

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

NEBRASKA LIQUOR CONTROL COMMISSION
 301 CENTENNIAL MALL SOUTH
 PO BOX 95046
 LINCOLN, NE 68509-5046
 PHONE: (402) 471-2571
 FAX: (402) 471-2814
 website: www.lcc.nebraska.gov

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 If the application is withdrawn by the applicant or is denied by the commission, the previous license may be reinstated at the discretion of the commission upon request by the previous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: _____

BUYER INFO:

License Class & Number: _____

Licensee: _____

DBA: _____

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

- 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).

REQUESTED EFFECTIVE DATE OF TEMPORARY OPERATING PERMIT:

SELLER HEREBY DECLARES THAT THEY **HAVE NO OUTSTANDING BALANCES** 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.

SIGNATURE OF SELLER

DATE

NAME OF SELLER

SIGNATURE OF BUYER

DATE

NAME OF BUYER