

# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Alcoholic Beverage Control Division

Department Department of Finance and Administration

Contact Milton Lueken E-mail milton.lueken@dfa.arkansas.gov Phone (501) 682-1105

Statutory Authority for Promulgating Rules Ark. Code Ann. Section 3-2-206

Rule Title: Amendment to Section 1.20(5)

**Intended Effective Date**

(Check One)

Date

<input type="checkbox"/> Emergency (ACA 25-15-204)	Legal Notice Published .....	<u>08/13,14,15/15</u>
<input checked="" type="checkbox"/> 10 Days After Filing (ACA 25-15-204)	Final Date for Public Comment .....	<u>09/16/15</u>
<input type="checkbox"/> Other _____ (Must be more than 10 days after filing date.)	Reviewed by Legislative Council .....	<u>01/12/16</u>
	Adopted by State Agency .....	<u>09/16/15</u>

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Karen Blagg karen.blagg@dfa.arkansas.gov 01/12/2016  
Contact Person E-mail Address Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

\_\_\_\_\_  
Signature  
(501) 682-1105 bud.roberts.dfa.arkansas.gov  
Phone Number E-mail Address  
\_\_\_\_\_  
Alcoholic Beverage Control Director  
Title  
January 13, 2016  
Date

## **SECTION 1.20(5)**

### **STATEMENTS TO BE MADE IN APPLICATION**

- (5) That the applicant, if the application is by an individual; each partner, if the application is by a partnership; or the managing agent, if the application is by a partnership, corporation or an association, possesses the following qualifications:
- A. Is a person of good moral character, a citizen or permanent resident alien of the United States, and such person must be a resident of the county in which the permit will be operated, or reside within thirty-five (35) miles of the address of the premises described in the application; (Amended 7-19-95)
  - B. Shall be a resident of the State of Arkansas on the date of the application and maintain such residency within the State as a continuing qualification to hold a permit issued by this agency. **Provided**, that any hotel or restaurant, as defined in Sections 4.4 and 4.6 of these Regulations, which is owned by a partnership, whether regular or limited, may have a permit issued to a non-partner manager or operator provided that he meets the other qualifications required by this section and the failure of one (1) or more partners to be residents of this state shall not be grounds for denial of the permit; (Adopted 8-20-97)

**Provided further**, the residency requirement pursuant to Section 1.20(5)A. and B. does not apply to a managing agent of a partnership, corporation, or an association that is an applicant if: (i) the applicant currently holds at least two (2) retail beer permits issued by the Alcoholic Beverage Control Division for the sale of alcoholic beverages; and (ii) the applicant designates with the division a representative who resides within the county of the premises or within thirty-five (35) miles of the address of the premises described in the application.

If a retailer chooses to exercise the exemption to the residency requirements pursuant to Section 1.20(5)A. and B., the retailer, after the issuance of the second permit issued to the permitted retailer by the division may: (i) change the managing agent of each of its permits by completing a form provided by the agency. The managing agent shall be a person of good moral character and a citizen or resident alien of the United States, but shall not be required to meet the other residency requirements of Section 1.20(5) A. and B.; (ii) designate a representative for each permitted premises who resides within the county of the premises or within thirty-five (35) miles of the address of the premises stated on the permit.

C. Has never been convicted of a felony, or had a license to sell alcoholic beverages revoked within five (5) years preceding the date of application, whether issued by this state or any other state, and that he or she has not been convicted of violating any laws of this state, or any other state, governing the sale, possession, manufacture, or transportation of alcoholic beverages within five (5) years preceding the date of application; (Amended 8-21-13)