

APPLICATION FOR CONTINUATION OF OPERATIONS PERMIT



GENERAL CONTINUATION OF OPERATIONS PERMIT INFORMATION

- § 4.1-212 A 16 of the Code of Virginia states: Any person who, through contract, lease, concession, license, management or similar agreement (hereinafter referred to as the contract), becomes lawfully entitled to the use and control of the premises of a person licensed by the Board to continue to operate the establishment to the same extent as a person holding such licenses, provided such person has made application to the Board for a license at the same premises. The permit shall (i) confer the privileges of any licenses held by the previous owner to the extent determined by the Board and (ii) be valid for a period of 120 days or for such longer period as may be necessary as determined by the Board pending the completion of the processing of the permittee's license application. No permit shall be issued without the written consent of the previous licensee. No permit shall be issued under the provisions of this subdivision if the previous licensee owes any state or local taxes, or has any pending charges for violation of this title or any Board regulation, unless the permittee agrees to assume the liability of the previous licensee for the taxes or any penalty for the pending charges. An application for a permit may be filed prior to the effective date of the contract, in which case the permit when issued shall become effective on the effective date of the contract. Upon the effective date of the permit, (a) the permittee shall be responsible for compliance with the provisions of this title and any Board regulation and (b) the previous licensee shall not be held liable for any violation of this title or any Board regulation committed by, or any errors or omissions of, the permittee.
- For the purposes of this application the term contract will be defined as above. The terms "previous owner" and "previous licensee" shall be interchangeable with the term "current licensee". The term "permittee" shall be interchangeable with the term "applicant entity".

INSTRUCTIONS

- Type or print legibly in **black ink**.
- Read thoroughly and complete application in full.
- Complete both portions of Section 1.
- Complete Section 2, Number 1 or attach a list in the same format. This information can be obtained using the Licensee Search form on ABC's website under Licensee Resources.
- Check the appropriate box for Section 2, Number 2 and attach documents as required. State tax information can be obtained from the Virginia Department of Taxation (www.tax.virginia.gov). Local tax information can be obtained from the Commissioner of Revenue for each locality. Pending violation information should be obtained from the current licensee.
- Attach a copy of any related contract(s) for Section 2, Number 5.
- Complete Section 3.
- Complete Section 4. Have both the CURRENT LICENSEE and APPLICANT ENTITY sign the affidavit. Each signature must be properly notarized.
- Mail or deliver the application and all required attachments to the following address:

**Department of Alcoholic Beverage Control
License Records Management
2901 Hermitage Rd PO Box 27491
Richmond VA 23261-7491**

PRIVACY STATEMENT

Pursuant to Chapter 38 of Title 2.2 of the Code of Virginia, it is the policy of the Commonwealth of Virginia that personal/tax information about citizens/applicants and/or their businesses will be collected only to the extent necessary to provide the service or benefit desired; that only appropriate information will be collected; that the citizen/applicant shall understand the reason the information is collected; and be able to examine his or her personal/business record which is maintained by the Virginia Department of Alcoholic Beverage Control (ABC). Social Security Numbers, Dates of Birth and Federal and State Tax identification numbers are collected for identification purposes. The Virginia Department of Alcoholic Beverage Control (ABC) considers all personal/tax information collected as confidential information. ABC does not provide information to any entity except as authorized by the Code of Virginia § 58.1-3 or 2.2-3700 through 2.2-3714.

SECTION 1

WHEREAS, A CONTRACT EXISTS BETWEEN:

THE CURRENT LICENSEE
Company Name
Street Address
City State Zip Code

AND

THE APPLICANT ENTITY
Company Name
Street Address
City State Zip Code

SECTION 2

WHEREAS, THIS AGREEMENT:

1. Confirms that the APPLICANT ENTITY has made application to the Board for a license for the location or locations represented in the contract and that are hereby listed or attached.

Current License Number: Current Trade Name:
Applicant License Number: Applicant Trade Name:
Physical Address:

2. Confirms that (check appropriate box)
a. the CURRENT LICENSEE does not owe any state or local taxes and does not have any pending charges for violation of Title 4.1 of the Code of Virginia or Board regulations.

OR

b. the APPLICANT ENTITY agrees to assume the liability of the CURRENT LICENSEE for any state or local taxes owed and/or the penalty for any pending charges for violation of Title 4.1 of the Code of Virginia or Board regulations.

- 3. Confirms that if a permit is issued, the APPLICANT ENTITY shall be responsible for compliance with the provisions of this title and any Board regulation.
4. Confirms that if a permit is issued, the CURRENT LICENSEE shall not be held liable for any violation of Title 4.1 of the Code of Virginia or any Board regulation committed by, or any errors or omissions of, the APPLICANT ENTITY.
5. Confirms that a copy of the contract(s) as defined on page one is hereby attached to this application.
6. Serves as the written consent of the CURRENT LICENSEE to the issuance of the permit to the APPLICANT ENTITY.

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SECTION 3

WHEREAS, THE CONTRACT AND THIS AGREEMENT:

Shall be executed and effective the _____ day of _____, 20_____.

SECTION 4

SWORN AFFIDAVITS:

CURRENT LICENSEE (as identified on page 2)

To witness in support of the foregoing, the undersigned makes oath that the statements contained therein and all attachments are true.

Signature*: _____ Date: _____

Print Name: _____ Title: _____

NOTARIZATION

State of: _____ County/City of: _____

Subscribed and sworn to me this _____ day of _____, 20_____.

Notary Expiration: _____ Notary Registration Number: _____
(Required by Virginia-appointed notaries public)

Notary Public: _____

APPLICANT ENTITY (as identified on page 2)

To witness in support of the foregoing, the undersigned makes oath that the statements contained therein and all attachments are true.

Signature*: _____ Date: _____

Print Name: _____ Title: _____

NOTARIZATION

State of: _____ County/City of: _____

Subscribed and sworn to me this _____ day of _____, 20_____.

Notary Expiration: _____ Notary Registration Number: _____
(Required by Virginia-appointed notaries public)

Notary Public: _____

***NOTE** Only an owner of the business; a partner, if the business is a partnership; a member/manager of a limited liability company; or an officer or director of a corporation, if the business is a corporation, or the authorized legal representative of any of the above is authorized to sign this application.