



Department of Commerce

Division of Liquor Control

Mike DeWine Governor
Sheryl Maxfield, Director

6606 Tussing Road
Reynoldsburg, OH 43068-9006

www.com.ohio.gov

How To Transfer a Liquor Permit

“Are there any other options I can pursue in order to obtain a permit when there are no permits available through the state under the quota system?”

The answer is “yes.” Many times businesses that are for sale hold liquor permit privileges, which can be transferred to another business. Businesses for sale that include liquor permit privileges are often advertised in local newspapers and industry trade publications. But remember, a permit alone cannot be purchased. The transaction must include other assets such as stock and inventory, tables and chairs, or other equipment. The transfer of someone else's liquor permit to you must be done pursuant to [Ohio Administrative Code 4301:1-1-14](#). This rule states, in part, that a transfer must be in conjunction with a bona fide sale of the business or assets of the permit holder. The permit holder cannot sell just a permit and you must compensate the seller for those assets.

Below are the five types of transfer transactions with a link to the application:

1. [Transfer of ownership at the same location;](#)
2. [Transfer of location of an existing business;](#)
3. [Transfer of ownership and location;](#)
4. [Transfer of shares of stock in a corporation;](#)
5. [Transfer of membership interest in a limited liability company \(LLC\).](#)

Each transfer application includes instructions as to the type of documents needed to process that transaction. A \$100 non-refundable processing fee is charged for filing each transfer application.

Steps In Processing Transfer Applications

1. Notification is sent to the legislative authority and police department of the political subdivision for which the application is filed. Legislative authorities include the city council of an incorporated city or the township trustees and county commissioners of an unincorporated area.
2. Notification of any transfer of ownership is sent to the Ohio Department of Taxation. No transfers are approved until the Department of Taxation notifies the Division of Liquor Control that all taxes are current.

3. Notification of any transfer that involves a change of location from the original permit premises is sent to the county Board of Elections. The Division utilizes information from the Board of Elections to determine the wet or dry status of the area. If the new location is dry, the applicant is notified and processing ceases. If the area is wet, processing continues.
4. A physical inspection of the proposed premises and the surrounding area is conducted by a Division compliance officer to determine if there are any institutions such as schools, churches, playgrounds, libraries or township parks within a 500 foot radius.
5. Authorities in control of institutions within a 500 foot radius are notified that an application for a liquor permit has been filed.
6. Local legislative authorities and institutions within a 500 foot radius are given the opportunity to file objections to the issuance of the permit and request a hearing.
7. If an objection is filed and a hearing requested, the Division of Liquor Control notifies the permit applicant by certified mail as to the date, time and place of the hearing.
8. The Division checks the police record of all transfer applicants, including any partner, office holder, managing member, any five percent or more stockholder or member, and any spouse that will work on the permit premises.
9. Upon completion of processing, the applicant is notified to return the old permit and identification card to the Division. The new permit is mailed to the permit premises location by law.
10. Before a transfer can be approved, all outstanding administrative and legal issues must be resolved.

What if I am unable to locate a business for sale in my area that has a liquor permit?

[Ohio Revised Code Section 4303.29](#) provides for the transfer of a C-1, C-2, D-1, D-2, D-3 or D-5 permit through an Economic Development Transfer process, also known as ("TREX"). This process was developed to try to help those areas of the state that don't have enough permits available under the quota. An Applicant can TREX transfer permits to another area of the state, meeting certain criteria. Therefore, if you are unable to do a regular transfer of a permit or are unable to obtain a New Liquor Permit through the quota system because there are no permits available, or the number of applicants on file exceed the openings available, you have the option of then trying to TREX transfer the ownership and location of someone else's permit to you, as long as you meet the TREX requirements.

Before beginning the TREX process, please note the following:

- The transfer of someone else's liquor permit to you must be done pursuant to Ohio Administrative Code [4301:1-1-14](#). This rule states, in part, that a transfer must be in conjunction with a bona fide sale of the business or assets of the permit holder. The permit holder cannot sell just a permit and you must compensate the seller for those assets.
- In order to TREX transfer permit classes, the location where the permit is being transferred to must NOT have any available permits or the number of applicants on the waiting list must exceed the number of permits available.

- You must be able to obtain approval under Section B of the TREX Form, or get this approval by attaching a letter from the city, village or township in which you are transferring the permit, indicating they acknowledge the transfer will be to an Economic Development Project. This letter must be signed by someone of authority, such as the Mayor, City Council member, or Legal Director. You may be required by the Division of Liquor Control, City, Village or Township to provide further documentation to prove this will be an economic development project.

If you are able to meet the requirements briefly outlined above, then you are ready to begin the process of trying to find a permit to TREX Transfer. We recommend that you consult private legal counsel before attempting to locate a permit to transfer.

The only list of possible permits for sale that the Division of Liquor Control has available is the Divisions [Safekeeping List](#) that can be found on our website at www.com.ohio.gov/liqr. The Divisions safekeeping list identifies current permit holders who are not utilizing their permit privileges. These permit holders may be willing to transfer their permit to a bona fide purchaser of their business or assets pursuant to Ohio [Administrative Code 4301:1-1-14](#).

Once a permit is found, the applicant will complete section A of [DLC Form 4244 TREX](#), and take the TREX form to the local legislative authority to complete Section B. The applicant MUST file the completed TREX form with the appropriate Transfer Application depending on the type of transaction they are doing. (see links on page 1.)

Questions regarding the Transfer Application process please contact the Transfer Processing Section at (614) 644-3156. If you have specific questions regarding the TREX process please feel free to contact Kelly Ables at 614-644-2496.

Division of Liquor Control (614) 644-2360

1-800-750-0750 (TTY/TDD)
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