



Utah Department of
Alcoholic Beverage Control
1625 South 900 West
Salt Lake City, UT

DABC OFF-PREMISE BEER LICENSE TRANSFER CHECKLIST

Website: www.abc.utah.gov
Phone 801-977-6800
Fax 801-977-6889

Notice of an impending sale must be made to DABC before the transaction is complete. If you are transferring the license to a new location or not planning to take over the day to day operations during the transition period, this is NOT the correct form. Use a new application form. The items below must be complete and submitted no later than the **10th of the month**, or sooner (there is an exception for # 6 as a conditional license) so that your application can be processed in time for DABC Commission review. All licensing requirements must be fully satisfied to complete your application. **INCOMPLETE APPLICATIONS WILL BE RETURNED.**

1. _____ Completed Application Form: Signed & Notarized

2. _____ A **non-refundable** application fee: \$300 + Transfer of license fee: \$250 = \$550 total fees

3. _____ Supporting documents:
 - Purchase agreement:
 - The purchase agreement or a written statement must clearly identify the off-premise beer license as a separate asset and that it is being transferred with no consideration.
 - The license must not be bundled in a purchase price with other assets.
 - Date of the (actual or intended) sale _____
 - The interim management agreement must be signed between the buyer and the seller and sent to DABC before the sale.

4. _____ Ownership entity / organizational documents filed with the Utah Department of Commerce:
 - Individual / Sole Proprietor
 - If a Corporation, submit a copy of the Articles of Incorporation
 - If a Partnership, submit a copy of the written partnership agreement
 - If a Limited Liability Company, submit a copy of the Articles of Organization

5. _____ Local Consent form from the city where the business is located

6. _____ Copy of current local business license(s) - check all that apply: Business Beer
(Applications may be submitted and considered "conditional" without submitting a business license)

7. _____ Scaled floor plan (8 1/2" x 11") of premises highlighting areas for alcohol storage and displays of alcohol
(No more than 2 beer displays are allowed. Revisions to the floor plan must be submitted to and approved by DABC).

8. _____ Lease Agreement (signed) or Premises owned by the applicant

9. _____ Manager(s) Training Scheduled on: _____ or attach proof of completion

10. _____ Premises Inspection completed _____ (for DABC compliance use only after application has been submitted)



TRANSFER OF AN OFF-PREMISE BEER LICENSE APPLICATION

Application fee (non-refundable) \$300 Transfer Fee \$250 = \$550

CURRENT DABC LICENSEE (Seller) INFORMATION

- 1. Licensed entity:
2. Licensee business name (dba): DABC license number
3. Address (location) of the business being transferred:
4. Licensee mailing address (if different from item 3):
5. Licensee contact person: Phone number:
Other/office: Email:

NEW APPLICANT (buyer) INFORMATION

- 6. Applicant entity Entity Type: Individual Corporation Partnership Limited Liability Company
7. Proposed business name (dba):
8. Business address:
9. Applicant mailing address:
10. Applicant Contact: phone number:
Other/Phone: Email:
11. Owner of real property & building (leaseholder) if applicable or I attest that I own the real property and building
Name: Address:
Phone: City, State, zip:

NEW APPLICANT INFORMATION - CONTINUED

12. Are you an industry member; or do you own or have interest in a brewery, winery, or distillery? Yes No - If Yes explain below (use additional sheets as necessary) _____

13. Date opened for business (projected): _____ 14. Days / hours of operation: _____

14. Federal, state, withholding, and workforce service tax compliance:

By checking this box, I acknowledge that I am legally obligated to comply with the applicable federal and state laws pertaining to payment of taxes and contributions to unemployment and insurance funds.

Ownership / Management – (list all ownership interests - total must be 100%)

15. List managers, officers, directors, and individuals appointed to perform or direct operations at the business location. Use additional pages if necessary.

Name	Complete home address (include city, state, zip code)	Position Held	Date of Birth	Percent Owned
			Month/Day Year	

ATTESTATION

By signing below, the applicant attests that:

- a) The applicant is at least 21 years of age.
- b) Consent is granted to representatives of the Alcoholic Beverage Control Department, Commission, State Bureau of Investigation (Bureau of Alcoholic Beverage Law Enforcement), and other law enforcement agencies to be admitted immediately and permitted without hindrance or delay to inspect the entire premises and all records of the licensee.
- c) Applicant has read and will abide by the provisions of Title 32B, Utah Code, and all rules of the commission and directives of the Department of Alcoholic Beverage Control and understands that failure to adhere thereto or to no longer possess the qualifications of a licensee may result in the suspension or revocation of the alcohol license and forfeiture of compliance bond.
- d) Applicant does not and will not discriminate against persons on the basis of race, color, sex, religion, ancestry, or national origin.
- e) No person in the alcoholic beverage industry (winery, brewery, distillery, importer, supplier, wholesaler, bottler, or warehouse) holds a partial interest in the ownership of the retail business or the real or personal property owned, occupied, or used by the applicant in the conduct of the applicant's business.
- f) The applicant acknowledges that he/she has read and understands the statements made herein, and that execution hereof is done voluntarily and by authorization of the applicant/organization and that any false statement made on this application or any related document is a second-degree felony.
- g) The undersigned hereby makes application to the Utah Alcoholic Beverage Control Commission for a transfer of an alcohol license and certifies that the information contained herein and attached hereto is true and correct.

Date

Applicant/Owner of business

Title / Position

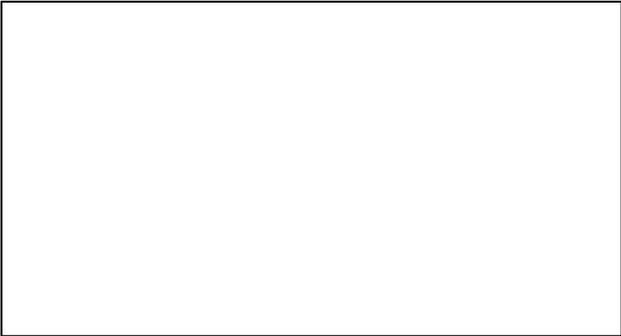
Authorized Signature

NOTARY

State of _____

County of _____

Subscribed and sworn before me this _____ day of _____, 20 _____



Notary Public Signature

Seal



**LICENSE TRANSFER
INTERIM MANAGEMENT AGREEMENT
for Off-Premise Beer**

DATE: _____

I. This interim management agreement is NOT required if the following applies:

- The applicant is not taking over the day-to-day operations of the current licensee's business during the interim transition period. If the applicant will not be taking over the day-to-day operations, then this is NOT the correct form. Fill out a new application.

II. The Transfer of a DABC alcohol license will require an "Interim Management Agreement" if (check if this applies):

- The intent of the transfer is that the original business premises
- o is to remain open, utilizing the current business's DABC off-premises beer license during the transfer process, **AND**
 - o the applicant (buyer) will be taking over the day-to-day operations or supervision of the day-to-day operations from the current DABC licensee (seller) before the DABC license is approved for transfer by the Commission.

In this case, an interim agreement is necessary for the continued sales and service of beer during the transfer process. The following are required:

1. Because the current DABC licensee (seller) still holds the DABC license, all proceeds from the sale of beer at the licensed business must flow to the DABC licensee (seller) and NOT to the new buyer. This is true during the transition period even if the buyer has acquired the lease or owns the premises.
2. During the transition period, revenue must still be reported and sales and income taxes must be paid under the DABC licensee's account numbers.
 - a. If the current DABC licensee (seller) will remain on the premises to operate the business during the transition period but no longer owns or has rights to the building and equipment, the seller may lease back the facility and equipment from the new owner.
 - b. If the current DABC licensee (seller) still owns or has rights to the building and equipment, then the seller may hire the new DABC applicant (buyer) to manage and operate the business during the interim period for a reasonable fee (fair market value).
3. The duration of the management agreement between the DABC Licensee (seller) and the new buyer will begin when the sale is completed and is limited to the period during which the new owner is actively applying for a DABC license with the Commission. The new owner must agree to use their best efforts to obtain the license.
4. The business license must remain in the name of and be the responsibility of the current DABC licensee (seller) during the interim period.
5. The current DABC licensee (seller) is ultimately responsible for any violations that occur during the interim period, and the violations will go on the seller's violation history record. However, the new DABC applicant (buyer) may agree to pay any fines and costs associated with any violation that occurs during the interim period.
6. The current DABC licensee (seller) is ultimately responsible to timely renew the DABC license if the renewal cycle occurs during the period of the agreement. However, the buyer may agree to reimburse the former owner for any renewal fees.
7. Not until final approval of the license transfer may the proceeds from the sale of beer for the **period of time following the transition period** begin to flow to the new buyer.
8. The agreement ends on the day after the day the Commission grants the DABC License. If the license was granted conditionally, the agreement ends when the licensee receives its local business license up to 30 days after being granted the conditional license. Another 30 days may be granted by DABC or another 5 months (total of no more than 7 months) may be granted if approved by the Commission under certain conditions. (See your compliance officer).

III. ATTESTATION: If you checked the box in Part II, fill out this section:

We are submitting this form as attestation that we are abiding by the DABC requirements of an interim management agreement as outlined in this form.

or

The purchase agreement, which includes the requirements listed in this form, is attached.

SELLER:

Date

Seller/Current Owner of the license

Title / Position

Authorized Signature

BUYER:

Date

Buyer/New Applicant

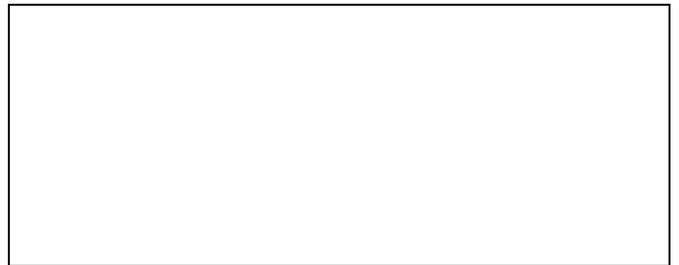
Title / Position

Authorized Signature

State of _____ County of _____ Subscribed

and sworn before me this day _____ of _____, 20 _____

Notary Public Signature



Seal

OFF-PREMISE BEER LICENSE

Local Consent

PURPOSE: Local business licensing authority provides written consent to the Alcoholic Beverage Control Commission to issue an off-premise beer license for a person to purchase, store, sell, or offer for sale beer for consumption off the premises of the applicant.

AUTHORITY: Utah Code 32B-5-201, 203, 205, and 32B-7

_____, City Town County
Local business license authority

hereby grants its consent to the issuance of an off-premise beer license to:

Business Name (DBA): _____

Entity Name (or owner's name if sole proprietor): _____

Location Address: _____

Authorized Signature

Name/Title

Date

This is a suggested format. A locally produced city, town, or county form is also acceptable.
The local consent must be submitted to the DABC by the applicant as part of a complete application.