

ALCOHOL AND TOBACCO COMMISSION

Nonrule Policy #32

1. **NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document is intended to provide the general public with information about the official position of the Indiana Alcohol and Tobacco Commission (“Commission”) concerning a specific issue.
2. **DISCLAIMER:** This nonrule policy is established by the Commission consistent with its authority under IC 7.1-2-3-2 and IC 7.1-2-3-7. It is intended solely as guidance and shall be used in conjunction with applicable rules or laws. It does not replace applicable rules or laws and if it conflicts with such rules or laws, the rules or laws shall control.
3. **AUTHORIZED:** Jessica Allen, Chair.
4. **SUPERSEDES:** New.
5. **SUBJECT:** The purpose of this nonrule policy is to implement consistent and uniform procedures when an applicant or permit holder fails to comply with the conditions required by a permit approval.
6. **SCOPE:** When approving an application for an alcohol permit (new, transfer, or renewal), the commission may approve the permit conditioned on certain requirements being met. Under certain circumstances, such requirements should be addressed in a timely manner in order to grant or renew a permit.
7. **POLICY:**
 - 7.1. The commission shall notify the applicant or permittee in writing of any items needed to complete a new application or renewal application following a conditional approval, which should be sent by mail or e-mail to the applicant or permittee and/or any attorney-in-fact that has a power of attorney on file with the Commission for the applicant or permittee.
 - 7.2 A permit may be conditionally approved by the commission pending clearance of a tax hold with the Indiana Department of Revenue or pending receipt of the property tax clearance form (Form 1) signed by the county treasurer.
 - 7.2.1 For permits in active status or permits seeking a first or second term in escrow, the permittee shall have 30 days following conditional approval to clear any tax holds with the Indiana Department of Revenue and/or provide a property tax clearance form, or Form 1.
 - 7.2.2 For permits in escrow nonoperational status seeking third, fourth-, or fifth-year escrow, the permittee shall have 30 days following conditional escrow approval to clear any tax holds with the Indiana Department of Revenue and/or provide a property tax clearance form, or Form 1.
 - 7.2.2 Failure to comply with paragraphs 7.2.1 or 7.2.2 above will result in a permit being placed back on a commission meeting agenda for reconsideration of the permit application. The

Commission shall deny a permit that does not comply with IC 7.1-3-21-15 following notice to the applicant or permittee and an opportunity to correct any outstanding requirements.

7.3 A permit may be conditionally approved by the commission pending: (a) final floor plan inspection and proof of liquor liability insurance; or (b) deposit of the permit in escrow.

7.3.1 A permit deposited in escrow may not be made active and operational until a final floor plan inspection is completed and approved by the Indiana State Excise Police and the permittee provides proof of valid liquor liability insurance to the commission.

7.3.2 Notice of first- and second-year escrow terms will satisfy Paragraph 7.1 if there are no additional conditions on the permit approval.

7.3.3 A permit conditionally approved upon submission of proof of liquor liability insurance shall be placed in escrow and shall not be placed in an active or operational status until the permittee provides proof of liquor liability insurance.