



Please check applicable boxes:

- Auction
- Liquor \$150.00

ABCA-192 SODL

## WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION SPECIAL ONE DAY LICENSE LIQUOR AUCTIONING EVENT

Pursuant to West Virginia State Code **§60-7-8b**, a nonprofit and a licensed private club shall jointly complete the application to conduct requested event to include the auction of sealed rare/antique/vintage liquor bottles for off-premised consumption (\$150.00 fee) at a fund-raising event for raising money for athletic, charitable, educational, or religious purposes. The applicant must be a 501(c)(3) nonprofit organization in partnership with a licensed private club. Please note: A licensed private club may not receive more than 12 licenses under this section per year.

Please return **form**, copies of the **501 (c)(3) nonprofit organization** documentation, and **floor plan** for approval consideration. A list of **rare/antique/vintage liquor with receipt(s)** showing the liquor was purchased from a WV retail liquor outlet and all taxes have been paid in accordance with West Virginia Code §60-3A-1 etseq.

### **Required for Vintage Liquor Auction:**

Name of Applicant: \_\_\_\_\_

Name of Private Club Entity: \_\_\_\_\_

Private Club DBA: \_\_\_\_\_

Private Club License Number: \_\_\_\_\_

Private Club Address: \_\_\_\_\_

Name of Event: \_\_\_\_\_

Location of Event: \_\_\_\_\_

Address of Event & County: \_\_\_\_\_

Event Date: \_\_\_\_\_ Event Start Time: \_\_\_\_\_ Event End Time: \_\_\_\_\_

Detailed Description of Event and the charitable purpose for which the event is being held:

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\*Attach list of List of rare, antique, or vintage liquor bottle(s) and where purchased or obtained.

\*The list must include a copy of the receipt showing the liquor was purchased from a WV retailer and all taxes have been paid in accordance with §60-3A-1 et seq.

\*Any rare, antique, or vintage liquor with no documentation or that was not purchased in accordance with §60-3A-1 et seq of this code, may be approved for auction, if all taxes and fees are paid to the commissioner in accordance with §60-3A-1 et seq, of this code. Forms for the above purpose, may be obtained by contacting the Spirits Division at 304-356-5500. All auctioned rare/antique/vintage liquor with undocumented purchase, must be labeled, in the interest of the public's health and safety **"Purchase and consume at your own risk, as the authenticity or source of manufacture of this bottle has not been verified."**

What percentage of the gross proceeds of the event will be used to benefit the 501 (c)(3) charitable purpose? \_\_\_\_\_

\*80% of the net proceeds from the charitable event must be donated directly to the nonprofit organization.

We, as the applicants, do attest, under penalty of perjury, that at least 80% of the net proceeds, from the charitable event, is being donated directly to the nonprofit organization on or before \_\_\_\_\_, 20\_\_\_\_.

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Private Club Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

**Signing below states the organizations' authorized signee has completed the application to the best of their ability and agrees that all information provided is complete, true and accurate.**

Applicant Name (print): \_\_\_\_\_

Applicant Name (signature): \_\_\_\_\_

Email: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Date: \_\_\_\_\_

Private Club Applicant Name (print): \_\_\_\_\_

Private Club Applicant Name (signature): \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

Date: \_\_\_\_\_

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Return to the WVABCA:  
Attn: Licensing Division  
900 Pennsylvania Ave. 4<sup>th</sup> Floor  
Charleston, WV 25302

Or

[ABCA.Licensing@wv.gov](mailto:ABCA.Licensing@wv.gov)

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**WVABCA Use Only Approved**  Yes  No

\_\_\_\_\_

Fredric L. Wooton, Commissioner

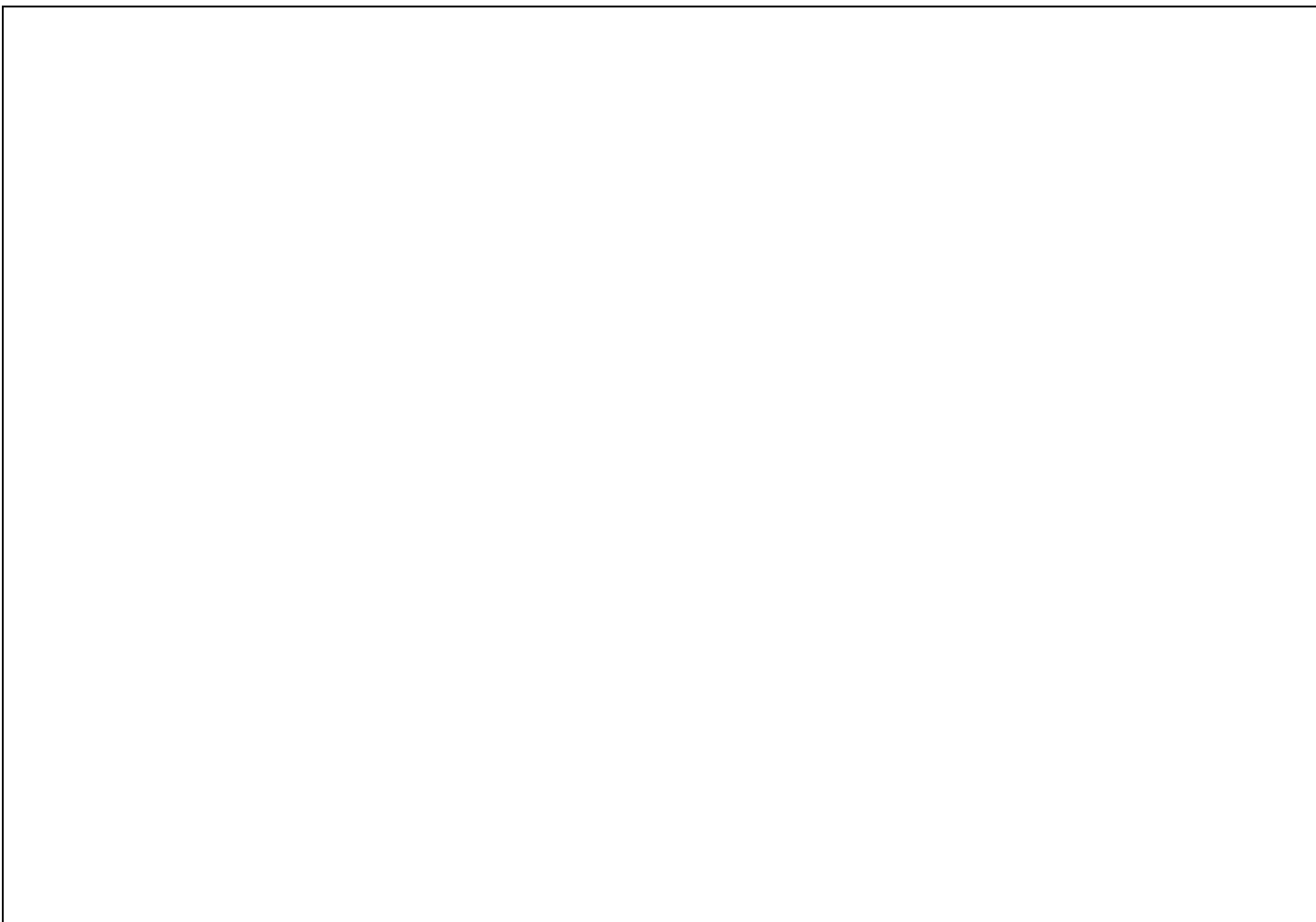
\_\_\_\_\_

Date

The Floor Plan must show the area and dimensions covered by the “Special One Day License”.

Keep one (1) copy at the licensed premises.

(Provide Dimensions)

A large, empty rectangular box with a thin black border, intended for drawing a floor plan. The box is currently blank.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**§60-7-8b. One-day charitable rare, antique, or vintage liquor auction; licensee fee and application; license subject to provisions of article; exceptions.**

(a) The commissioner may issue a special one-day, license to a licensed private club in partnership with one or more duly organized, federally approved nonprofit corporations, associations, organizations, or entities allowing 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 under this section per year.

(b) "Auction or auctioning", for the purposes of this section, 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 nonprofit auction, through a secure internet-based application or website.

(c) *Requirements.-*

(1) 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. The commissioner may audit the licensed private club and nonprofit to verify the 80 percent requirement has been met.

(2) 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.

(3) 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 §60-3A-1 *et seq.* of this code with all taxes and fees paid. Any rare, antique, or vintage liquor with no documentation or that was not purchased in accordance with §60-3A-1 *et seq.* of this code, may be approved for auction, if all taxes and fees are paid to the commissioner in accordance with §60-3A-1 *et seq.* of this code. 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".

(4) The private club and nonprofit may not deliver, mail, or ship sealed or unsealed rare, antique, or vintage liquor bottles.

(5) 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.

(6) The applicants shall pay a \$150 nonrefundable and nonprorated fee for the license.

(d) *Exceptions. -*

(1) A nonprofit's charitable auctioning of sealed rare, antique, or vintage liquor bottles, as determined by the commissioner, is permitted on the private club's licensed premises, notwithstanding the bingo, raffle, and lottery provisions of §47-20-10, §47-21-11, and §61-10-1 *et seq.* of this code, but in compliance with the auction requirements of §19-2c-1 *et seq.* of this code;

(2) 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 §60-3A-1 *et seq.* of this code to sell liquor; and

(3) The private club, upon licensure by this section, is provided a limited, one-time exception from §60-7-12(a)(1) and §60-6-8(6) of this code, to permit the licensed nonprofit to sell at auction the sealed rare, antique, or vintage liquor bottles for off-premises consumption, to permit the carrying onto, the sale of, and the carrying off of the licensed premises the approved sealed liquor bottles. Any private club or nonprofit licensed pursuant to this code section are subject to all penalties for violations committed under §60-3A-1 *et seq.* of this code and §60-7-1 *et seq.* of this code.