



This application is to be used by an out-of-state wine manufacturer licensee who is authorized to sell wine produced by the manufacturer at retail, packaged in sealed containers for consumption off the winery premises, to customers for personal use and not for resale; who holds a Basic Permit to manufacture wine issued by the Alcohol and Tobacco Tax and Trade Bureau (TTB) of the United States Department of the Treasury and who holds a wine manufacturer's license issued by a State other than New York State.

New York State Liquor Authority approval of this application will authorize the Out-of-State Wine Manufacturer to directly sell and ship to a New York State resident customer, for personal use and not for resale, limited quantities of wine produced by the Out-of-State Wine Manufacturer.

All questions must be answered completely. If the question does not apply, please indicate by writing "Not Applicable".

Handwritten applications are not acceptable.

The license application must be accompanied by a check or money order in the amount of **\$375.**

Mail the completed application to:

New York State Liquor Authority-Licensing, Church Street Station, PO Box 3817, New York, NY 10008-3817

1. APPLICANT

Name of Applicant
(Must match BASIC permit and State license)

Trade Name (DBA)

Address

City State Zip Code

Telephone Number Fax Number

Web Site Address

Complete Mailing Address

E-mail Address

2. CONTACT

Name of Contact Attorney Representative Contact

Office Address

City State Zip Code

Telephone Number Fax Number

E-mail Address

OFFICE USE ONLY:				
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Approved or Disapproved	License Board Member	Dated:	Date Filed:	Serial Number:

3. RECIPROCITY

Check the New York State Liquor Authority's web site to determine if your State is an approved reciprocal State. Only applicants in States where established reciprocity rulings and approval may apply. If your State does not appear on the listing, you must submit documentation in reference to reciprocity to our Legal Department before applying for this license.

3a. Does your State permit a New York State wine manufacturer to engage in the direct retail sale and shipment of wine produced by such New York wine manufacturer, packaged in sealed containers for consumption off the winery premises, to resident customers of your State for personal use and not for resale? If no, the applicant is not eligible for this license. [] Yes [] No

3b. Do you agree-as a formal condition of receiving a New York State Out-of-State Direct Shipper's License-that you will limit your direct sale and shipment of wine to a New York State resident customer to the lesser of the following quantities: [] Yes [] No

(A) no more than 36 cases per year or (B) no more than the maximum number of cases per month and per year that your State allows New York wine manufacturers to directly sell and ship to a resident customer to your State?

4. FEDERAL AND STATE LICENSURE AND TAX REQUIREMENTS

4a. Does the Applicant hold a BASIC Permit issued by the TTB in accordance with the Federal Alcohol Administration Act? If no, the applicant is not eligible for this license. [] Yes [] No

If yes, provide the TTB Vendor Code (if any)

[] []

If yes, provide the Plant Registry/Basic Permit/Brewer Number

[]

Submit a copy of the Federal BASIC Permit showing that the applicant is a Wine Producer/Blender. Include/Attach a list of ALL approved trade names.

4b. Does the Applicant hold a State License to manufacture wine? If no, the applicant is not eligible for this license. [] Yes [] No

If yes, identify the State that issued the State Wine Manufacturer License

[]

If yes, provide the State Wine Manufacturer License identification number

[]

Submit a copy of the State Wine Manufacturer License.

4c. Is the applicant-by virtue of the State Wine Manufacturer License-authorized to sell wine produced by the manufacturer at retail, packaged in sealed containers for consumption off the winery premises, to customers for personal use and not for resale? If no, the applicant is not eligible for this license. [] Yes [] No

4d. Provide your Federal Employer Identification Number

[]

4e. Provide your New York State Certificate of Authority Number

[]

To obtain a New York State Certificate of Authority, go to www.tax.ny.gov to complete and submit a NYS Certificate of Authority (Form DTF-17) to the address listed on the application. DO NOT submit a copy of the application to the NYS Liquor Authority.

Submit a copy of the NYS Certificate of Authority.

4f. Have you filed an application with the New York State Department of Taxation and Finance for a license to conduct business as a New York State Liquor Distributor? (This is NOT the Certificate of Authority.) [] Yes [] No

To obtain a New York State Liquor Distributor license, go to www.tax.ny.gov to complete and submit an Application for Registration as a Distributor of Alcoholic Beverages (Form TP-215) to the address listed on the application. DO NOT submit a copy of the application to the NYS Liquor Authority. Once the application has been submitted to the NYS Dept. of Tax & Finance, enter the date you transmitted or mailed the form in the line below.

If yes, indicate the date the TP-215 was mailed AND the Agency to which it was sent:

Agency Sent To: []

Date Sent: []

5. NEW YORK STATE STATUTORY REQUIREMENTS

5a. Has the applicant or any principals thereof have interest, directly or indirectly, in any New York premises or in any New York business where any alcoholic beverages are sold at retail, whether by stock ownership, interlocking directors, mortgage or lien on , or ownership of any real or personal property, or by any other means, including loans?

Yes No

If yes, identify on an attached sheet, each New York retail premises and each New York retail business; the New York alcoholic beverage license serial number associated with each New York premise or New York business; the date each interest was acquired; and the exact nature of each interest.

Sheet attached

5b. Has the applicant or any principal thereof ever been CONVICTED (including any pleas of guilty or suspended sentences) of any FELONY or of any other CRIME or OFFENSE of any kind except traffic infractions?

Yes No

If yes, **submit a Certificate of Disposition or a Certificate of Conviction certified by the Court Clerk for each offense.**

Certificate(s) attached

5c. Are there any ARRESTS, INDICTMENTS, SUMMONSES or other ACCUSATORY INSTRUMENTS (except for traffic infractions) pending against an applicant principal?

Yes No

If yes, **submit a copy of the instrument alleging the pending offense.**

Copy attached

6. CURRENT DISTRIBUTION OF APPLICANT'S WINES WITHIN NEW YORK STATE

6a. Within the past twelve months, have any of the Applicant's wines been imported into New York State by a New York State licensed wholesaler for wholesale and retail sale?

Yes No

If yes, list on an attached sheet the Wines that were (or are) being imported into New York State, their TTB ID Numbers and provide the name and address of the wholesaler importing each such wine.

Sheet attached

7. APPLICANT PRINCIPAL INFORMATION

List the names and addresses of all principals of the Applicant (The address should include Street, City, State & Zip Code.)

Name of Principal	<input type="text"/>	Residence Address	<input type="text"/>
Name of Principal	<input type="text"/>	Residence Address	<input type="text"/>
Name of Principal	<input type="text"/>	Residence Address	<input type="text"/>
Name of Principal	<input type="text"/>	Residence Address	<input type="text"/>

The undersigned is an authorized principal of the applicant and knows the contents of the above application and the statements contained therein and the same are true of his/her knowledge. The applicant understands that the State Liquor Authority will rely on each and every answer in the application and accompanying papers in reaching its determination, and affirms that all statements therein are true. The undersigned further certifies that he/she has read the Conditions For Licensure and agrees to comply with these conditions.

Name of Authorized Principal

certifies that he/she is

Title

Signature of Authorized Principal

Dated

CONDITIONS FOR LICENSURE

THE APPLICANT VOLUNTARILY ACCEPTS THE FOLLOWING CONDITIONS IN CONNECTION WITH THE ISSUANCE OF AN OUT-OF-STATE DIRECT SHIPPER'S LICENSE, AND AS AN APPLICANT AND LICENSEE WILL ABIDE BY THE FOLLOWING CONDITIONS:

1. Prior to obtaining an out-of-state direct shipper's license, the Applicant will obtain from the New York State Department of Taxation and Finance a Certificate of Authority pursuant to section eleven hundred thirty-four of the New York State Tax Law; Tax From Number DTF-17.
2. Prior to obtaining an out-of-state direct shipper's license, the Applicant will file an application with the New York State Department of Taxation and Finance for registration as a Distributor of Alcoholic Beverages pursuant to sections four hundred twenty one and four hundred twenty-two of the New York State Tax Law; Tax Form Number TP-215.
3. The Licensee will ensure that the outside of each shipping container used to ship wine to a New York State resident is conspicuously labeled with the words:

CONTAINS WINE:
FOR PERSONAL USE AND NOT FOR RESALE
SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY
DELIVERY TO AN INTOXICATED PERSON IS FORBIDDEN BY LAW
4. In connection with the acceptance of an order a delivery of wine to a New York resident, the Licensee will require the prospective customer to represent:
 - (a) that he or she has attained the age of twenty-one years or more; and
 - (b) that the wine being purchased will not be resold or introduced into commerce.
5. In connection with the delivery of wine produced by the Licensee and directly sold and shipped to a New York State resident customer for personal use and not for resale, the Licensee will require the common carrier delivering the wine to:
 - (a) require the recipient, at the delivery address, upon delivery, to demonstrate that the recipient is at least twenty-one years of age by providing a valid form of photographic identification authorized by Alcoholic Beverage Control Law § 65-b;
 - (b) require a recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the State Liquor Authority; and
 - (c) refuse delivery when the proposed recipient appears to be under twenty-one years of age and refused to present a valid form of photographic identification authorized by the Alcoholic Beverage Control Law § 65-b.
6. The Licensee will file returns with and pay to the New York State Department of Taxation and Finance all State and local sales taxes and excise taxes due on sales into New York State in accordance with the applicable provisions of the New York State Tax Law relating to such taxes, the amount of such taxes to be determined on the basis that each sale in this State was at the location where delivery is made.
7. The Licensee will keep records for three years and permit the New York State Liquor Authority or the New York State Department of Taxation and Finance to perform an audit upon request.
8. The Licensee, by the submission of this application for an Out-of-State Direct Shipper's License, hereby consents to the jurisdiction of New York State, its agencies and instrumentalities, and the Courts of New York State concerning enforcement sections 79-c of the New York State Alcoholic Beverage Control Law and any related laws, rules or regulations, including tax laws, rules or regulations.
9. The Licensee, in connection with the exercise of the license privilege conferred by the Out-of-State Direct Shipper's License, will sell only wines that it manufactures.
10. The Licensee, in connection with the exercise of the license privilege conferred by the Out-of-State Direct Shipper's License, will sell wine only to the New York State resident customers for personal use and not for resale.

11. The Licensee, in connection with the exercise of the license privilege conferred by the Out-of-State Direct Shipper's License, will not directly or indirectly sell wine to New York State licensed retailers.
12. The licensee agrees-as a formal condition of receiving a New York State Out-of-State Direct Shipper's License-that the Licensee will full comply with all applicable requirements of the New York State Alcoholic Beverage Control Law and the Rules of the New York State Liquor Authority.
13. The Licensee agrees, as a formal condition of receiving a New York State Out-of-State Direct Shipper's License, that the Licensee will limit the direct sale and shipment of wine to a New York State resident customer to the maximum number of cases per month and per year that the Licensee's State allows New York wine manufacturers to directly sell and ship to a resident customer of the Licensee's State.
14. The Applicant/Licensee agrees that, prior to issuance of the applied-for license, the Applicant/Licensee will notify the Authority, within 48 hours, by certified mail, return receipt requested, of a change in fact that was reported or required to be reported in connection with this application. Such written notice shall be sent to the following address: New York State Liquor Authority-Licensing, 80 S. Swan Street, Suite 900, Albany, NY 12210.

SHOULD AN OUT-OF-STATE DIRECT SHIPPER'S LICENSE BE GRANTED TO THE APPLICANT, THE FAILURE TO ABIDE BY ANY OF THE CONDITIONS ENUMERATED ABOVE CONSTITUTES A VIOLATION WHICH MAY RESULT IN:

- (A) The institution of administrative disciplinary proceedings to suspend or revoke the Out-of-State Direct Shipper's License, and to impose an administrative fine of up to \$10,000.
- (B) The filing of a report that a violation has been committed with the Tax and Trade Bureau (TTB) of the United States Department of the Treasury with a request that the applicant's BASIC Permit be suspended or revoked.