

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**4301-5-01 State liquor stores and state liquor agencies.**

- (A) The division shall make the determination to open a new state liquor store or state liquor agency based upon, but not limited to, the following factors: new areas of growth in the state; a request to review an area of the state for a potential new state liquor store or state liquor agency submitted by a member of the public; the proximity of the proposed area to existing state liquor stores or state liquor agencies; the sales volume of existing state liquor stores or state liquor agencies; and the potential effect on other existing state liquor stores or state liquor agencies.
- (B) When the division determines that it would be beneficial to open a state liquor agency in a particular area of the state, it will advertise in the newspaper with the greatest circulation for that area of the state for a minimum of three days for a daily newspaper, or one day in a weekly paper, for applicants interested in becoming a state liquor agent. The advertisement shall include the minimum requirements for: square footage in the sales and storage areas, lineal shelving requirements, and sales and computer equipment.
- (C) The division shall evaluate state liquor agency applicants on a points system. Points will be awarded based upon the following conditions:
- (1) Environmental conditions: location of the proposed state liquor agency in relation to the area's retail business district; overall appearance of the proposed state liquor agency exterior, including visible signage; handicapped accessible entrance and exit and compliance with the federal Americans with Disabilities Act of 1990, [as amended](#); availability of off-street parking, condition of parking area, and ease of ingress and egress to the parking area; external lighting; overall condition of the interior of the proposed state liquor agency including but not limited to flooring, walls, cleanliness, and lighting; linear feet of shelving for the display of spirituous liquor; full service or self-service display; security of the retail sales area; square feet of storage for liquor inventory; security of the storage area; accommodation of delivery areas; and proposed service plan for wholesale customers.
  - (2) Business financial and historical information: date started and length of time engaged in this mercantile business; business credit rating; proposed partners, shareholders, or investors and the extent of their interest in the business; status with the Ohio secretary of state's office; previous mercantile business experience; business stability or financial position; financial statement and federal internal revenue service information; existing or proposed inventory; capital and other expenses to set up and operate the business; verification of sources of funds used to operate the business; proof of tenancy at the proposed state liquor agency location; and types and percentages of products sold.
  - (3) Personal history of interested parties: alcoholic beverage work experience including businesses owned holding division liquor permits or employment with liquor permit businesses; liquor law violations and citation history; existing or previously-held state liquor agency contracts; any criminal convictions; previous or pending bankruptcy, receivership, or other insolvency proceeding by or against the applicant; payment history of all federal, state, local, and business taxes; pending litigation involving the applicant; outstanding debts; and proof of liability insurance.
- (D) The superintendent of the division shall determine which applicant shall be awarded the state liquor agency contract.
- (E) For purposes of this rule, "mercantile business" means a business that sells goods or services.