



**State of West Virginia
Department of Revenue
Alcohol Beverage Control Administration
900 Pennsylvania Avenue, 4th Floor
Charleston, WV 25302**

**INSTRUCTIONS FOR NON-RETAIL LIQUOR & WINE LICENSE APPLICATION
(FORM ABCC-WS-3)**

APPLICANTS MUST TYPE OR PRINT, IN INK, ALL ANSWERS ON ALL FORMS

1. General Information - Please read all instructions carefully. All questions are to be answered in full. Your accuracy and thoroughness in completing the application form will assist us in processing the application and preventing unnecessary delays.
2. False representations made in application or failure to comply with chapter 60 of the West Virginia Code (State Code of Alcoholic Liquors) and rules and regulations promulgated thereunder may result in denial, revocation, or suspension of the license.
3. Any person holding any interest in a Wine Supplier, West Virginia Licensed Wine Distributor, or West Virginia Farm Winery may not hold any interest in a retail wine establishment or a private wine license.
4. Any person holding any interest in a West Virginia Distillery or a West Virginia Mini-Distillery may not hold any interest in a retail liquor, private club, or private wine restaurant establishment.
5. Licensing Periods:
 - Wine Supplier, Wine Distributor, Farm Winery, and Direct Shipper license periods begin July 1 and end June 30 of each year.
 - Distillery and Mini Distillery license periods begin January 1 and end December 31 of each year.
6. License fees must be paid by **certified check, cashier's check, company check, or money order** payable to the West Virginia Alcohol Beverage Control Administration. Personal checks will not be accepted.

If the license for a Wine Supplier, Wine Distributor, or Direct Shipper is issued for less than a full year, the fee may be prorated as follows:

| <u>License Application Submitted</u> | <u>License Fee</u> |
|--------------------------------------|--------------------|
| July 1 through June 30 | Full License Fee |
| January 1 through June 30 | ½ of License Fee |

7. Documents which must accompany application:
 - If an Association – a copy of the Certificate of Authority and Agreement of Association
 - If a Limited Liability Corporation – a copy of the Certificate of Authority and Articles of Organization
 - If a Corporation – a copy of the Certificate of Authority and Articles of Organization
 - A copy of the applicant's federal basic permit, as required under the Federal Alcohol Administration Act
 - A copy of West Virginia business license registration
 - If out-of-state entity, a copy of current ABC license from state of domicile
 - A Letter of Good Standing from the WV State Tax Department and if an out-of-state entity, a letter of good standing from the state of domicile (Forms to request a Letter of Good Standing from WV are included)
 - If applying as a resident Distillery or Mini Distillery—submit copies of all documents which have been submitted to the Trade Tax Bureau (TTB), along with documentation of the inspection report and approval

8. The application must be signed as follows and all signatures must be notarized:
 - If an individual, by the owner.
 - If a Partnership/Limited Partnership, all partners
 - If an Association, all members
 - If a Corporation, president or vice president
 - If a Limited Liability Corporation, all members if member managed/manager if manager managed
9. A farm winery license shall be issued only to, or held by, an applicant qualified to operate or who is operating a winery or wine cellar bonded under the laws and regulations of the United States. Form and instructions are available by calling the toll-free number at 800-937-8864 or available through download at the following website: http://www.ttb.gov/tax_audit/permits.shtml
10. All applicants must apply for a "Special Occupation Tax (TTB F 5630.5a)" with the Alcohol and Tobacco Tax and Trade Bureau. Form and instructions are available by calling the toll-free number at 800-937-8864 or available through download at the following website: <http://www.ttb.gov/forms/f5630d.pdf>
11. Wine Supplier & Distributor Bonds – Please see bond instructions for proper completion.
 - Wine Suppliers – Applicants must complete bond form ABCC-WS-3-B in the amount of \$10,000.
 - Wine Distributors – Applicants must complete bond form ABCC-WX-1-B in the amount of \$10,000.
12. Direct Shippers must provide a list of brands that are to be shipped into West Virginia. Upon review of the list, if brands are not registered with the Commission, it is the responsibility of the Direct Shipper to register said brand(s).

MAIL COMPLETED APPLICATION, FEES, AND REQUIRED ACCOMPANYING FORMS TO:
West Virginia Alcohol Beverage Control Administration
ATTN: Wine Licensing
900 Pennsylvania Avenue, 4th Floor
Charleston, WV 25302

**IF YOU HAVE ANY QUESTIONS OR NEED ASSISTANCE PLEASE CALL THE ADMINISTRATION AT
1-800-642-8208 OR (304) 356-5500 8:30AM-4:30PM EST AND ASK FOR WINE LICENSING.**



Licensing Period: _____ to _____

License Number: _____

Applying As:

Individual

Partnership

Ltd. Partnership

Ltd. Liability Corp.

Corporation

Association

West Virginia Alcohol Beverage Control Administration

900 Pennsylvania Avenue, 4th Floor Charleston, WV 25302

Non-Retail Liquor and Wine License Application

| | | | | | | |
|--|---|---|---|---|--|---|
| <input type="checkbox"/> Wine Supplier Questions 1 - 16 License Fee \$150 | <input type="checkbox"/> Distillery/Winery Questions 1 -16 Sections I & III License Fee \$1,500 | <input type="checkbox"/> Mini Distillery Questions 1-16 Sections I & III License Fee \$50 | <input type="checkbox"/> Farm Winery Questions 1-16 Sections I & III License Fee \$50 | <input type="checkbox"/> Multi Capacity Questions 1-16 License Fee \$300 | <input type="checkbox"/> Wine Distributor Questions 1-16 Sections I & II License Fee \$2,500 | <input type="checkbox"/> Direct Wine Shipper Questions 1-16 License Fee: \$150 to ship < 14% Alc. Cont. \$250 to ship > 14% Alc. Cont. |
|--|---|---|---|---|--|---|

1. Business Entity Name _____ 2. FEIN _____

3. Business DBA Name _____ 4. Telephone _____

5. Business Physical Address _____
(STREET) (CITY) (STATE) (ZIP CODE)

6. Business Mailing Address _____
(STREET) (CITY) (STATE) (ZIP CODE)

7. Email _____

8. Contact Person _____ Telephone _____

9. Has applicant or any officer been:
- a. Convicted of a felony? When _____ If yes, attach written explanation. Yes No
 - b. Convicted of a violation of federal or state alcohol laws? If yes, attach written explanation. Yes No
 - c. Convicted of a criminal offense (misdemeanor) within the last 5 years? If yes, attach explanation. Yes No
 - d. Refused any type of alcohol license or permit in any state? State _____ If yes, attach explanation. Yes No

10. Has applicant or any officer had:
- a. A hearing before the WVABCA Commissioner? If yes, attach written explanation. Yes No
 - b. Any type of WVABCA license or permit sanctioned? If yes, attach written explanation. Yes No

11. Has applicant been refused any type of alcohol license or permit in any state? Yes No
If yes, attach written explanation.

12. Does applicant, officers, directors or any blood relative hold any real estate, buildings, or equipment used by any WV retail licensee? If yes, attach a written explanation and provide name, address and interest. Yes No

13. Does applicant, partner, member, stockholder, director, or any blood relative hold any interest in a licensed retailer in West Virginia? If yes, attach a written explanation and provide name, address and interest. Yes No

14. Date and state your business incorporate or organized _____
Please include corporate charter or organization papers

15. If non-resident business, date of certificate of authority to do business in WV _____
Please include copy of certificate of authority

16. Supply the following information about the owners, officers, directors and manager:

| | | |
|-------------------------------------|-------------------------------------|-------------------------------------|
| Title _____ | Title _____ | Title _____ |
| Name _____ | Name _____ | Name _____ |
| Res. Address _____ | Res. Address _____ | Res. Address _____ |
| Telephone _____ | Telephone _____ | Telephone _____ |
| % Ownership _____ DOB _____ | % Ownership _____ DOB _____ | % Ownership _____ DOB _____ |
| SSN _____ | SSN _____ | SSN _____ |
| WV Resident Y / N US CITIZEN* Y / N | WV Resident Y / N US CITIZEN* Y / N | WV Resident Y / N US CITIZEN* Y / N |

Use a separate sheet, if necessary. * If not a native US citizen, please attach a written explanation of when and where naturalized.

SECTION I: To be completed by Wine Distributors, Wineries, Farm Wineries, Distilleries and Mini Distilleries.

- A. County which business is located _____
- B. Does the applicant own the premises to be licensed? Yes No
 If no, does applicant hold a valid lease? Yes No Expiration date of lease _____
 Property owner name/address _____
- C. Do the premises to be licensed conform to health, fire and zoning regulations? Yes No

SECTION II: To be completed by Wine Distributors.

- A. Has applicant entered into any exclusive franchise agreement with a manufacturer, producer, processor, distributor, or supplier of wine whereby the applicant has been given the exclusive right within West Virginia or any given territory within West Virginia to distribute the product(s) of such manufacturer, producer, processor, distributor or supplier which are to be sold or distributed in West Virginia? Yes No
 If yes, please explain. _____

SECTION III: To be completed by Wineries, Farm Wineries, Distilleries, and Mini Distilleries.

- A. Annual productive capacity is _____ gallons.
- B. Is applicant, directly or indirectly, by means of signs, equipment, money, property or otherwise, giving aid to assistance to the holder of any retail beer or intoxicating liquor permit issued by the authority of this State? Yes No
 If yes, please explain. _____
- C. Does applicant own or control any real or personal property, which is rented, leased or used by the holder of any retail beer or intoxicating liquor permit issued by the authority of this State? Yes No
 If yes, please explain. _____
- D. Is your place of business in a section zoned by a county or municipality? Yes No If so, state district _____
- E. Give number and classification of former beer, wine, and spirituous liquor permits, if any. _____
- F. Name nearest church or school and state distance in feet there from: _____
- G. Is place of business located in business, residential or rural neighborhood? _____

Should the applicant fail to fully carry out and fulfill in every respect the laws of West Virginia, then the Commissioner shall have the right to terminate or revoke this license or permit and declare forfeited the penalty of the bond (if a bond is required for the selected license type). However, it is agreed and understood by and between the parties hereto that before such bond shall be forfeited a hearing shall be held in the Office of the West Virginia Alcohol Beverage Control Commissioner in the city of Charleston, West Virginia, after ten (10) days written notice to the applicant, setting forth the charge and the time and place of hearing thereon said notice shall be served the applicant by registered mail at the address hereinabove set forth.

Instructions for signing:

- If an individual, by the owner.
- If a Partnership/Limited Partnership, all partners
- If an Association, all members
- If a Corporation, president or vice president
- If a Limited Liability Corporation, all members if member managed/manager if manager managed

NOTE: All changes in ownership interest during the license year must be reported immediately to the WV ABCA Commissioner.

STATE OF _____,
COUNTY OF _____, to wit:

In support of the foregoing application, the undersigned makes oath that the statements contained herein and all attachments are true to the best of his/her knowledge and belief.

Date _____ Signature _____ Title _____

Date _____ Signature _____ Title _____

Date _____ Signature _____ Title _____

Date _____ Signature _____ Title _____

Given under my hand and official seal this _____ day of _____, _____.

Signature of Notary Public

Commission Expires

Seal of Notary



**State of West Virginia
Department of Revenue
Alcohol Beverage Control Administration
900 Pennsylvania Avenue, 4th Floor
Charleston, WV 25302**

Every person, company, or corporation intending to do business in West Virginia must register with the West Virginia State Tax Department. Additionally, corporations, limited partnerships and limited liability companies must register with the West Virginia Secretary of State.

Please consult with the appropriate person (s) in your organization about compliance with the business registration requirements in West Virginia. Should further assistance be necessary, you may contact the following sources for registration information:

West Virginia State Tax Department

Taxpayer Services Division
P.O. Box 3784
Charleston, WV 25337-3784
(304) 558-3333 or
1-800-982-8297

<http://www.state.wv.us/taxrev/forms/2009/businessRegistration.booklet.pdf>

Secretary of State

Corporations Division
Capitol Complex
Building 1, Room 151
1900 Kanawha Blvd. E.
Charleston, WV 25305
(304) 558-8000

<http://www.sos.wv.gov/business-licensing/business/Pages/businessdivision.aspx>

GENERAL WINE BOND INFORMATION
(FORM # ABCC-WS-3-B or ABCC-WS-1-B)

1. All bonds filed before July of each year should show July 1 as the effective date. For those filing after July 1, the effective date should be the same date the bond is executed and signed. Also, bond must be dated same date as bond is executed.
2. Principal's name must show the person signing for the principal as president or vice president. If any other officer signs, attach a corporate resolution or Power of Attorney permitting that person to bind corporation. Also, the **affixed Corporation Seal** is required.
3. The surety company must be authorized to do business in West Virginia. The company name with the agent's signature, along with the company's **fixed seal** on both the bond and the Power of Attorney, is required.
4. Power of Attorney should be attached and dated and notarized the same day as issuance of bond.
5. Need copies of Corporation/Limited Liability Company papers.
6. **Out of State** - Need Certificate of Authority.

WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION

900 Pennsylvania Avenue, 4th Floor
Charleston, West Virginia 25302

WINE SUPPLIER BOND

Bond Number

KNOW ALL MEN BY THESE PRESENTS:

- (1) That we, _____, being a/an _____
- (2) doing business under the name of _____
- (3) of _____, _____ County, West Virginia, as principal,
- (4) and _____
- (5) _____

a corporation authorized to do business in the State of West Virginia, as Surety, are held and firmly bound unto the State of West Virginia, in the just and full sum of Ten thousand dollars (\$10,000.00), to the payment whereof well and truly made, we bind ourselves, our successors and assign, jointly and severally, firmly by these presents.

THE CONDITION of the above obligation is such that whereas the above bound principal is about to obtain a license as a wine supplier in pursuance of the provisions of Article 8, Chapter 60 of the Code of West Virginia, of 1931, as amended and of the rules and regulations promulgated thereunder by the Commissioner.

NOW, THEREFORE, if the said principal shall faithfully perform and observe the laws of the State of West Virginia, and comply therewith and with the rules and regulations promulgated thereunder by the Commissioner with respect to the distribution and sale of wine, including but not limited to, the payment of all taxes and fees prescribed by Article 8, Chapter 60 of said Code, then this obligation to be void; otherwise to remain in full force and effect, and if license of said principal shall be revoked, then the full amount of this bond shall be forfeited to the State of West Virginia, and said amount when received by the State shall be credited to the state fund, general revenue.

This bond is executed in pursuance of the provisions of said Article 8, Chapter 60 of the Code of West Virginia of 1931, as amended, and rules and regulations promulgated thereunder by the Commissioner and the pertinent provisions of said article and rules and regulations are hereby made a part of this bond.

- (6) This bond shall be effective from the _____ day of _____, 20____, to
- (7) the 30th day of June, 20____, unless sooner released by the State of West Virginia or cancelled by the surety after due notice to all parties concerned.

IN WITNESS WHEREOF the said principal has hereunto set his hand and affixed his seal, and said surety has caused its corporate name to be signed hereto and its corporate seal to be hereunto affixed its duly authorized official or agent and executed this bond this day of _____, 20____.

(9) Principal: _____

(11) Corporate Seal
Seal

(10) By: _____
Title: _____

Must be President or Vice President

(12) Surety: _____

(14) Surety
Corporate Seal

(13) By: _____

ACKNOWLEDGMENT BY PRINCIPAL IF INDIVIDUAL OR PARTNERSHIP

(15) STATE OF _____
 (16) County of _____, to wit:
 (17) I, _____, a Notary Public
 (18) in and for the county and state aforesaid, do hereby certify that _____
 (19) whose name is signed to the foregoing writing, bearing the execution date of the _____ day of _____, 20_____, has this day acknowledged the same before me in my said county.
 (20) Given under my hand this _____ day of _____, 20_____.

(21) Notary Seal (22) _____, Notary Public
 (23) Commission Expires: _____

ACKNOWLEDGMENT BY PRINCIPAL IF CORPORATION, LLC or LLP

(24) STATE OF _____
 (25) County of _____, to wit:
 (26) I, _____, a Notary Public in and for the county and state
 (27) aforesaid, do hereby certify that _____ who as _____,
 (28) signed the foregoing writing for _____, a corporation,
 (29) bearing the execution date of the _____ day of _____, 20_____, has this day, in my said county, before me, acknowledged the said writing to be the act and deed of the said corporation.
 (30) Given under my hand this _____ day of _____, 20_____.

(31) Notary Seal (32) _____, Notary Public
 (33) Commission Expires: _____

ACKNOWLEDGMENT FOR SURETY

(34) STATE OF _____
 (35) County of _____, to wit:
 (36) I, _____, a Notary Public in and for the county and state
 (37) aforesaid, do hereby certify that _____, who signed the
 (38) foregoing writing, or hereto annexed, for _____, a corporation,
 (39) bearing the execution date of the _____ day of _____, 20_____, has this day in my said county, before me, acknowledged the said writing to be the act and deed of the said corporation.
 (40) Given under my hand this _____ day of _____, 20_____.

(41) Notary Seal (42) _____, Notary Public
 (43) Commission Expires: _____

Sufficiency in Form and Manner of Execution Approved:
 Dated this _____ day of _____, 20_____.

Attorney General
 By: _____
 Assistant Attorney General

BOND PREPARATION INSTRUCTIONS
(Forms ABCC-WS-1-B and ABCC-WS-3-B)

1. If Principal Is an Individual or Partnership:

- a) Complete the bond, lines (1) thru (14);
- b) Have Notary complete lines (15) thru (23) on the back of the bond; the application section of acknowledgment titled *Acknowledgment by Principal if Individual or Partnership*.

2. If Principal Is a Corporation, LLC or LLP:

- a) Complete the bond, lines (1) thru (14);
- b) Have Notary complete lines (24) thru (33) on the back of the bond; the application section of acknowledgment titled *Acknowledgment by Principal if Corporation*;
- c) Affix corporate seal as requested on the face of the bond;
- d) Limited Liability Company must attach a copy of their operating agreement.

3. Surety:

- a) Complete applicable portion of bond;
- b) Have Notary complete lines (34) thru (43) on the back of the bond; application section of acknowledgment titled *Acknowledgment for Surety*;
- c) Attach Power of Attorney to bond if surety signatory is an attorney in fact;
- d) Affix raised Surety seal as request on the face of the bond and to the Power of Attorney.

4. Line by Line Instructions:

- (1) Enter the name of Principal and specify individual, partnership, or corporation to be covered by bond.
- (2) Enter the dba (doing business as) of the Principal, if applicable.
- (3) Enter the address of the Principal.
- (4) Enter the name of the Surety Company issuing the bond.
- (5) Enter the address of the Surety Company issuing the bond.
- (6) Enter the effective date of the bond.
- (7) Enter the year that the bond will expire (should be the same year as the expiration of the license).
- (8) Enter the bearing date of the bond (also known as the execution date of the bond).
- (9) Enter the name of the Principal (individual, partnership, or corporation covered by the bond).
- (10) If principal is an individual, affix signature. If principal is a corporation, the President or Vice President must sign bond and indicate current title. If bond is to be signed by one other than the President or Vice President, affix copy of corporate resolutions showing authorization of individual to bind corporation.
- (11) If Principal is a corporation, affix corporate seal. If corporation does not have a seal, one may be drawn by writing the company name and the word "Seal" and drawing a circle around them.
- (12) Enter the name of the Surety Company.
- (13) Affix signature of person having Power of Attorney to bind Surety.
- (14) Affix corporate seal of Surety.

5. Notary Public's must Complete:

Acknowledgment by Principal if Individual or Partnership:

- (15) Enter the name of the State.
- (16) Enter the name of the County.

- (17) Enter the name of Notary Public witnessing transaction.
- (18) Enter name of Principal covered by bond, if Individual or Partnership.
- (19) Enter the bearing date of bond (also known as execution date). **Must be the same date as entered on Line 8 of the bond.**
- (20) Enter the date bond was witnessed by Notary. May be same as bearing date or any date thereafter.
- (21) Affix Notary Seal.
- (22) Affix Notary signature here.
- (23) Enter the date the Notary's commission expires.

Acknowledgment by Principal if Corporation, LLC or LLP:

- (24) Enter the name of the State.
- (25) Enter the name of the County.
- (26) Enter the name of the Notary Public witnessing transaction.
- (27) Enter the name and title of the Corporate Officer signing the bond. (Should be President or Vice President)
- (28) Enter the name of the Company or Corporation.
- (29) Enter the bearing date of bond (also known as execution date). **Must be the same date as entered on Line 8 of the bond.**
- (30) Enter the date bond was witnessed by Notary. May be same as bearing date or any date thereafter.
- (31) Affix Notary Seal.
- (32) Affix Notary signature here.
- (33) Enter the date the Notary's commission expires.

Acknowledgment by Surety:

- (34) Enter the name of the State.
- (35) Enter the name of the County.
- (36) Enter the name of the Notary Public witnessing transaction.
- (37) Enter the name of the person having power of attorney to bind Surety Company.
- (38) Enter the name of the Surety (Insurance Company).
- (39) Enter the bearing date of bond (also known as execution date). **Must be the same date as entered on Line 8 of the bond.**
- (40) Enter the date bond was witnessed by Notary. May be same as bearing date or any date thereafter.
- (41) Affix Notary Seal.
- (42) Affix Notary signature here.
- (43) Enter the date the Notary's commission expires.

POWER OF ATTORNEY INSTRUCTIONS

Power of Attorney for Surety must be attached and it must show that it was in full force and effect on the bearing date (also known as execution date), indicated on Line 8 of the bond. Surety corporate seal must also be affixed to the Power of Attorney.

- a. Name of person on Line 13 must be listed on Power of Attorney.
- b. Power of Attorney may not exceed imposed limitations.
- c. Certificate date, preferably the bearing date (also known as execution date that is recorded on Line 8 of the bond), but no date later than the bearing date must be entered.
- d. Signature of authorizing official must be affixed. (Signature may be a facsimile).
- e. Raised seal must be affixed.