

ALCOHOL AND TOBACCO COMMISSION

Nonrule Policy ATC #24

1. NOTICE: Under [IC 4-22-7-7](#), this document is required to be published with 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 It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register.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.

2. DISCLAIMER: This nonrule policy is being established by the ATC consistent with the authority under [IC 7.1-2-3-7](#). 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.

3. AUTHORIZED: David E. Cook, Chairman

4. SUPERSEDES: New

5. SUBJECT: The purpose of this nonrule policy is to establish specific guidelines for accepting or returning permit applications for retailer or dealer permits based on completeness of the application submitted.

6. SCOPE: Pursuant to [IC 7.1-2-3-3](#) and in accordance with [IC 5-15-5.1](#), the ATC has the power to prescribe the forms for all applications, permits, licenses, and other documents and records used in the administration of Title 7.1. [IC 7.1-3-1-4](#) requires that applications to the commission be upon proper application, in writing, and upon forms prescribed and furnished by the commission. This nonrule policy establishes what is considered a complete application for retailer and dealer permits to be accepted by the ATC and, if applicable, hold a quota slot or be set for a local board hearing. The policy on complete applications will take into consideration all of the following:

- 6.1 The resources and ability of the ATC to monitor incomplete applications and request missing information.
- 6.2 The documentation required to determine permit type and jurisdiction.
- 6.3 The information required for advertising the permit for local board hearing.
- 6.4 The documentation required to hold a quota slot in a jurisdiction, if applicable.
- 6.5 The documentation that may not be available at the time of initial application.

7. POLICY:

7.1 Pursuant to the commission's authority under [IC 7.1-2-3-3](#) and the application requirements under [IC 7.1-3-1-4](#), the ATC hereby establishes the following policies regarding requirements for new or transfer retailer or dealer applications:

7.1.1 For new applications, only completed forms, including supporting documentation, will be accepted.

7.1.1.1 An application form for a retailer or dealer permit will be considered complete for initial acceptance if it includes all of the following documents:

- 7.1.1.1.1 A substantially complete and signed State Form 51189, Application for New or Transfer Permit;
- 7.1.1.1.2 A copy of the Certificate of Existence from the Indiana Secretary of State, except for applications for sole owners, simple partnerships, and municipalities;
- 7.1.1.1.3 A floor plan or an explanation of why the floor plan cannot be submitted;
- 7.1.1.1.4 A State Form 44184, County Verification of Business Location; and
- 7.1.1.1.5 Payment of the required permit fee.

7.1.1.2 The following forms may be submitted after the initial application, but must be submitted prior to issuing the permit:

- 7.1.1.2.1 A copy of Registered Retail Merchant Certificate issued by the Indiana Department of Revenue;
- 7.1.1.2.2 A State Form 1462, Property Tax Clearance Schedule – Form No. 1; and
- 7.1.1.2.3 Any other documents and forms required by State Form 51189, Application for New or Transfer Permit or by statute or rule for a particular permit type.

7.1.2 For transfer applications, only completed forms, including supporting documentation, will be accepted.

7.1.2.1 An application form for a retailer or dealer permit will be considered complete for initial acceptance if it includes all of the following documents:

- 7.1.2.1.1 A substantially complete and signed State Form 51189, Application for New or Transfer Permit;
- 7.1.2.1.2 A copy of the Certificate of Existence from the Indiana Secretary of State, except for

- applications for sole owners, simple partnerships, and municipalities;
- 7.1.2.1.3 A floor plan or an explanation of why the floor plan cannot be submitted;
- 7.1.2.1.4 A State Form 44184, County Verification of Business Location;
- 7.1.2.1.5 A signed State Form 49930, Consent to Transfer (for transfer of ownership); and
- 7.1.2.1.6 Payment of the required permit fee.
- 7.1.2.2 The following forms may be submitted after the initial application, but must be submitted prior to issuing the permit:
 - 7.1.2.2.1 A copy of Registered Retail Merchant Certificate issued by the Indiana Department of Revenue;
 - 7.1.2.2.2 A State Form 1462, Property Tax Clearance Schedule – Form No. 1; and
 - 7.1.2.2.3 Any other documents and forms required by State Form 51189, Application for New or Transfer Permit or by statute or rule for a particular permit type.

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