



Utah Department of Alcoholic
Beverage Services
1625 South 900 West
Salt Lake City, UT 84130

DABS OFF-PREMISE BEER CHANGE OF OWNERSHIP CHECKLIST

Mailing Address:
P.O. Box 30408
Salt Lake City, UT 84130-0408
☎: 801-977-6800 📧: abc.utah.gov

A complete application must be submitted no later than the 10th of any month to be considered for that month's commission meeting. However, applying early is highly recommended to allow for processing and investigation. Any application submitted after the 10th will be considered on the following month's commission agenda. Please note that applications will be accepted as ***CONDITIONAL** without submitting the local business license(s), or manager training. However, all licensing requirements listed below must be completed before your DABS license will be released and operations may begin. Approval for licensing may also be subject to a final inspection of the premises.

1. _____ Completed Application Form: Signed
2. _____ A **non-refundable** application fee: \$75 + Transfer of license fee: \$250 = \$325 total fees
3. _____ Supporting documents:
 - Purchase agreement or other legal documents:
 - Provide a purchase agreement or other legal documentation showing the legitimate change of ownership between the two parties, such as will, probate, bankruptcy documents, etc. Please note that the off-premise beer license has no value as a separate asset.
 - Date of the (actual or intended) sale _____
 - The interim management agreement must be signed between the two parties and sent to DABS for approval if the new owner will be taking over operations of the business before the DABS license can be awarded by the commission.
4. _____ Ownership entity / organizational documents filed with the Utah Department of Commerce:
 - Individual / Sole Proprietor
 - If a Corporation, submit a copy to the Articles of Incorporation or any changes
 - If a Partnership, submit a copy of the written partnership agreement or any changes
 - If a Limited Liability Company, submit a copy of the Articles of Organization or any changes
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 two beer displays are allowed. Any revisions to the floor plan must be submitted to and approved by DABS).
8. _____ Lease Agreement (signed) *or* Premises is owned by the applicant
9. _____ Exemption Certificate form TC-721
10. _____ *New manager(s) training scheduled: _____ or Training completed _____
11. _____ Floorplan has not changed or Floorplan has changed (new inspection required)



Utah Department of Alcoholic Beverage Services

Change of Ownership Off-Premises Beer License Application

DABS APPLICANT

New License # _____

Application fee (non-refundable) \$75 Transfer Fee \$250 = \$325

CURRENT DABS LICENSEE INFORMATION

1. Current Licensed entity: _____
2. DBA (Name of Business): _____ DABS license number _____
3. Address (location) of the business:

_____	_____	_____	_____
Street Number	Street Name	City	Zip
4. Licensee contact person: _____ Phone number: _____
5. Other/office: _____ Email: _____

LIST CURRENT OWNERSHIP % - TOTAL MUST BE 100%

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

THE NEW APPLICANT INFORMATION

6. Applicant entity: _____
 Entity Type: Individual Corporation Partnership Limited Liability Company
7. DBA (Name of Business): _____
8. Contact Person: _____ Phone number: _____ Email: _____
9. Local Manager: _____ Phone number: _____ Email: _____
 (If Different)

10. Corporate Contact: _____ Phone number: _____ Email: _____
 (If Different) Street City State Zip

11. Location Business Address: _____
 Street City State Zip

12. Mailing Address: _____
 (If Different) Street City State Zip

BUSINESS /PROPERTY INFORMATION

13. 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: _____

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

15. 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.

LIST NEW OWNERSHIP % - TOTAL MUST BE 100%

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 Month/Day Year	Percent Owned

16. Are you an industry member; or do you own or have interest in a brewery, winery, or distillery? Yes No
 If Yes explain: _____

17. Will you be purchasing or otherwise acquiring the alcohol from the current licensee as part of this change of ownership: Yes No

ATTESTATION:

Read and initial each statement below:

_____ Applicant agrees as a condition of licensing that he/she 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 Services; Applicant understands that the alcohol license may be suspended or revoked, including forfeiture of the bond, if the applicant fails to adhere to applicable laws and rules, or if the applicant no longer possesses the statutory qualifications for licensure.

_____ Applicant agrees to immediately notify the department of any change in ownership entity and understands that failure to do so may result in immediate suspension of the license.

_____ The undersigned verifies that the premises will not be used for permitting gambling, illegal drugs, or any other violation of law or ordinance.

_____ The undersigned hereby authorizes the department's access to federal, state, and local sales, payroll, income, and real and personal property tax information.

_____ The undersigned verifies that the applicant complies with all federal and state laws pertaining to payment of taxes and contributions to unemployment and insurance funds.

_____ The undersigned applicant does not and will not discriminate against persons on the basis of race, color, sex, religion, ancestry, or national origin.

_____ The undersigned hereby voluntarily consents that representatives of the Alcoholic Beverage Services Department, Commission, State Bureau of Investigation (Bureau of Alcoholic Beverage Law Enforcement), and any other law enforcement agencies shall be admitted immediately and permitted without hindrance or delay to inspect the entire premises and all records of the licensee.

_____ The undersigned acknowledges that he/she has read and understands the statements herein and that the execution thereof is done voluntarily and by authorization of the applicant entity; and that **any false statement made on this application or any other related document is a second-degree felony. It may also result in suspension or revocation of the license.**

_____ The undersigned hereby makes application to the Utah Alcoholic Beverage Services Commission and certifies that the information contained herein and attached hereto is true and correct.

_____ Pursuant to §32B-7-404, the commission may not grant an off-premise beer retailer license to any person who has a disqualifying conviction pursuant to §32B-1-304. The applicant(s) attest that they do not have a disqualifying conviction as described in §32B-1-304.

_____ Date

_____ Applicant / Owner of the business

_____ Title / Position

_____ Authorized Signature



**CHANGE OF OWNERSHIP
INTERIM MANAGEMENT AGREEMENT
for Off-Premise Beer**

DABS LICENSE # _____

DATE: _____

INTERIM MANAGEMENT AGREEMENT (IMA) BETWEEN:

Entity of Current Licensee: _____ DBA Name: _____

Entity of New Applicant: _____ DBA Name: _____

NOTE: If the new owner of the business will NOT be taking over operations before the license is transferred, this agreement is not necessary.

If the intent is that the business is to remain open, utilizing the current business's DABS liquor license during the interim period between the licensee who is selling or transferring the business, and before the new DABS applicant can obtain a new license approved by the Commission and/or until the new business license is no longer conditional, the change of ownership of a DABS alcohol license will require an IMA.

The following are required:

1. Because the current DABS licensee (transferor or seller of the business) still holds the DABS license, all proceeds from the sale of alcohol at the licensed business must still flow to them and NOT to the new applicant/owner of the business because the new applicant is not yet licensed. 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 current DABS licensee's account numbers.
 - a. If the current DABS licensee 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 of the business may lease back the facility and equipment from the new owner under a management agreement.
 - b. If the current DABS licensee still owns or has rights to the building and equipment, then the seller of the business may hire the new owner/applicant to manage and operate the business during the interim period for a reasonable fee (fair market value).
3. The duration of the IMA between the current DABS licensee and the new applicant/owner will begin when the sale is completed and is limited to the period during which the new owner is actively applying for a DABS license with the commission and the newly awarded license is no longer conditional. 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 DABS licensee during the interim period. However, the new buyer may agree to reimburse the seller of the business for any necessary costs to maintain the business license during the interim period (for instance, on a pro-rata basis).
5. The current DABS licensee is ultimately responsible for any violations that occur during the interim period, and the violations will go on the seller of the business's violation history record. However, the new DABS applicant/owner may agree to pay any fines and costs associated with any violation that occurs during the interim period.
6. The current DABS licensee (seller of the business) is ultimately responsible for timely renewing the DABS 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 change of ownership which includes conditional requirements have been met, may the proceeds from the sale of alcohol 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 DABS license, or until the newly issued conditional license is no longer conditional.

INTERIM MANAGEMENT AGREEMENT ATTESTATION:

CHECK THE APPROPRIATE BOX:

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

or

We attest that the current owner will be staying and operating the license until the new applicant's license is transferred or the new license is no longer conditional, and an IMA is not necessary.

SIGNATURES:

1. _____
Date Current Business Owner of the DABS license

Title / Position Authorized Signature

2. _____
Date New Applicant/New Owner of the business

Title / Position Authorized Signature

OFF-PREMISE BEER LICENSE

Local Consent

PURPOSE: Local business licensing authority provides written consent to the Alcoholic Beverage Services 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 DABS by the applicant as part of a complete application.



Exemption Certificate

(Sales, Use, Tourism and Motor Vehicle Rental Tax)

TC-721

Rev. 5/20

Name of business or institution claiming exemption (purchaser)		Telephone number	
Street address	City	State	ZIP Code
Authorized signature	Name (please print)	Title	
Name of Seller or Supplier:			Date
Sales Tax License Number:		<i>Required for all exemptions marked with an asterisk (*)</i>	

The signer of this certificate **MUST** check the box showing the basis for which the exemption is being claimed.

DO NOT SEND THIS CERTIFICATE TO THE TAX COMMISSION

Keep it with your records in case of an audit.

For purchases by government, Native American tribes and public schools, use form TC-721G.

Resale or Re-lease

I certify I am a dealer in tangible personal property or services that are for resale or re-lease. If I use or consume any tangible personal property or services I purchase tax free for resale, or if my sales are of food, beverages, dairy products and similar confections dispensed from vending machines (see Rule R865-19S-74), I will report and pay sales tax directly to the Tax Commission on my next sales and use tax return.

Religious or Charitable Institution

I certify the tangible personal property or services purchased will be used or consumed for essential religious or charitable purposes. **This exemption can only be used on purchases totaling \$1,000 or more, unless the sale is pursuant to a contract between the seller and purchaser.**

Construction Materials Purchased for Religious and Charitable Organizations

I certify the construction materials are purchased on behalf of a religious or charitable organization and that they will be installed or converted into real property owned by the religious or charitable organization.

Name of religious or charitable organization: _____

Name of project: _____

Fuels, Gas, Electricity

I certify all natural gas, electricity, coal, coke, and other fuel purchased will be predominantly used for industrial use.

Machinery and Equipment and Normal Operating Repair or Replacement Parts Used in a Manufacturing Facility, Mining Activity, Web Search Portal or Medical Laboratory

I certify the machinery and equipment, normal operating repair or replacement parts, or materials (except office equipment or office supplies) are for use in a Utah manufacturing facility described in SIC Codes 2000-3999 or a NAICS code within NAICS Sector 31-33; in a qualifying scrap recycling operation; in a co-generation facility placed in service on or after May 1, 2006; in the operation of a Web search portal by a new or expanding business described in NAICS Code 518112; in a medical laboratory described in NAICS Code 621511; or in a business described in NAICS 212, Mining (except Oil and Gas), or NAICS 213113, Support Activities for Coal Mining, NAICS 213114, Support Activities for Metal Mining, or NAICS 213115, Support Activities for Nonmetallic Minerals (except Fuels) Mining. For a definition of exempt mining equipment, see Utah Code §59-12-104(14).

Machinery and Equipment and Normal Operating Repair or Replacement Parts Used in an Electronic Payment Service

I certify the machinery and equipment and normal operating repair or replacement parts have an economic life of three years or more and are for use in the operation of an electronic payment service described in NAICS Code 522320.

Machinery or Equipment Used by Payers of Admissions or User Fees

I certify that: (1) the machinery or equipment has an economic life of three or more years and will be used by payers of admissions or user fees (Utah Code §59-12-103(1)(f)); (2) the buyer is in the amusement, gambling or recreation industry (NAICS Subsector 713); and (3) at least 51 percent of the buyer's sales revenue for the previous calendar quarter came from admissions or user fees.

Refinery Machinery, Equipment and Normal Repair or Replacement Parts

I certify the machinery, equipment, normal operating repair parts, catalysts, chemicals, reagents, solutions or supplies are for the use of a refiner who owns, leases, controls or supervises a refinery (see Utah Code §63M-4-701) located in Utah, and beginning on July 1, 2021, annually obtains a valid refiner tax exemption certification from the Office of Energy Development.

Pollution Control Facility

I certify our company has been granted a "Certification of Pollution Control Facilities" as provided for by Utah Code §§19-12-101 - 19-12-305 by either the Air Quality Board or the Water Quality Board. I further certify each item of tangible personal property purchased under this exemption is qualifying.

Municipal Energy

I certify the natural gas or electricity purchased: is for resale; is prohibited from taxation by federal law, the U.S. Constitution, or the Utah Constitution; is for use in compounding or producing taxable energy; is subject to tax under the Motor and Special Fuel Tax Act; is used for a purpose other than as a fuel; is used by an entity exempted by municipal ordinance; or is for use outside a municipality imposing a municipal energy sales and use tax. The normal sales tax exemptions under Utah Code §59-12-104 do not apply to the Municipal Energy Sales and Use Tax.

Short-term Lodging Consumables

I certify the tangible personal property is consumable items purchased by a lodging provider as described in Utah Code §59-12-103(1)(i).