

# Brewpub Permit Application

Fees	
BTR Fee	\$
Permit Fee	\$ 1,000
Background Check Fees	\$
<b>Total Fees</b>	<b>\$</b>

For DAB Use Only	
Permit #	Date Received

## Part A: Business Information

1. Legal Business Name (individual name if sole proprietorship)			
2. Business Trade Name or DBA			
3. FEIN		4. Wisconsin Seller's Permit Number	
5. State of Organization	6. Date of Organization	7. Wisconsin DFI Registration Number (if applicable)	8. Business Activity (NAICS) Code
9. Business Type ( <i>check one</i> ) <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation <input type="checkbox"/> Nonprofit Organization			
10. If Limited Liability Company, federal income taxes will be filed as a: <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Single member/disregarded entity			
11. Federal Permit Type (Attach Copy)		12. Federal Permit Number	
13. Premises Address			
14. City		15. State	16. Zip Code
17. County	18. Governing Municipality: <input type="checkbox"/> City <input type="checkbox"/> Town <input type="checkbox"/> Village of: _____		19. Premises Phone
20. Premises Email		21. Website	
22. Describe the building or buildings and any outside areas where alcohol beverages are produced, sold, stored, or consumed and related records are kept. Describe all rooms within the building, including living quarters, that will be part of the permitted premises. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary.			
23. Do you rent or own the premises? <input type="checkbox"/> Rent (if rent, complete 23-25) <input type="checkbox"/> Own	24. Landlord Name	25. Landlord Phone	26. Landlord Email
27. Mailing Address (if different from premises address)			
28. City		29. State	30. Zip Code

## Part B: Criminal History

1. Has the business (sole proprietorship, partnership, limited liability company, or corporation) been convicted of violating federal or state laws or local ordinances? Exclude traffic offenses unless related to alcohol beverages. <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe the nature of violation. Attach additional sheets if necessary.		
Law/Ordinance Violated	Location	Trial Date
Penalty Imposed		Was sentence completed? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No
Law/Ordinance Violated	Location	Trial Date
Penalty Imposed		Was sentence completed? . . . . . <input type="checkbox"/> Yes <input type="checkbox"/> No

2. Are charges for any offense pending against the business? Excluding traffic offenses unless related to alcohol beverages .....  Yes  No  
 If yes, describe the nature and status of pending charges in the space below. Attach additional sheets if necessary.

**Part C: Persons Affiliated With Business**

1. Is the applicant business owned by another business entity? .....  Yes  No  
 If yes, provide the name(s) and FEIN(s) of the business entity owners below. Attach additional or ownership sheets if necessary.

Legal Name of Business Entity	Business Entity FEIN

2. Does the applicant business or do any of its partners, officers, directors, members, agent, employees, owners, or other related individuals or entities have any interest in a Wisconsin-permitted or licensed alcohol beverage wholesaler or retailer (other than the licenses issued to the brewpub premises)? .....  Yes  No  
 If yes, provide the name of the individual or entity and describe the nature of the interest.

3. List the name, title and ownership percentage below for each individual or entity holding the following positions in the applicant business listed in Part A. Attach additional sheets if necessary.

- Sole proprietor: individual's name
- Partnership: all partners
- Corporation and nonprofit organization: all officers, directors, and agent\*
- Limited liability company: all members, managers, and agent\*

\*\*Form AB-300, *Personal Questionnaire* and a \$7 background check fee, must be submitted with this application for each individual listed with any of the above roles, including individuals holding these roles for entities listed in Part C, Question 1. Any restricted investor listed in question 2 must also complete AB-300.\*\*

- Also list any stockholders, shareholders, or other owners not otherwise listed

\*Form AB-101, *Appointment of Agent*, must be submitted with this application if the applicant business is a corporation or limited liability company.

Last Name or Entity Name	First Name	Title	Ownership Percentage (must total 100%)

**Part D: Interest Restrictions**

Disregard any alcohol beverage retail licenses held at brewpub premises for questions in Part D.

- 1. Does the applicant hold an alcohol beverage distributor permit or retail license? . . . . .  Yes  No
- 2. Does the applicant serve as an officer, manager, member, director, or agent for an alcohol beverage distributor permittee or retail licensee? . . . . .  Yes  No
- 3. Does the applicant hold an ownership interest of 10% in an alcohol beverage distributor permittee or retail licensee? . . . . .  Yes  No
- 4. Does the applicant hold an ownership interest of 10% or less in an alcohol beverage distributor permittee or retail licensee? If yes, fill out Form AB-104a or AB-104b, *Restricted Investor Affidavit*, and attach this application . . . . .  Yes  No
- 5. Does the applicant hold any other interest in an alcohol beverage distributor permittee or retail licensee? . . .  Yes  No  
Describe the nature of the interest below. Attach additional sheets if necessary.

**Part E: Other Questions**

- 1. Is the applicant a holder or currently in the process of applying for a Class "B" beer license and a restaurant license on the brewpub premises? . . . . .  Yes  No
- 2. Will the applicant and the applicant's brewpub group manufacture 20,000 or fewer barrels of fermented malt beverages in a calendar year? . . . . .  Yes  No
- 3. Will the applicant offer for sale fermented malt beverages brewed by other brewers or brewpubs? . . . . .  Yes  No
- 4. Provide the information requested below for any active or future production agreements the applicant has agreed to. Attach additional sheets if needed.

Legal Name of Other Party	WI Permit Number	Production Address	Agreement Type (Alt Prop, Contract, Licensing)

**Part F: Security Calculation and Payment Method**

- 1. Permit applicants must post security to qualify for this permit. How will the applicant satisfy this requirement? . . . . .  Surety Bond  Check  Cash
  - 2. Will security be satisfied with a new bond or payment included with this application or an existing bond or payment already held by the Division of Alcohol Beverages? . . . . .  New  Existing
- |   |                    |  |
|---|--------------------|--|
| 3. Estimated Monthly Tax Liability (see instructions) | 4. Security Amount | 5. New or Existing Bond Number (if applicable) |
|---|--------------------|--|

**Note:** The amount of security must be twice the applicant's estimated monthly tax liability, but not less than \$1,000 nor more than \$100,000. If new surety bond selected above, attach Form A-133 with the applicant's original wet signature.

**Part G: Contact Person**

Enter the person's information below for whom the division should contact with questions about this application.

1. Last Name	2. First Name	3. Relation to Applicant (owner, employee, legal counsel, etc.)
4. Email		5. Phone
Enter the information for the general contact who will be knowledgeable about the day-to-day activities of the premises (if different than above)		
6. Last Name	7. First Name	8. Relation to Applicant (owner, employee, legal counsel, etc.)
9. Email		10. Phone

**Part H: Attestation**

One of the following must sign and attest to this application:

- sole proprietor
- one general partner of a partnership
- one corporate officer
- one member of an LLC

**READ CAREFULLY BEFORE SIGNING:** Under penalty of law, I have answered each of the above questions completely and truthfully. I agree that I am acting solely on behalf of the applicant business and not on behalf of any other individual or entity seeking the permit. Further, I agree that the rights and responsibilities conferred by the permit(s), if granted, will not be assigned to another individual or entity. I agree to operate this business according to the law. I understand that lack of access to any portion of a premises during inspection will be deemed a refusal to allow inspection. Such refusal is a misdemeanor and grounds for revocation of this permit. I understand that any permit issued contrary to Wis. Stats. Chapter 125 shall be void under penalty of state law. I further understand that I may be prosecuted for submitting false statements and affidavits in connection with this application, and that any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000 if convicted.

Last Name		First Name		M.I.
Title	Email		Phone	
Signature				Date

# Form AB-320 Instructions

## *Brewpub Permit Application*

### Who needs this permit?

Any person, other than a brewer, who manufactures, bottles, or packages fermented malt beverages in Wisconsin needs a brewpub permit. This permit also authorizes selling, shipping, transporting, and delivering, fermented malt beverages in original unopened packages or containers, to wholesalers. See [Fact Sheet 3112](#) on brewpub permits for information on this permit.

### Fee calculation

- The Business Tax Registration fee of \$20 is owed if the applicant has never registered with the Department of Revenue (DOR). No fee is due if the applicant is currently registered.
- The permit fee for this alcohol beverage permit is \$1,000 for a 2-year period.
  - If this 2-year cycle has already started due to an existing permit, a portion of the fee may be prorated and refunded.
- The background check fee is \$7 for each sole proprietor, partner, officer, director, member, manager, and agent.
  - This fee is non-refundable.
  - If submitting multiple alcohol beverage permit applications, pay this fee only once per person.
- Submit all applicable fees above with the permit application documents.

### SPECIFIC INSTRUCTIONS

#### Part A: Business Information

- Question 1: List the legal name of the entity seeking the permit. This should be the entity that will take the actions allowed by the permit.
- Question 2: (Optional)
- Question 3: List the social security number if applicant is an individual person.
- Question 4: (if applicable) an applicant who does not make retail sales of alcohol beverages is not required to hold a seller's permit.
- Question 5: List the state where the applicant is legally organized.
- Question 7: List the [Wisconsin Department of Financial Institutions](#) ID Number if the applicant is registered with DFI.
- Question 8: See this link for a [Business Activity Code](#) lookup.
- Question 11-12: List the type of permit held through the Alcohol Tobacco Tax and Trade Bureau of the IRS.
- Question 13-18: List the street address for the location where the applicant wants the permit to be issued. P.O. boxes are not acceptable.
- Question 19-21: List the contact information DOR should use to contact this specific location, rather than a corporate contact.
- Question 22: Describe the building or buildings and any outside areas where alcohol beverages are produced, sold, stored, or consumed and related records are kept. Describe all rooms within the building, including living quarters. Authorized alcohol beverage activities and storage of records may occur only on the premises described in this application. Attach a map or diagram and additional sheets if necessary.

**Example:** The premises is located at 1234 Main St., Realtown, WI, 12345, and includes only the 3-barrel production facility, canning line, first-floor tasting room, dining room, kitchen, north storage room, and south office of the 10,000 square foot building.
- Questions 24-26: Complete these fields if the applicant rents the premises from another property owner.
- Questions 27-30: (Optional) If mail should be delivered to an address other than the premises address, list that address here. P.O. boxes are acceptable.

## Part B: Criminal History Questions

- Charges and convictions, including felony convictions, are not automatic disqualifiers to alcohol beverage permitting. Provide as much information as possible about any conviction or charge listed.

**Note:** Subject to the Wisconsin Fair Employment Law (Ch. 111, Wis. Stats.), persons with convictions or pending charges may, if those offenses are sufficiently relevant, be prohibited from holding alcohol beverage license and permits under sec. 125.04(5)(a)(1), Wis. Stats. See the Department of Revenue's [Permit Predetermination Common Questions](#) for offenses that may prevent someone from holding a permit.

## Part C: Persons Affiliated With Business

- Question 1: Describe if the applicant entity is owned, in whole or in part, by another entity that is not an individual person, such as an LLC or corporation. Attach an ownership tree if there are multiple ownership layers to describe.
- Question 2: Other related entities include managers and supervisors who are involved in day-to-day operations of the business.
- Question 3: Examples for title field include sole proprietor, partner, president, CEO, LLC member, etc.

## Part D: Interest Restriction Questions

- Question 1: Indicate if the applicant has any distributor permit (wholesaler permits issued by DAB) or retail license (bars, convenience stores, grocery stores).
- Question 4: See DAB's website for additional forms, including AB-104a or AB-104b.

## Part E: Other Questions

- Question 1: A Class "B" beer license is needed to qualify for a brewpub permit.
- Question 3: Brewpub permits may be issued to other legal entities while still being in the same brewpub group.
- Question 4: Provide information on any production agreements that are currently active or will be executed in the future.
  - List the legal name and WI permit number for the other party in the applicant's agreement. Out-of-state parties may not have a WI permit number.
  - Provide the physical address where the alcohol beverages produced under this agreement will be made. This may be more than one location

## Part F: Security Calculation and Payment Method

- Question 1: All applicants for this permit type must post security in order to qualify. Choose 1 of the 3 methods listed to satisfy this requirement.
- Question 2: If the applicant already has an alcohol beverage permit of the same tax type as this application (fermented malt beverages vs. intoxicating liquor) that security could be used to satisfy the security requirement of this application. If the applicant does not already have security posted with the division, new security is needed.
- Question 3: Estimate the applicant's monthly tax liability by estimating taxable volume and multiplying it by the applicable tax rate(s) below:

There is a \$2.00 occupational tax on every 31-gallon barrel. [sec. 139.02(1), Wis. Stats.]

**Eligible producer tax credit** - Brewers who produces less than 300,000 barrels of fermented malt beverage per year, are eligible for a tax credit of \$1.00 on every barrel for the first 50,000 barrels subject to Wisconsin fermented malt beverage tax [sec.139.02(2), Wis. Stats.]. To determine a brewer's total production, combine all the brands and labels from all production facilities regardless of where the facilities are located.

- Question 4: The amount of security must be twice the applicant's estimated monthly tax liability, but not less than \$1,000 nor more than \$100,000.

**Example:** If the estimated monthly tax liability is \$200, enter \$1,000 because twice the estimated monthly liability is less than the minimum of \$1,000 ( $\$200 \times 2 = \$400 < \$1,000$ ).

- Question 5: If surety bond is selected in question 1, list the bond number provided by the insurance carrier.

### **Part G: Contact Person**

- Provide contact information for the person the division should contact with questions on this permit application. This could be an owner, employee, attorney, or other representative.

### **Part H: Attestation**

- Read the attestation carefully, then sign and date.

### **Additional Forms and Documents**

Submit the following forms or documents with this permit application.

- Form AB-300, *Personal Questionnaire*
- Form AB-101, *Appointment of Agent*
- [Form A-133](#): Surety Bond if supplying a bond
- [Form A-222](#), Power of Attorney if the applicant is appointing a power of attorney
- The applicant's federal permit from the U.S. Department of Treasury TTB

### **Submission**

Mail this form, along with all required forms, documents, and payments to the address below:

Wisconsin Department of Revenue  
Division of Alcohol Beverages  
PO Box 8934  
Madison WI 53708-8934

Applications may be shipped expedited/overnighted to the following physical address:

Wisconsin Department of Revenue  
Division of Alcohol Beverages  
2135 Rimrock Rd  
Madison WI 53708  
MS 5-DAB

### **Assistance**

This form is designed by the Division of Alcohol Beverages. If you require assistance with this form, or if you have questions about alcohol beverage laws and regulations, you may contact the Division of Alcohol Beverages using the contact information below:

**Website:** [DOR Alcohol Beverage \(wi.gov\)](http://DORAlcoholBeverage.wi.gov)

**Write:** [DORAlcoholPermits@wisconsin.gov](mailto:DORAlcoholPermits@wisconsin.gov)

**Call:** (608) 266-2526