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**TITLE 905 ALCOHOL AND TOBACCO
COMMISSION**

Proposed Rule
LSA Document #04-115

DIGEST

Adds 905 IAC 1-48 to establish rules regarding the withdrawal of a consent to transfer a permit after the transfer has been filed with the commission up through and including the local board hearing. Effective 30 days after filing with the secretary of state.

905 IAC 1-48

SECTION 1. 905 IAC 1-48 IS ADDED TO READ AS FOLLOWS:

Rule 48. Withdrawal of Consent to Transfer Permit

905 IAC 1-48-1 Applicability

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-24

Sec. 1. This rule applies to all transfers of permits under IC 7.1-3-24 and 905 IAC 1-17. (*Alcohol and Tobacco Commission; 905 IAC 1-48-1*)

905 IAC 1-48-2 Withdrawal of consent permitted more than 10 days before local board hearing

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-24

Sec. 2. A withdrawal of a consent to transfer a permit is permitted if done in writing and sent to the transferee by registered or certified mail, return receipt requested, not later than ten (10) days before the local board hearing on the transfer application. A permittee wishing to withdraw a consent to transfer under this section shall serve a copy of the withdrawal on the commission by personal delivery or registered or certified mail, return receipt requested, not later than ten (10) days before the local board hearing. (*Alcohol and Tobacco Commission; 905 IAC 1-48-2*)

905 IAC 1-48-3 Withdrawal of consent not permitted less than 10 days before local board hearing

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-24

Sec. 3. A withdrawal of a consent to transfer a permit is not permitted if not in compliance with section 2 of this rule. Where a permittee attempts to withdraw a consent to transfer outside the time limit prescribed in section 2 of this rule, the withdrawal shall be disallowed and a local board shall hear the transfer application on the merits and shall accord the transferor the status of remonstrator. A local board shall not consider contractual disputes between the parties, but shall consider only the provisions of 905 IAC 1-27 or any other statute or rule relating to qualifications of a permittee or the appropriate location of a permit. (*Alcohol and Tobacco Commission; 905 IAC 1-48-3*)

905 IAC 1-48-4 Petition to transfer with withdrawn consent may not be heard by local board

Authority: IC 7.1-2-3-7

Affected: IC 7.1-3-24

Sec. 4. A local board may not hear a petition for transfer of a permit where the consent to transfer has been withdrawn in compliance with section 2 of this rule. (Alcohol and Tobacco Commission; 905 IAC 1-48-4)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on July 26, 2004 at 10:00 a.m., at the Indiana Government Center-South, 302 West Washington Street, Room E114, Indianapolis, Indiana the Alcohol and Tobacco Commission will hold a public hearing on a proposed new rule regarding the withdrawal of a consent to transfer a permit after the transfer has been filed with the commission up through and including the local board hearing. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E114 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Mark C. Webb
Executive Secretary
Alcohol and Tobacco Commission