

ABLE Commission – Q&A

Q&A Regarding Licensing and Application

- When can the interim licenses applications be submitted?
 - They can be submitted between now and September 30, 2018, however; the Able Commission would like for most of them to come in as early as possible in order to handle their work load appropriately and keep the application approval time from increasing too much.
- How long is the licenses approval process?
 - The licenses approval process is currently 60-90 days. If the majority of the retailers wait until closer to October 1, 2018 the approval process could go to as far out as 90+ days.
- What is the purpose of the interim license if it is not effective until October 1, 2018?
 - The interim license will allow the retailer time to start purchasing and storing product to be ready for the October 1, 2018 sell date. It will also allow for the retailer to have a shorter license application approval process.
- When will the interim license become a permanent license?
 - The interim license will become a permanent license on October 1, 2018.
- Is the interim license pro-rated?
 - The interim license is not pro-rated. If the retailer license is purchased in March of 2018 it will become effective as a permanent license on October 1, 2018 and be up for renewal in March of 2019. This was put into place via legislation and is not a rule set by the Able Commission.
- What are the details of the legal notice that must be posted in the paper?
 - The Notice of Intention to Apply for an Alcoholic Beverage License must be published twice, once every eight days for two successive weeks and the original ad must be sent in with the license application per the instructions on page 17 of the application.
- How detailed does the location diagram that is requested on page 16 of the application have to be?
 - A “stick” drawing of the building with minimal detail is permissible. The Able Commission simply needs enough information to walk into a building and know which space is licensed and which space is not. Room details such as dimensions are not required. They request that the retailer not send blueprints. If you operate a drive thru window, please include that window on your diagram.
- Does an application have to be submitted for each individual store or can one application be submitted for all stores?
 - One licensing application can be submitted for all stores. The retailer does not have to submit separate applications.
- Does the \$750 beer application fee and the \$1,250 wine application fee include the admin fee?
 - Yes, all fees are included in the application fee. There is no separate admin fee.
- If a retailer is currently selling low-point beer can they use their current license to continue to sell that product without obtaining a new license?
 - No, a retailer cannot continue to sell any low-point beer with their current license after October 1, 2018. They will need to have a new license to continue to sell alcohol and purchase alcohol from the distributors. The distributors will no longer sell to the retailer if they do not show a new license.
- Does the retailer have to provide the entire deed with their application?
 - No, a copy of the front page of the deed will be sufficient in the application process.

- How do retailers that have owned stores for many years get the Able Commission proper cost of original sale data?
 - Existing stores that have been in business for a long period of time can write “current business for “x” years” on the application and attach their financial statements and note that the original sales data is not available due to the length of time in business. The original sales data is needed more for new stores than for existing stores. The Able Commission needs this information to find out where a new store owner obtained the funding for the store and catch any fraudulent activity taking place.
- What if there is missing information on the application? Will it not be processed?
 - If there is any information missing on the application the Able Commission will send the retailer a letter requesting the information. The agents from the Able Commission stated that the Able Commission Director is very pro-business and will be flexible in working with the retailers in this new process.
- Will it be better for the retailers to submit the applications to the Able Commission at one time for all stores or to send the licensing in staggered for their stores?
 - The Able Commission prefers that the retailers license all their stores at one time and do so early. They are worried if the applications are received staggered or too close to the October 1, 2018 start date that the application approval times will begin to be very long.
- Is there one license for beer and wine or do they have to have separate applications?
 - If the retailer plans on selling beer and wine they must submit separate applications for each.
- Are there different licensing requirements for different types of business entities?
 - Yes, there are different licensing requirements for different types of business entities.
- If the company is an LLC do the managers have to have licensing under the corporate licensing application?
 - No, they do not. Under the LLC licensing the managers have to have managers licensing but do not have to be submitted with or under the corporate application.
- If a company is employee owned does the business application need to include all of the employee’s information with the application?
 - No, it does not. The employee is only considered a stockholder if they have 15% or more ownership in the company. If the employee has more than 15% ownership they will have to be included in the corporate application.
- Why does the corporate application ask about personal information?
 - The Able Commission is requesting personal information on the license in the efforts to better address felony issues.

Q&A Regarding Employee Licensing

- How long is the employee license good for and what is the cost?
 - The employee license is good for two years and the cost is \$30.00.
- Does the employee license belong to the employee or to the retailer?
 - The employee license belongs to the employee. If the employee is terminated or leaves employment they will take their license with them.
- Where does the money collected from the Able Commission for the employee licenses go?
 - All funds received for employee licenses goes toward the State’s general revenue. The funds do not go to the Able Commission.

- How old does the employee have to be to sell alcohol?
 - Currently, the employee must be 18 years of age or older to complete the sales transaction. An employee that is 16 years of age or older is allowed to scan the product but an employee that is 18 years of age or older must complete the transaction. The age requirement is still in legislation and may change before October 1, 2018.
- How does the employee obtain their license?
 - The employee must obtain a temporary license through the Able Commission. The temporary license will allow the employee to start selling alcohol upon the hire date until required liquor license training is completed.
- When an employee applies for a license does it get sent to the employee or the employer?
 - The license can be printed online by the employee or can be mailed to whomever the employee requests on the application. The license does not have to be sent to the employer.
- Where does the employee have to keep the license?
 - The employee license must be on premises when the employee is working. The Able Commission recommends the employer to make copies of all employee licenses and keep them in a binder on premises. If the Able Commission visits a retailer that has an employee working without a license on premises they will be fined.
- Can the employer keep copies of the employee licenses on a corporate computer system?
 - At this time the Able Commission will not accept online corporate records as the license being on premises. They will look into the possibility of the employee having a digital picture of their license on their cell phone but this option is not yet approved. The Able Commission stated that any digital corporate option would have to be taken care of through legislation.
- Do all employees have to obtain a license?
 - Any employee on the floor that will be involved in the sale of the merchandise must have a license. Any employee, such as stockers, do not have to hold a license since they are not involved in the sale of merchandise.

Q&A Regarding Employee Training

- Can the retailer be considered a certified trainer for their employees?
 - Yes, the retailer can set up a corporate training program that is approved for their employees. Each employee that is going to be training must get the proper trainers license to teach the program and be on file as a certified trainer with the Able Commission.
- How long does the employee have to complete the certified training?
 - The employee will have 30 days after obtaining their temporary license to complete the certified training. The employee must complete training and can print the permanent license online once the training is completed. If the employee training is not completed within the 30 day temporary license period they will have to reapply for a new license. There is currently a legislative bill out that, if passed, will allow the temporary license to be good for 60 days instead of 30 days.
- Is there currently a training program set up through the Able Commission?
 - No, there is not currently a training program set up through the Able Commission. The Able Commission does not have the funding to host any type of training. The legislation has not finalized all of the details of the certified training.

- Do current employees who already hold a license have to go through training?
 - No. If a current employee or a newly hired employee obtain a license before October 1, 2018 they do not have to go through the certified training program. Any employee who obtains their license after October 1, 2018 will have to go through the certified training.
- If an employee obtained their license and did not have to complete the certified training will they have to complete the training in the future?
 - As long as the employee does not allow their license to expire they will not have to complete training. If the employee allows the license to expire and they have to go through the application process they will have to complete the certified training.
- How long does it take to become a certified trainer?
 - Currently the law states that it takes 120 days to become a certified trainer, however; the final timeframe is still being finalized through legislation.

Q&A Regarding General Questions

- What is the best way to ensure employees are following the new laws and licensing requirements?
 - Retailers should place additional policies and procedures in their employee handbooks.
- What happens if the retailer remodels a store after the original location diagram is submitted in the application process?
 - If the remodel of the store changes location of the licensed and non-licensed areas a new diagram will need to be submitted to the Able Commission. The retailer does not need to send in a new diagram for movement of merchandise from one licensed location to another within the store.
- Will there be requirements to section the alcohol off to one part of the store or require special signage?
 - The retailer does not have to section alcohol off to any particular area and does not have to have any special signage for alcohol sales.
- Will low-point beer still be sold in stores?
 - All beer, including “low-point” beer will still be sold in stores. There will no longer be terminology used for low-point beer. It will all be considered beer. The alcohol content of the beer will be determined by the manufacturer and up to their discretion if they would like to manufacture higher point beer or not.
- Does the retailer have to sell alcohol from all checkout stands?
 - No, the retailer can have a designated checkout line for alcohol as some do for tobacco if they choose to. Some retailers may prefer this if they only have one or two employees staffed that are 18 years of age or older.
- What is the Able Commissions biggest concern in this transition?
 - The Able Commission is worried that many retailers will not be informed on the new licensing and will not get their new license application sent in in time to sell on October 1, 2018. They will not be able to sell any alcohol at that point if the deadline is missed until they obtain the new license.

- Why was the Able Commission placed in charge of the retail alcohol licensing?
 - The Able Commission was legislatively placed in charge of retail alcohol licensing because under the new law beer and wine sold in retail stores will now be considered a controlled substance.
- What are the limits on the strength of alcohol a retailer can sell?
 - The current alcohol content limits are 8.99% for beer and 14.99% for wine.
- Can the manufacturer buy product back from the retailer?
 - The new law states that the manufacturer cannot buy product back from the retailer unless the product is defective in some way.
- Can inventory be sold from one retailer to another?
 - If a retail store purchases any alcohol from another retail store they must do the sales transaction through the Able Commission.
- Can a grocery store or convenience store owner purchase a liquor store?
 - A retailer who owned a grocery store or a convenience store cannot own a liquor store next door to their business. They can however own a liquor store in a separate location.