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### Liquor permit open in county

#### Accepted proposal will get license never issued in 2000

By Richard Massey

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SPRINGDALE — An old Washington County liquor store permit that was never issued is back on the table, and those interested in selling wine and spirits have until Sept. 21 to apply.

The state Alcoholic Beverage Control started accepting applications July 23, and the agency's board could approve the license as early as November.

Based on a formula, the state allows one permit for every 4,000 people in "wet" areas of "wet" counties. After the 2000 U.S. Census, five new permits were created in Washington County because of a population increase. Three new permits were issued, a fourth one vanished because Farmington voted itself "dry," and the fifth was never issued, said Michael Langley, director of Alcoholic Beverage Control.

Under state law, the agency can accept permit applications for 60 days. No one applied for the fifth Washington County permit from 2000, so it was no longer available.

A 2008 Arkansas attorney general's opinion concluded the agency could open a new 60-day application window for permits that were never issued.

State Rep. Steve Harrelson, D-Texarkana, asked for the opinion because a constituent in Miller County thought that as many as seven permits had not been issued there. In Opinion No. 2008-126, deputy attorney general Elana Wills concluded the alcohol agency has "the discretion to accept additional applications at a later date and to issue additional liquor permits up to the maximum number supported by the most recent regular census."

But in Texarkana, Wills' opinion was moot.

"A constituent in my area thought there were unused permits, but he was wrong," Harrelson said. "Once we did the research, we found out it was inapplicable [in Texarkana]."

People have expressed interest in the Washington County permit occasionally, Langley said.

"Lawyers would call and say, 'What's your opinion [on the permit],'" he said. "We had enough people showing interest that we had to do something."

As of Wednesday, Alcoholic Beverage Control hadn't received any applications. But based on past interest, Langley said he expects as many as 12 to apply.

Perry Webb, president of the Springdale Chamber of Commerce, said he knows liquor permits are rare and valuable. Still, he has no intention of encouraging Springdale businessmen to apply for the license.

"Is it something we're going to publicize - no," said Webb.

Steve Clark, president of the Fayetteville Chamber of Commerce, said he feels the same way.

"It would not be our role as the chamber to find a prospective person or business to apply," said Clark. "The people in the liquor industry know about the opportunity."

Langley said it's likely that people who have been in the industry for a long time, rather than upstarts with no experience, will apply.

The permit application calls for standard information: name and home address of the applicant, address and floor plans for the proposed business site, and information about the site area such as population density, zoning and access. The application requires a \$2,000 fee, half of which is returned to applicants who are not awarded the permit. The annual renewal fee is \$1,200, starting next year.

Langley said the 2010 Census is likely to result in one or two more liquor store permits for Washington County.

There are currently 32 permits for stores operating in Washington County. Another permit recently was transferred to Tyler Austin, who plans to open a Macadoodles franchise in Springdale. With the addition of the 2000 permit, the total number of liquor store permits will rise to 34.

Langley said the agency will hold a "double blind" drawing to determine the order in which applicants appear before the board. The first applicant with an acceptable proposal is likely to get the permit, so those at the back of the line might not get a chance to make their case.

"It's a matter of chance as to who goes before the board," Langley said. "But [the double blind drawing] keeps it from being rigged. Everyone has the same chance of being first."

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