

The Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114

WINERY SHIPMENT LICENSE APPLICATION PROCEDURES

OUR WEBSITE ADDRESS: WWW.MASS.GOV/ABCC

Enclosed applications are for a SMALL WINERY SHIPMENT license and a LARGE WINERY SHIPMENT license.

PAYMENT AND MAILING PROCEDURES

All applicants must complete the enclosed MONETARY TRANSMITTAL FORM. Attach your payment and application (s) to the TRANSMITTAL FORM and MAIL TO:

**BANK OF AMERICA
POST OFFICE BOX 3396
BOSTON, MA 02241-3396**

APPLICATION PROCEDURES

Please complete the ENTIRE application. DO NOT LEAVE THE LINE BLANK.

TAX ATTESTATION (M.G.L. Chapter 62C, Sec, 49A), the tax attestation of the application must be signed and dated as indicated.

The following documentation must be submitted with your application:

- 1. FEDERAL BASIC PERMIT:** Copy of your approved Federal Basic Permit issued By the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau.
- 2. STATE LICENSE TO MANUFACTURE, EXPORT AND SELL WINE:** Copy of your approved license(s) issued by the State in which you manufacture, export and sell wine that covers the premises that is the subject of this application.
- 3. CORPORATE VOTE:** If applicant is a corporation, a copy of the corporate vote appointing the license manager. If applicant is an LLC or LLP, a copy of the vote of the managers appointing the license manager.
- 4. FORM A** – (form enclosed) Must be completed and signed by the proposed license manager.

5. **ARTICLES OF ORGANIZATION:** If a corporation, certified copy of articles of organization as issued by the Secretary of State. If an LLC or LLP, copy of the organization papers and operating agreement(s) or bylaws. If non-Massachusetts business organizations, copy of the registration with the Massachusetts Secretary of State.

MONETARY TRANSMITTAL

THIS TRANSMITTAL MUST ACCOMPANY YOUR APPLICATION IN ORDER TO ASSURE PROPER CREDIT.

PLEASE DO NOT SEND CASH.

PLEASE MAKE YOUR CHECKS PAYABLE TO COMMONWEALTH OF MASSACHUSETTS, ABCC.

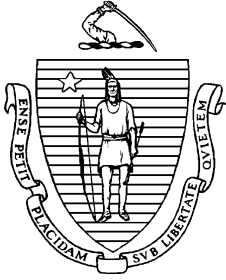
MAIL THIS TRANSMITTAL ALONG WITH YOUR CHECK AND COMPLETED APPLICATION TO:

BANK OF AMERICA
POST OFFICE BOX 3396
BOSTON, MA 02241-3396

APPLICANT MUST COMPLETE THE FOLLOWING:

NAME:		
ADDRESS:		
CITY/TOWN:	STATE:	ZIP CODE:
DATE:		

<u>LICENSE</u> <u>NAME</u>	<u>REV.</u> <u>CODE</u>	NUMBER OF LICENSES <u>REQUESTED</u>	<u>FEE</u> <u>AMOUNT</u>	<u>TOTAL</u>
LARGE WINERY SHIPMENT LICENSE (CH.138, § 19F (a))	3018	_____	\$ 100.00	\$ _____
SMALL WINERY SHIPMENT LICENSE (CH.138, § 19F (b))	3018	_____	\$ 100.00	\$ _____
			CHECK TOTAL	\$ _____



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20 _____

WINERY SHIPMENT LICENSE APPLICATION

Applicants should complete the application in full. Attach additional pages where necessary, clearly indicating what question is being answered. A complete application is required.

FOR NEW LICENSE, ORIGINAL AND ONE COPY of the completed application should be submitted to the Alcoholic Beverages Control Commission. It is the responsibility of the applicant to retain a copy of the application.

All fees must accompany the application at the time of filing.

PLEASE TYPE OR PRINT ALL INFORMATION

APPLICATION FOR (check one): _____ New License _____ License Renewal _____ Other

If other, specify the change(s): _____

(Highlight all changes from last application filed.)

PLEASE INDICATE CLASS OF LICENSE DESIRED (check one):

1. _____ LARGE WINERY SHIPMENT LICENSE (CH.138, § 19F (a))
2. _____ SMALL WINERY SHIPMENT LICENSE (CH.138, § 19F (b))
3. Applicant is an: _____ Individual _____ Partnership _____ Corporation
_____ LLC _____ LLP

4. Name of applicant: _____

5. Business name (d/b/a) if different:

6. Manager of Record: _____

7. Person who can be contacted concerning this application:
Name: _____

Address: _____

Telephone Number: _____

8. Attorney who can be contacted concerning this application:

Name: _____

Address: _____

Telephone Number: _____

9. Have you registered with the Food and Drug Administration? _____

FDA REGISTRATION NO. _____ DATE OF REGISTRATION: _____

10. Please identify all affiliates, franchisors, franchisees, subsidiaries, and parent corporations of the applicant and the gallons of wine produced by each in the last calendar year. _____

For each please state the name, address telephone number and federal identification number.

11. Please identify the total gallons of wine produced last calendar year by the applicant and the state and federal agencies to whom you reported this quantity produced. _____

12. Please identify the total gallons of wine shipped into Massachusetts last calendar year by the applicant and all affiliates, franchisors, franchisees, subsidiaries, and parent corporations of the applicant.

PREMISES

Please attach a detailed floor plan of premises to be licensed, clearly delineate licensed from unlicensed areas.

13. Address of premises for manufacturing of wine:

Street: _____

City/Town: _____ Zip Code: _____

Telephone Number of Premises: (_____) _____

14. Location of premises from which sales will be made and wine is to be shipped to Massachusetts retailers licensed under M.G.L.c. 138, §§ 12, 15, if different than above:

Telephone Number of each such premises:
(_____) _____

15. Location of premises from which sales will be made and wine is to be shipped to Massachusetts consumers, if different than above:

Telephone Number of each such premises:

(_____)_____

16. List the license(s) you hold which authorize the manufacture, exportation and retail sale of wine to consumers and sale of wine to licensed retailers.

Attach a copy of all licenses identified.

17. Mailing Address:

18. Is the entire building to be licensed? _____ Yes _____ No

If no, please specify which floors are to be licensed, including the basement.

19. Are there any internal connections to other licensed premises? ____ Yes ____ No

20. Are there any other licensed premises in the building? ____ Yes ____ No.

For each please state the name, address telephone number and federal identification number.

21. Do you lease out or otherwise provide space for any other person or entity to store alcoholic beverages? _____ Yes _____ No

For each please state the name, address telephone number and federal identification number.

- 22a. Do you (check one)

_____ Own _____ Lease or _____ Rent _____ the premises to be licensed?

- 22b. **If owned**, how do you own the premises to be licensed?

_____ As an individual _____ Jointly _____ Corporation

_____ Other (specify) _____

- 22c. If you do not own the premises to be licensed, provide the following information about the owner:

Name: _____ Telephone number (_____) _____

Address: _____

- 22d. If a lease or rental, provide the following information:

\$ _____ per _____
(Month, Year, etc.)

- 22e. Beginning date of lease: _____ Ending date of lease: _____

(SUBMIT A COPY OF THE LEASE/RENTAL AGREEMENT. LEASE/RENTAL AGREEMENT NOT REQUIRED IF APPLICANT HAS ONE PRESENTLY ON FILE.)

23. Were the premises previously licensed? _____ Yes _____ No

24a. By whom? _____
 (Give Corporate or Individual's Name)

24b. When? _____
 (Date)

25. Have you registered with the Massachusetts Department of Revenue to pay taxes due under M.G.L. c. 138, § 21? _____ Yes. _____ No.

Date of Registration: _____

Taxpayer ID No.: _____

26. Please identify in detail all methods by which you will obtain proof of age before making any sale of wine to consumers in Massachusetts. Attach separate page(s) if necessary.

27. To be answered by applicants for the small winery shipment license only. Do you intend to sell to wine at wholesale to a person licensed under M.G.L. c. 138, §§ 12, 14, 15 or 18? _____ Yes _____ No.

If yes, please identify in detail all methods by which you will comply with M.G.L. c. 138, § 25A and not discriminate, directly or indirectly, in price, in discounts for time of payment or in discounts on quantity of merchandise sold, between one wholesaler and another wholesaler, or between one retailer and another retailer purchasing alcoholic beverages bearing the same brand or trade name and of like age and quality.

If yes also please identify in detail all methods by which you will comply with M.G.L. c. 138, § 25 regarding the sale and delivery of wine on credit to licensees under M.G.L. c. 138, §§ 12, 15.

28. Please identify in detail all persons or businesses that are licensed under M.G.L. c. 138, § 22 that will be making any delivery of wine on your behalf to consumers in Massachusetts.

Please identify in detail the methods by which the delivery person will obtain proof of age before making any delivery of wine to consumers in Massachusetts.

INDIVIDUAL OR PARTNERSHIP

29. If applicant is an individual or partnership: List for each person.

Full Name	Home Address	Social Security No.	Date of Birth
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30. Is individual or are all partners United States citizens? _____ Yes _____ No

CORPORATION

THE FOLLOWING MUST BE FILED WITH THE COMMISSION:

- (a) Copy of your Articles of Organization as filed with the Secretary of State's Office. \
 - (b) Copy of corporate vote authorizing an officer to sign this application, and appointing a General Manager. (Corporate vote required for new applicants, renewal applications and for appointment/change of manager).
31. How many shares of stock are authorized? _____
32. How many shares of stock are issued? _____
33. Provide the following information for the license manager, all officers and directors and stockholders.

Title	Full Name	Home Address	Date of Birth	SS#	Shares of Stock Owned or Controlled

- 34a. If the application is a corporation, answer the following questions:
- 1. Are the majority of directors non-alien? ___ Yes ___ No
 - 2. Is the manager or principal representative a U.S. citizen? ___ Yes ___ No

OWNERSHIP INTERESTS

35. Does any individual involved directly or indirectly, either as an individual (sole proprietor), or the individuals within a partnership, or an individual member of a corporation serving as an officer, director or shareholder of such applicant corporation, or a member of any of these individual's immediate family (Spouse, children, parents or siblings), or any person or entity with a beneficial or financial interest in this license, have any interest in any other Massachusetts alcoholic beverages license, permit or certificate?
_____ Yes _____ No

If yes, complete the following for each person or entity.

Full Name	Relationship to Applicant	Type of License	Name	License Address	License Of Interest	Description

36. Does the applicant itself hold an interest in any other liquor license, permit or certificate?
_____ Yes _____ No

If yes, state the following:

License Name	License Address	Type of Description	License of Interest
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37. Has any person or entity identified in this license application ever been involved directly or indirectly in an alcoholic beverage license, permit or certificate suspension, revocation, or cancellation? Yes No

If yes, provide the following information:

Date of action, license name and reason why the license, permit or certificate was suspended, revoked or cancelled.

38. Will this license be pledged? Yes No

If yes, to whom? _____

39. If a corporation, will any stock be pledged? Yes No

If yes, to whom and how much: _____

40. List all Massachusetts Wholesaler/Importer (s) who are distributing your product(s) and the product(s) each distributes:

WHOLESALER/IMPORTER

PRODUCTS DISTRIBUTED

The foregoing statements are signed and subscribed to under the penalty of perjury, this

_____ day of _____, 20_____.

Signature	Title
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Signature	Title
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Signature	Title
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Signature	Title
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- (a) Each Individual applicant must sign.

- (b) Application by a partnership must be signed by a majority of the partners.
- (c) Application by a corporation must be signed by an officer authorized to do so by a vote of the corporation's board of directors. (A copy of the vote of authorization must be included.)

PURSUANT TO M.G.L. CH 62C, SEC. 49A, I CERTIFY UNDER PENALTIES OF PERJURY THAT THE APPLICANT, TO MY BEST KNOWLEDGE AND BELIEF, HAS FILED ALL STATE TAX RETURNS AND PAID ALL STATE TAXES REQUIRED BY LAW.

SIGNATURE OF INDIVIDUAL OR CORPORATE NAME **DATE**

(IF INDIVIDUAL, SOCIAL SECURITY NUMBER)

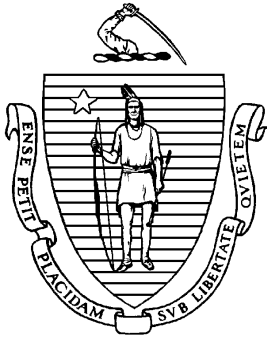
(IF CORPORATION, SIGNATURE OF CORPORATE OFFICER) **DATE**

(IF CORPORATION, FEDERAL IDENTIFICATION NUMBER)

204 CMR 2.00
REGULATIONS OF THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

2.01: LICENSES AND PERMITS

SECTION 8: All applications shall be made under the penalties of perjury and any false statement contained in any application shall be a cause or ground for refusing to grant the license or permit or for suspending, canceling or revoking a license or permit already granted.



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**Form A
Licensee Personal Information Sheet**

THIS FORM MUST BE COMPLETED FOR EACH:

- ___ A. NEW LICENSE APPLICANT
- ___ B. APPOINTMENT OR CHANGE OF MANAGER
IN A CORPORATION
- ___ C. TRANSFER OF LICENSE (RETAIL ONLY-SEC. 12 & SEC. 15)

(Please check which transaction is the subject of an application accompanying this Form A.)

PLEASE TYPE OR PRINT ALL INFORMATION

ALL QUESTIONS MUST BE ANSWERED AND TELEPHONE NUMBERS PROVIDED OR APPLICATION
WILL NOT BE ACCEPTED.

1. LICENSEE NAME _____
(NAME AS IT WILL APPEAR ON THE LICENSE)
2. NAME OF (PROPOSED) MANAGER _____
3. SOCIAL SECURITY NUMBER _____
4. HOME (STREET) ADDRESS _____
5. AREA CODE AND TELEPHONE NUMBER (S): (Give both, your home telephone and a number at which
you can be reached during the day).
6. DAY TIME # _____ HOME # _____
PLACE OF BIRTH: _____ 7. DATE OF BIRTH: _____
8. REGISTERED VOTER: _____ YES _____ NO 8A. WHERE ? : _____
9. ARE YOU A U. S. CITIZEN: _____ YES _____ NO
10. COURT AND DATE OF NATURALIZATION (IF APPLICABLE): _____
(Submit proof of citizenship and/or naturalization such as Voter's Certificate, Birth Certificate or
Naturalization Papers)
11. FATHER'S NAME: _____ 12. MOTHER'S MAIDEN NAME: _____
13. IDENTIFY YOUR CRIMINAL RECORD, (Massachusetts, Military, any other State or Federal): ANY
OTHER ARREST OR APPEARANCE IN CRIMINAL COURT CHARGED WITH A CRIMINAL

OFFENSE REGARDLESS OF FINAL DISPOSITION:
_____ YES _____ NO (**MUST CHECK EITHER YES OR NO**)

IF YES, PLEASE DESCRIBE OFFENSE (S) SPECIFIC CHARGE AND DISPOSITION (FINE, PENALTY, ETC.)

14. PRIOR EXPERIENCE IN THE LIQUOR INDUSTRY: _____ YES _____ NO
IF YES, PLEASE DESCRIBE:

15. FINANCIAL INTEREST, DIRECT OR INDIRECT, IN THIS OR ANY OTHER LIQUOR LICENSE, PERMIT OR CERTIFICATE: _____ YES _____ NO

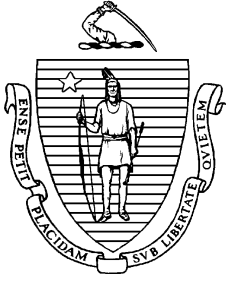
IF YES, PLEASE DESCRIBE: _____

16. EMPLOYMENT FOR THE LAST TEN YEARS (Dates, Position, Employer, Address and if known, Telephone Numbers):

17. HOURS PER WEEK TO BE SPENT ON THE LICENSED PREMISES: _____

18. I HEREBY SWEAR THAT UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BY: _____

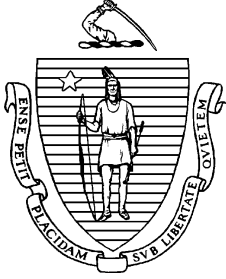


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Massachusetts General Laws Chapter 138, Section 19F.

(a) The commission may issue to an applicant, who: (1) operates a winery whose total annual production, including that of its affiliates, franchises and subsidiaries, is 30,000 gallons of wine or more; provided, however, any wine or wine product fermented from other than grapes shall not be included in the aforementioned 30,000 gallon figure; and (2) is authorized by the appropriate licensing authority to manufacture, export and sell wine, a large winery shipment license to sell and ship wine or winery products produced by the winery directly to consumers; provided that the winery has not contracted with or has not been represented by a wholesaler licensed under section 18 for the preceding 6 months.

(b) The commission may issue to an applicant who: (1) operates a winery whose total annual production, including that of its affiliates, franchises and subsidiaries, is less than 30,000 gallons of wine; provided, however, any wine or wine product fermented from other than grapes shall not be included in the aforementioned 30,000 gallon figure; and (2) is authorized by the appropriate licensing authority to manufacture, export and sell wine, a small winery shipment license to sell and ship wine or winery products produced by the winery: (i) at retail directly to consumers; (ii) at wholesale in kegs, casks, barrels or bottles to a person licensed under section 12, 13 or 14; (iii) at wholesale for the sole purpose of resale in containers in which wine was delivered to any person licensed under section 15; provided, that all direct deliveries of wine from a winery to a section 15 licensee shall not exceed 250 cases of wine annually; (iv) at wholesale to a person licensed under section 18, 19 or 19B; (v) at wholesale to churches and religious societies, educational institutions, incorporated hospitals, homes for the aged, manufacturers of food products and manufacturers of drugs and chemicals under section 28; or (vi) at wholesale to a registered pharmacist holding a certificate of fitness under section 30.



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Massachusetts General Laws Chapter 138, Section 25A. (In pertinent part).

No licensee authorized under this chapter to sell alcoholic beverages to wholesalers or retailers shall—

(a) Discriminate, directly or indirectly, in price, in discounts for time of payment or in discounts on quantity of merchandise sold, between one wholesaler and another wholesaler, or between one retailer and another retailer purchasing alcoholic beverages bearing the same brand or trade name and of like age and quality;

Massachusetts General Laws Chapter 138, Section 25. (In pertinent part).

Nothing in this chapter shall require any manufacturer, winegrower or wholesaler to extend credit to any licensee. The credit period shall be calculated from the date of the delivery of the alcoholic beverages to the purchaser to the date when the purchaser discharges in full the indebtedness for which the credit was extended. If any licensee does not discharge in full any such indebtedness within such sixty day period, the indebtedness shall be overdue and such licensee shall be delinquent within the meaning of this section. Within three days after a licensee becomes delinquent, the licensee who extended the credit shall mail a letter of notice by certified mail to the commission and a copy thereof to the delinquent licensee. The letter of notice shall be in forms provided by the commission. The notice shall contain the name of the delinquent licensee, the date of delivery of the alcoholic beverages and the amount of the indebtedness remaining undischarged. Within five days after receipt of such a letter of notice, the commission shall post the name and address only of the delinquent licensee in a delinquent list containing the names and addresses of all delinquent licensees. Such posting shall constitute notice to all licensees of the delinquency of such licensee.

No licensee under this chapter shall sell or deliver, directly or indirectly, alcoholic beverages to a licensee whose name is posted on the delinquent list, except for payment in cash on or before delivery, and no licensee who is posted on the delinquent list shall purchase or accept delivery of any alcoholic beverages except for payment in cash on or before delivery.

Notwithstanding and in lieu of any other penalty in any other provision of this chapter, any person who violates any provision of this section shall be punished by a fine of not more than five thousand dollars.