



Ohio Administrative Code

Rule 4301:1-1-78 Auctions by qualifying permit holders.

Effective: August 31, 2016

This rule is adopted pursuant to the provisions of sections 4301.041, 4301.042, 4301.13, and 4303.202 of the Revised Code to regulate the manner of dealing in and distributing and selling beer, wine, or mixed beverages within the state, and pursuant to the provisions of division (C) of section 4301.58 of the Revised Code to provide consent to certain purchases.

A qualifying holder of an F-2 permit may sell beer, wine, or mixed beverages in its original container by auction at not more than one qualifying event during any calendar year. Beer, wine, or mixed beverages sold by auction at such qualifying event may be obtained by the qualifying holder of an F-2 permit either by purchasing it from a manufacturer or wholesale distributor authorized to sell such products or by donation from any person who is not a holder of a permit issued by the division of liquor control.

For purposes of this rule, "qualifying holder" means a person otherwise entitled to hold an F-2 permit that is a charitable organization and that has received from the internal revenue service a determination letter that is currently in effect stating that the organization is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code.

For purposes of this rule, "qualifying event" means an event, held for a period of not more than twenty-four hours, conducted by a qualifying holder on its permit premises and on a day for which a permit is otherwise properly issued, from which all the net money, proceeds, or assets are received and used by such qualifying holder.
