

## **MARKETING AND REPRESENTATIVE PERMITS**

### **MARKETING (One Time and 3 Year)**

Advisory #2013-6 pursuant to Section 99(b)(1)(k) of the ABC Law.

**This permit authorizes an unlicensed out of state supplier or a licensed in state supplier to do tastings (using product from the applicant's or wholesaler's inventory), to take orders for and/or to forward orders to licensed wholesalers, and to market product in accordance with the provisions of the Consent Orders. If the permittee is from out of NYS then a current copy of the state license and a copy of the Federal Basic Permit is required.**

**This term is subject to the following conditions:**

- 1. The supplier will obtain a transportation permit or contact with a company that has a transportation permit, in order to transport the alcoholic beverages to the event site.**
- 2. No fee shall be charged by the supplier or wholesaler to a consumer attending or participating in such event.**
- 3. Each sample shall be limited to: in the case of beer, wine products and cider, to 3 ounces or less; in the case of wine, to 2 ounces; and in the case of liquor, to one-quarter ounce.**
- 4. Liquor and wine used for tastings do not have to be price posted items. Liquor and wine used for sales by the bottle must be price posted.**

### **BROKER (One Time)**

Section 93(a) of the ABC Law.

**This permit authorizes the applicant to act as a broker in the purchase and sale of alcoholic beverages for a fee or commission, for or on behalf of a person authorized to manufacture or sell at wholesale alcoholic beverages within or out of New York State.**

**This permit is subject to the following conditions:**

- 1. No such permit shall be issued to any person who does not qualify under Section 126 of the ABC Law except as to citizenship or who is interested in the manufacture or sale of alcoholic beverages in any manner whatsoever, either as an owner or partner, if a partnership, or as a stockholder, officer or director of a corporation.**
- 2. A person holding an interest in a license to manufacture or sell alcoholic beverages in any state is ineligible to hold a broker permit in New York State.**
- 3. Such permittee shall not buy or sell any alcoholic beverages for his own account, or take or deliver title to such alcoholic beverages, or receive or store any alcoholic beverages in his own name in New York State, or offer, agree to offer or sell any alcoholic beverages to any retailer within New York State.**
- 4. The permittee shall require all purchases of alcoholic beverages to be billed by the seller directly to the purchaser and paid for by such purchaser directly to the seller.**
- 5. No alcoholic beverages shall be purchased for an out-of-state principal unless such principal is authorized to import such alcoholic beverages into New York State or foreign country to which such alcoholic beverages are consigned.**

6. The permittee shall require that all alcoholic beverages purchased in New York State for the account of an out-of-state principal be delivered directly to the steamship, vessel, railroad car or transportation company for delivery to the principal outside New York State.
7. The permittee shall not offer for sale or act as a broker in the sale of any brand of liquor or wine in New York State except at the price and at the discounts in effect for such brand in the schedule of prices to wholesalers on the date of offer or sale, unless permission in writing has been granted by the Authority for good cause shown.
8. The permittee shall maintain separate books and records which shall include, but not necessarily be limited to, the names and addresses of all purchasers and sellers of alcoholic beverages; the quantity and type of alcoholic beverages involved in each transaction and the amount of the commission or fee accruing to such permittee for each transaction. Such records shall also include documents or photostats evidencing the authority of each out-of-State purchaser to import alcoholic beverages into New York State or foreign country to which such alcoholic beverages are consigned; and all correspondence, memoranda and documents relating to transactions involving alcoholic beverages and the broker's employment in connection therewith. Such records shall be maintained for a period of at least two (2) years.

### **BROKER (3 Year)**

Section 93(a) of the ABC Law.

**This permit authorizes the applicant to act as a broker in the purchase and sale of alcoholic beverages for a fee or commission, for or on behalf of a person authorized to manufacture or sell at wholesale alcoholic beverages within or out of New York State.**

**This permit is subject to the following conditions:**

1. No such permit shall be issued to any person who does not qualify under Section 126 of the ABC Law except as to citizenship or who is interested in the manufacture or sale of alcoholic beverages in any manner whatsoever, either as an owner or partner, if a partnership, or as a stockholder, officer or director of a corporation.
2. A person holding an interest in a license to manufacture or sell alcoholic beverages in any state is ineligible to hold a broker permit in New York State.
3. Such permittee shall not buy or sell any alcoholic beverages for his own account, or take or deliver title to such alcoholic beverages, or receive or store any alcoholic beverages in his own name in New York State, or offer, agree to offer or sell any alcoholic beverages to any retailer within New York State.
4. The permittee shall require all purchases of alcoholic beverages to be billed by the seller directly to the purchaser and paid for by such purchaser directly to the seller.
5. No alcoholic beverages shall be purchased for an out-of-state principal unless such principal is authorized to import such alcoholic beverages into New York State or foreign country to which such alcoholic beverages are consigned.
6. The permittee shall require that all alcoholic beverages purchased in New York State for the account of an out-of-state principal be delivered directly to the steamship, vessel, railroad car or transportation company for delivery to the principal outside New York State.
7. The permittee shall not offer for sale or act as a broker in the sale of any brand of liquor or wine in New York State except at the price and at the discounts in effect for such brand in the

schedule of prices to wholesalers on the date of offer or sale, unless permission in writing has been granted by the Authority for good cause shown.

8. The permittee shall maintain separate books and records which shall include, but not necessarily be limited to, the names and addresses of all purchasers and sellers of alcoholic beverages; the quantity and type of alcoholic beverages involved in each transaction and the amount of the commission or fee accruing to such permittee for each transaction. Such records shall also include documents or photostats evidencing the authority of each out-of-State purchaser to import alcoholic beverages into New York State or foreign country to which such alcoholic beverages are consigned; and all correspondence, memoranda and documents relating to transactions involving alcoholic beverages and the broker's employment in connection therewith. Such records shall be maintained for a period of at least two (2) years.
9. Electronic fingerprinting is required to receive this permit. SLA requires you to schedule an appointment within 48 hours of applying for this permit. Instructions for Electronic fingerprinting can be found at our web site [SLA Website Site](#). Fingerprinting will not be required upon renewal. It is completed at initial application only.

### **NEGOTIATOR (One Time and 3 Year)**

Section 99(b)(1)(j) of the ABC Law.

**This permit allows duly authorized representatives of the applicant to negotiate and consummate an agreement for the establishment of an operating agency relationship for the distribution in New York State of the products of an out-of-state manufacturer or wholesaler.**

**This permit is subject to the following conditions:**

1. The permittee shall not offer for sale, solicit or accept any order in New York State for the sale of any alcoholic beverages.
2. Samples of the alcoholic beverages manufactured or sold by the applicant shall not be imported into New York State until such permit is issued.
3. Negotiations shall only be with a wholesaler who is authorized under their license to keep and offer for sale such alcoholic beverages.
4. A copy of the permit will be delivered to each wholesaler with whom negotiations are to be conducted.
5. Only a duly authorized representative of the applicant shall negotiate the agency agreement on behalf of the out-of-state licensee and such representative shall be in possession of appropriate credentials evidencing his authority.
6. Where any person not designated in this application is so authorized, notification of such authorization shall be forwarded within 10 days to the Liquor Authority.
7. If there are any changes in any of the facts set forth in this application, a supplemental statement giving notice of such change shall be delivered to the Liquor Authority within 10 days after such change.