



**STATE OF WEST VIRGINIA
DEPARTMENT OF REVENUE
ALCOHOL BEVERAGE CONTROL ADMINISTRATION
900 Pennsylvania Avenue, 4th Floor
Charleston, WV 25302**

INSTRUCTIONS FOR NON-RETAIL ALCOHOLIC LIQUOR DISTILLING APPLICATION FORM ABCA-WS-3D

PLEASE READ ALL THE INSTRUCTIONS CAREFULLY. ALL QUESTIONS ARE TO BE ANSWERED IN FULL. APPLICANT'S ACCURACY AND THOROUGHNESS IN COMPLETING THE APPLICATION FORM WILL ASSIST THIS OFFICE IN PROCESSING THE APPLICATION AND PREVENT UNNECESSARY DELAYS.

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

INSTRUCTIONS

False representations made in application or failure to comply with Chapter 60 of the West Virginia Code and Legislative Rules and regulations promulgated thereunder, may result in denial, revocation or suspension of the license.

Any person holding any interest in a West Virginia Distillery, West Virginia Micro-Distillery or a West Virginia Mini-Distillery may not hold any interest in a retail liquor outlet, private club, brewpub, tavern or private wine restaurant establishment.

Distilleries, Micro-Distilleries and Mini-Distilleries cannot sell liquor for on-premises consumption or sampling. Complimentary samples are permitted but shall not include mixers or mixed drinks. Further, the licensees cannot sell liquor for off-premises consumption to private clubs. Licensees are permitted to sell sealed bottles of liquor to individuals for personal use and consumption, not for resale.

Licensing Period:

- Distillery, Micro-Distillery and Mini-Distillery license period begins January 1 and ends December 31 each year (Fees for these licenses are not prorated).

License fees must be paid by Certified Check, Cashier's Check, or Money Order payable to the West Virginia Alcohol Beverage Control Administration. Personal checks or cash will not be accepted.

An additional \$100.00 Operational Fee is to be submitted with your application and may be included with all fees in your Certified Check, Cashier's Check or Money Order. This fee is non-prorated and non-refundable.

Documents which must accompany the application:

- If an Association – a copy of the Certificate of Authority from the WV Secretary of State
- If a Limited Liability Company - a copy of the Certificate of Authority from the WV Secretary of State
- If a Corporation – a copy of the Certificate of Authority from the WV Secretary of State
- A copy of the applicant's federal permit, as required under the Federal Alcohol Administration Act
- A copy of West Virginia business license registration
- A letter of Good Standing from the WV State Tax Department
- Copies of all documents which have been submitted to the Trade Tax Bureau (TTB), along with documentation of the inspection report and approval

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 parties
- If an Association, all members
- If a Corporation, president or vice president
- If a Limited Liability Company all members if member managed/manager if manager managed

***All Members, Officers, Managers, Individuals and Associates must be U.S. Citizens.**

All applicants must apply for the “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: <https://www.ttb.gov/>

***A Trust cannot hold a percentage of ownership in any license listed on this application.**

License Types: Information pertaining to some of the requirements for each license type may be found below.

Distillery (\$1500.00):

- May produce over 50,000 gallons of alcoholic liquor per year.
- May use raw agricultural products that originate from outside the state or within the state.
- May offer complimentary samples in moderate quantities for tasting on the distillery’s premises and not to exceed 3 ounces per day per patron at least 21 years of age. A distillery may not sell samples or in any fashion operate as a private club.

Micro-Distillery (\$750.00):

- May produce no more than 10,000 gallons of alcoholic liquor per year.
- No more than 25% of raw agricultural products used in production may originate from outside this state.
- May offer complimentary samples in moderate quantities for tastings on the micro-distillery’s premises and not to exceed 3 ounces per day per patron at least 21 years of age. A micro-distillery may not sell samples or in any fashion operate as a private club.

Mini-Distillery (\$50.00):

- May produce no more than 50,000 gallons of alcoholic liquor per year.
- Alcoholic liquor is manufactured with no less than 25% of raw agricultural products being produced by the owner of the mini-distillery on the premises of that establishment, and no more than 25% of raw agricultural products originating from any source outside this state
- May offer complimentary samples in moderate quantities for tasting on the mini-distillery’s premises and not to exceed 3 ounces per day per patron at least 21 years of age. A mini-distillery may not sell samples or in any fashion operate as a private club.

*Note: Distilleries, Micro-Distilleries and Mini-Distilleries, cannot sell liquor for on-premise consumption or sampling. Samples do not include mixers or mixed drinks. Further, the licenses cannot sell liquor for off-premise consumption to private clubs. Licensees may sell sealed bottles of liquor to individuals for personal use and consumption, not for resale.

MAIL COMPLETED APPLICATION, FEES, AND REQUIRED ACCOMPANYING FORMS TO:

West Virginia Alcohol Beverage Control Administration
ATTN: Licensing Division
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 AND ASK FOR THE LICENSING DIVISION.



Form ABCA-WS-3D
Revised: 06-05-2020

Licensing Period: _____ to _____

Applying As:

Individual

Partnership

Ltd. Partnership

Ltd. Liability Company

Limited Liability Company

Corporation

Association

West Virginia Alcohol Beverage Control Administration
 900 Pennsylvania Avenue, 4th Floor, Charleston, WV 25302

Non-Retail Liquor Distilling License Application

<input type="checkbox"/> Distillery..... \$1,500.00 <input type="checkbox"/> *Operational Fee \$100.00 *See instructions related to production. *See instructions regarding raw agricultural products.	<input type="checkbox"/> Mini-Distillery..... \$50.00 <input type="checkbox"/> *Operational Fee..... \$100.00 *See instructions related to production. *See instructions regarding raw agricultural products.	<input type="checkbox"/> Micro-Distillery.....\$750.00 <input type="checkbox"/> *Operational Fee.....\$100.00 *See instructions related to production. *See instructions regarding raw agricultural product.
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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
 - e. Provide certified copies of all arrests.

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?
If yes, attach written explanation. Yes No
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. Will there be or is there currently a brewery located on the premises? Yes No
15. Will you be selling liquor for off-premise consumption from your proposed premises?
 - Please review requirements of W.VA. Code §60-4-3a.
 - Contact WVABCA Spirits Division for more information.
Yes No
16. Does the location currently hold a brewpub, tavern, private wine restaurant or private club license? Yes No
17. Do you own a retail liquor outlet? Yes No

Supply the following information about the owners, officers, directors, individuals, associates 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	WV Resident Y N	WV Resident Y N
US CITIZEN* Y N	US CITIZEN* Y N	US CITIZEN* Y N

Use a separate sheet, if necessary.

**** IF NATURALIZED U.S. CITIZEN, MUST SUBMIT COPY OF NATURALIZATION DOCUMENTS. ALL MEMBERS, OFFICERS, MANAGERS, INDIVIDUALS AND ASSOCIATES MUST BE US CITIZENS.**

****TITLE REFERS TO CORPORATE OFFICERS, PRESIDENT, VICE PRESIDENT, SECRETARY, TREASURER, MEMBER, ETC.**

SECTION I: To be completed by Distilleries, Micro-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. Does the premises to be licensed conform to health, fire and zoning regulations? Yes No
- Attach a copy of zoning approval.

*Note: No license will be issued to a location that shares a connection to a domicile.

SECTION II: PRODUCTION

- A. The yearly production amounts are listed below:
- Distillery – Can produce over 50,000 gallons of alcoholic liquor.
*May use raw agricultural products that originate from outside the state or within the state.
 - Micro-Distillery – can produce no more than 10,000 gallons of alcoholic liquor per year.
*No more than 25% of raw agricultural products used in production may originate from outside the state.
 - Mini-Distillery – Can produce no more than 50,000 gallons of alcoholic liquor per year.
*Alcoholic liquor is manufactured with no less than 25% of raw agricultural products being produced by the owner of the mini distillery on the premises of that establishment, and no more than 25% of raw agricultural products originating from any other source.
- B. Prior to a license being granted, **all** applicants must complete the attached affidavit (Production Affidavit 6/2020).
- C. All licensees must complete the attached affidavit (Production Affidavit 6/2020) and submit it with their annual renewal.
- D. If a license is granted **all** licensees must submit a copy of their Federal Excise Tax Production Report prior to next year's renewal. Failure to submit the report will be grounds for non-renewal of the entities license.

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 Firm, 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 WVABCA 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 _____



Seal of Notary

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

Signature of Notary Public

Commission Expires

ALCOHOL DISTILLING AFFIDAVIT

I _____, agree that my entity _____, doing business as _____, will not exceed the production limits as noted below. I am applying for a _____ license, to manufacture/produce alcoholic liquor. I understand that manufacturing/producing more gallons of a liquor than allowed under Chapter §60-1-1 et seq, may result in monetary fines, suspension of licensure or revocation of licensure if a license is granted.

- Distillery – May produce over 50,000 gallons of liquor per year.
 - * May use raw agricultural products that originate from outside the state or within the state.
- Mini-Distillery – May produce up to 50,000 gallons of liquor per year.
 - * Liquor is manufactured with no less than 25% of raw agricultural products being produced by the owner of the mini-distillery on the premises of that establishment, and no more than 25% of raw agricultural products originating from any other source.
- Micro-Distillery – May produce up to 10,000 gallons of liquor per year.
 - * No more than 25% of raw agricultural products used in production may originate from outside the state.

I hereby estimate liquor production to be _____ gallons over the course of the upcoming licensing period.

Actual liquor production for the previous licensing period was _____ gallons.

*Must be filled out and signed by all individuals, associates, partners, officers and members of the entity.

State Of _____,
County of _____, to wit;

In support of the forgoing affidavit, the undersigned makes oath that the statements contained are true to the best of his/her knowledge and belief.

Print Name _____ Signature _____

Title _____ Date _____



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
<https://tax.wv.gov>

Secretary of State

Corporations Division
Capitol Complex
Building 1, Room 151
1900 Kanawha Blvd. E.
Charleston, WV 25305
(304) 558-8000
<https://sos.wv.gov>

Request for Statement of Good Standing

Taxpayer Identification Number _____ Complete Business Name _____

Parent Company FEIN (If applicable, this would be the company that business returns are filed under.) _____

Business Location _____

Mailing Address _____
Street City State Zip

PurPose for request (check one):					
<input type="checkbox"/> ABCA	<input type="checkbox"/> DMV	<input type="checkbox"/> DOH	<input type="checkbox"/> SOS	<input type="checkbox"/> Bank Loan	<input type="checkbox"/> Other (specify below) _____

I understand that in the event that this business is not in good standing with the Tax Department I will be notified in writing as to what tax returns or tax payments are considered not filed or paid and who to contact with any questions regarding that situation.

By signing this Request for Statement of Good Standing, I certify under penalty of perjury that I am the taxpayer or the taxpayer's authorized representative and am entitled to receive the result of this request.

If you are a CPA or Attorney completing this Request for Statement of Good Standing for a business of which you are not a principle, a principle of the business must ALSO sign this request as the taxpayer.

If you are authorizing release of information for someone who is not a CPA or Attorney, this form must be notarized.

Taxpayer Signature Title Date

Print Name Phone E-mail

CPA/Attorney Signature Title Date

Print Name Phone E-mail

Signature of person other than taxpayer, CPA, or attorney (Form must be notarized). Title Date

Print Name Phone E-mail

State of West Virginia

County of _____, to-wit,

This day appeared before me, the undersigned notary public _____, who acknowledge under oath the signature above.

_____ Notary public

My commission expires: _____ Date

send this request to:	Phone numbers:
West Virginia State Tax Department ATTN: TPS – Support Unit PO Box 885 Charleston, WV 25323-0885	(304) 558-3333 (800) 982-8297 Follow Prompts for Statement of Good Standing Requests.