



CONNECTICUT DEPARTMENT OF CONSUMER PROTECTION

MICHELLE H. SEAGULL | COMMISSIONER

January 9, 2023

From the Office of M. Caitlin S. Anderson
Liquor Control Division Director

Guidance Statement Regarding Consultant Representation

This statement addresses the consequences of a permit applicant or permittee utilizing a consultant to either (1) assist with a liquor permit application or other permit-related requests filed with the Department of Consumer Protection (hereinafter “Department”) or (2) assist with compliance meetings and/or hearings before the Department.

Consultants are individuals who advertise having expertise with the liquor permit application process. They undertake assorted tasks to assist potential permit holders with their applications, such as advising on which permit to select, filling out forms, and communicating with the Department on the application. Consultants often maintain their relationship with a permit holder beyond the initial application and manage the yearly renewal process or submit additional licensing requests for the permit holder. Additionally, consultants may appear with or on behalf of liquor permit holders during enforcement proceedings concerning the liquor permit. In other words, consultants’ services can span the lifetime of a permit and the full scope of the Liquor Control Act. However, consultants are not licensed attorneys and do not maintain an attorney-client fiduciary relationship with their client.

Although a consultant or other third-party may submit documents and provide other information to the Department in support of a permittee or permit applicant, it is clear that the applicant, permittee, and backer are ultimately responsible for the contents of their application and the communication with the Department about their application. *See* Conn. Gen. Stat. § 53a-157b(a); *see generally* Conn. Gen. Stat. §§ 30-46 & 30-47. As a result, if an application submitted to the Department includes a false statement or fails to include required documentation— even if submitted by a consultant – it may result in the applicant, permittee or backer having a new application denied or an existing permit suspended or revoked.

In addition to licensing assistance, consultants are also hired by applicants, permittees, and backers to represent them during Department enforcement proceedings against liquor permits, either during the compliance meeting process or during formal administrative hearings. At the compliance meeting, the consultant participates by discussing the underlying charges, demonstrating their client’s updated compliance, and possibly brokering a voluntary settlement. At a formal administrative hearing, consultants participate by questioning the Department’s witnesses and assisting their client in presenting their defense to the charges. Hearings may result in steeper fines, lengthier suspension, and even revocation or denials of permits. At these compliance meetings and hearings, the Department has observed conflicts where a consultant seeks to preserve his or her own business interest at the expense of their client (e.g., where the

consultant is a hired namesake permittee and attempts to short-change the backer) or where the consultants make statements and representations that damage the permittee or backer's interests in the proceedings.

In light of the above, the Department will only allow permit applications or related submissions from a consultant if the applicant, permittee, or backer has provided written authorization for the consultant to act on their behalf. The proper form will be created by the Department and must be submitted anytime a consultant files an application or licensing request on behalf of a new client. The Department will not allow a consultant to represent an applicant or permittee in any compliance meeting or formal administrative hearing held on a matter concerning a liquor permit.

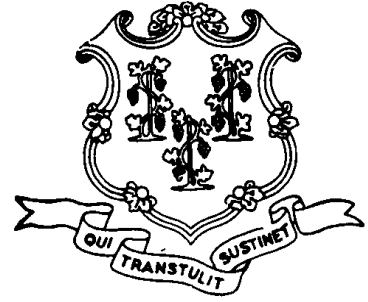
Nothing in this Guidance Statement should be construed to impact the actions or representation of a licensed attorney hired by an applicant, permittee, or backer to assist with any licensing matter or enforcement matter. The Department will, however, require the submission of the same written authorization as confirmation of the attorney's participation in the matter.

**STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION
Liquor Control Division**

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Email: dep.liquorcontrol@ct.gov

Website: <https://portal.ct.gov/DCP/Agency-Administration/Division-Home-Pages/Liquor-Control-Division>



INSTRUCTIONS TO APPLICANT: If you are being assisted in your application by another person and want the Department to communicate with your representative, please fill out and submit this form with your application. Please fill out Sections A, B, and C **only**. (This form should also be used by attorneys appearing in administrative enforcement matters before the Liquor Control Commission; please fill out Section D **only**.)

REPRESENTATION AUTHORIZATION

Section A: Information about the applicant.

1. Permittee Name:		2. Backer Name:	
3. Trade Name (DBA Name):			
4. Business Address:	City:	State:	Zip Code:
5. Permittee Email:		6. Permittee Telephone Number:	
7. Backer Email (if different from above):		8. Backer Telephone Number (if different from above):	

Section B: Information about representative.

1. Representative Name:		2. Is Representative an Attorney? <input type="checkbox"/> YES <input type="checkbox"/> NO	
3. Business Address:	City:	State:	Zip Code:
4. Representative Email:		5. Representative Telephone Number:	

Section C: Permittee/Backer attestation.

Please initial each statement and sign below:

_____ Liquor Control is allowed to communicate directly with my representative about the status of my application. I understand that I may not be included on all communications between Liquor Control and my representative.

_____ I understand that I am responsible for any statements made by my representative to Liquor Control and for any documents submitted by my representative to Liquor Control. I understand that the penalty for any false statements made by my representative or delay caused by my representative may result in my inability to obtain a liquor permit or delay in the handling of my application.

Signature:

I certify that the information included herein is true and accurate to the best of my knowledge and ability.

Signature _____ Title _____

Print Name _____ Date ____ / ____ / ____

Section D: Attorney information for enforcement cases only.

1. Attorney Name:			
3. Business Address:	City:	State:	Zip Code:
4. Attorney Email:		5. Attorney Telephone Number:	
6. Case Number:		7. Permit Number:	
<p>I certify that I have been retained to represent the permittee or backer in the above-noted enforcement case, and I am authorized to discuss the case with the Department of Consumer Protection.</p> <p>Signature _____</p> <p>Print Name _____ Date ____ / ____ / ____</p>			