

R81-1-29. Factors for Granting Licenses.

(1) Definition. For purposes of this rule, "license" includes a license, permit, certificate of approval, and package agency.

(2) Authority. This rule is pursuant to 32B-2-202(1)(c) which gives the commission the authority to set policy by written rules that establish criteria and procedures for granting a license. It is also based on 32B-5-203(2)(f) that gives the commission the authority to consider non-statutory factors or circumstances the commission considers necessary in granting a license.

(3) Purpose. This rule provides a list of non-statutory factors the commission considers in granting a license.

(4) Application of Rule. In addition to any statutory factor for granting a license, the commission also may consider the following non-statutory factors:

- (a) availability of retail licenses under a quota;
- (b) length of time the applicant has waited for a retail license;
- (c) the scheduled opening date;
- (d) whether the applicant is a seasonal business;
- (e) whether the location has been previously licensed or is a new location;
- (f) whether the application involves a change of ownership of an existing location;
- (g) whether the applicant holds other alcohol licenses at this or other locations;
- (h) whether the applicant has a violation history or a pending violation;
- (i) projected alcohol sales as it relates to the extent to which the retail alcohol license will be utilized;
- (j) whether the applicant is a small or entrepreneurial business that would benefit the community in which it would be located;
- (k) nature of entertainment the applicant proposes; and
- (l) public input in support or opposition to granting the retail license.