Department of Commerce
Division of Liquor Control

Division Use Only	
Check #: _____ # of Checks: _____ Check Amt: _____	Permit #

ECONOMIC DEVELOPMENT TRANSFER FORM (TREX)

Ohio Revised Code 4303.29(B)(2)(b)

READ BEFORE YOU START THIS APPLICATION

Certain permits in Ohio are subject to a quota based upon a formula that factors in the total population of the city, village, or township where the permit will be issued and a ratio, specific to particular permit classes, as set forth in Ohio law (Learn more in our Quota Resource Guide). When transferring a specific quota permit (i.e., D-1, D-2, etc.) that will move locations to a NEW city, village, or township from where it is currently issued, there must be available spots in that new quota before the Division can process the transfer. If, for a particular quota permit class, there are **NO** spots available in the new quota, then the applicant has a few choices as discussed in our TREX Resource Guide. This form covers the specific permit classes that can be TREX'd under the Ohio law provision noted at the top of this application. A few things to understand before proceeding with the TREX option are that:

- The Division can **ONLY** process the TREX transfer application if the city, village, or township where the permit will transfer to APPROVES the transfer as an economic development project. The city, village, or township can document its approval by signing our form below in Section E.
- ONLY after we receive this completed form with the transfer application will the Division Superintendent review it for processing.
- The city, village, or township, despite approving the TREX transfer can still object to the issuance of your permit at the applied for location and the applicant must still be WET (Review our Local Option Election Guide for more information) for the requested sales at that address and meet all other rules and regulations before the permit(s) can be issued at that new location.

For this form to be deemed complete, you must fully and legibly complete this application, including:

- Answering all required questions ("*" indicates a required field);
- Submitting this application with your Transfer Application; **and**
- Securing signatures from the appropriate local government officials listed below.

SECTION A – Issued Permit Holder Information (i.e. Seller) * *This section **MUST** be completed.*	
* Issued Permit Holder's Business Name as on File with the Division:	* Issued Permit Holder #:

SECTION B – New Business Owner's Information (i.e., Buyer) ☐ N/A-Seller **REMAINS** the owner and is **ONLY** moving locations. * ***ONLY** fill out this section if the **ownership and location** is changing.*
* Business Entity or Sole Proprietor Name ("Applicant") (**MUST** match name listed on transfer application):

Section C – New Permit Premises Address Information * *This section **MUST** be completed.*		
* New Permit Premises Address:		
* New Township (if outside city limits):	* New City:	* New County:

SECTION D – Transferred Permits subject to TREX

* *This section identifies the permit classes that are being transferred into a **NEW** city, village, or township, consistent with the Transfer Application, that **REQUIRE** TREX sign-off from the local government official that signed below.*

* Select the Permit Type(s) being transferred that need to be TREX'd:

☐ C-1 ☐ C-2 ☐ D-1 ☐ D-2 ☐ D-3 ☐ D-5

***** Note – there may be other permit types, like a C-2X, D-3A, or D-6, that are also part of your transfer that are not listed above. Your complete transfer listing needs to be identified on your transfer application (DLC 4120) that you must send with this signed TREX form.

Remember this form is ONLY for those permit classes that are subject to the quota and would require TREX sign-off because there are no permits available for the given class in the NEW locality when the transfer is filed. For example, you can be transferring a D-1, D-2, D-3 permit from City A to City B. In City B, there are D-1 and D-3 permits available, but no D-2 permits. In this situation, the only permit class that would REQUIRE TREX sign-off is the D-2.

Section E – Information that MAY be Used to Determine if the Transfer is an Economic Development Project

R.C. 4303.29(B)(2)(b)(ii) lists several factors the local legislative authority (City, Village or Township) can use when determining if it should approve this transfer as an Economic Development Project. While the law provides broad discretion to the legislative authority when making this decision, **SOME** factors that may be useful to the legislative authority in making its decision, include the:

- Total amount invested in this project: $ _____
- Total number of jobs that will be created by this project: _____
- Existing or estimated Tax Revenue generated by this project:
  - Ohio Unemployment Tax $_____
  - Property Tax $_____
  - Sales Tax $_____
  - State Withholding Tax $_____
  - Other: _____ $_____

You may also be asked to provide a projected earnings statement (brand new business), or a profit and loss statement (existing business), or a copy of building plans/drawings outlining any construction plans.

Section F – Applicant Signature

* This section **MUST** be signed by either the applicant in:
  - *Section A if the seller **REMAINS** the owner of the permit and is **ONLY** moving the permit address to a **NEW** city, village, or township from where it is currently issued;* **OR**
  - *Section B if the ownership of the permit is changing **AND** the new permit address will be in a **NEW** city, village, or township from where the permit is currently issued.*

By signing below, I certify and understand that:

- I have authority to execute this document;
- The information provided is true, correct, and complete to the best of my knowledge and belief;
- Failing to complete this form, consistent with the above listed instructions, will result in this form and/or transfer application being returned to me, unprocessed, until a corrected, complete application is received by the Division;
- During the review of this form and/or my transfer application, further documentation may be needed, and I agree to comply timely and understand that failure to comply could delay the processing of my application;
- Even if the city, township, or village approves my TREX transfer application, the Division MUST still notify the applicable legislative authority about your transfer application and that legislative authority has the right to object to the issuance of the permit even for those permit classes that it approved as part of this TREX process; AND
- If this TREX form is required, the Division CANNOT process the transfer application until it is submitted with this completed (in its entirety) and signed form.

_____

(Signature of Individual, Partner, Officer, Managing Member, or 5% or more Shareholder or Member)

(Please Print Name)	(Title)	(Date)

(Street Address, City, State, Zip Code)	(Telephone with Area Code)

SECTION G – NEW City, Village, or Township Signature

* This section MUST be completed by the City, Village or Township in which this Economic Development Project (TREX) will be located. Legislative officials who can sign this section are, as applicable, the/a:

- Mayor,
- City Council Member,
- Law Director,
- Clerk of Council,
- Township Fiscal Officer,
- County or Township Trustee Board Member; or
- Other legislative office holder not specified with the authority to act on behalf of the applicable jurisdiction where the permit will be located.

THE APPLICANT MUST PROVIDE AN EXECUTED COPY OF THIS FORM WITH ITS TRANSFER APPLICATION.

The City, Village or Township of _____ has considered the above-named applicant's TREX application consistent with the factors outlined in R.C. 4303.29(B)(2)(b) and hereby agrees and accepts that this transfer will be an economic development project within its jurisdiction.

By signing this form, I, the city, village, or township official listed below, acknowledges and understands that:

- I have the authority on behalf of my local government to sign this form;
- My signature, on behalf of my jurisdiction, means the Division can continue to process the applicant's transfer application for the applicable TREX'd permit classes;
- The city, village, or township will still be notified about the potential issuance of this permit and that it retains the right to object to this transfer for any and all permit classes applied for by the applicant;
- Once the applied for permit classes are transferred to the applicant within the city's, village's, or township's jurisdiction, the permit can then be transferred to other owners at the same location or to other locations within the city, village, or township by either the current or future owners subject to notice and hearing provisions under R.C. 4303.26;
- The TREX process ONLY contemplates the Division's ability to start processing the applicant's transfer application for the affected permit classes, the applicant MUST still meet any rules and regulations before the permit can be issued and the new location must also be wet for the type of permit classes that the applicant seeks to operate at the new location; and
- It is within the city, village, or township's sole discretion, consistent with Ohio law, to decide whether to approve the applicant's TREX application as an economic development project.

_____
(Signature of Local Official specified above)

_____ _____ _____
(Please Print Name) (Title) (Date)

_____ _____
(Government Email Address) (Telephone with Area Code)

Applicant MUST submit the transfer application, this TREX form, and any other required forms to:
Ohio Department of Commerce – Division of Liquor Control
c/o Licensing New & Transfer Section
6606 Tussing Road
Reynoldsburg, OH 43068-9005

For Questions call (614) 644-3155
Or email fileinquiry@com.ohio.gov

Office Hours: 8:00 a.m. - 5:00 p.m. EST