

Question #1: Are the Irrevocable Letter of Credit or the Bid Surety Bond related to and the Deferred Payment Financing Option (“DPFO”)?

Answer: The 25% amount of a bid in the form of a letter of credit or the bid surety bond merely secures a bidder’s bid. If a bidder would fail to pay the bid amount then the WVABCA would seek to obtain the amount from either the bank providing the letter of credit or the bond company providing the bid surety bond. This amount has nothing to do with the DPFO.

Question #2: Instead of providing an Irrevocable Letter of Credit or a Bid Surety Bond for 25% amount of a bid, may a bidder provide a cashier’s check or money order? How would this effect the DPFO?

Answer: The West Virginia Code §60-3A-10 requires a 25% irrevocable letter of credit or bid surety bond, and there is the ability for the WVABCA to accept a cashier’s check or money order for an amount equal to 25% of the bidder’s bid or when electing the Purchase Option the amount would be 25% of the Purchase Option Amount.

With respect to the DPFO, an active retail licensee must submit the Purchase Option Packet, indicate that it would like to be considered for the DPFO and then submit a DPFO Credit Application. If the active retail licensee is approved to receive the DPFO then 50% of the Purchase Option Amount is due as a down payment on or before March 17, 2010. **Therefore**, if an active retail license elects the Purchase Option, applies for the DPFO, meets all requirements and is approved for the DPFO and previously submitted 25% of the Purchase Option Amount in the form of a cashier’s check or money order as the security for his bid or Purchase Option, then the additional 25% would be due or before March 17, 2010. (See also the **DPFO Q & A** in the Purchase Option Packet).

Question #3: On the Release of Information and Waiver of Confidentiality of Records form - What is the proper name and or names to be placed on that form?

Answer: **On the 1st page** of the Release of Information and Waiver of Confidentiality of Records form, the form states that the Applicant/Entity Name should be listed and also the Entity’s dba Name should be listed if a business entity. If you are a sole proprietorship with an individual who is the owner then the individual’s name should be listed.

On the 2nd page, the Name of Taxpayer should be the entity or sole proprietorship’s name. Also on the 2nd page, for #1 the information must be released to the WVABCA as the licensing agency and our address is 322 70th Street, S.E., Charleston, WV 25304-2900. Further the effective period of this waiver should be June 30, 2020. Check all applicable boxes.

Question #4: May a Class A licensee sell gasoline?

Answer: See P.O. Packet definition of Class A License and alcohol-related products, the Class A License Facts and Requirements and the FAQs, **gasoline is not included** in the definition of alcohol-related products.

Question #5: Does the required square footage include the area occupied by such fixtures as a cooler? Example, if a store has a 10' x 10' beer & wine cave would that be counted as part of the 750 sq. ft. requirement for a Class A license?

Answer: See P.O. Packet, Definitions, the Class A License Facts and Requirements and the FAQs - Must have a minimum of **750** square feet of **retail floor space**, as measured by the Commissioner, devoted to the **retail sale of West Virginia product, wine and non-intoxicating beer**.

Question #6: For a Class A license, if I have a building that is 30 feet x 25 feet (750 sq. ft.) would it qualify once I installed a walk in cooler and included my sales counters as long as it can maintain a displayed inventory of at least four (4) brands of each West Virginia product?

Answer: In your example, No. See P.O. Packet, Definitions, the Class A License Facts and Requirements and the FAQs – Must have a minimum of **750 square feet of retail floor space**, as measured by the Commissioner, devoted to the **retail sale of West Virginia product, wine and non-intoxicating beer**. - Must maintain a **displayed inventory** of at least four (4) brands of each West Virginia product and sufficient quantities of **displayed inventory** and **inventory** to service consumer demands.

Question #7: Can we provide a separate entrance and wall off between the liquor side of a store and the convenience side of the same store so there is no direct access between the two for customers but provide an employee access so they can move back and forth between the two businesses as needed to work on either side depending on which store is busier?

Answer: No. See P.O. Packet, Definitions, the Class A License Facts and Requirements and the FAQs - **Must not have direct access to another business and must be separate and apart from other businesses**.

Question #8: Is there a more complete listing of the permitted “alcohol-related products” than is currently posted on “Other Key Definitions”? Would salty snacks, potato chips, candy and gum items be permitted for example?

Answer: No additional list of alcohol related products. Salty snacks, potato chips, candy and gum are **not** currently permitted in a Class A license. See P.O. Packet, Definitions, the Class A License Facts and Requirements and the FAQs – **See also 175 CSR 5 §2.6**.