

# APPLICATION FOR TEMPORARY OPERATING PERMIT (AKA T.O.P.)

NEBRASKA LIQUOR CONTROL COMMISSION  
 301 CENTENNIAL MALL SOUTH  
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 LINCOLN, NE 68509-5046  
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**Nebraska Liquor Control Act §53-149 (2)** A license issued under the act terminates immediately upon the sale of the licensed premises named in such license. The purchaser or transferee may submit an application for a license under the act prior to closing such sale or transfer. While such application is pending, the purchaser may request and obtain a **temporary operating permit** from the commission which shall authorize the purchaser to continue the business which was conducted on the purchased premises under the terms and conditions of the terminated license **for ninety days** or until the purchaser has obtained a license in its own name, whichever occurs sooner. Prior to the issuance of a temporary operating permit, the purchaser shall supply the commission with documentation from the seller that the seller is current on all accounts with any wholesaler under section §53-123.02. A seller who provides false information regarding such accounts is guilty of a Class IV misdemeanor for each offense. In the absence of such temporary operating permit, the purchaser shall not manufacture, store, or sell alcoholic liquor on the purchased premises until the purchaser has obtained a license in the purchaser's own name. If the application is withdrawn by the applicant or is denied by the commission, the previous license may be reinstated at the discretion of the commission upon request by the previous licensee.



## Rules and Regulations Chapter 2 Section 004 TEMPORARY OPERATING PERMITS

**004.01** Someone other than a licensee may operate a business holding a liquor license if all of the following criteria are met:

**004.01A** A formal application for a new license must be on file with the Commission.

**004.01B** A request for a temporary operating permit must be filed with the application.

**004.01C** Temporary operating permits may not exceed 90 days in total duration.

**004.01D** If the sale of the business fails to occur, the previous licensee can be reinstated during the pendency of the temporary operating permit upon request of the previous license holder.

**004.02** Any violations occurring during the pendency of a temporary operating permit will be adjudicated in the following manner:

**004.02A** Any violations occurring during the temporary operating permit will be used and conferred upon a license if issued. Any violation may be used to determine the fitness of the applicant to receive the requested license.

## TEMPORARY OPERATING PERMIT (T.O.P.) REVIEW CHECK LIST

OFFICE USE ONLY

### SELLER INFO:

License Class & Number: \_\_\_\_\_

Licensee: \_\_\_\_\_

DBA: \_\_\_\_\_

- Signature of Seller on T.O.P. Application
- Reviewed for Seller's Pending Violations
- Reviewed Delinquent List
- Reviewed with Director

### BUYER INFO:

License Class & Number: \_\_\_\_\_

Licensee: \_\_\_\_\_

DBA: \_\_\_\_\_

- Signature of Buyer on T.O.P. Application
- Reviewed Buyer's Criminal History
- Reviewed Purchase Agreement
- Other: \_\_\_\_\_

### Administrative Review - Office Use Only

Reviewed by: \_\_\_\_\_

Approved  Denied **Date:** \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



# LICENSEE (SELLER) AND APPLICANT (BUYER) SECTION

## COMPLETE THE FOLLOWING:

**NAME OF CURRENT LICENSEE (SELLER) AND SELLER'S LICENSE #:**

AND

**NAME OF LICENSE APPLICANT (BUYER):**

ON  (Date) SELLER AND BUYER ENTERED INTO A CONTRACT FOR SALE OF THE ALCOHOL RELATED

BUSINESS KNOWN AS: ,  
(Seller's Trade Name)

LOCATED AT:  (Street Address) (City) (State) (Zip Code)

BUYER SEEKS TO OBTAIN A TEMPORARY OPERATING PERMIT (TOP) TO ALLOW BUYER TO OPERATE THE BUSINESS UNDER THE SAME TERMS AND CONDITIONS OF THE CURRENT LICENSEE; SUBJECT TO APPROVAL BY THE NEBRASKA LIQUOR CONTROL COMMISSION (NLCC) FOR A PERIOD NOT TO EXCEED 90 DAYS (NO EXCEPTIONS).

SELLER HEREBY DECLARES THAT THEY ARE CURRENT ON ALL ACCOUNTS WITH ALL NEBRASKA LICENSED WHOLESALERS UNDER SECTION §53-123.02. ANY SELLER WHO PROVIDES FALSE INFORMATION REGARDING SUCH ACCOUNTS IS GUILTY OF A CLASS IV MISDEMEANOR FOR EACH OFFENSE.

**REQUESTED EFFECTIVE DATE OF TEMPORARY OPERATING PERMIT:**

Signature of **SELLER**

(Do not sign until in the presence of the Notary Public)

Signature of **BUYER**

(Do not sign until in the presence of the Notary Public)

Printed Name of **SELLER**

Printed Name of **BUYER**

State of Nebraska, County of \_\_\_\_\_

State of Nebraska, County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this:

The foregoing instrument was acknowledged before me this:

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(date)

By: \_\_\_\_\_  
name of person(s) signing document in front of Notary

By: \_\_\_\_\_  
name of person(s) signing document in front of Notary

**Notary Public Signature**

**Notary Public Signature**

Affix Seal

Affix Seal