



OREGON LIQUOR CONTROL COMMISSION (OLCC)

OWNERSHIP INTEREST QUESTIONNAIRE

PART 1: INTRODUCTION

The purpose of this form is to have all liquor license applicants answer a few basic questions to confirm that all individuals or entities with an ownership interest in the business to be licensed have been identified.

The OLCC addresses "ownership interest" in Oregon Administrative Rule (OAR) 845-005-0311(4). A copy of OAR 845-005-0311 is included at the end of this document for your reference.

PART 2: INSTRUCTIONS

- Step 1: Read OAR 845-005-0311 (which is included at the end of this document).
- Step 2: Complete parts 3, 4, and 5 of this form:
 - A separate form must be completed by each individual or entity listed on the OLCC liquor license application form. This means:
 - Each individual who is listed on the liquor license application as an applicant must complete and sign this form.
 - One authorized representative from each entity (such as a corporation or LLC) listed on the liquor license application form as an applicant must complete and sign this form.

PART 3: APPLICANT INFORMATION

Printed name of individual applicant or entity applicant: _____

If entity, printed name of authorized representative: _____

Trade name of the business (name customer will see): _____

Address of the business (street address, including city and zip code, of the location that will have the liquor license):

PART 4: QUESTIONNAIRE

Please read all examples in Part 4 and check all applicable boxes (leave blank any box that does not apply):

A. Control over the business

- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who will be located on the licensed premises and who I will rely on to provide any required food service for the business
- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who will manage the entertainment and entertainers for the premises
- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who is authorized to secure and negotiate with clients for use of the licensed event space and for the services that will be provided to the client as a part of an event
- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who will be a site manager or operator for a venue that I am applying to

include as a part of my licensed premises, such as a stadium, conference center, hotel, movie theater, golf course, amusement park, or similar venue

- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who will have control over security policies, implementation of security policies, and security staff for the premises
- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who will control access to the premises by way of cover charge or entrance fee and/or determining who may and may not enter the licensed premises
- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who will be a direct recipient of revenue from the business (i.e. customer pays for items and money paid by customer goes into account not owned by applicant)
- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who will be a recipient of a fixed percentage of 10% or more of the revenue from the business
- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who will have control over policies or staff relating to sales, service, and/or patron possession/consumption of alcohol
- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who will be a provider of alcohol to patrons on the licensed premises
- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who otherwise has the authority to control aspects of the licensed business without prior authorization from one or more of the license applicants

B. Enter into debts on behalf of the business

- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who is authorized to take out a credit card or line of credit in the name of the licensed business
- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who is authorized to take out a loan in the name of the licensed business
- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who is authorized to enter into an agreement accepting terms (committing the license applicant(s) to a series of payments or payment at a later date)
- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who otherwise has the authority to enter into debt on behalf of the licensed business without prior authorization from one or more of the license applicants

C. Contract on behalf of the applicant

- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who is authorized to enter into contracts with vendors in the name of the licensed business (i.e. commit license applicant to monthly purchase of baked goods from vendor)
- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who is authorized to negotiate and make amendments to lease or rental agreements on behalf of the licensed business
- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who is authorized to enter into contracts relating to provision and service of alcohol at the premises
- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who is authorized to enter into contracts extending terms to a third-party on behalf of the licensed business (allowing third-party to make payments to license applicant over time or pay at a later date)
- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who otherwise has the authority to enter into contracts on behalf of the licensed business without prior authorization from one or more of the license applicants

D. Other manufacturers/wholesalers at premises (only check boxes in this section if you are applying for a brewery, brewery public-house, distillery, grower sales privilege, winery, wholesale malt beverage and wine, or a warehouse license)

- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who is or will be manufacturing or selling wine, beer, or distilled liquor at the premises
- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who is or will be storing alcohol at the premises
- There is an individual or entity who is not an applicant for the license and who is not my employee, agent, or representative who is or will be importing or receiving alcohol at this location
- I plan to have a tasting room as a part of the licensed premise and I will share that tasting room with another individual or entity who is not an applicant for the license and who is not my employee, agent, or representative.

E. Other tenants

- There is an individual or entity who is a co-tenant of mine at the premises to be licensed who is not an applicant for the license.
- I applied to license all or a portion of a common area¹ and there are other property tenants who have a right to use the common area.

F. Property owners

Real Property²

- The individual or entity owning the real property that I have applied to license is not an applicant for the license and ***has not*** entered into a lease or rental agreement with me for the premises to be licensed.
- The individual or entity owning the real property is not an applicant for the license and will have “exclusive control” or similar term over common areas on the property and I am requesting to license a common area.
- The individual or entity owning the real property is not an applicant for the license and has a right to use common areas on the property in a way that is similar to tenant use of common areas.

Personal Property³

- There is a party who is not an applicant for the license who owns the personal property involved in the business and ***has not*** entered into a lease or rental agreement with me for use of the personal property as a part of the business to be licensed.
- I entered into a contract with a party who is not an applicant for the license to purchase the personal property that will be used in the business. I am making payments to the seller for the personal property, which is set out in the contract.

¹ A common area is an area shared by more than one tenant, including the applicant for the license, that is appurtenant, adjacent, or in the immediate vicinity of an area leased or rented exclusively by the applicant(s) and that is also part of the licensed premises. The right of multiple tenants to use the area in common is typically described in the lease or rental agreement.

² “Real property” means the real estate (land) and generally whatever is erected or affixed to the land (like a building).

³ “Personal property” means everything that is subject to ownership that is not real property, like inventory, kitchen equipment, tables, chairs, signs, goodwill, etc.

PART 5: AFFIRMATION AND SIGNATURE

I affirm that my answers are true and complete. I understand that failure to disclose the ownership interest of an individual or entity who is not an applicant for the license may result in denial of my license or the OLCC taking action against my license in the event that an undisclosed ownership interest is discovered after license issuance.

Printed name of individual applicant or entity applicant: _____

If entity, printed name of authorized representative: _____

Trade name of the business (name customer will see): _____

Address of the business (street address, including city and zip code, of the location that will have the liquor license):

Signature: _____ Date: _____

True Name on Application; Interest in Business

(1) Definitions. As used in this rule:

(a) "Licensee of record" means an individual or entity who the Commission has listed on the license certificate as a license holder for a license. There may be more than one licensee of record for the same license.

(b) "Entity" means an association, corporation, limited liability company, partnership, trust, or any similar entity that has legal standing under the laws of Oregon or another state within the United States.

(2) True name on application. An application for a license must specify the real and true names of all persons and entities that have an ownership interest in the business proposed to be licensed. However, the Commission may waive an ownership interest in the business to be licensed in accordance with (6) of this rule and may waive any materials required by the Commission to accept or process an application in accordance with (7) of this rule.

(3) License privileges. License privileges are available only to a licensee of record and only for the premises designated on the license.

(4) Ownership Interest. Under ORS 471.313(4)(h), the Commission may refuse to issue a license if the applicant is not the owner of the business proposed to be licensed or an undisclosed ownership interest exists. For purposes of this rule, an "ownership interest" is indicated by the following behaviors, benefits or obligations:

(a) Unless allowed by a waiver of the ownership interest under (6) of this rule, any person or entity, other than an employee, agent, or representative acting under the direction of the owner, that exercises control over, or is entitled to exercise control over, the business or the premises;

(b) Any person or entity, other than an employee, agent, or representative acting under the direction of the owner, that incurs, or is entitled to incur, debt or similar obligations on behalf of the business;

(c) Any person or entity, other than an employee, agent, or representative acting under the direction of the owner, that enters into, or is entitled to enter into, a contract or similar obligations on behalf of the business;

(d) Unless allowed by a waiver of the ownership interest under (6) of this rule, any person or entity, other than an employee, agent, or representative acting under the direction of the owner, who sells or manufactures alcoholic beverages at the premises or who imports alcoholic beverages to the premises or is entitled to sell or manufacture alcoholic beverages at the premises or import alcoholic beverages to the premises;

(e) Unless allowed by a waiver of the ownership interest under (6) of this rule, any person or entity identified as a lessee, tenant, or renter (or similar term) of the premises proposed to be licensed;

(f) Unless allowed by a waiver of the ownership interest under (6) of this rule, any person or 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

(g) When an applicant is an entity, any person or entity defined as an applicant or licensee as per OAR 845-006-0301.

(5) Financial Interest. Under ORS 471.757, the Commission may require the licensee or applicant to identify the persons and entities with a financial interest in the business. The Commission may evaluate any such person as if the person were the actual licensee or license applicant. If that evaluation reveals any circumstances that would support grounds for the denial, cancellation or suspension of such a license or license application, the Commission may deny, cancel or suspend the license of the actual licensee or issue the license with restrictions. For purposes of this rule, a "financial interest" exists if the performance of the business causes, or is capable of causing, a person or entity to benefit or suffer financially.

Examples of a financial interest include, but are not limited to:

(a) A licensee;

(b) An employee or agent who receives out-of-the-ordinary compensation. "Out-of-the-ordinary compensation" includes both over- and under- compensation;

(c) Any person who rents or leases real property to a licensee or applicant for use by the business;

(d) Any person who rents or leases personal property to a licensee or applicant for use in the business for a commercially unreasonable rate;

(e) Any person who lends money, real property or personal property to a licensee or applicant for use in the business;

(f) Any person who gives money, real property or personal property to a licensee or applicant for use in the business.

(g) A spouse or domestic partner of the licensee or license applicant. For purposes of this subsection, "domestic partners" includes adults who share the same regular and permanent address and would be financially effected by the success or failure of the business as well as adults who qualify for a "domestic partnership" as defined under ORS 106.310.

(6) The Commission may waive the ownership interest requirements in this rule. Examples of waivers include, but are not limited to:

(a) The ownership interest of non-applicants fitting under subsection (4)(e) or (4)(f) of this rule when the only area of the proposed licensed premises that the non-applicant has a right of access to is a common area and the owner of the property has given the applicant or licensee the exclusive right to engage in alcohol sales and service and permit individuals to consume alcohol in the licensed portion of the common area. A common area is an area shared by more than one tenant, including the applicant for the license, that is appurtenant, adjacent, or in the immediate vicinity of an

area leased or rented exclusively by the applicant(s) and that is also part of the licensed premises. The right of multiple tenants to use the area in common is typically described in the lease or rental agreement.

(b) The ownership interest of non-applicants who manage or control the premises or aspects of the business at the premises provided the management or control does not involve the sale, service, or manufacture of alcoholic beverages at the premises, or importation of alcoholic beverages to the premises, and there is at least one other party licensed at the premises who is or will be a licensee of record. Examples of non-applicants who may qualify for a waiver under this section include:

(A) Operators selling and serving food, nonalcoholic beverages, and other nonalcoholic items on the premises,

(B) Operators who lease, rent, or otherwise occupy a portion of the licensed premises in order to provide services as a part of the business that don't involve the sale, service, or manufacture of alcoholic beverages on the license premises.

(c) The ownership interest of non-applicants fitting under subsections 4(a) or 4(d)-(f) of this rule who hold their own manufacturer or wholesaler liquor licenses, or who are eligible to hold such licenses, at the premises to be licensed. For purposes of this subsection, a brewery-public licensee is a manufacturer. Examples of this include, but are not limited to, licensees operating under an alternation of proprietors, custom crush, or other similar agreement.

(7) The Commission may waive the requirement to submit certain application materials identified in OAR 845-005-0312 when the applicant has provided written documentation to the Commission that control of the day-to-day operation of the business has been relinquished through a management agreement, or similar written agreement, to one or more parties who are also applying for the same license at the same premises. Relinquishing control over the day-to-day operation of the business includes not managing or controlling the sale or service of alcohol or directly supervising any person who sells or serves alcohol. Examples of materials waived for the applicant who has relinquished control of the day-to-day operation of the business include, but are not limited to, the Individual History form and the Statement of Funding form.