

# TEMPORARY OPERATING PERMIT (TOP) PROCEDURE

Application for TOP (Form 125) must be filed with application for liquor license

## **TOP will not be issued if:**

1. The seller is not current on all accounts with any wholesaler
2. The seller has a pending violation with the NLCC
3. The seller owes the Commission payment for a fine or hearing cost
4. If the closing date is more than 2-3 week prior to filing of TOP
5. The business is sold on a land contract
6. Lease – must have sale of business

## **TOP application must include:**

1. Document showing the sale of the business currently licensed
  - a. Purchase agreement or contract
  - b. Management franchise agreement
  - c. Promissory note
  - d. Foreclosure document
2. Document must show closing date of purchase within 2-3 weeks of requesting TOP
  - a. May have a preliminary closing date
3. Sale of business may be included as one of the assets because there is a financial benefit to keep the business open

## **TOP approved**

1. TOP is issued with same class type and license description of seller
2. TOP is emailed to applicant.
3. TOP must be prominently displayed at premises
4. Seller's license will be terminated when TOP is issued
5. No SDL is issued on a TOP

## **TOP denied**

1. If document to sell business has a closing date the old license needs to be terminated on that closing date
2. No alcohol sales during the processing of the new application

## **Reinstatement**

Seller may requires a reinstatement of their liquor license if the sale of the business was not completed. Request must be in writing prior to the expiration date of the TOP and must include document showing repossession of the business and building.

TOP may be cancelled if a wholesaler submits valid proof of delinquent account of seller.

## **Extension**

TOP is valid for 90-days. If the new application is set for hearing the TOP can be extended for one week past the second day of hearings.