

# Agency Application

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

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

DLC 8051

## 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

1. 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 herein will be disqualified.
2. **It is requested that the outside of the application envelope be marked with the information listed below.**
  - a. Liquor Agency Number
  - b. Geographical Location

## 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.

## 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 DOLC as the payee/obligee and is required pursuant to Ohio Revised Code Section 4301.17(E) and the Agency Contract. (See Ohio Revised Code at <http://codes.ohio.gov/orc/4301.17>.)
2. All liquor agency bonds must be renewed annually by October 1<sup>st</sup>. 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 1<sup>st</sup>.
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 to request the Alcohol Servers Education program.

## Requirements

1. The applicant must provide sufficient space and equipment, including but not limited to shelving space, storage area, cash register, 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. (Hardware and software specifications attached.)

## Deliveries

1. 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, between the hours of 7:30 a.m. and 6:00 p.m., Monday through Friday. The exact delivery time 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 prepare daily reports for spirituous liquor sales and other essential data and send to DOLC through nightly polling via a PC and communication software.
3. Agent must make daily deposits into DOLC's bank account for spirituous liquor sales.

## Commission

1. The Agent's commission rate for sales is fixed by DOLC at 6% for retail sales and 4% for wholesale sales. Commission payments are based upon gross sales of spirituous liquor reported to DOLC, minus state and county sales tax, which are included in the selling price.

## 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.
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 Superintendent of DOLC for his/her consideration.

## Objection Process

1. Upon the Superintendent's approval for 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, and an opportunity will be provided

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DIVISION OF LIQUOR CONTROL**

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).)

## **General Information**

1. Agents may qualify for a quota-exempt C-1 or C-2 liquor permit.
2. Any questions can be directed to DOLC, Agency Operations Section at (888) 279-0029 or (614) 644-2380.
3. All decisions of DOLC with regard to 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 A – PERSONAL/BUSINESS DATA

*Application Deadline Date and Time:*

**(Reference Agency Application Specifications for site specific information.)**

*Proposed Liquor Agency Number and Geographical Location*

**(Reference Agency Application Specifications for site specific information.)**

PLEASE PRINT OR TYPE THE FOLLOWING BUSINESS INFORMATION

<i>Applicant's First Name:</i>	<i>Middle Initial:</i>	<i>Last Name:</i>	<i>Title (if applicable):</i>
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<i>Corporate Name (if applicable):</i>	<i>DBA:</i>
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PROPOSED BUSINESS ADDRESS

<i>Number/Street:</i>	<i>City:</i>	<i>Township (if located in an unincorporated area):</i>	<i>State:</i>	<i>Zip Code:</i>
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<i>Business Phone Number:</i>	<i>Home Phone Number:</i>
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<i>Contact Person:</i>	<i>Contact Person's Phone Number:</i>
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<i>DOLC Permit Number at Proposed Site:</i>	<i>Lottery Agent Number:</i>	<i>Date Lottery Awarded at Proposed Site:</i>
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OTHER STATE OR FEDERAL CONTRACTS

<i>Type/Number Assigned:</i>	<i>Date Awarded:</i>
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<i>Federal Tax Identification Number (Partnerships, Corporations and LLCs)</i>	<i>Social Security Number (Sole Proprietor Only)</i>
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### SECTION B – PHYSICAL SITE

**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.)**

1. Where is the proposed place of business located in relation to the area's retail business district? *(5 point maximum)*

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2. What is the general overall appearance of the site's exterior and is the business identified by visible signage? *(5 point maximum)*

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**SECTION B - PHYSICAL SITE (continued)**

3. Is the entrance and exit of the business handicap accessible and in compliance with ADA (American's with Disabilities Act of 1990) and all city and state laws and regulations? If not, how are the handicapped served? (3 point maximum)

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4. Does the business have off-street parking (minimum of (Reference Agency Application Specifications for site specific information.) 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? (4 point maximum)

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5. Is there adequate external lighting to protect customers from crime and/or accident? Describe in detail. (3 point maximum)

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6. What is the general overall condition and appearance of the interior of the business, i.e. flooring, walls, cleanliness, lighting etc.? (4 point maximum)

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7. Applicant must provide the minimum of (Reference Agency Application Specifications for site specific information.) linear feet of shelving for the display of spirituous liquor. The shelving must be 18" to 24" in depth and set 14" in height from one shelf to the next shelf. Please complete the enclosed store layout diagram with an exact drawing of the proposed liquor shelving display. Is the proposed liquor display self-service or full-service/full-view? DOLC prefers self-service displays; however, a full-service display may be considered. The full-service display must meet DOLC's requirements of the specified linear feet of shelving, with a counter (glass front optional) that allows liquor products to be viewed by the customer. (5 point maximum)

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8. Applicant must provide a minimum of (Reference Agency Application Specifications for site specific information.) square feet of floor space or 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. (5 point maximum)

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9. How secure is the retail sales area? Where is the cashier located in relation to the liquor area? Are there mirrors or surveillance cameras in the liquor area? (5 point maximum)

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10. Applicant must provide (Reference Agency Application Specifications for site specific information.) square feet of storage for the reserve liquor inventory. Where in the store will the spirituous liquor be stored? How secure is the storage area? Does the store have a night security system? (5 point maximum)

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11. Spirituous liquor may be delivered via a 60' long, 13' high semi-tractor trailer between the hours of 7:30 a.m. and 6:00 p.m., Monday through Friday (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? (3 point maximum)

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12. Wholesale customers (if applicable) will place and pick-up orders Monday through Friday from 9:00 a.m. until 5:00 p.m. How and where will the business service the wholesale customers? Will delivery of spirituous liquor be provided to these customers? (3 point maximum)

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**SECTION C – FINANCIAL**

**PROJECTED ANNUAL LIQUOR SALES**

*Retail:*  
*Wholesale:* (Reference Agency Application Specs. for site  
*Estimated Commission:* specific sales/commission information.)

(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. (4 point maximum)  
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\_\_\_\_\_
2. Provide either a personal credit report or business credit rating produced by a reputable credit bureau. (4 point maximum)  
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3. List all proposed partners, shareholders, members, investors, 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 submit a current dated copy of their Certificate of Good Standing issued by the Ohio Secretary of State. (2 point maximum)  
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4. List any previous mercantile experience and/or submit a résumé. (5 point maximum)  
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5. The business stability and/or financial position of the proposed business will be evaluated according to existing business’s financial data or a new business plan.

**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. (5 point maximum)  
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\_\_\_\_\_
- b. Provide the existing business’s last two years IRS income tax forms. (5 point maximum)  
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- c. 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(s). (0 point maximum)  
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**Part 2 (New Businesses Only)**

- a. Provide a detailed list of projected inventory. (1 point maximum)  
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\_\_\_\_\_  
\_\_\_\_\_
- 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, cash register system, complete computer system, and first year operating expenses). (4 point maximum)  
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**SECTION C – FINANCIAL (continued)**

**Part 2 (New Businesses Only - continued)**

- 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. *(4 point max.)*

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- d. Provide the address of the proposed agency location with official documentation showing an agreement with the real property owner or designated realtor/company of intent to lease or purchase the property by the specified date of **(Reference Agency Application Specifications for site specific sales/commission information.)**. *(1 point maximum)*

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- 6. Complete the enclosed Proforma Worksheet for either an existing or a new business. *(2 point maximum)*

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- 7. 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 a weekly figure. *(3 point max.)*

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**SECTION D – BACKGROUND HISTORY**

- 1. 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. **The existence of multiple liquor law violations may result in the applicant receiving less than zero points on this question.** *(5 point maximum)*

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- 2. Disclose any crime or criminal incidents (i.e. robbery, burglary, assaults, etc.) which have occurred at the proposed site within the last 2 calendar years. Provide supporting documentation (i.e. police incident reports). *(4 point maximum)*

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- 3. Disclose any criminal convictions, and sign 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.** *(2 point maximum)*

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- 4. Disclose any bankruptcy or pending bankruptcy, receivership or other insolvency proceeding filed by or against the applicant. *(2 point maximum)*

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- 5. Are all federal, state, local and business (i.e. sales, workers' compensation and unemployment compensation) taxes current and paid? *(2 point maximum)*

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- 6. 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. *(3 point maximum)*

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- 7. Provide certificate of liability insurance with proof the policy is currently in effect. 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. *(2 point maximum)*

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**SECTION E - 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.

<i>Applicant's Name (Please Print)</i>	<i>Applicant's Signature</i>
<i>Applicant's Title</i>	<i>Residence Address</i>
<i>Area Code and Telephone Number</i>	<i>City, State, Zip Code</i>

<b>SECTION F - POINT ANALYSIS [for Division of Liquor Control use only]</b>		
Section	Maximum Pts. Allowed	Points Earned
<b>A - Personal/Business Data</b>		
<b>B - Physical Site</b>		
1. Location of proposed place of business in relation to business district.	5	
2. Overall appearance of exterior. Visible signage?	5	
3. Handicap accessibility.	3	
4. Parking area condition/access.	4	
5. External lighting.	3	
6. Condition of interior.	4	
7. Shelving requirements.	5	
8. Display area.	5	
9. Security of retail sales area.	5	
10. Storage for reserve liquor inventory.	5	
11. Access for spirituous liquor deliveries.	3	
12. Wholesale customer service.	3	
<b>C - Financial</b>		
1. Time engaged in proposed mercantile business.	4	
2. Personal credit report or business credit rating.	4	
3. Proposed partners, shareholders, investors, etc. Certificate of Good Standing.	2	
4. Previous mercantile experience.	5	
5. Business stability and/or financial position.		
<b>Existing Businesses</b>		
5a. Profit and Loss	5	
5b. IRS Income Tax Returns	5	
5c. Relocation	0	
<b>New Businesses</b>		
5a. Inventory	1	
5b. Capital/Estimated First Year Expenses	4	
5c. Letter/Bank Statement	4	
5d. Property Documentation	1	
6. Proforma Worksheet	2	
7. Types of product sold and percentage of sales/customer estimate.	3	
<b>D - Background History</b>		
1. Alcoholic beverage experience.	5	
2. Crime incidents.	4	
3. Criminal convictions.	2	
4. Bankruptcy/pending bankruptcy/receivership/other insolvency.	2	
5. Federal/state/local/business taxes status.	2	
6. Pending lawsuit(s) and/or outstanding debt(s).	3	
7. Certificate of Liability Insurance/adequate coverage.	2	
<i>Total Possible</i>	<b>100</b>	

