



Marion County • Community & Neighborhood

A Concise Guidebook to Alcohol Licensure Information

Remonstrations Manual

YOUR VOICED CONCERNS CAN MAKE A DIFFERENCE

What is Remonstrations?

- **Definition:** Remonstrations is a legal term used to refer to individuals or groups who go to an Alcohol Tobacco Commission public hearing to oppose an application for the sale of alcohol in a specific location
- In Indiana those wishing to speak against an alcohol permit may remonstrate at the Alcohol and Tobacco Local Board Public Hearings

Why would anyone want to remonstrate?

- Community and neighborhood groups choose to challenge alcohol permit applications near them for many reasons; whether they are concerned about drunk driving, increased crime rates, underage drinking, binge drinking, or the social availability of alcohol.
- Overall, it is your right to be included in the decision making process of a new alcohol permit near you, especially if there is clear reason for concern.

Why and how is alcohol a regulated product?

- The sale and distribution of alcohol is regulated because this product has been deemed potentially hazardous and dangerous.
- To continue to regulate this product, businesses must apply to sell alcohol so that it can be distributed and consumed as responsibly as possible. In Indiana businesses wishing to sell alcohol must apply to the Alcohol and Tobacco Commission.
- Alcohol specifically is regulated in Indiana by two different agencies: the Alcohol and Tobacco Commission and the Indiana State Excise Police.
- It is important to speak out against any new alcohol outlets of concern in your area because adding alcohol to a specific location can sometimes have long-term negative consequences.

Marion County Local ATC Board Public Hearings

Location: Room 260 of City/County Building, downtown Indianapolis

Time: 9:30 am

How Often: The first and third Monday of every month

Members of Local ATC Board in Marion County

- Sandy Ray
- Jennifer Ping
- Holly Davis
- John Borel (Board President)

How do you know what alcohol licenses are going to be heard at the Local ATC Board public hearings and if they are of interest to you?

- IN State ATC website
<http://www.in.gov/atc/2433.htm>
- Drug Free Marion County's website:
<http://www.drugfreemc.org/AlcoholLicensureInformation/tabid/129/Default.aspx>



Vision

The purpose of this manual is to provide you with the resources you need to speak up for a safe and healthy community. To download the entire manual please visit the "Alcohol Licensure" tab on our website at www.drugfreemc.org

Guidelines to Remonstrate

Legal Grounds to Deny an Alcohol License

- If you choose to appear at the public hearing or send a letter it is important to understand the reasons a permit can be denied by the local alcohol commission board.
- An applicant may legally be denied for any one or more of the following:
 1. The applicant does not maintain a high and fine reputation in the community.
 2. There is no need for the services of the applicant at the proposed time.
 3. The neighborhood and/or community do not desire the services.
 4. The services at the proposed location would have a negative impact on other businesses in the neighborhood, as well as a negative impact on the neighborhood in general.
 5. The permit premises is within 200 feet of a church or school
 6. The permit premises is in a residential area as referred to in IC 7.1-1-3-38 and 905 IAC 1-18-1.

What is considered effective evidence to present at the local board hearing?

- A remonstrator's testimony should be based on the legal grounds to deny a license (as mentioned above), but **MUST** also be based upon there being no need or no desire for alcohol in this location and community.
- For your case to be considered "effective" you must be able to:
 1. Prove there is no need for alcohol at this location with evidence. Your argument for no need should be linked to the overall availability of alcohol and the concentration of alcohol outlets in your community. To prove this you can present a map showing the number of alcohol outlets within a 1 to 2 mile radius.
 2. Show no desire of the community for this alcohol location. Legally, in determining whether to issue a permit, the Commission may consider the geographic desirability of a proposed permit location, the need for the permit at the proposed location, the community's desire for the permit, and the impact of the permit on the community and other businesses. Your argument for no desire must address whether individuals would purchase those products at the proposed location, if they were available. To prove there is no desire you can have petitions signed by residents who live close to the proposed alcohol location (be sure not to get petitions signed by competitors).
 3. **Document that community concern comes from a large body of individuals, not just a few people.** To prove this you can and should have for the local board at the public hearing a copy of any meeting minutes detailing discussions, votes held by your organization, and petitions collected.

Effective Strategies to Remonstrate

In addition to no need and no desire, these are strategies that can be considered by the local board in their decision to grant or deny an alcohol license:

1. Showing that the applicant does not maintain a high and fine reputation in the community. Remember: the business owner's character is a reflection of all businesses they own and manage, not just this location.
2. Showing that this new alcohol location would have a negative impact on other businesses in the neighborhood, or that it would have a negative impact in the community. For example: If the data on your community already demonstrate a high crime rate then you could express your concern that crime would increase at a higher rate with additional alcohol outlets—and then have a map displaying the different locations crimes have occurred in your community
3. If the proposed location is within 200 feet of a school or church.
4. If the proposed location is in a residential area.
5. If the new or renewing alcohol license would be or has been a "public nuisance."
6. Contacting the alcohol license applicant prior to the hearing to express your concerns.

Steps for Community Groups

If you are informed of the opportunity to remonstrate follow these steps to effective action:

1. Hold a meeting with community/neighborhood members and leaders to discuss the fact that there has been a request for a new alcohol outlet in your area. Document this meeting in writing, as you can use it at the ATC Local Board hearing.
2. It is important to **inform the alcohol applicant of your concern**. The sample letter provided in this packet will help you do so quickly and effectively. No matter what the applicant's response is to your concern, the ATC Local Board is usually more receptive to community groups that have expressed concern prior to the formal application hearing.
3. Next, begin getting petitions against the new alcohol location signed. We have provided a petition form for you to use. Get local businesses, their customers/clients, churches members and leaders, or other neighborhood groups near the proposed location to take some petitions to sign also.
Begin collecting the necessary information you will need about your community to make your case at the Local Board hearing.
******Consult the DATA SECTION of this packet to assist you with specific types of information that may be useful******
5. Get letter from Community groups/neighborhood associations to the Local ATC Board asking for denial. We have provided a sample letter that you are more than welcome to use as a template for your letter to the Local Board.
6. Get letter to the ATC Local Board from your community group board or neighborhood association leaders typed up and signed by all members. Included in this packet is also a sample letter.
7. Inform community and neighborhood members of the LOCATION and TIME of the hearing date for the proposed location so they can be present! The Local Board seems to be very impressed by a large turnout of community group members who attend the actual application hearing.
Assemble all the data you have gathered about your community, any petitions, and any letters to the Local Board you have completed to bring to the Local Board hearing date for the new proposed location.
*****To make sure that you have all the necessary information you need on the date of the hearing please use the "Materials Checklist for Public Hearing Date" directly below.*****
9. Go to the Local Board hearing with your community members and state your case confidently! If you are unaware of when the local hearing may occur please feel free to contact Drug Free Marion County to assist you.

Materials Checklist for Public Hearing Date

On the date of the hearing remember to bring (it is recommended that you **bring at least 5 copies of each document you will use to make your case**, so that you can present the local board with the information you collected:

1. Data you have collected about your community and the impact of alcohol/crime...
2. Any graphs, charts, and tables you have put together
3. Any recent stories you have seen in the newspaper located near the proposed alcohol outlet that have to do with alcohol & community problems
4. Petitions that you have collected against the proposed alcohol location
 - Make sure you have documented how, where, and when you gathered these signatures on the petitions
 - Make sure you have counted the number of signatures you have collected
5. A copy of the letter your group sent to the alcohol license applicant with a date of when it was sent
6. Your letter to the Local Board from your community/ neighborhood group members
7. Your Letter to the Local Board from your community group's Board/leaders
8. Any other letters of to the Local Board from churches or neighborhoods directly located near the new alcohol applicant in protest of the new location

Also, at some point during this process feel free to contact Drug Free Marion County and/or MCANA to inform them of your desire to

Remonstrate. These organizations can be an ally and resource for you!

~Drug Free Marion County: 317-254-2815 or nbeals@drugfreemc.org

~MCANA: Mary Walker 317-531-1822

DATA

We encourage you to have the facts regarding alcohol use and effects in your neighborhood/community.

Here are some questions you may want to consider...

- Is the location of the applicant near any community resources such as a school, community center, church, library, family oriented neighborhoods, or any other areas where children or large groups of community members go?
- Is the location of the applicant near any major roads, highways, etc that tend to have a high volume of accidents or excessive speeds?
- Does the applicant have a bad reputation with the community? Or is their reputation a good one and are concerned it may change if the application for alcohol licensure is granted?
- What are the crime rates in your community? How many of those crime were related to alcohol? In the past year how many crimes were near the location that the new alcohol license would be in?
 - Get police reports to document this
 - Map all of the locations were crime occurred in the past year and where alcohol related crime occurred in the past year
- How many other alcohol outlets are in the immediate zip code of the applicant's location? If there are multiple other locations where people get alcohol is there a need for another outlet?
 - Map where all of the alcohol outlets are in the immediate area
- What kind of economic growth do you and your community members desire? Is it the alcohol business or is it specialty shops, clothing stores, etc?

Data Sources

To find the answers to some of these questions check out these informational sources...

Indianapolis Metropolitan Police Department (IMPD) Website

<http://www.indy.gov/eGov/IMPD/Pages/home.aspx>

- look up crime data in your neighborhood

IN Excise Police Website

<http://www.in.gov/atc/iseip/>

Marion County Sherriff's Department Website

<http://www.indy.gov/eGov/County/MCSD/Pages/home.aspx>

- look up crime data near the proposed location

SAVI Website

<http://www.savi.org>

- look up crime activities, demographics, where community resources (churches, schools, libraries)
- map data and make tables—you can also import your own data to make maps and tables

Indiana Prevention Resource Center (IPRC)

<http://www.drugs.indiana.edu/>

- look under the local data tab for limited free data

Drug Free Marion County's Website and Local Epidemiological Report

<http://www.drugfreemc.org>

- check out our Local Epidemiological Report, our Community Snapshot, and the quick facts we have on our website

The IN State Alcohol & Tobacco Commission Website

<http://www.in.gov/atc>

- you can look up tobacco violations for existing businesses looking to get an alcohol license

Petition in Opposition to a NEW ALCOHOL BEVERAGE LOCATION

As a member of the community, I am opposed to an alcohol beverage permit being located at _____.

I believe there is no need for a permit at this location because there is sufficient availability in the area.

Furthermore, the community does not desire for there to be alcohol sold at this specific location.

Signature	Date Signed	Name (Printed)	Address/City/Zip	Phone	Email

IMPORTANT: Have documentation on how the signatures were collected, where, and who collected them. It is recommended that you do NOT have just one sheet that will sit in a location for many days. **DO:** have one sheet designated for one location per day

Sample Letter from Community Groups to Alcohol Applicants

YOUR ORGANIZATIONS NAME
ADDRESS
CITY, STATE ZIP

ALCOHOL APPLICANT'S NAME
ADDRESS
CITY, STATE ZIP

Dear _____,

We _____ (name of group) were informed that you have recently applied to receive an alcohol license at the location _____. As community members we have discussed your request and are concerned because we feel that we are already exposed to excessive alcohol use in our community. We believe that adding another outlet for alcohol sales will increase the harm to the community. Furthermore, we believe that another alcohol retailer in our community will intensify the chance that young people will start drinking due to increased accessibility to alcohol.

In general, gas stations & convenience stores selling alcohol is problematic because they are the least regulated retail outlet for alcohol sales. They are not frequently monitored by the excise police. Also, their clerks do not have to be 21 years of age, license or trained; making it easier for teens to sell to teens. Often children frequent these stores without adult supervision, which are many times in their neighborhoods or on their way home from school.

The members have voted to send this letter advising you of our concern and our recommendation that alcohol not be sold at this area. Our community already has a sufficient number of alcohol outlets around this location. Additional alcohol sales are not desired or necessary. Thank you for your consideration of our request that you effectively withdraw your application for alcohol licensure.

Sincerely,

Signed by all members

Sample Letter from Community to ATC Local Board Members

YOUR ORGANIZATIONS NAME
ADDRESS
CITY, STATE ZIP

Dear Alcohol and Tobacco Commission Local Board Members of Marion County,

We at _____ (organization's name) located at _____ (organization's address or covered area) are writing because we are concerned about _____ (name of alcohol applicant) applying for an alcohol license in our community. We, as an organization, have been serving the community since _____ (number of total years your organization has been in existence) and currently have _____ total members (number of members). We have been notified that the aforementioned business has applied for a license to sell alcohol at the location _____ (alcohol applicant's address.) Our members have discussed this issue at our meeting on _____ (date of meeting issue was discussed) with _____ (number of ...) members in attendance. As a general consensus of this discussion, we are very concerned about the addition of alcohol retail outlets in our community, neighborhood, and in Marion County.

We personally would like to request that this alcohol outlet be denied because

(list possible reasons you don't want alcohol sold at this location)

- There is no need for the service at the proposed location—detail the number of alcohol outlets already in existence in the immediate area (give actual number and proximity to the new alcohol applicant's location)
- Community members do not desire to purchase alcohol at this store. Document number of community members expressing this sentiment, either by petitions, or vote at meeting, etc..)
- Alcohol sales at this location would create a negative impact on people & businesses in the neighborhood. Document plans for economic development, number of youth in the area, proximity to school, playground, and areas attractive to children.
- Does this store have a bad reputation in the community that can be documented?(i.e. selling tobacco products to minors, tobacco/alcohol violations at other branch stores, any complaints to Better Business Bureau or Angie's List

We would as that you deny the alcohol permit(s) requested by _____ (applicant's name) on the grounds that the proposed service is not needed or desired due to concern for the well-being of the communities in which these stores exist.

Thank you for your public service; your decisions can have a significant impact in our community.

Voted and approved by _____ (number of) Board Members on _____ (date).

Sincerely,

Signed by leader of organization &/or all Board Members