



Department
of Commerce

Division of Liquor Control

Agency Application

DLC 8051

6606 TUSSING ROAD • REYNOLDSBURG, OHIO, 43068-9005 •
PHONE (614) 644-2380 • FAX (614) 728-1281

<http://www.com.state.oh.us>

Introduction

Liquor Agency Application

The agency application is a formal request from a mercantile business, located in the geographical area specified in the advertisement, to act as a Contract Agent (“Agent”) for the Ohio Department of Commerce, Division of Liquor Control (DOLC), to store and sell spirituous liquor received on consignment (retail and/or wholesale, if applicable) for a five-year term.

Deadline

Please return the original Agency Application and attachments in a sealed envelope to Agency Operations, Department of Commerce, Division of Liquor Control, 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, Ohio 43068-9005. Agency Applications submitted in any other form (i.e. fax or e-mail) will not be accepted. Agency Applications and/or attachments received after 2:00 p.m. on the date specified in the advertisement will be disqualified.

Disclosure

1. All information an applicant submits to DOLC in furtherance of the application is subject to Ohio Public Records Law.
2. No application will be considered unless the certification page is signed.
3. By signing the Agency Application, the applicant agrees to a criminal background check.

Qualifications

1. Failure to meet the required specifications or providing insufficient information may result in disqualification or a reduction of evaluation points. Providing inaccurate or false information may result in disqualification of the applicant.
2. The DOLC may, in its sole discretion, reject any or all applications if the applications are not satisfactory to the DOLC or if the DOLC decides not to proceed with the Agency at that time.

Restrictions

General consumption of beer, wine, mixed beverages and intoxicating liquor at an Agency premises are prohibited. Tastings of beer, wine and mixed beverages may be allowed under appropriate permits.

Bonds

1. Agent must obtain a surety bond (“bond”) in an amount determined by DOLC based upon inventory maintained by Agent. The bond shall designate Jobs Ohio Beverage System as the payee/obligee and is required pursuant to Ohio Revised Code Section 4301.17(E) and the Agency Contract.

2. All liquor agency bonds must be renewed annually by October 1st. If the Agent acquires the bond through an independent sales agent, a copy of the surety bond must be mailed and received by Agency Operations each year by October 1st.
3. The Agent shall pay all premiums directly to the bonding company. If the premium is not paid timely, DOLC will deduct the amount of the premium from the Agent's commission payment.

Training

1. Applicant agrees that, in accordance with the Agency Contract, each person involved in the sale of spirituous liquor will attend and satisfactorily complete DOLC's Alcohol Servers Education and Certification Program as scheduled by DOLC.
2. The Agent must notify DOLC of all new employees hired after the effective date of the Agency Contract that will be involved in the sale of spirituous liquor and request the enrollment of those employees in the Alcohol Servers Education program.

Requirements

1. The applicant must provide sufficient space and equipment, including but not limited to shelving space, storage area, point of sale system, computer, monitor, printer and file cabinet at the proposed agency site. The applicant must be able to commence sales to the public under the terms of the Contract on the date specified in the application, or such date established by DOLC and/or within 60 days from the date that they are notified by the Division of the agency selection.
2. Regular deliveries of spirituous liquor will be made to the Agent weekly or biweekly from a semi-tractor trailer, sixty feet long and thirteen feet high, Monday through Sunday. The exact delivery time and day may vary during holidays and due to emergency circumstances.

Pricing/Reporting/Depositing

1. The spirituous liquor prices are calculated and set by DOLC.
2. The Agent will be required to upload daily sales submissions for spirituous liquor sales and other essential data.
3. Agent must make daily deposits into the agent's bank account for spirituous liquor sales.

Commission

The Agent's commission rate for sales is currently fixed by DOLC at 6% for retail sales and 4% for wholesale sales.

Evaluation Process

1. The DOLC's evaluation committee will review each application that has been timely received, award points designated in accordance with the criteria set forth by policy or rule, and provide the point assessments of all applicants and its recommendation to the Superintendent, who has the discretion to select the Agent. At DOLC's request, the applicant should be prepared to conduct an in-person interview and presentation outlining their business plan and case for issuance of an agency contract.
2. In the event that two or more otherwise qualified applicants receive an identical number of evaluation points, both applications will be provided to the DOLC Superintendent for his/her consideration.

Objection Process

1. Upon the Superintendent's approval of the successful applicant, DOLC will notify the Legislative Authority of the municipal corporation in which the agency store is to be located, or the board of county commissioners and the board of township trustees of the county and the township in which the agency store is to be located if the agency store is to be located outside the corporate limits of a municipal corporation, of the proposed contract. An opportunity will be provided officials or employees of the municipal corporation or county and township for a complete hearing upon the advisability of entering into the contract.
2. The DOLC will notify, by certified mail or personal service, the chief peace officer of the political subdivision, who may appear and testify, either in person or through a representative, at any hearing held on the advisability of entering into the Agency Contract.
3. If the proposed agency store would be located within 500 feet of a school, church, library, public playground, or township park, DOLC will not enter into an Agency Contract until it has provided notice of the proposed Contract to the authorities in control of the school, church, library, public playground, or township park and has provided such officials with an opportunity for a complete hearing upon the advisability of entering into the Contract. (See Ohio Revised Code Section 4301.17(B).) A letter of non-objection from any institutions located within 500 feet of a proposed agency store may yield expedient consideration.

General Information

1. Agents may qualify for a quota-exempt C-1 (Beer Carryout) or C-2 liquor permit (Wine and Mixed Beverage Carryout).
2. Any questions can be directed to DOLC, Agency Operations Section at (888) 279-0029 or (614) 644-2380.
3. The DOLC decisions regarding the award of an Agency Contract are not appealable to the Ohio Liquor Control Commission.



Agency Application

Ohio Department of Commerce, Division of Liquor Control

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SECTION I – PERSONAL/BUSINESS DATA

PLEASE PRINT OR TYPE THE FOLLOWING BUSINESS INFORMATION

Application Deadline Date and Time:

Proposed Liquor Agency Geographical Location

Applicant Name (Sole Proprietor, Corporation, Partnership, or LLC):

DBA:

Social Security Number (Sole Proprietor Only):

PROPOSED BUSINESS ADDRESS

Number/Street:

City:

Township (if located in an unincorporated area):

Zip Code:

Business Email Address:

Business Phone Number:

Contact Person Name and Title:

Contact Person's Phone Number:

If a liquor permit is held at the proposed site, then please provide DOLC Permit Number and Classes held at proposed site:

SECTION II – BUILDING LOCATION, EXTERIOR, AND EXTERNAL ENVIRONMENT

THE PHYSICAL SITE MUST MEET THE MINIMUM REQUIREMENTS AND WILL BE EVALUATED ACCORDING TO THE DIVISION'S POINT SYSTEM.

(A physical site inspection will be conducted and photos will be taken during the site visit.)

BUILDING LOCATION AND EXTERIOR

- 1. Where is the proposed place of business located within the Division's prescribed two-mile radius? Please give longitude and latitude coordinates as well as additional information descriptive to the location, including its proximity to any state liquor agencies e.g. northern edge of radius, within two blocks of an existing state liquor agency, exactly at epicenter., etc.

- 2. Where is the proposed place of business located in relation to the area's retail business district?

SECTION II – BUILDING LOCATION, EXTERIOR, AND EXTERNAL ENVIRONMENT (continued)

- 3. Identify the nearest retail and/or entertainment establishments and distance to same.

- 4. Please attach a traffic study results for the location secured from a government agency, regional planning commission or similar source.

- 5. Identify the nearest state liquor agency store and distance to same.

- 6. Disclose any crime or criminal incidents (i.e. robbery, burglary, assaults, etc.) that have occurred at the proposed site within the last 2 calendar years. Provide supporting documentation (i.e. police incident reports).

- 7. What is the general overall appearance of the site's exterior and is the business identified by visible signage? Is the signage and business visible from the street? Provide any architectural renderings of upgrades to the proposed location or new construction.

- 8. Is there adequate external lighting to protect customers from crime and/or accident? Describe in detail.

- 9. Does the business have off-street parking (minimum of 20 spaces) or on-street parking? What is the parking area's surface and condition? Is there easy access to and from the parking area to the street?

- 10. Is the entrance and exit of the business handicap accessible and in compliance with the American's with Disabilities Act of 1990, the ADA Amendments Act of 2008, and all city and state laws and regulations?

BUILDING INTERIOR- RETAIL SPACE, SALES AND STORAGE

- 11. Applicant must provide the minimum of 550 linear feet of shelving for the display of spirituous liquor. The shelving must be 20" to 24" in depth and set 14" in height from one shelf to the next shelf. Please indicate the square footage of area dedicated to the sale of spirituous liquor. Complete the enclosed store layout diagram with an exact drawing of the proposed liquor sales area and shelving display. Is the proposed liquor display self-service?

- 12. Applicant must provide a minimum of two (2) end caps to allow for seasonal or new product promotional displays. Show the proposed floor display area(s) on the enclosed store layout diagram with exact measurements of each area.

- 13. What is the overall condition and appearance of the interior of the business, i.e. flooring, walls, cleanliness, lighting etc.? Please provide pictures of flooring, walls, cleanliness, lighting.

SECTION II – BUILDING LOCATION, EXTERIOR, AND EXTERNAL ENVIRONMENT (continued)

14. Describe your plan to comply with Ohio laws and rules, including the prohibition against the sale of alcoholic beverages to underage persons.
15. Applicant must provide 1500 square feet of storage exclusively for the reserve liquor inventory. Where in the store will spirituous liquor be stored? Is storage area contiguous to retail area? How is access to the storage area controlled? Does the store have a security system?
16. What is the overall condition and appearance of the liquor storage area, i.e. flooring, walls, cleanliness, lighting etc.?
17. Describe the store security measures, including electronic/mechanical security device(s), security personnel. Is the point of sale located adjacent to entrance/exit? Does the sales associate have unobstructed view of retail liquor sales area?
18. Spirituous liquor may be delivered via a 60' long, 13' high semi-tractor trailer, Monday through Sunday (usually the same day and approximate time each week). The store is expected to receive liquor at a rate of 200 cases per hour. How will the store's delivery access accommodate the delivery vehicle and receipt of the liquor?
19. Wholesale customers are liquor permit holders authorized to sell spirituous liquor for on-premises consumption (i.e. restaurants and bars). Wholesale customer place and pick up orders Monday through Friday from 9:00 a.m. until 5:00 p.m. If applicable, how and where will the business service wholesale customers? Will delivery of spirituous liquor be provided to these customers?

SECTION III – BACKGROUND, INDIVIDUAL/BUSINESS ENTITY FINANCIAL AND LEGAL

PROJECTED ANNUAL LIQUOR SALES

Retail: \$
Wholesale: \$
Estimated Commission:

(The Division reserves the right to request additional credit and financial information and/or documentation from the applicant.)

1. Date of purchase and total length of time engaged in the proposed mercantile business or other retail businesses.
2. Provide either a personal credit report with a credit rating (for each shareholder or partner) or a business credit rating produced by a reputable credit bureau.

SECTION III – BACKGROUND, INDIVIDUAL/BUSINESS ENTITY FINANCIAL AND LEGAL (continued)

3. List all proposed partners, members, shareholders (>5%), etc. and the extent of each person's interest and/or investment. (Use enclosed DLC form 40-30 (for corporations), DLC Form 40-31 (for general and limited partnerships and limited liability partnerships) or DLC form 40-32 (for limited liability companies). Corporations, partnerships, and limited liability companies must also submit a current dated copy of their Certificate of Good Standing issued by the Ohio Secretary of State.

4. List any previous mercantile experience and/or submit a résumé.

Part 1 (Existing Businesses Only)

a. Provide the existing business's last two years Profit and Loss Statements and any pertinent information about the current financial position of the business.

b. Provide the existing business's last two years IRS income tax forms.

c. Specify the types of product sold and percentage of each in relation to total sales. Provide the number of customers served. Indicate whether this number is exact or if it is an estimate, and identify whether it is a daily or weekly figure. Quantify how many non-alcoholic beverage SKU items are offered.

d. Has this business relocated from another address? If yes, provide the previous address(es) and the length of time that the business operated at this location and any prior location(s).

Part 2 (New Businesses Only)

a. Provide a detailed list of all projected inventory expected to be carried in the new business.

b. Provide detailed capital and estimated expenses needed to set-up and operate the business for the first year (i.e. shelving, refrigerated coolers, office equipment, point of sale system, complete computer system, additional overhead cost and first year operating expenses).

c. Provide a letter or statement from bank, savings and loan, or other financial institution evidencing the resources to finance the business. Other documentation may be submitted which certifies that there are existing funds in the control of the applicant sufficient to allow for the set-up and first year operating expenses of a new business.

SECTION III – BACKGROUND, INDIVIDUAL/BUSINESS ENTITY FINANCIAL AND LEGAL (continued)

- d. Provide documentation showing an agreement with the real property owner or designated realtor/company of intent to lease or purchase the property by a specified date.

- 5. Complete and attach the enclosed Proforma Worksheet for either an existing or a new business.

- 6. List all alcoholic beverage experience. Include businesses holding liquor permits or permit premises employed within the past 10 years. Disclose all liquor law violations. List any existing or previous DOLC contracts held.

- 7. Disclose any criminal convictions, and sign and submit the enclosed Personal History Background Form. Applicant must agree to provide any data or information about any and all employees, officers, investors, shareholders or other persons connected with the applicant's business, upon request by the Division and as a condition precedent to Contract award. **Note: Felony conviction of applicant, partner, member, officer, director or 5% or more stockholder of applicant may be grounds for disqualification.**

- 8. Disclose any bankruptcy or pending bankruptcy, receivership or other insolvency proceeding filed by or against the applicant.

- 9. Are all federal, state, local and business (i.e. sales, workers' compensation and unemployment compensation) taxes current and paid?

- 10. Disclose whether applicant is currently a defendant in any pending lawsuit in which monetary damages are being sought or whether applicant currently has any outstanding debts more than 45 days overdue. If so, provide explanation on a separate sheet of paper with full documentation.

- 11. Provide certificate of liability insurance with proof the policy is currently in effect or detail plan to obtain policy. Disclose whether applicant and employees are covered in amount sufficient to satisfy all claims that might arise from any acts that occur pertaining to the business establishment.

SECTION IV – PROPOSED BUSINESS PLAN/MODEL

Attach a narrative, not to exceed ten (10) pages, describing your proposed business model or concept. Your narrative should include:

Market Analysis Plan

- Describe your proposed business model
- Identify and describe any market analysis conducted to date
- Identify and describe the potential market opportunity
- Identify demographics and retail trends of target market
- Detail how you plan to market this business
- Demonstrate the likelihood of success at this location and how you will meet the market

Customer Service and Agency Operation Plan

- Describe your customer service philosophy
- Describe your plan to work with the public to provide good customer service
- Explain how you will select, hire, train and supervise Agency staff
- List resources to be utilized to manage agency operations
- Describe your personal experience utilizing retail hardware, software, computer systems, programs, etc.
- Provide a plan for maintaining inventory levels on shelves in the sales area during business hours.

- Describe how the square footage of area dedicated to the sale of spirituous liquor would be utilized to maximize revenue potential.

The business stability or financial position of the proposed business will be evaluated according to existing business's financial data or a new business plan.

SECTION V – DISCLOSURE/CERTIFICATION

THE FOLLOWING MUST BE COMPLETED AND SIGNED BY THE APPLICANT:

I/We certify that I/We have read the Agency Application and Agency Contract. I/We agree to comply with all provisions of these documents upon award of the Contract. Further, I/We certify that all of the information provided in the application submitted for this site is complete and accurate to the best of my/our knowledge. I/We understand that providing materially false or misleading information will result in the immediate disqualification of the application or the termination of the Agency Contract awarded pursuant to such an application.

*Name of Applicant Individual, Corporation, LLC, or Partnership
(Please Print)*

Signature of Individual, Partner, Officer, Managing Member

Residence Address

Title

City, State, Zip Code

Area Code and Telephone Number