

For your information

The Oregon Liquor Control Commission has:

Amended

Adopted

Suspended

OAR 845-025-1045
PERMANENT

Effective Date: May 16, 2021

Note: **Bold and underlined** = new text; *~~italics and strikethrough~~* = deleted text

845-025-1045

True Name on Application; Interest in Business

(1) True name on application. An application for a license must specify the real and true names of all individuals and legal entities required to be disclosed in the application under OAR 845-025-1030 and this rule.

(2) License privileges. License privileges are available only to **licensees or laboratory licensees and licensee** representatives and only for the premises designated on the license.

(3) The following individuals and legal entities are applicants:

(a) Any individual or legal entity who holds or controls a direct or indirect interest of 20 percent or more in the business proposed to be licensed;

(b) Any individual or legal entity who is entitled to receive a portion of revenue, proceeds, or profits from the business proposed to be licensed totaling 20 percent or more;

(c) Any individual or legal entity that has an ownership interest in the business as described in OAR 845-025-1045(5); **and**

(d) Any individual or entity required to be listed as applicants under section (4) of this rule.

(4) If a legal entity is an applicant, the following individuals within a legal entity are also applicants:

(a) **If an applicant is a limited partnership, each general partner in the limited partnership;**

(b) **If an applicant is a manager-managed limited liability company, each manager of the manager-managed limited liability company as those terms are defined in ORS 63.001; and**

(c) If an applicant is a corporation, each principal officer of the corporation.

(5) Ownership interest. The Commission may refuse to issue a license if the applicant is not the owner of the business proposed to be licensed, a person with an ownership interest is not identified as an applicant, or an undisclosed or unapproved ownership interest exists **other than as provided in OAR 845-025-1160(4).** For purposes of **these rules**, an “ownership interest” is indicated by the following behaviors, benefits or obligations:

(a) Any **individual** or legal entity, other than an employee acting under the direction of **an applicant, licensee, or laboratory licensee**, that exercises control over, or is entitled to exercise control over, the business;

(b) Any **individual** or legal entity, other than an employee acting under the direction of **an applicant, licensee, or laboratory licensee, that has the authority to bind the applicant, licensee, or laboratory licensee to contracts or other legal obligations, including the authority to cause the applicant, licensee, or laboratory licensee to incur debt or** similar obligations on behalf of the business; or

(c) Any **individual** or legal entity identified as **a lessee, tenant, or renter (or similar term) of the premises proposed to be licensed;**

(d) Any individual or legal entity owning the real or personal property of the premises proposed to be licensed, unless the owner of the property has given control over the property to another party via a lease or rental agreement or similar agreement; or

(e) When an applicant is a legal entity, any individual or legal entity required to be listed as an applicant under sections (3) or (4) of this rule.

Statutory/Other Authority: ORS 475B.025 & ORS 475B.040

Statutes/Other Implemented: ORS 475B.040, 475B.045, 475B.060, 475B.070, 475B.090, 475B.100, 475B.105, 475B.560 & 2019 OL CH. 145