



ALCOHOLIC
BEVERAGES
DIVISION
State of Iowa

Thomas J. Vilsack Governor of Iowa
Sally J. Pederson Lieutenant Governor

Lynn M. Walding Administrator

APPLICATION FOR NEW WHOLESALE WINE PERMIT

LICENSE FEE: \$750.00

1. APPLICANT.

Name of Applicant:

(Sole Proprietorship, Partnership, Corporation, etc.)

Name of Business (D/B/A):

Address of Premise:

City:

County:

Zip:

Business Phone:

Home Phone:

Mailing Address:

(Name & Address)

City:

State:

Zip:

2. CONTACT PERSON

Name:

Business Phone:

3. STATUS OF BUSINESS.

Indicate how the business will be operated:

- | | |
|-----------------------------------------------------|------------------------------------------------------|
| <input type="checkbox"/> Sole Proprietorship | <input type="checkbox"/> Publicly Traded Corporation |
| <input type="checkbox"/> General Partnership | <input type="checkbox"/> Limited Liability Company |
| <input type="checkbox"/> Limited Partnership | <input type="checkbox"/> Non-Profit Association |
| <input type="checkbox"/> Privately-Held Corporation | <input type="checkbox"/> Municipality |

www.IowaABD.com

Iowa Alcoholic Beverages Division, 1918 SE Hulsizer Road, Ankeny, Iowa 50021 515.281.7430 866.IowaABD (866.469.2223)

4. OWNERSHIP.

List all persons having financial interest or control in the business. List all partners, officers, directors and shareholders owning 10% or more stock. Sole proprietors shall also include their spouse even if the spouse owns 0% interest. If not married, write "No Spouse".

Name	Complete Home Address (Include City, State & Zip)	Position (owner, spouse, partner, president, etc.) List SS# for each.	US Citizen (yes or no)	Date of Birth			Percent of Ownership
				M	D	Y	
		_____ SS#					
		_____ SS#					
		_____ SS#					
		_____ SS#					
		_____ SS#					

5. CRIMINAL HISTORY.

The following questions apply to all persons listed in *section 4*. Each question applies to the criminal history for each person, within and outside Iowa. **Include detailed explanation for all yes responses on an attached sheet.**

5-1. Y N Have you ever been convicted of a felony offense in Iowa or any other state of the United States? If yes, list in *section 5-3*.

5-2. Y N Are there any arrests, indictments or summonses pending against you? If yes, list in *section 5-3*.

5-3. List all arrests, indictments, summonses, convictions and deferred judgments for **ALL** violations of any state, county, city, federal or foreign government for all persons listed in *section 4*. All information shall be reported regardless of the disposition, even if dismissed or expunged. Include pending charges. **DO NOT** include traffic violations, except those that are alcohol-related. (***Attach an additional sheet if necessary***). If no arrests, indictments, summonses or convictions are applicable, be sure to write "***NONE***". *Failure to provide an answer will delay the processing of the Application*

Name & Title	Date of Arrest	Charge	Disposition of the Court	Location of Court (County, State, Federal)	Citizenship Lost? (yes/no)

Name of Business (D/B/A):

Address of Premise:

City:

Zip:

Business Phone:

Name of Business (D/B/A):

Address of Premise:

City:

Zip:

Business Phone:

Name of Business (D/B/A):

Address of Premise:

City:

Zip:

Business Phone:

Name of Business (D/B/A):

Address of Premise:

City:

Zip:

Business Phone:

8. SIGNATURE.

The Application shall be signed by a person listed in section 4. Stamped signatures are not acceptable.

APPLICANT

I hereby declare that the information contained in the Application and accompanying documents is true and correct. I understand that misrepresentation of a material fact is a serious misdemeanor and grounds for denial or revocation of the license.

Applicant's Signature

Date

Print Applicant's Name

DEPARTMENT OF COMMERCE
ALCOHOLIC BEVERGES DIVISION
1918 S.E. HULSIZER, ANKENY, IOWA 50021

Bond No. _____

The bond being issued is a:

- Class "A" beer permit (beer wholesale only)
- Special Class "A" beer permit (brew pub privilege only)
- Class "A" wine permit (wine wholesale only)

KNOW ALL BY THESE PRESENTS THAT _____
(Principal)

of, _____ County, State of Iowa, as
(City and/or County)

Principal, and _____
(Surety)

of, _____ as Surety, are firmly bound unto
(City and State)

the STATE OF IOWA in the penal sum of:
FIVE THOUSAND AND NO/100 DOLLARS if issued for a CLASS "A" BEER PERMIT
(beer wholesale only) or for a CLASS "A" WINE PERMIT (wine wholesale only)
lawful money of the United States, for the payment of which we bind ourselves, our successors and our legal
representatives jointly and severally firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT the said Principal has made application for either a
class "A" beer permit, or a class "A" wine permit to be issued by the Alcoholic Beverages Division.

NOW THEREFORE, if the Principal shall faithfully observe and obey all of the provisions of Iowa Code chapter
123, any amendments thereto, and the division's administrative rules, then this obligation to be void, otherwise to be
and remain in full force and effect.

THE SURETY on the bond of any permittee whose permit has been issued by the Alcoholic Beverages Division
may at any time notify the Principal and the Alcoholic Beverages Division that the surety desires after a date named,
which shall be at least thirty days after the receipt of such notification, to be relieved of liability on the bond, shall be
terminated and canceled on the date specified, unless supported by other sufficient bond, or bonds, and the Surety
shall be relieved of all future liability after the date specified in the notice of cancellation.

THIS BOND shall be effective on _____,
and shall remain effective continuously without cumulative liability until canceled.

SIGNED THIS _____ DAY OF _____,

(Principal)

(Surety)

**LAWS AND
REGULATIONS
FOR IOWA WINE
WHOLESALERS**

IOWA CODE CHAPTER 123

123.1 Public policy declared.

This chapter shall be cited as the "Iowa Alcoholic Beverage Control Act", and shall be deemed an exercise of the police power of the state, for the protection of the welfare, health, peace, morals, and safety of the people of the state, and all its provisions shall be liberally construed for the accomplishment of that purpose. It is declared to be public policy that the traffic in alcoholic liquors is so affected with a public interest that it should be regulated to the extent of prohibiting all traffic in them, except as provided in this chapter.

123.2 General prohibition.

It is unlawful to manufacture for sale, sell, offer or keep for sale, possess, or transport alcoholic liquor, wine, or beer except upon the terms, conditions, limitations, and restrictions enumerated in this chapter.

123.3 Definitions.

5. "*Alcoholic liquor*" or "*intoxicating liquor*" means the varieties of liquor defined in subsections 3 and 33 which contain more than five percent of alcohol by weight, beverages made as described in subsection 7 which beverages contain more than five percent of alcohol by weight but which are not wine as defined in subsection 37, and every other liquid or solid, patented or not, containing spirits and every beverage obtained by the process described in subsection 37 containing more than seventeen percent alcohol by weight, and susceptible of being consumed by a human being, for beverage purposes. Alcohol manufactured in this state for use as fuel pursuant to an experimental distilled spirits plant permit or its equivalent issued by the federal bureau of alcohol, tobacco and firearms is not an "*alcoholic liquor*".

37. "*Wine*" means any beverage containing more than five percent but not more than seventeen percent of alcohol by weight obtained by the fermentation of the natural sugar contents of fruits or other agricultural products but excluding any product containing alcohol derived from malt or by the distillation process from grain, cereal, molasses or cactus.

123.45 Limitations on business interests.

Except as provided in section 123.6, a commission member or division employee shall not, directly or indirectly, individually, or as a member of a partnership or shareholder in a corporation, have any interest in dealing in or in the manufacture of alcoholic liquor, wine, or beer, and shall not receive any kind of profit nor have any interest in the purchase or sale of alcoholic liquor, wine, or beer by persons so authorized under this chapter. However, this provision does not prohibit any member or employee from lawfully purchasing and keeping alcoholic liquor, wine, or beer in the member's or employee's possession for personal use.

A person engaged in the business of manufacturing, bottling, or wholesaling alcoholic beverages, wine, or beer, or any jobber, representative, broker, employee, or agent of such a person, shall not directly or indirectly supply, furnish, give, or pay for any furnishings, fixtures, or equipment used in the storage, handling, serving, or dispensing of alcoholic beverages, wine, beer, or food within the place of business of a licensee or permittee authorized under this chapter to sell at retail; nor shall the

person directly or indirectly extend any credit for alcoholic beverages or beer or pay for any such license or permit, nor directly or indirectly be interested in the ownership, conduct, or operation of the business of another licensee or permittee authorized under this chapter to sell at retail, nor hold a retail liquor control license or retail wine or beer permit. However, a person engaged in the wholesaling of beer or wine may sell only disposable glassware, which is constructed of paper, paper laminated, or plastic materials and designed primarily for personal consumption on a one-time usage basis, to retailers for use within the premises of licensed establishments, for an amount which is greater than or equal to an amount which represents the greater of either the amount paid for the disposable glassware by the supplier or the amount paid for the disposable glassware by the wholesaler. Also, a person engaged in the business of manufacturing beer may sell beer at retail for consumption on or off the premises of the manufacturing facility and, notwithstanding any other provision of this chapter or the fact that a person is the holder of a class "A" beer permit, may be granted not more than one class "B" beer permit as defined in section 123.124 for that purpose. A licensee or permittee who permits or assents to or is a party in any way to a violation or infringement of this section is guilty of a violation of this section.

123.59 Bootlegging.

Any person who, acting individually, or through another acting for the person, keeps or carries on the person, or in a vehicle, or leaves in a place for another to secure, any alcoholic liquor, wine, or beer, with intent to sell or dispense the liquor, wine, or beer, by gift or otherwise in violation of law, or who, within this state, in any manner, directly or indirectly, solicits, takes, or accepts an order for the purchase, sale, shipment, or delivery of alcoholic liquor, wine, or beer in violation of law, or aids in the delivery and distribution of alcoholic liquor, wine, or beer so ordered or shipped, or who in any manner procures for, sells, or gives alcoholic liquor, wine, or beer to a person under legal age, for any purpose except as authorized and permitted in this chapter, is a bootlegger and subject to the general penalties provided by this chapter.

123.171 Wine certificate, permit, or license required.

A person shall not cause the manufacture, importation, or sale of wine in this state unless a certificate or permit as provided in this division, or a liquor control license as provided in division I of this chapter, is first obtained which authorizes that manufacture, importation, or sale.

123.173 Wine permits--classes--authority.

Permits exclusively for the sale or manufacture and sale of wine shall be divided into two classes, and shall be known as class "A" or "B" wine permits.

A class "A" wine permit allows the holder to manufacture and sell, or sell at wholesale, in this state, wine as defined in section 123.3, subsection 37. The holder of a class "A" wine permit may manufacture in this state wine having an alcoholic content greater than seventeen percent by weight for shipment outside this state. All class "A" premises shall be located within the state. A class "B" wine permit allows the holder to sell wine at retail for consumption off the premises. A class "B" wine permittee who also holds a class "E" liquor control license may sell wine to class "A", class "B", and class "C" liquor control licensees for resale for consumption on the premises. A class "B" wine permittee who also holds a class "E" liquor control license may sell wine to class "A", class "B", and class "C" liquor control licensees in quantities of less than one case of any wine brand but not more

than one such sale shall be made to the same liquor control licensee in a twenty-four hour period. A class "B" wine permittee shall not sell wine to other class "B" wine permittees.

A class "A" wine permittee shall be required to deliver wine to a class "B" wine permittee, and a class "B" wine permittee shall be required to accept delivery of wine from a class "A" wine permittee, only at the licensed premises of the class "B" wine permittee. Except as specifically permitted by the division upon good cause shown, delivery or transfer of wine from an unlicensed premises to a licensed "B" wine permittee's premises, or from one licensed "B" wine permittee's premises to another licensed "B" wine permittee's premises, even if there is common ownership of all of the premises by one class "B" wine permittee, is prohibited. A class "B" wine permittee who also holds a class "E" liquor control license shall keep and maintain records for each sale of wine to liquor control licensees showing the name of the establishment to which wine was sold, the date of sale, and the brands and number of bottles sold to the liquor control licensee.

When a class "B" wine permittee who also holds a class "E" liquor control license sells wine to a class "A", class "B", or class "C" liquor control licensee, the liquor control licensee shall sign a report attesting to the purchase. The class "B" wine permittee who also holds a class "E" liquor control license shall submit to the division, on forms supplied by the division, not later than the tenth of each month a report stating each sale of wine to class "A", class "B", and class "C" liquor control licensees during the preceding month, the date of each sale, and the brands and numbers of bottles with each sale. A class "B" permittee who holds a class "E" liquor control license may sell to class "A", class "B", or class "C" liquor control licensees only if the licensed premises of the liquor control licensee is located within the geographic territory of the class "A" wine permittee from which the wine was originally purchased by the class "B" wine permittee.

123.174 Issuance of wine permits.

The administrator shall issue class "A" and "B" wine permits as provided in this chapter, and may suspend or revoke a wine permit for cause as provided in this chapter.

123.175 Class "A" application.

Except as otherwise provided in this chapter, a class "A" wine permit shall be issued to a person who complies with all of the following:

1. Submits a written application for the permit and states on the application under oath:
 - a. The name and place of residence of the applicant and the length of time the applicant has lived at the place of residence.
 - b. That the applicant is a citizen of the state of Iowa, or if a corporation, that the applicant is authorized to do business in Iowa.
 - c. The place of birth of the applicant, and if the applicant is a naturalized citizen, the time and place of naturalization, or if a corporation, the state of incorporation.
 - d. The location of the premises where the applicant intends to use the permit.

e. The name of the owner of the premises, and if that owner is not the applicant, that the applicant is the actual lessee of the premises.

2. Establishes all of the following:

a. That the applicant meets the test of good moral character as provided in section 123.3, subsection 26.

b. That the premises where the applicant intends to use the permit conform to all applicable laws, health regulations, and fire regulations, and constitute a safe and proper place or building.

3. Submits a bond in the amount of five thousand dollars in the form prescribed and furnished by the division with good and sufficient sureties to be approved by the division conditioned upon compliance with this chapter.

4. Consents to inspection as required in section 123.30, subsection 1.

123.177 Authority under class "A" permit.

1. A person holding a class "A" wine permit may manufacture and sell, or sell at wholesale, wine for consumption off the premises. Sales within the state may be made only to persons holding a class "A" or "B" wine permit and to persons holding a class "A", "B", "C" or "D" liquor control license. A class "A" wine permittee having more than one place of business shall obtain a separate permit for each place of business where wine is to be stored, warehoused, or sold.

2. A class "A" wine permit holder may purchase and resell only those brands of wine which are manufactured, fermented, bottled, shipped, or imported by a person holding a certificate of compliance issued pursuant to section 123.180.

123.180 Vintner's certificate of compliance--wholesale and retail restrictions penalty.

3. All class "A" wine permit holders shall sell only those brands of wine which are manufactured, bottled, fermented, shipped, or imported by a person holding a current vintner's certificate of compliance. An employee or agent working for or representing the holder of a vintner's certificate of compliance within this state shall register the employee's or agent's name and address with the division. These names and addresses shall be filed with the division's copy of the certificate of compliance issued except that this provision does not require the listing of those persons who are employed on the premises of a bottling plant, or winery where wine is manufactured, fermented, or bottled in Iowa or the listing of those persons who are thereafter engaged in the transporting of the wine.

4. It is unlawful for a holder of a vintner's certificate of compliance or the holder's agent, or any class "A" wine permittee or the permittee's agent, to discriminate between class "B" wine permittees authorized to sell wine at retail.

5. It is unlawful for a holder of a vintner's certificate of compliance or the vintner's agent who is engaged in the business of selling wine to class "A" wine permittees to discriminate between class "A" wine permittees authorized to sell wine at wholesale.

6. Regardless of any other penalties provided by this chapter, any holder of a certificate of compliance relating to wine or a class "A" permittee who violates this chapter or the rules adopted pursuant to this chapter is subject to a civil fine not to exceed one thousand dollars or subject to suspension of the certificate of compliance or permit for a period not to exceed one year, or to both civil fine and suspension. Civil fines imposed under this section shall be collected and retained by the division.

123.181 Prohibited acts.

2. A class "A" wine permittee shall not sell wine on credit to a retail liquor licensee or wine permittee for a period exceeding thirty days from date of delivery.

123.182 Labels--point of origin--conclusive evidence.

All imported bulk wines to be bottled and distributed in the state shall have the point of origin stated on the label. The print size for the point of origin shall be at least half the print size of the brand name on the label.

The label on a bottle or other container in which wine is offered for sale in this state, which label represents the alcoholic content of the wine as being in excess of seventeen per cent by weight, is conclusive evidence of the alcoholic content of that wine.

123.183 Wine gallonage tax.

In addition to the annual permit fee to be paid by each class "A" wine permittee, there shall be levied and collected from each class "A" wine permittee on all wine manufactured for sale and sold in this state at wholesale and on all wine imported into this state for sale at wholesale and sold in this state at wholesale, a tax of one dollar and seventy-five cents for every wine gallon and a like rate for the fractional parts of a wine gallon. A tax shall not be levied or collected on wine sold by one class "A" wine permittee to another class "A" wine permittee. Revenue derived from the wine tax collected on wine manufactured for sale and sold in this state shall be deposited in the gallonage tax fund hereby created in the office of the treasurer of state. Moneys deposited in the gallonage tax fund shall not revert to the general fund of the state without a specific appropriation by the general assembly. All other revenue derived from the wine tax shall be deposited in the liquor control fund established by section 123.53 and shall be transferred by the director of revenue and finance to the general fund of the state.

123.184 Report of gallonage sales--penalty.

Each class "A" wine permit holder on or before the tenth day of each calendar month commencing on the tenth day of the calendar month following the month in which the person is issued a permit, shall make a report under oath to the division upon forms to be furnished by the division showing the exact number of gallons of wine and fractional parts of gallons, sold by that permit holder during the preceding calendar month. The report also shall state whatever reasonable additional information the administrator requires. The permit holder at the time of filing this report shall pay to the division the amount of tax due at the rate fixed in section 123.183. A penalty of ten percent of the amount of the tax shall be assessed and collected if the report is not filed and the tax paid within the time required by this section.

123.185 Records required.

Each class "A" wine permittee shall keep books of account and records showing each sale of wine, which shall be at all times open to inspection by the administrator and pursuant to section 123.30, subsection 1. Each class "B" wine permittee shall keep proper books of account and records showing each purchase of wine and the date and the amount of each purchase and the name of the person from whom each purchase was made, which shall be open to inspection pursuant to section 123.30, subsection 1, during normal business hours of the permittee.

123.186 Federal regulations adopted as rules.

The division shall adopt as rules the substance of the federal regulations 27 C.F.R. pt. 6, 27 C.F.R. pt. 8, 27 C.F.R. pt. 10, and 27 C.F.R. pt. 11 as they relate to transactions between wholesalers and retailers. These rules may be found on the internet under the ATF website.

123.187 Reciprocal shipment of wines.

1. *"Equal reciprocal shipping privilege"* means allowing wineries located in this state to ship into another state, wine, not for resale, but for consumption or use by a person twenty-one years of age or older.

2. A winery licensed or permitted pursuant to laws regulating alcoholic beverages in a state which affords this state an equal reciprocal shipping privilege may ship into this state by private common carrier, to a person twenty-one years of age or older, not more than eighteen liters of wine per month, for consumption or use by the person. Such wine shall not be resold. Shipment of wine pursuant to this subsection is not subject to sales tax under section 422.43, use tax under section 423.2, or the wine gallonage tax under section 123.183, and does not require a refund value for beverage container control purposes under chapter 455C.

3. The holder of a class "A" or "B" wine permit in this state may ship out of this state by private common carrier, to a person twenty-one years of age or older, not more than eighteen liters of wine per month, for consumption or use by the person.

ADMINISTRATIVE RULES FOR WINE WHOLESALER

185—5.3(123) Licensed manufacturers and wholesalers.

5.3(1) *License required.* A separate manufacturer's or wholesaler's license shall be required for each place of business of the holder.

5.3(2) *To whom liquor may be sold outside the state of Iowa.* The holder of a manufacturer's or wholesaler's license shall not sell alcoholic liquor outside the state of Iowa, except to a purchaser having the legal right to buy and receive it from the seller at the place of sale and place of delivery, respectively.

5.3(3) *Proof of right to purchase.* Before making a sale to a purchaser other than the division, a licensed manufacturer or wholesaler shall require the purchaser to produce and exhibit for inspection proof of the right to purchase alcoholic liquor according to the laws of the purchaser's own state.

5.3(4) *Registry number of license or permit to physician or pharmacist required.* If the purchaser is a licensed physician or pharmacist or the holder of any other form of license or permit entitling the purchaser to purchase alcoholic liquor, the licensed manufacturer or wholesaler must make a record of the sale which shows the registry number of the license or permit, date thereof and where and to whom it was issued and the date of the sale, name and address of the purchaser and kind and quantity of alcoholic liquor sold.

5.3(5) *Licensed manufacturer or wholesaler to maintain record.* The licensed manufacturer or wholesaler shall maintain a record of all shipments of liquor received and an individual record of each and every sale made, which record shall disclose the name and address of the purchaser and the kind and quantity of alcoholic liquor sold to each purchaser. The licensed manufacturer or wholesaler shall obtain from the carrier a receipt for each shipment of alcoholic liquor to each purchaser and shall deliver the receipt or the duplicate original of the receipt to the division.

5.3(6) *Records accessible and available for inspection.* All records, books of account and premises of a licensed manufacturer or wholesaler shall be accessible and available at all reasonable times for inspection by representatives of the division.

185—5.4(123) Investigation before issuing license or permit.

No manufacturer's or wholesaler's license, nor any special permit referred to in Iowa Code section 123.29, shall be issued until an investigation has been made which shows that the applicant is entitled to such license or permit under the laws of Iowa and the rules of the division.

185—5.7(123) Change of ownership of a licensed premises, new license or permit required.

5.7(1) A new license or permit and a new bond and a new dramshop policy must be obtained whenever one of the following occurs:

- a. When a business is sold or leased to another person.
- b. When a licensee or permittee changes to another form of business, such as: sole proprietorship to a corporation; a corporation to a sole proprietorship; a sole proprietorship to a partnership; a partnership to a sole proprietorship; a partnership to a corporation; or a corporation to a partnership.
- c. When a partner leaves a partnership or when a new partner is added to a partnership.
- d. When a corporation name is changed due to a merger or is voluntarily changed by its owners.
- e. Each time an entity obtains a seasonal license or permit.

f. When a receiver takes over the operation of an establishment.

5.7(2) A new license or permit is not required:

- a. When only the trade name of the business is changed.
- b. When the stock of a corporation holding a license or permit is sold. A letter to the division listing the new owner or owners and the amount of stock held by each is required.
- c. When a name of a licensee or permittee is changed by marriage, divorce, or other legal proceeding. A letter requesting the name change is required.
- d. When a license or permit is transferred to another location within the jurisdiction of the local authority as allowed by rule 185—4.18(123).

185—5.9(123) Surety bond requirements.

A \$5,000 penal bond must be filed with the division with each application for a Class “A” wine permit, Class “A” beer permit, special Class “A” beer permit and manufacturer’s license. A \$5,000, \$10,000 or \$15,000 penal bond must be filed with the division with each application for a Class “E” liquor control license. A Class “E” liquor control licensee may determine the amount of the bond to be posted with the division, and may increase or decrease the face amount of the bond in increments of \$5,000 on one occasion during the licensee’s first year of business. Thereafter, a licensee may increase or decrease the face amount of the bond in increments of \$5,000 only when the liquor control license is renewed. Each penal bond must meet the following requirements.

5.9(1) *Certificate of authority.*

It must be issued by a company holding a current certificate of authority from the commissioner of insurance authorizing the company to issue bonds in Iowa.

5.9(2) *Forfeiture of bond.* It must contain a provision for the principal and surety to consent to the forfeiture of principal sum of the bond in the event of revocation of the license or permit by the violation of any Iowa Code provision which requires forfeiture of the bond.

5.9(3) *Cancellation.* A surety company or a principal may cancel a bond by giving a minimum of 30 days’ written notice to this division of the party’s intent to cancel the bond. The 30-day period shall commence on the date that this division receives the notice of cancellation. The party seeking to cancel a bond shall mail written notice of such cancellation to the division in Ankeny, Iowa, by certified mail, and further shall mail a copy of the notice of cancellation to the other party, at that party’s post office address. The notice of cancellation shall contain: the name of the party to whom the copy of the notice of cancellation was mailed, the address to which the copy of the notice of cancellation was sent, the date on which the notice of cancellation was mailed, the date the bond is being canceled, and the license or permit number of the licensee or permittee to be affected by such cancellation.