

## **4301:1-1-16 Closing authority.**

If a permit holder is unable to operate or desires to discontinue the operation of the permit business for a period in excess of thirty days, the permit holder, a majority of the officers, partners, shareholders, or managing members shall notify the division, by affidavit, giving the reason for the request, specifying the last date of operation of the business, and indicating the period of time the permit holder wishes to remain closed. When the permit holder discontinues operation in excess of thirty days it must be for a bona fide reason. The permit holder must also be a bona fide operator. "Bona fide" operator means substantial service, as distinguished from incidental, sporadic, or infrequent service. No closing authority shall extend beyond one hundred eighty days from the last date of operation of the business, except for good cause. During the period of closing authority, the permit premises shall not be used for any other purpose. At the end of the closing authority period, the permit holder shall resume operation. If the permit holder is unable or unwilling to resume operation and no extension of closing authority has been granted, the division shall not renew the permit. Noncompliance with the above provisions shall be grounds for suspension, revocation, or rejection of the permit.

If the division determines the permit business has been closed in excess of thirty days and the permit holder has not notified the division of the closing within thirty days of the last date of operation of the business, the division shall issue a citation to the permit holder for failure to exercise permit privileges and for being closed more than thirty days without the consent of the division.

This rule is only applicable to a permit holder who has operated its permit business for at least six months, unless the permit holder can show a mental illness, physical disability or other just cause necessitating closure of the permit business prior to six months of operation.

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