

CHAPTER 12
FORMS

[Prior to 10/8/86, Beer and Liquor Control Department[150]]

185—12.1(123,17A) Purpose and scope. These rules shall govern all forms prescribed by the alcoholic beverages commission for use in proceedings before the division. The division may allow different forms to be utilized in a specific case as necessary.

12.1(1) Forms compliance. All papers filed with the division shall substantially comply with the requirements set forth in this chapter.

12.1(2) General requirements. All papers, except exhibits, shall be cut or folded so as not to exceed 8 1/2 inches by 11 inches in size with inside margins not less than 1 inch in width. Whenever practical, all exhibits of a documentary character should conform to the foregoing requirements of size and margin.

This rule is intended to implement Iowa Code section 123.21.

185—12.2(123,17A) Specific forms.

12.2(1) Petition for rule making. Rescinded IAB 5/19/99, effective 6/23/99.

12.2(2) Statement of position. Rescinded IAB 5/19/99, effective 6/23/99.

12.2(3) Counterstatement of position. Rescinded IAB 5/19/99, effective 6/23/99.

12.2(4) Request for rule-making oral presentation. Rescinded IAB 5/19/99, effective 6/23/99.

12.2(5) Request for rule-making statement. Rescinded IAB 5/19/99, effective 6/23/99.

12.2(6) Petition for declaratory ruling. Rescinded IAB 5/19/99, effective 6/23/99.

12.2(7) Retail bond.

ALCOHOLIC BEVERAGES DIVISION
1918 S.E. Hulsizer, Ankeny, Iowa 50021

BOND FOR RETAIL: LIQUOR LICENSES, BEER PERMITS, OR WINE PERMITS

Bond No. _____

KNOW ALL BY THESE PRESENTS THAT _____

(Principal)

of, _____ County,

(City and/or County)

State of Iowa, as Principal and _____

(Surety)

of _____,

(City and State)

as Surety, are held firmly bound unto the State of Iowa in the penal sum of \$ _____ lawful money of the United States, for the payment of which, in Des Moines, Polk County, Iowa, we bind ourselves, our successors and our legal representatives jointly and severally firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas, the Principal has made application for:

- Class ___ Liquor License; Class ___ Wine Permit;
Class ___ Beer Permit; Special Class C Liquor License (Beer and Wine only);

to be issued by the Alcoholic Beverages Division.

NOW THEREFORE, if the Principal shall pay the amount Principal owes the division for writing the division insufficient funds checks for alcoholic beverages and wine as allowed by Iowa Code section 123.24, and shall faithfully observe and obey all other provisions of Iowa Code chapter 123, any amendments thereto, and the division's administrative rules, then this obligation to be void, otherwise to be and remain in full force and effect.

THIS BOND shall be effective on _____, 20____, and shall remain effective continuously without cumulative liability until canceled. This bond may be canceled by the principal or the surety by giving written notice to the other party and the Alcoholic Beverages Division at its office in Ankeny, Iowa, stating the date of cancellation, which in no event shall be less than thirty days after actual receipt of notice; however, no cancellation shall be effective as to forfeiture in the event proceedings for the revocation of the principal’s liquor control license or beer permit have been or are commenced prior to the effective date of cancellation.

The Alcoholic Beverages Division by acceptance of this replacement bond gives notice to the Surety canceling prior bond(s) No.(s) _____, termination to be effective as of the time this bond becomes effective.

Signed this _____ day of _____, 20_____.

Countersigned _____
(Iowa Resident Agent)

(Principal)

(Principal)

(Surety)

By: _____
(Attorney-in-Fact)

12.2(8) Bond for three wholesalers' permits.

ALCOHOLIC BEVERAGES DIVISION
1918 S.E. Hulsizer, Ankeny, Iowa 50021
Bond No. _____

The bond being issued is a:

- Class “A” beer permit (beer wholesale only)
- Class “A” wine permit (wine wholesale only)
- Class “F” beer permit (beer and wine wholesale)

KNOW ALL BY THESE PRESENTS THAT _____
(Principal)

of, _____ County,
(City and/or County)

State of Iowa, as Principal, and _____
(Surety)

of _____,
(City and State)

as Surety, are firmly bound unto the State of Iowa in the penal sum of:

FIVE THOUSAND AND NO/100 DOLLARS if issued for a CLASS “A” BEER PERMIT (beer wholesale only) or for a CLASS “A” WINE PERMIT (wine wholesale only)

OR

TEN THOUSAND AND NO/100 DOLLARS if issued for a CLASS “F” BEER PERMIT (beer and wine wholesale)

lawful money of the United States, for the payment of which we bind ourselves, our successors and our legal representatives jointly and severally firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas, the Principal has made application for either a class “A” beer permit, class “A” wine permit, or a class “F” beer permit to be issued by the Alcoholic Beverages Division.

NOW THEREFORE, if the Principal shall faithfully observe and obey all of the provisions of Iowa Code chapter 123, any amendments thereto, and the division's administrative rules, then this obligation to be void, otherwise to be and remain in full force and effect.

THE SURETY on the bond of any permittee whose permit has been issued by the Alcoholic Beverages Division may at any time notify the Principal and the Alcoholic Beverages Division that the surety desires after a date named, which shall be at least thirty days after the receipt of notification, to be relieved of liability on the bond, shall be terminated and canceled on the date specified, unless supported by other sufficient bond, or bonds, and the Surety shall be relieved of all future liability after the date specified in the notice of cancellation.

THIS BOND shall be effective on _____, 20____, and shall remain effective continuously without cumulative liability until canceled.

SIGNED THIS _____ DAY OF _____, 20_____.

(Principal)

(Surety)

12.2(9) Surety change rider:

Surety Change Rider

It is hereby understood and agreed that Bond Number _____, issued by _____ to _____, effective _____
(Surety Company) (Principal)

_____ is amended as follows:

(Effective date of bond)

Class of license is changed from _____ to _____

Amount of Bond is changed from _____ to _____

Provided, however, that the bond shall be subject to all its agreements, limitations and conditions except as herein expressly modified, and further that this bond and all riders attached thereto, including this rider, shall not be cumulative, and when loss shall occur under this bond during a time within which the penalty of the bond shall vary, then the aggregate liability of the Surety shall in no event exceed the largest penalty of this bond in force during the period of time within which such loss shall occur under this bond.

This rider shall become effective as of the _____ day of _____, 20_____.

Signed, sealed, and dated this _____ day of _____, 20_____.

Principal

Surety Company

Countersigned

By: _____
Resident Agent

By: _____
Attorney-in-fact

12.2(10) Bond for manufacturer's license in Iowa Code section 123.41.

ALCOHOLIC BEVERAGES DIVISION
MANUFACTURER'S LICENSE BOND

KNOW ALL BY THESE PRESENTS:

That we, the _____ of _____, Iowa, as Principal and _____ of _____, as surety, are held and firmly bound unto the STATE OF IOWA, and the ALCOHOLIC BEVERAGES DIVISION and each of them jointly, or severally, in the penal sum of FIVE THOUSAND DOLLARS (\$5,000.00) for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly, severally by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT,

WHEREAS, the said _____ of _____ has made application under Iowa Code section 123.41 for a Manufacturer's license allowing the manufacture, storage and wholesale disposition and sale of alcoholic liquor to the Alcoholic Beverages Division and to customers outside of the state.

Now, therefore, if licensee shall faithfully and fully abide by and keep and perform each and every provision of Iowa Code chapter 123, so far as it applies to the licensee during the period for which license shall be granted, then this bond shall be of no further force or effect; otherwise, it shall remain in full force and effect and the penalty shall become payable to Alcoholic Beverages Division at Ankeny, Iowa, upon demand and equity jurisdiction is hereby consented to for the enforcement hereof.

Second, to fix and determine liability of both the principal and surety upon this bond for the full amount it shall be necessary only to prove by a fair preponderance of the evidence that licensee has violated one or more of the rules and regulations adopted by the Alcoholic Beverages Division and in force when such act or acts shall have been committed.

Third, it is specifically conditioned by the surety that it may, at anytime, on giving of sixty (60) days' notice in writing to the Alcoholic Beverages Division of a desire to be relieved from further responsibility under this bond, terminate its further responsibility for any act committed by the principal subsequent to sixty (60) days from the receipt of notice by the Alcoholic Beverages Division.

Executed this _____ day of _____, 20____, at _____.
This bond shall be effective for a one (1) year term beginning _____, 20____, and expiring _____, 20____.

(Principal)

BY: _____

SURETY _____

BY: _____

12.2(11) Bond for wholesaler's license in Iowa Code section 123.42.

ALCOHOLIC BEVERAGES DIVISION
WHOLESALER'S LICENSE BOND

KNOW BY ALL THESE PRESENTS:

That we, the _____ of _____, Iowa, as Principal and _____ of _____ as surety, are held and firmly bound unto the STATE OF IOWA, and the ALCOHOLIC BEVERAGES DIVISION and each of them jointly, or severally, in the penal sum of ONE THOUSAND DOLLARS (\$1,000.00) for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly, severally by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT,

WHEREAS, the said _____ of _____ has made application under Iowa Code section 123.42 for a Wholesaler’s license allowing the storage and wholesale disposition and sale of alcoholic liquor to the Alcoholic Beverages Division and to customers outside of the state.

Now, therefore, if licensee shall faithfully and fully abide by and keep and perform each and every provision of Iowa Code chapter 123, so far as it applies to the licensee during the period for which license shall be granted, then this bond shall be of no further force or effect; otherwise, it shall remain in full force and effect and the penalty shall become payable to Alcoholic Beverages Division at Ankeny, Iowa, upon demand and equity jurisdiction is hereby consented to for the enforcement hereof.

Second, to fix and determine liability of both the principal and surety upon this bond for the full amount it shall be necessary only to prove by a fair preponderance of the evidence that licensee has violated one or more of the rules and regulations adopted by the Alcoholic Beverages Division and in force when such act or acts shall have been committed.

Third, it is specifically conditioned by the surety that it may, at any time, on giving of sixty (60) days’ notice in writing to the Alcoholic Beverages Division of a desire to be relieved from further responsibility under this bond, terminate its further responsibility for any act committed by the principal subsequent to sixty (60) days from the receipt of notice by the Alcoholic Beverages Division.

Executed this _____ day of _____, 20____, at _____.
This bond shall be effective for a one (1) year term beginning _____, 20____, and expiring _____, 20____.

(Principal)

BY: _____

SURETY _____

BY: _____

12.2(12) Certification of dramshop liability.

License/Permit # _____

STATE OF IOWA
IOWA DEPARTMENT OF COMMERCE
ALCOHOLIC BEVERAGES DIVISION

DRAMSHOP LIABILITY CERTIFICATE OF INSURANCE

LIQUOR CONTROL LICENSE AND CLASS “B” BEER PERMIT

Filed with

IOWA DEPARTMENT OF COMMERCE
ALCOHOLIC BEVERAGES DIVISION
1918 S.E. Hulsizer Road
Ankeny, Iowa 50021

(Execute in Duplicate)

THIS IS TO CERTIFY THAT _____
(Name of Company)

(hereinafter called Company), of _____
(Home address of company)

is issued the following policy:

Policy number: _____

Assured: _____

Location: _____

Effective Dates: _____ through _____

The above-mentioned policy of insurance (hereinafter policy) contains coverage to comply with the provisions of Iowa Code section 123.92 and all rules of the Iowa Department of Commerce, Alcoholic Beverages Division.

The policy may be canceled by the Company of the Assured giving **30 days' notice** in writing to the Alcoholic Beverages Division at its office, Ankeny, Iowa. The 30 days' notice will commence from the date notice is actually received by the division.

Whenever requested by the division, the company agrees to furnish to the division a duplicate original of the policy and all pertinent endorsements.

Dated this day of _____, _____.

Company Contact Person

Authorized Company Representative

Address

Contact Telephone #

Fax #

This document is an open record. Information contained in this document may be disclosed without prior notice to or permission from the subject. See Iowa Code chapters 22 and 123; see also 185 IAC 18.

12.2(13) Hearing complaint.

STATE OF IOWA
BEFORE THE ALCOHOLIC BEVERAGES DIVISION
1918 S.E. Hulsizer
Ankeny, Iowa 50021

IN RE: _____) Date _____, 20____
(insert the name of the)
licensee, trade name of the)
establishment and address))
) HEARING COMPLAINT

Liquor Control License no. _____)
 Beer Permit no. _____)
 _____)

Complaint is hereby made that on _____,
 at _____, Iowa, the above named licensee/permittee did, or by an agent,
 clerk, or employee, violate section _____ of the Code of Iowa, or violate rule
 no. _____ of the Alcoholic Beverages Division.

TO WIT:

(insert the code or rule violation)

WHEREFORE, it is requested that the administrator of the Alcoholic Beverages Division hear the
 proceeding in accordance with the law and regulations.

Complainant Authority

By _____

List of Witnesses;

(insert names and addresses of witnesses)

12.2(14) Appeal to hearing board. Rescinded IAB 8/18/93, effective 7/29/93.

These rules are intended to implement Iowa Code sections 123.21(4), 123.21(12), 123.30, 123.41,
 123.42, 123.125 and 123.127.

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¹ Effective date of 12.2(7) delayed seventy days by the Administrative Rules Review Committee on 6/11/85.