

One Day Charitable Rare, Antique or Vintage Liquor Auction

One-day charitable rare, antique, or vintage liquor auction.

- a special one-day, license for a **licensed private club** in partnership with one or more duly organized, federally approved nonprofit corporations, associations, organizations, or entities that permits the nonprofit to conduct a charitable auction of certain sealed bottles of rare, antique, or vintage liquor, as determined by the commissioner, on the private club licensee's licensed premises for off-premises consumption only, when raising money for athletic, charitable, educational, scientific, or religious purposes. A licensed private club may not receive more than 12 licenses per year.
- "Auction or auctioning", means any silent, physical act, or verbal bid auction, where the auction requires in-person bidding at a licensed private club or online internet-based auction bidding, with bidders present at the licensed private club during the non-profit auction, through a secure internet-based application or website.

Requirements.

- The licensed private club and nonprofit shall jointly complete an application, at least 15 days prior to the event. The application may require, but is not limited to, information relating to the date, time, place, floorplan of the charitable event, and any other information as the commissioner may require. The applicants shall include with the application a written signed and notarized statement that at least 80 percent of the net proceeds from the charitable event will be donated directly to the nonprofit, subject to audits.
- The licensed private club and nonprofit must be in good standing with the commissioner, and the applicants must receive the commissioner's approval prior to the charitable event.
- The licensed private club and nonprofit shall submit, and the commissioner shall review, the applicants' list of rare, antique, or vintage liquor, and the applicants shall submit documentation showing that the liquor was purchased from a licensed retail outlet in accordance with W. Va. Code §60-3A-1 et seq. with all taxes and fees paid.
- Any rare, antique, or vintage liquor with no documentation or that was not purchased in accordance with W. Va. Code §60-3A-1 et seq., may be approved for auction, if all taxes and fees are paid to the commissioner in accordance with W. Va. Code §60-3A-1 et seq.. Any **undocumented** rare, antique, or vintage liquor approved for charitable auction by the commissioner must be labeled in the interest of public health and safety: **"Purchase and consume at your own risk, as the authenticity or source of manufacture of this bottle has not been verified"**.
- The private club and nonprofit may **not** deliver, mail, or ship sealed or unsealed rare, antique, or vintage liquor bottles.
- The winning bidder of the auctioned rare, antique, or vintage liquor shall pay and receive the sealed rare, antique, or vintage liquor bottle before the conclusion of the event.
- The applicants shall pay a \$150 nonrefundable and non-prorated fee for the license.

Exceptions.

- A nonprofit's charitable auctioning of sealed rare, antique, or vintage liquor bottles is permitted on the private club's licensed premises, notwithstanding the bingo, raffle, and lottery provisions of §W. Va. Code §47-20-10, §47-21-11, and §61-10-1 et seq., but in compliance with the auction requirements of W. Va. Code §19-2c-1 et seq.;
- The nonprofit, upon licensure by this section, is permitted a limited, one-time exception of the requirement to be a licensed retail outlet and hold a retail license issued pursuant to W. Va. Code §60-3A-1 et seq. to sell liquor; and
- Any private club or nonprofit licensed pursuant to this code section are subject to all penalties for violations committed under W. Va. Code §60-3A-1 et seq. and §60-7-1 51 et seq..