ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD
ADMINISTRATIVE CODE

CHAPTER 20-X-5
LICENSING

20-X-5-.09 Change Of Ownership, Management, Trade Name Or Name Of Contact Information Of Licensed/Permitted Establishments.

(1) ABC Board licenses shall be deemed to expire, terminate, or otherwise be void when there is a substantial change of ownership in the licensed business; when a licensed business is leased, rented or abandoned, or when possession is otherwise surrendered to another party or parties. However, a license may be transferred as provided by statutes and these regulations. A license issued to a corporation does not terminate by transfer of ownership of its stock, and no transfer of license is required even with a complete change in ownership of the capital stock of a corporate licensee, although the provisions of section (4), below, do apply.

(2) Upon the death of an individual licensee, sale of the licensed business, temporary closing of the licensed business, or other interruption in the operation of a licensed business, the license shall immediately be delivered to the local ABC Board field office, to be held pending the reopening of said business according to these regulations. However, where there is a surviving partner in a partnership entity possessing a license, or a surviving spouse of a deceased licensee, such survivor may complete the current license year operating as a licensee, having the same rights and responsibilities as the named licensee, without obtaining a new license, provided: (a) the survivor notifies the ABC Board in writing within twenty (20) days after the death of the licensee, and (b) the survivor is otherwise qualified to hold a license. A surviving spouse or partner must complete a new application in his/her own name and receive local and state approval prior to operation the next license year.

(3) When a licensed corporation elects new officers or directors, said corporation shall notify the ABC Board in writing within twenty (20) days thereafter. This letter shall contain the names, positions, social security numbers, places of birth, dates of birth, home addresses and how long the newly-elected officials have lived at said addresses. Social security numbers shall be disclosed for investigative purposes only. No person shall serve as a director or officer, of a licensed corporation who is otherwise unqualified to obtain an original license in their own name. This section shall not apply to corporations whose shares are customarily and regularly traded or sold on recognized stock exchanges.

(4) When ownership of 20% or more of a corporation's shares is transferred or there accrues a 20% transfer of shares since the licensing year began, a corporation shall notify the ABC Board in writing within twenty (20) days thereafter. The letter shall contain the name of the person(s) to whom the stock was transferred, social security number, place of birth, date of birth, home address, how long the stock transferee has lived at that address and what quantity of shares was transferred. The licensee's social security number shall not be disclosed for public record. No person shall own shares through transfer or accrual in a licensed corporation who is otherwise unqualified to obtain an original license in their own name. The ABC Board Hearing Commission shall have discretion in determining the qualifications of any transferee of stock shares, and may in its discretion, suspend the corporation's license during the period of time that the unqualified shareholder retains ownership of said shares. This section shall not apply to corporations whose shares are customarily and regularly traded or sold on recognized stock exchanges.

(5) When a non-corporate licensee has a change of ownership effecting 20% or more thereof, the licensee shall notify the ABC Board in writing within twenty (20) days thereafter. No person shall become the owner or otherwise hold interest in the operation of a non-corporate licensed premise who is otherwise unqualified to obtain an original license in their own name.

(6) Additional information concerning licensed businesses shall be submitted when requested by the ABC Board.

(7) In the event an ABC Board licensee changes its trade name and/or contact information other than as provided, the licensee must notify the ABC Board, in writing, within 20 days of such change. Contact information includes, but is not limited to, e-mail, telephone number, and mailing address.

(8) Any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

Author: ABC Board
Statutory Authority: Code of Ala. 1975, §§28-3-49; 28-3A-23.
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