

**INSTRUCTIONS AND GENERAL INFORMATION****General Information**

- Type or print clearly in black or blue ink (do not use red).
- If you need more space for signatures, use Item #20.
- Acronyms or form numbers used in these instructions:
 

|         |                                            |
|---------|--------------------------------------------|
| B&P     | Business & Professions Code                |
| CCR     | California Code of Regulations             |
| ABC-209 | Application Withdrawal                     |
| ABC-211 | Application for Alcoholic Beverage License |
| ABC-227 | Notice of Intended Transfer                |
| ABC-275 | Information Concerning Interim Permit      |
| ABC-280 | Temporary Permit                           |
| ABC-283 | Information Concerning Temporary Permits   |
- The renewal fee will be collected on any transfer application within 60 days prior to the expiration date of the transferor's license at the discretion of the Department.
- The transferor should report any mailing address changes to the District Office.

**Instructions**

**District Office (Item 1)** — Enter the ABC District Office that has jurisdiction over the license being transferred.

**License Number (Item 2)** — List the license to be transferred; e.g., 48-12345.

**Transaction Type (Item 3)** — Check the box for the type of transaction.

**Licensee's Name (Item 4)** — Enter the name of the licensee. For a general partnership, show the names of the individual partners. For a limited partnership, limited liability company, or a corporation, show the name of the entity.

**Applicant(s) Name (Item 5)** — Enter the name of the applicant. For a general partnership, the names of the individual partners. For limited partnership, limited liability company, or a corporation, the name of the entity.

**Existing Premises Address (Item 6)** — Enter the address of the business where the license is now issued.

**Licensee's Mailing Address (Item 7)** — Enter the address where you wish to receive mail. May be different from the premises address. Business and mailing addresses are public information and are available to the public. Please consider this, especially when listing a mailing address.

**Temporary Permit (Item 9)** — Sign here to request a temporary permit be issued to the applicant. The temporary permit (Form ABC-280) is good for 120 days and allows the transferee to operate the licensed premises during the transfer waiting period. To qualify for the permit, the premises must have been operating under a license within 30 days of filing the application for a temporary permit. The surrendered license will be automatically canceled upon transfer to the temporary permittee. See Form ABC-283 for more information about temporary permits. (Section 24045.5 B&P Code.)

**Partnership/Limited Partnership (Item 15)** — For a general partnership, each of the partners must sign (e.g., husband and wife). For a limited partnership, each of the general partners must sign. Limited partners do not need to sign.

**Corporation (Item 16)** — Two officers of the corporation must sign, one from each of the following categories: (a) The chairperson of the board, the president, or a vice president; and (b) the secretary, assistant secretary, chief financial officer, or assistant treasurer. If only one corporate officer exists, he or she must sign twice, once in each category.

**Limited Liability Company (Items 17-19)** — For a limited liability company that is managed by its members, the form must be signed by each member or by an officer authorized by the articles of organization or the operating agreement to bind the company. For a limited liability company that is managed by a manager or managers, the form must be signed by the manager or managers or by an officer authorized by the articles of organization or the operating agreement to bind the company.

**MISCELLANEOUS INFORMATION****Waiting Period**

The average waiting period for a license is 55-65 days and by law the license cannot transfer for at least 30 days. Applications that have been protested can take up to 95 days or longer. Other things can add to delays. These may include: (a) Missing or incorrect documents, (b) Missing or incorrect fees, (c) Liens placed against escrow by the Board of Equalization, Franchise Tax Board, Employment Development Department, cities and counties, local health departments; or (d) The premises is under construction and not yet ready to operate.

**Unavailability of Transferors**

**Deceased or Incompetent Licensee** — The privileges of the licensee may be exercised by any person acting on behalf of a deceased or incompetent licensee or the estate for a specified period or until an administrator, executor, etc., is appointed. (Section 23102 B&P Code.)

Administrators, executors, guardians, surviving partners, trustees, and receivers may sign the Form ABC-211-A on behalf of a deceased transferor.

Contact your local ABC district office to find out what additional documents may be required for this purpose. (Rule 60, CCR.)

**Abandoned Partnership Interests** — Each general partner must sign the Form ABC-211-A unless ABC is satisfied by affidavit or otherwise that one or more partners have abandoned their interest in the business for at least six consecutive months immediately preceding the application. In this case, the remaining partners or any other person with a power of attorney may sign.

A partner shall have abandoned his interest in the licensed business if he makes an oral or written declaration to that effect, or if all of the following conditions exist: (1) He cannot be found or located; (2) He has taken no active part in the operation or management of the licensed business; and (3) He has not received any income directly or indirectly from the licensed business. (Rule 60(1), CCR.)

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#### **Denied or Withdrawn Transfer Application**

If the transfer application is denied or withdrawn:  
(a) If the transferor intends to resume operation of the licensed business he must request the return of the surrendered license and establish that there has been no change in the ownership or the qualifications of the licensed premises. (b) If the transferor does not intend to resume operation of the licensed business and does not request return of the surrendered license, then the Department will proceed to hold the license under the provisions of Rule 65. The effective date of the Rule 65 surrender will be the date of application, denial, or withdrawal. All licenses surrendered will be automatically revoked if the renewal fees are not paid.

A transfer application withdrawal (Form ABC-209) may be signed by one person representing the applicant **or** one person representing the transferor. Whenever a withdrawal is signed by only a transferor or transferee, the District Administrator will send a letter to both. Note: A transferor may not be the sole signer to withdraw an application approved under Section 24044 B&P Code (premises under construction).

**Refund of Fees** — If an application is withdrawn, one-fourth of the license fee paid, or not more than \$100, shall be deposited in the Alcohol Beverage Control Fund (i.e., not refunded). The balance of the license fee paid is credited on any taxes then due from the applicant, and the remaining portion is refunded. The refund of license fees will be made payable to the entity shown on Form ABC-211 unless acceptable documentation is

provided showing that another entity has paid the license fees. (Sections 23959 and 24761 B&P Code and Part 14 [Section 32001, et seq.,] Division 2, Revenue and Taxation Code or the Sales and Use Tax Law.)

#### **Amended or Corrected Applications**

— Any additional application to amend or correct an application requires withdrawal and re-filing. Examples of circumstances requiring withdrawal and re-filing include change in ownership from that indicated, a change from a person-to-person transfer to include a premises-to-premises transfer.

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#### **Escrow Requirements**

If there is any purchase price or consideration in connection with the transfer of the business, an escrow must be established before filing a license transfer application with ABC. Consideration includes cash, checks, promissory notes, or other items of value, which have been agreed to be paid to the transferor for the license, inventory, fixtures, household interest, realty, good will, covenant not to compete, or other property connected with the licensed business.

The full amount of the purchase price or consideration must be placed in escrow. Escrow agreements must provide for payment only after the transfer of the license is approved by ABC. The applicant, within 30 days of application, shall furnish ABC with a statement that the purchase price or consideration has been deposited in escrow (Form ABC-226). The applicant shall also submit a copy to the transferor and a copy to the escrow holder. (Sections 24071.1, 24072, 24074, 24074.1, 24074.3 and 24075 B&P Code.)

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#### **Notice of Intended Transfer**

In cases where an applicant is transferring an existing ABC license, the applicant must obtain a Notice of Intended Transfer (Form ABC-227) certified by the County Recorder in the county where the licensed premises are located. The document is needed at the time of filing the application with ABC. There are exceptions (see below). (Sections 24073 and 24075 B&P Code.)

Corporations, limited liability companies and limited partnerships use Notice of Intended Transfer (Form ABC-227-A) for any transfer involving a stock or ownership change of 50% or more. (Sections 24071.1 and 24071.2 B&P Code.)

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#### **Exceptions for Notice and Escrow**

A recorded Notice of Intended Transfer and escrow are not required for a transfer application made by an executor, administrator, or other person mentioned in Section 24075 B&P Code.