safety or welfare issues associated with the issuance of a

DOR store license. Instead, the DOR state store application process is a collection of information and fees. The process could be considered revenue generating since fees collected each year produce approximately a \$276,000.00 increase in the general fund. The revenue collected is insignificant when compared to the inconvenience to licensees.

Issue Food Purveyor License At Local Level

The DHES food purveyor licensing process provides a method by which the state can assure the public that licensed establishments selling consumable products have acceptable sanitary practices and that products purchased from these establishments are fit for human consumption. This process is necessary to protect the public's health, safety and welfare.

The DHES Food and Consumer Safety Bureau notifies local health officials of the need to inspect a premises. The local sanitarian or health official conducts the inspection of all establishments other than state buildings and schools. The local official then sends the inspection report to the DHES Food and Consumer Safety Bureau. If the report is favorable, the DHES Food and Consumer Safety Bureau prepares the food purveyor license and sends it to

the local health official. The license is not valid until it is signed by the local health official. The local health official sends the applicant his/her license. The involvement of the DHES Food and Consumer Safety Bureau in the license application process is clerical in nature; gathering, posting and mailing.

Food purveyor license fees collected do not cover the processing costs. Only \$4.50 of the license fee is retained at the state level. Salaries and license printing costs exceed the amount collected.

The DHES is responsible under state law for assuring protection of the public health. The DHES can accomplish that duty by educating local health officials in the requirements of state law and by routinely evaluating local health procedures to assure they are consistent with the law. Issuing the food purveyor license at the local level will remove a layer of governmental bureaucracy and reduce time, duplication of effort, administrative costs, and inconvenience to the licensee.

Improve Communication Between State Regulatory Agencies

Regular sharing of information between state regulatory agencies will reduce the public's lack of compliance with

licensing requirements and will increase each regulatory agency's ability to enforce requirements without increasing staff.

Sharing an agency's list of issued licenses with other regulatory agencies will allow cross checking of information. Each regulatory agency can then concentrate on those businesses that have not obtained a license the agency issues.

Most business owners are not purposefully failing to apply for required licenses. The majority of those who do not have a required license do not realize a license is necessary. Early detection and notification will yield voluntary compliance with the law by these business owners. Effort can then be expended on business owners that will not voluntarily apply for licensing.

Combine Building Code and Fire Code Plan Review and Inspections

New construction and remodeling of existing buildings require inspections by personnel from both the DOR Building Codes Bureau and the DOJ Fire Marshal Office. The applicant must provide plans to the DOR Building Codes Bureau for review and approval prior to commencing

construction. This information is not always shared with the DOJ Fire Marshal Office. An applicant may find after construction is completed or partially completed that the building does not conform with fire code regulations. The applicant may be required to alter plans or change completed construction to meet fire code regulations. This could mean extra time and expense for the applicant.

Combining building code and fire code review and approval of construction plans prior to commencing construction will eliminate any need to alter construction at a later date because of fire code deficiencies. Combined inspections will allow for better coordination of the construction effort by reducing building interruptions and enhancing the applicant's understanding of building requirements in the early stages of construction.

Eliminate Unnecessary Information On Application Forms

At present, one application form is used to apply for all types of retail or wholesale licenses. The form contains information that does not apply to all license types. Two application forms should be created. One form would be used if applying for a retail license and one if applying for a wholesale license. Each form would be significantly reduced in size from the current application.

Each form would be less cumbersome to complete and contain information appropriate for the type of license requested. This would reduce confusion and time on the part of the applicant when completing the form. Each form would be written in such a way that each question would follow a logical sequence and be less likely unanswered. Each question would be evaluated to determine a basis in law. If the response to any question is not needed to determine an applicant's ability to qualify for a license, the question would be eliminated.

Prepare Alcoholic Beverages Instruction Booklet

An instruction booklet is necessary to help the applicant through the licensing process. The booklet should include how to complete the forms, why the responses to the questions are needed, and the results of either the applicant's failure to answer the questions or responding incorrectly. The booklet should explain what happens to the application once it is received by the License Bureau. Information concerning the public notification process, the possibility of public protests and the administrative hearing process should be included in the booklet. The applicant would then be aware of any barriers to the swift processing of an application.

Prepare List of Required Licenses

The License Bureau should prepare a list of state agencies to contact for information concerning different types of licenses, permits, inspections, and approvals needed to conduct business operations associated with the alcoholic beverages business. For instance, some alcoholic beverages businesses also conduct gambling operations, sell cigarettes at the business location, or run a motel/hotel operation.

The DOC publishes a business licensing handbook. Information can be reproduced from this booklet and a list prepared that includes only those licenses, permits, inspections, and approval processes related to operations directly associated with an alcoholic beverages business. The information can be reduced to one page and be included with the application packet at a minimal cost to the License Bureau.

Providing the information sheet would be a service to the applicant. More business persons would voluntarily comply with state regulatory agency licensing requirements, thus reducing the time expended by agencies enforcing the law. The additional effort on the part of the License Bureau would improve the bureau's public image.

Eliminate Unnecessary Alcoholic Beverages Rules

Rules are promulgated by a state agency to provide the public a better understanding of the requirements of the law and/or to provide guidance in carrying out the requirements of the law.

The DOR Liquor Division rules governing the requirements for licensing the manufacture, sale, and distribution of alcoholic beverages within the state of Montana are found in Section Forty-two, Chapters Eleven, Twelve and Thirteen of the Administrative Rules of Montana.

A complete review of the department's administrative rules concerning alcoholic beverages was completed in 1985. Individual rules have been amended, repealed, or added since that time. Based on the current administration's philosophy that there is too much government regulation of activity, another review of the alcoholic beverages rules is warranted.

I am proposing to eliminate all rules that do not have a basis in law, are repetitive of the language of the law, or are not necessary to understand or carry out the intent of the law.

Promote DOC Business Licensing Center

The DOC Business Licensing Center collects information from state regulatory agencies yearly to update the Montana Business Licensing Handbook. The booklet is organized by state agency and is cross referenced by a section entitled "Licenses Needed For Type Of Business." The information is valuable to persons starting a new business. The booklet is available to all interested parties.

The results of my interviews with licensees indicate the DOC Business Licensing Center is not widely known as a source of information. Both local government and state government regulatory bodies should be informed of the DOC service and encouraged to inform applicants of that source of information.

Summary


The suggestions I have offered, if implemented, would enhance the public's awareness of at least the state's requirements for business operations. The public would be informed of the requirements before commencing business and would have the opportunity to comply voluntarily rather than be punished for operating without a specific business

license or permit. There would be fewer surprises, less confusion, and frustration for the applicant. State regulatory agency staff time and effort expended to enforce state law would be reduced, thus freeing time to perform other duties. State agency officials would be able to carry out their statutory responsibilities without increasing staff.

State regulatory agencies must review their area of responsibility and eliminate any unnecessary regulation, practices, and procedures. Government must be responsive to the needs of the public. Benefits and services must be provided as the public dictates in an efficient and fiscally responsible manner.

APPENDIX A
(In Pocket)

APPENDIX B

	<h1 style="margin: 0;">STORE LICENSE</h1> <p style="margin: 0;"><i>this license expires December 31, 1990 and is not transferable</i></p>	<p style="font-size: small;">LICENSE NUMBER</p>
<p>LICENSE FEE \$</p>	<p>DEPARTMENT of REVENUE • STATE OF MONTANA</p>	<p>THIS LICENSE MUST BE DISPLAYED IN A CONSPICUOUS PLACE IN THE STORE LICENSED</p>
		<p>1990</p>
<p>Having made application in due form and paid the statutory application and license fee is hereby granted a license to conduct a store in the above location described in licensee's application. Dated at Helena, Montana.</p>		

THIS IS YOUR ONLY NOTICE
 Make necessary changes and return to:
MONTANA DEPARTMENT OF REVENUE • Miscellaneous Tax Section
 Mitchell Building, Helena, MT 59620

SAMPLE

APPLICATION FOR STORE LICENSE

This application, along with the proper fee, must be received before January 1. Renewal applications submitted between January 1 and January 31 are subject to a 10% penalty in addition to the normal license fee. After January 31, the fee charged will be double the normal license fee. Be sure to provide your Federal I.D. and/or Social Security No. to avoid delay.

Application is hereby made for a 19__ license No. _____ for which a fee of _____ is enclosed.

TYPE OF MERCHANDISE SOLD: _____ Chain Store Number: _____

TYPE OF STORE: ___(R) Wholesale ___(W) GROSS RECEIPTS: Under \$350,000 ___(1) Over \$350,00 ___(2)

F.I.N. _____ SS# _____ FED. INDUST. CODE _____

If more than one store owned, supervised or controlled in Montana give number of stores _____

STORE NAME
OWNER'S NAME
STREET
CITY

Mailing Address if different than at left

STORE ADDRESS MUST BE ACTUAL LOCATION OF STORE TO BE LICENSED
READ OTHER SIDE CAREFULLY

Signature


Date

APPENDIX C

THIS LICENSE MUST BE PLAINLY DISPLAYED IN YOUR PLACE OF BUSINESS


NOT TRANSFERABLE

MONTANA DEPARTMENT OF HEALTH & ENVIRONMENTAL SCIENCES

YEAR _____ TYPE LICENSE NO. **SAMPLE** 

This License issued in compliance with Section _____, Montana DATE ISSUED _____
 Code Annotated and expires December 31,
 Issued by the State Department of Health & Environmental
 Sciences, Food and Consumer Safety Bureau, Helena, Montana.
 Application for this License has been made in due Form by:

LICENSEE ESTABLISHMENT ADDRESS _____ MONTANA _____


 DIRECTOR
 HEALTH OFFICIAL VALIDATION

Local Health Authority _____ City or County _____

E.S. 49

F

MONTANA DEPARTMENT OF HEALTH & ENVIRONMENTAL SCIENCES

APPLICATION FOR FOOD PURVEYOR LICENSE — \$30.00

THIS APPLICATION MUST BE REMITTED WITH LICENSE FEE OF \$30.00 PAYABLE TO THE MONTANA DEPARTMENT OF HEALTH & ENVIRONMENTAL SCIENCES, FISCAL SERVICES BUREAU, HELENA, MONTANA 59620

PLEASE PRINT

Licensee Name: _____

Establishment Name: _____

Establishment Address: _____ City: _____ Zip Code: _____

County: _____ New? or Previously Licensed? Former Name: _____

Type of Establishment: (Check one or more — fee same regardless of number checked.)

- | | | |
|--|--|--|
| <input type="checkbox"/> 1. Eating Establishment | <input type="checkbox"/> 4. Bakery | <input type="checkbox"/> 7. Mobile Food Service |
| <input type="checkbox"/> 2. Tavern or Bar | <input type="checkbox"/> 5. Temporary Food Service | <input type="checkbox"/> 8. Frozen Food Plant |
| <input type="checkbox"/> 3. Meat Market | <input type="checkbox"/> 6. Food Manufacturer | <input type="checkbox"/> 9. Perishable Food Dealer |

APPLICATION APPROVED: _____
 (Local Health Authority Signature)

DATE: _____

APPENDIX D

STATE OF MONTANA
PROVISIONAL BUILDING PERMIT

No. _____

Project _____

Project Location _____ City _____

Owner _____ Address _____

Plan Approval Date _____ Date Fee Paid _____

Signature of Approval

Date Issued

Granted in accordance with Title 50, Chapter 60, Parts 1 through 4, MCA, and Section 8.70.101 ARM.

Granting of this provisional permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction. It remains the responsibility of the permit holder to comply with the State Building Code regardless of whether the non-complying items were identified during plan review or during inspection.

Separate plumbing, electrical, mechanical and other permits may be required. Check local zoning requirements. Also, state licensing laws require that only properly licensed plumbers and electricians be used on commercial and public projects.

white — copy to permittee yellow — copy to state

MONTANA DEPARTMENT OF COMMERCE
BUILDING CODES BUREAU
CAPITOL STATION, 1218 EAST SIXTH AVENUE HELENA, MONTANA 59620 (406) 444-3933

APPENDIX E-1

SURVEY

Applicant Group

1. How were you referred to the State Liquor Division License Bureau?
2. Were the instructions on the application forms understandable?
3. Were you provided adequate information or assistance to complete the forms?
4. What required information, if any, do you believe was unnecessary?
5. Was the application processing period completed in less time than you expected, about as much time as you expected or more time than you expected?
6. What other state government licenses or permits were you required to obtain to operate your alcoholic beverages business?
7. Were you required to provide similar information to the other government agencies? If so, please list the information you considered similar.
8. Do you have any suggestions to improve the process?

APPENDIX E-2

SURVEY

State Regulatory Officials

1. What is your licensing function?
2. Who do you gather information from to complete your licensing responsibilities?
3. Which licensing entities require information from you?
4. What problems do you experience when gathering from or providing information to other licensing entities?
5. What are the most frequent complaints you hear from people who go through your process?
6. What recommendations would you make to improve these problem areas?

APPENDIX E-3

SURVEY

License Bureau Application Processing Staff

1. What is an applicant's most often asked question?
2. What question(s) is most often unanswered on the application documents?
3. What needed document is most often not included with the initial application (requiring you to request it)?
4. What information do you gather from other state government licensing entities to perform your responsibilities?
5. What information do you provide other state government licensing entities in the performance of your responsibilities?
6. What problems have you experienced with either gathering information from or providing information to other state government licensing entities?
7. What recommendations would you make to improve these problem areas?

BIBLIOGRAPHY

- Adams, Linda. Owner Pine Cone Kitchen. Telephone interview. 3 May 1990.
- Brown, James. DOC Buildings Codes Bureau Chief. Telephone interview. 23 April 1990.
- Bunn, Claudia. Owner Rustic Inn. Telephone Interview. 7 May 1990.
- Glueckert, Laura. DOR Licensing Certification Specialist. Personal interview. 2 May 1990.
- Green, Sandra. Owner Naughty Pine Saloon. Telephone interview. 7 May 1990.
- Grosfield, Lynne. DOR Licensing Certification Specialist. Personal interview. 2 May 1990.
- Hasner, Gerald. Owner Tuffy's Sunset Inn. Telephone interview. 7 May 1990.
- Lang, Sandra. DOR Licensing Certification Specialist. Personal interview. 2 May 1990.
- Levandowski, Richard. DOJ Deputy Fire Marshal. Telephone interview. 19 April 1990.

Maharg, Char. DOR Business and Miscellaneous Tax Section
Supervisor. Personal interview. 18 April 1990.

"Titles 15, 16 and 50." Montana Code Annotated. 1989

Montana Department of Commerce. "Management Overview."
1983. Photocopy N.d.

Montana Department of Commerce. Montana Business Licensing
Handbook. July 1988

Oregon Liquor Control Commission, Office of Public Affairs.
Liquor Licensing in Oregon.

Schwab, Mitzi. DHES Food and Consumer Safety Bureau Chief.
Personal interview. 23 April 1990.

Sidor, Patricia. DOR Licensing Certification Specialist.
Personal interview. 2 May 1990.

Smith, Carol. Washington State License Division Assistant
Supervisor. Personal interview. October 1987.

Wagner, Walter. Officer Lake County Bank. Owner Four Star
Bar. Telephone interview. 3 April 1990.

Washington State Department of Licensing. Operating a
business in Washington State. June 1987.

Washington State Liquor Control Board. Licensee Handbook.
September 1987.