



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

Restructuring the Ownership
of 51% or more of an Existing Entity
OFF-PREMISE BEER 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 of any month will be considered on the following month's commission agenda. All ownership changes must be complete, and an application submitted to DABS within 60 days of the ownership change event.

1. _____ A **non-refundable** application fee: \$75 + Change of an entity fee: \$175 = \$250 total fees
2. _____ Completed Application Form: Signed and:
 - New local consent (in the application packet). Some cities will require new licensing, and some won't. Therefore, you must submit the proper new local consent so the city or county jurisdiction may tell us if they require a new business license.
 - New business license (only if required by the local authority)
 - Purchase agreement and/or other documents satisfying the legitimate change of ownership or restructuring of an entity, such as will, probate documents, bankruptcy, etc.
 - Ownership entity / organizational documents updated with Utah Department of Commerce
 - If a corporation, submit an updated copy of the Articles of Incorporation
 - If a partnership, submit an updated copy of the written partnership agreement
 - If a limited liability company, submit an updated copy of the Articles of Organization
 - Provide a new exemption certificate – TC721
3. _____ Date of the (actual or intended) change of ownership: _____
 - 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 of 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. _____ *New manager(s) training scheduled: _____ or Training completed _____
10. _____ Floorplan has not changed *or* Floorplan has changed (new inspection required)



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 Salt Lake City, UT 84130

Restructuring Ownership of 51% or More of an Existing Entity Off- Premise Application

DABS License Information

License # _____

NOTE: If the ENTITY is CHANGING – THIS IS THE WRONG FORM. This application is appropriate for a 51% or more restructuring of the ownership of an existing entity. For changes of less than 51% contact your compliance specialist.

DABS LICENSEE INFORMATION

1. Entity Name: _____
 Entity Type: Partnership Corporation Limited Liability Company

2. DBA: *(Assumed name of business)* _____

3. Entity Business Address: _____
STREET CITY STATE ZIP

4. Contact Name: _____ Business Phone: _____
 Contact person Phone: _____ Email _____

CURRENT OWNERSHIP OF THE ENTITY LICENSED WITH DABS

List all partners, managers, officers, directors, or members currently listed on the entity. Percentage owned must = 100%

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

NEW OWNERSHIP INFORMATION

5. New Contact Name: _____ Business Phone: _____
 Contact person Phone: _____ Email _____

6. Local Manager: _____ Phone: _____ Email: _____
(if different)

7. Corporate Contact _____ Phone: _____ Email: _____
(if different)

8. Remember, it is important that any other documents currently on file for the entity remain in place. **If any of those documents will be changing, they must be included in this application.** New local consent is always required, and a new business license may be required depending on the local jurisdiction. You must check with the local jurisdiction. If they require a new business license, DABS requires a copy of the new business license.

9. Attach all documents that apply: New organizational documents of the entity reflecting ownership changes
Filed with the Utah Department of Commerce

Purchase Agreement Organizational Chart Wills, Probate, Bankruptcy documents, etc.
See information below Documents satisfying the legitimate change of entity

Please provide verification that the floorplan is still current. Floorplan (floorplan changes will require a new inspection)

NEW OWNERSHIP / MANAGEMENT BACKGROUNDS

List all individuals, partners, managers, officers, directors, or members. Percentage owned must = 100%. All individuals listed MUST be at least 21 years or older. For complex corporate structures, please attach an organizational chart showing ownership interests of all parent companies until all individual person percentages are disclosed. Each parent entity must be reduced to individuals within the organization. Each individual within all entities must include their title and % owned. **Also, list employees appointed to manage or direct operations of the business.** Anyone owning at least 20% of an entity and all employees/managers must submit fingerprints for a background check. If not a U.S. Citizen, provide residency status in section 7. Use additional sheets as necessary.

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

10. Residency status (List and attach proof of residency status for all individuals who are not US citizens): _____

11. New owner/managers and employee managers must complete manager training within 30 days after being added to the entity. A "manager" includes owners, assistant managers, supervisors, team leads, etc. if they (a) manage operations or (b) supervise the furnishing of an alcoholic product at a premises that is licensed under 32B Alcoholic Beverages Services Act. Visit our website to sign up online.

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

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

OFF-PREMISE LOCAL CONSENT
CHANGE OF OWNERSHIP of 51% or more of an EXISTING ENTITY

DABS does not change its license number assigned to a particular licensee when the existing entity is not changing.

The DABS License Number of the existing entity is: _____

PURPOSE: Local business licensing authority provides written consent to the Alcoholic Beverage Services Commission to continue an existing on-premise alcohol license for a previously licensed entity to store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product on the premises of the applicant.

AUTHORITY: Utah Code 32B-5-201; 32B-7-202; 32B-8a-302

_____, City Town County
Local business license authority

hereby grants its consent to the transfer of a _____ liquor license to:
Write in the type of License

Business Name (DBA): _____

Business Entity: _____

Location Address: _____

This type of transfer does not change the licensed entity holding the DABS license or the DABS license number. However, an ownership change of the entity of 51% or more requires DABS Commission approval and verification of any local licensing changes if required by the local authority

1. If a new business license is required by the local authority - Check Here: or
(A copy of the new license must then be provided to DABS by the applicant)

2. A new business license is NOT required from the city:

Authorized Local Authority Signature

Print Name / Title

Date

This is a suggested format. A locally produced city, town, or county form is 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).