

ALCOHOL AND TOBACCO COMMISSION

Nonrule Policy ATC-015

NOTICE: Under [IC 4-22-7-7](#), this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Alcohol and Tobacco Commission's (ATC) official position concerning a specific issue.

DISCLAIMER: This nonrule policy is being established by the ATC consistent with its authority under [IC 7.1-2-3-2](#) and [IC 7.1-2-3-31](#). It is intended solely as guidance and shall be used in conjunction with applicable rules or laws. It does not replace applicable rules and laws, and, if it conflicts with these rules or laws, the rules or laws shall control.

AUTHORIZED: Alex D. Huskey, Chairman

SUPERSEDES: ATC-001

SUBJECT: The purpose of this nonrule policy is to implement a uniform procedure for the administration of transfer of alcoholic beverage permits governed by the ATC.

SCOPE: The transfer of alcoholic beverage permits may be made from one holder to another holder if the permit has at least three months of unexpired term remaining. [IC 7.1-3-24-2](#). Such transfer is subject to the terms, rules, and regulations prescribed by the Commission. [IC 7.1-3-24-3](#).

POLICY: Pursuant to [IC 7.1-3-24-2](#), the transfer of alcoholic beverage permits may be made from one holder to another holder if the permit has at least three months of unexpired term remaining. Although the term "holder" is undefined in Title 7.1, permittee is defined as a person who is the holder of a valid permit or an agent, servant, employee of, or other person acting on behalf of a permittee. [IC 7.1-1-3-30](#). Therefore, the transfer of an alcoholic beverage permit may be made from one permittee to another permittee so long as at least three months of unexpired term remains.

Upon receipt of an application for renewal, processors shall confirm whether the permittee has changed. If the permittee remains the same, the processor shall process the application as a renewal only. If the permittee provides Articles of Amendment, the processor shall process the application as a renewal only. Absent *[sic]* Articles of Amendment, if the permittee has changed, the processor shall process the application as a transfer.

Although only a change of permittee constitutes a "transfer", permittees shall disclose any and all interested parties. "The commission shall not issue an alcoholic beverage permit of any type to a person unless that person has on file with the commission a verified list containing the name and address of each person who is, or will be, financially or beneficially interested in the permit and the business conducted, or to be conducted, under it. At all times, a change in the list shall be filed by the applicant or permittee with the commission within ten (10) days of the date when the change became effective. The lists, together with any changes, shall be kept on file in the office of the commission and they shall be open to public inspection." [IC 7.1-3-21-8](#).

Additionally, the commission shall have the power to (a) prescribe the manner and methods by which all records relating to alcoholic beverages are kept and preserved; (b) inspect all records relating to alcoholic beverages; and (c) require true copies of any record to be made and furnished to the commission. [IC 7.1-2-3-19](#). "The commission shall revoke the permit of a person, or refuse to issue a permit to a person, who refuses to permit the lawful examination of his books, papers, and records, or the investigation and examination of his premises by the commission." [IC 7.1-3-23-14](#). Further, "[t]he commission shall have the power to ascertain the business relationships, including non-alcoholic beverage business relationships, between permittees under this title." [IC 7.1-2-3-22](#). The commission shall deny the application, or revoke the permit, of a person who: (1) includes on the list of interested parties. . . a: (A) fictitious name; or (B) a person disqualified under this title from having an interest in an alcoholic beverage permit; or (2) omits from the list the name of a person whose name should be on it. The commission shall take the same action if the applicant or permittee fails to keep the list current as required by that section. [IC 7.1-3-23-20](#).

Each officer, stockholder, general partner, limited partner, or manager of a corporation, limited partnership, or limited liability company shall possess all other qualifications required of an individual applicant for that particular type of permit. [IC 7.1-3-21-5\(d\)](#), [IC 7.1-3-21-5.2\(d\)](#), and [IC 7.1-3-21-5.4](#). The disclosure requirement provides the

Indiana State Excise Police (Excise) a tool to investigate whether such a disqualification may exist. The designated member of the local board, as defined by [IC 7.1-2-4-3](#) and [IC 7.1-1-3-22](#), shall scrutinize any and all individuals with an interest in the permit at the time of renewal to ensure all interested parties possess all qualifications necessary to hold the permit.

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