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IDAHO STATE LIQUOR DISPENSARY

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**IDAPA 15
TITLE 10
Chapter 01**

OFFICE OF THE GOVERNOR

IDAHO STATE LIQUOR DISPENSARY

15.10.01 - RULES OF THE IDAHO STATE LIQUOR DISPENSARY

000. LEGAL AUTHORITY.

These Rules are adopted by the Superintendent of the Idaho State Liquor Dispensary pursuant to Section 23-206(b), Idaho Code and are written in accordance with Article III, Sections 24 and 26, Idaho Constitution; and the Idaho Administrative Procedures Act. These rules relate to the sale of packaged liquor defined in IDAPA 15.10.01, "Rules of the Idaho State Liquor Dispensary," Subsection 004.09. (3-20-97)

001. TITLE AND SCOPE.

The title of this chapter is: "Rules of the Idaho State Liquor Dispensary," Office of the Governor. These rules are intended to provide guidance to persons doing business with the Idaho State Liquor Dispensary. Promulgation of new rules and revision of existing rules will be a continual process in accordance with the Idaho Administrative Procedures Act. (3-20-97)

002. WRITTEN INTERPRETATIONS.

Written interpretation on the Rules of the Idaho State Liquor Dispensary, or any portion thereof, may be requested in writing from the Superintendent. (3-20-97)

003. ADMINISTRATIVE APPEALS.

Any administrative appeals process not specifically covered in the Rules of the Idaho State Liquor Dispensary shall be processed in accordance with the IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General". (3-20-97)

004. DEFINITIONS.

The following terms, whenever used in these rules, shall have the meanings ascribed thereto, unless the context in which they are used clearly requires otherwise. (3-20-97)

01. Bailment. A system of storing supplier-owned inventory in state-operated warehouses. The control authority holds the liquor in trust until stock is needed at retail. (3-20-97)

02 Central Office. The main business office and warehouse of the Idaho State Liquor Dispensary. (3-20-97)

03. Close Relative. A person related by blood or marriage within the second degree of kinship. (3-20-97)

04 Contract Store. Distributing stations, as defined in IDAPA 15.10.01, "Rules of the Idaho State Liquor Dispensary," Subsection 004.08, whose liquor inventory is owned by the state under a contractual agreement. (3-20-97)

05. Delisting. The removal of liquor from the Dispensary's product line. (3-20-97)

06. Dispensary. The Idaho State Liquor Dispensary. (3-20-97)

07. Distressed Liquor. Liquor which is not in its original state of packaging. (3-20-97)

08. Distributing Station. A privately owned business that sells liquor. It operates under a contractual agreement with the Dispensary pursuant to Title 23, Chapter 3, Idaho Code. Distributing stations may also be termed contract stores or private stores. (3-20-97)

- 09. Liquor.** Liquor controlled by the Dispensary shall have the definition ascribed to it by Section 23-105, Idaho Code, excluding certain beers as defined in Section 23-1002, Idaho Code and certain wines as defined in Section 23-1303, Idaho Code. (3-20-97)
- 10. Liquor Industry Representative.** An individual, company, or entity authorized to represent a vendor in the state of Idaho. This may be a broker, firm or an employee of a vendor. (3-20-97)
- 11. Licensee.** Person authorized to sell beer or wine by the drink or by the bottle, liquor by the drink, or any combination thereof. (3-20-97)
- 12. Listing (Listed).** Liquor that is carried or approved to be carried in the Dispensary's product line. (3-20-97)
- 13. Political Office.** A public office for which partisan politics is a basis for nomination, election, or appointment. (3-20-97)
- 14. Price Quotation.** Written verification of detailed product information submitted to the Dispensary by vendors. (3-20-97)
- 15. Private Store.** Distributing station whose inventory is owned by the station's Special Distributor. (3-20-97)
- 16. Product Line.** Liquor which is kept in continual inventory and sold by the Dispensary. (3-20-97)
- 17. Promotional Samples.** Liquor furnished by the liquor industry to local representatives for the purpose of promoting the product which must be attached to another liquor product in the liquor store as a value added promotion. (3-20-97)
- 18. Retail Store.** Any state store or distributing station. (3-20-97)
- 19. Samples.** Liquor furnished by the liquor industry to local representatives for the purpose of promoting the product. (3-20-97)
- 20. Shortage.** Any amount of cash or liquor less than the true balance as maintained by the Central Office. Liquor shortages shall be based on current retail value. (3-20-97)
- 21. Special Distributor (Distributor).** A private business owner authorized to operate a distributing station. A special distributor is not a state employee. (3-20-97)
- 22. Special Distributor Agreement (Agreement).** The contract signed by a special distributor acknowledging the conditions and terms for operation of a distributing station in accordance with Idaho Code and the Rules of the Dispensary. (3-20-97)
- 23. Special Order.** Any item not carried in the Dispensary's product line. (3-20-97)
- 24. State Store.** A retail store that sells liquor. It is operated by state employees under the direct supervision of the Dispensary. (3-20-97)
- 25. Superintendent.** The chief executive officer of the Idaho State Liquor Dispensary. (3-20-97)
- 26. Wine (Table Wine).** Alcoholic beverages defined in Sections 23-105(c) and 23-1303(a), Idaho Code. (3-20-97)
- 27. Wine Gallon.** The liquid measure equivalent to the volume of two hundred thirty-one (231) cubic inches or one hundred twenty-eight (128) ounces. (3-20-97)

28. **Vendor.** Any wholesaler or supplier of alcoholic liquor. (3-20-97)

005. -- 009. **(RESERVED).**

010. RETAIL STORES.

01. Site Location. Based on the criteria set forth in this section and in accordance with Sections 23-301 and 23-302, Idaho Code, the Dispensary will select an appropriate retail store site to adequately serve the community. (3-20-97)

a. State stores will generally be established in larger cities of the state where sales volume cost justifies adequate profitable operation. (3-20-97)

b. Special distributors will generally be contracted in the smaller cities of the state. However, special distributors who meet or exceed Dispensary operating expectations, and whose sales volume has grown to exceed minimum state store sale thresholds, will not be denied a special distributor agreement because of their larger size of operation. (Sections 23-301 and 23-302, Idaho Code). (3-20-97)

02. Site Selection Criteria. The following criteria will be used in selecting a location for a new retail store. (3-20-97)

a. Public acceptability of location in accordance with Sections 23-301 and 23-302, Idaho Code. (3-20-97)

b. Location and suitability of premises. (3-20-97)

c. Lease amount may not be the sole determining factor in site selection; final selection will be determined at the discretion of the Superintendent. (3-20-97)

d. Compliance with local zoning. (3-20-97)

03. Customer Refunds And Exchanges. No cash refunds will be authorized without prior approval of the Superintendent or his authorized agent. (3-20-97)

a. Liquor may be exchanged for other liquor of the same or higher price upon approval of the store manager and presentation of a valid receipt. (3-20-97)

b. Liquor brought in for exchange or refund must have been purchased in Idaho through the Dispensary and must have the official Idaho seal as prescribed by the Dispensary. (3-20-97)

c. A re-shelving charge may be assessed on all returned items in accordance with Section 23-311, Idaho Code. (3-20-97)

04. Disabled Customers. Appropriate special services, in accordance with the Americans with Disabilities Act, will be provided to disabled customers. (3-20-97)

05. Special Orders. Customers seeking liquor not carried in the Dispensary's product line may place a special order for such liquor. (3-20-97)

a. The order must be picked up in total within one (1) week's time after notification by the store manager. Orders not picked up within one (1) week following such notification are subject to forfeiture of deposit and the liquor may be placed on the shelf for sale. (3-20-97)

b. Order cancellations will be honored if done within seven (7) calendar days from the date the order was placed and, if the cancellation is accepted by the vendor. (3-20-97)

c. A deposit or a percentage of the order price, as specified by the Superintendent, may be required

before a special order is placed. (3-20-97)

d. If the liquor is not available within ninety (90) days, a customer may request a deposit refund if the cancellation is accepted by the vendor. (3-20-97)

06. Prices. All prices will be in accordance with the published price list set by the Superintendent in accordance with Section 23-207(h), Idaho Code. (3-20-97)

07. Distressed Liquor. Price adjustments can be made on distressed liquor with the approval of the Superintendent or his authorized agent. (3-20-97)

08. Hours And Days Of Operation. Standard store hours shall be from 11 a.m. to 7 p.m. Monday through Saturday and shall be in accordance with Section 23-307, Idaho Code. Special hours of operation may be adjusted as approved by the Superintendent or his authorized agent. (3-20-97)

09. Customer Response Cards. Each store will have customer response cards for customers to use when filing comments or complaints. These cards will be pre-addressed to the Dispensary. The Superintendent or his authorized agent shall investigate all comments and promptly respond to the customer. (3-20-97)

10. Audits. Designated Dispensary personnel shall perform periodic inspections of all retail stores. Such inspections may be on an unannounced basis and may include physical inventory counts with the assistance of the store manager or authorized agent to assess the suitability of inventory levels and product mix and other evaluation procedures. (3-20-97)

011. DISTRIBUTING STATIONS.

01. Term Of Agreement. Special distributor agreements shall be valid for a specified period as determined at the discretion of the Superintendent. (3-20-97)

02. Transfer Of Agreement. A special distributor agreement is a personal privilege and shall not be considered property nor shall it be assignable or transferable. (3-20-97)

03. Agreement Renewal. If a distributing station's operations exceeds Dispensary expectations, agreement renewals may be allowed. (3-20-97)

04. Agreement Evaluations. Periodic evaluation of the agreement, in accordance with the guidelines set in IDAPA 15.10.01, "Rules of the Idaho State Liquor Dispensary," Subsection 011.06, will be considered to insure reasonable, uniform and non-discriminatory criteria and procedures for selection and renewal of special distributing stations pursuant to Section 23-302, Idaho Code. These criteria are applicable to the replacement of an existing distributing station and to the establishment of a new distributing station. (3-20-97)

05. Acceptance Of Applications. Applications for distributing stations are accepted only in response to public notices. Unsolicited applications may not be held on file pending future openings. (3-20-97)

06. Applicant Selection. The selection of the most qualified applicant for a distributing station will be made by the Superintendent in accordance with Section 23-304, Idaho Code. The Superintendent reserves the right to refuse to select any and all applicants. Applicant selection will be based on the following criteria: (3-20-97)

a. Public acceptability in accordance with Section 23-302, Idaho Code. (3-20-97)

b. Location and suitability of premises. (3-20-97)

c. An applicant who has been convicted of, or has plead guilty to, a felony or a crime of moral turpitude (an element of which is dishonesty or fraud) under the laws of any state, U.S. Territory or protectorate, the District of Columbia, or the United States will not be allowed to operate a distributing station. (3-20-97)

d. An applicant may not be a close relative of, or have a partnership or other close business

relationship with any person employed by the Dispensary who has the responsibility for establishing, approving, or influencing policies of the Dispensary. (3-20-97)

e. An applicant may be a spouse, child, employee, blood relative, relative through marriage, or business associate of the retiring or deceased distributor. (3-20-97)

f. Distributing stations will not be established in a business that have a license to sell liquor, wine or beer by the drink. (3-20-97)

g. Where a new distributing station is created by the conversion of a state store, an employee of that former state store can be chosen by the Dispensary as the special distributor. (3-20-97)

h. If an existing distributing station is sold, the purchaser may, at the sole and absolute discretion of the Dispensary, continue to operate the distributing station under comparable terms and conditions applied to the previous special distributor. (3-20-97)

07. General Operational Obligations. Special distributors shall agree to abide by all of the following guidelines. (3-20-97)

a. The distributor shall furnish an adequate building or facility with suitable shelving, display counters and storeroom facilities. It shall be kept clean and sanitary at all times. (3-20-97)

b. The distributor shall not permit a person under the age of nineteen (19) to perform any acts for the Dispensary. (3-20-97)

c. The distributor shall keep the distributing station open for business in accordance with Section 23-307, Idaho Code. (3-20-97)

d. The distributor shall not hold a partisan state elective political office. He cannot be a close relative of, or be in a business partnership with a person in a partisan state elective political office. (3-20-97)

e. The distributor shall not present his views as being representative of the views of the Dispensary and shall not attempt to politically influence customers in any manner. (3-20-97)

f. The distributor will make and transmit all reports as required by the Dispensary in the time frame established by the Dispensary. (3-20-97)

g. The distributor is responsible for and will account to the Dispensary for all liquor furnished by the Dispensary. (3-20-97)

h. The distributor will only sell liquor received from the Dispensary. (3-20-97)

i. The distributor will only sell the liquor at prices set by the Dispensary in accordance with Section 23-207(h). (3-20-97)

j. The distributor will not deliver liquor off premise. (3-20-97)

08. Days And Hours Of Operation. (3-20-97)

a. The distributor can sell liquor only on the days outlined in Section 23-307, Idaho Code. (3-20-97)

b. Standard store hours shall be in accordance with IDAPA 15.10.01, "Rules of the Idaho State Liquor Dispensary," Subsection 010.08. (3-20-97)

c. The distributor will have liquor for sale a minimum of six (6) hours per day (only on the days in which it is legal to sell alcohol) and will not exceed the maximum legal selling hours as set by the Superintendent. (3-20-97)

09. Compensation. The compensation paid by the Dispensary to the special distributor shall be full payment for the furnishing of all facilities, operating costs and expenses incidental to the operation of the distributing station, as well as full consideration for all services provided by the distributor. Such compensation will be uniformly applied statewide in accordance with Section 23-305, Idaho Code. (3-20-97)

10. Supplies. The Dispensary will furnish all necessary sales books, accounting forms, and price marking equipment for use by the distributor in transacting the business of the Dispensary as required by law or as deemed necessary by the Superintendent. (3-20-97)

11. Voluntary Agreement Termination. (3-20-97)

a. The distributor's agreement may be voluntarily terminated by the distributor upon written notice by certified mail or personal delivery to the Dispensary or its specified representative specifying the date of termination. (3-20-97)

b. The distributor will allow reasonable time for the Dispensary to conduct a final inventory audit and to remove all liquor. (3-20-97)

c. The sale of the distributor's business to any other party, the forfeiture of the business to a lien holder, or the foreclosure upon the business will be considered voluntary agreement termination. (3-20-97)

12. Automatic Agreement Termination. (3-20-97)

a. The distributor's agreement will be terminated automatically upon the death of the distributor. (3-20-97)

b. The distributor's estate, assisted by the Dispensary, will be responsible for the operation of the distributing station until the termination date has been established by the Superintendent. (3-20-97)

13. Agreement Termination For Cause. The Dispensary may terminate the special distributor agreement for good cause which includes, but is not limited to, any of the following: (3-20-97)

a. A distributor who at any time becomes insolvent or experiences a substantial change in financial condition that, in the judgment of the Dispensary, creates a financial risk to the Dispensary. (3-20-97)

b. Significant breach of distributor's obligations to manage the distributing station properly. (3-20-97)

c. Intoxication of the distributor while in discharge of his duties as a representative of the Dispensary. (3-20-97)

d. Participation of the Distributor in misappropriation of any assets of the Dispensary. (3-20-97)

e. Distributor having been found guilty of a felony or a misdemeanor involving moral turpitude. (3-20-97)

f. Conduct detrimental to the good order of the Dispensary as defined in IDAPA 28.01.01, "Rules of the Idaho Personnel Commission," regarding classified conduct unbecoming state classified employees. Note - this Subsection in no way confers employee status on such special distributors however outlines a specifically referenced standard of conduct. (3-20-97)

14. Agreement Termination Procedure. (3-20-97)

a. The Dispensary shall notify the distributor in writing by certified mail or personal delivery, specifying the reasons for the proposed termination and the effective date of the proposed termination. (3-20-97)

b. The Dispensary may notify the distributor that he is immediately suspended pending final

determination of the proposed termination. At the time of notification, the Dispensary reserves the right to conduct a final audit and remove all Dispensary property pending a final determination. (3-20-97)

c. If the distributor wishes a hearing on the proposed termination to present information relative to the reason given for termination, he shall notify the Dispensary in writing within twenty (20) days after receiving the notice of the proposed termination. The hearing shall be held in accordance with the Idaho Administrative Procedure Act. (3-20-97)

d. Upon termination of this agreement, the Dispensary shall remove all property owned by it, and compensation to the distributor shall cease as of the date of termination. (3-20-97)

012. PRIVATE STORES.

Private stores will be allowed when the Superintendent finds it to be in the public's best interest. Existence of these stores will be limited to extraordinary circumstances. (3-20-97)

013. CONTRACT STORES.

01. Fiduciary Responsibility. Any and all unremitted monies collected by the contract store are held in trust for the Dispensary, and upon their receipt by the contract store, are assigned to the Dispensary in accordance with Section 23-401, Idaho Code. (3-20-97)

02. Liquor Shortage. The contract store must pay the monetary value of any shortage to the Dispensary immediately after receipt of the request for payment from the Dispensary showing its calculation of the shortage. (3-20-97)

a. If the contract store disputes the existence, amount of, or responsibility for liquor or cash shortages, the contract store may request a hearing before the Superintendent. (3-20-97)

b. Any payment made by the contract store for liquor shortages may be refunded in whole or in part if the contract store's position is upheld by the Superintendent. (3-20-97)

03. Compensation. For contract stores, compensation will be the gross profit allowance set by the Dispensary. Compensation will vary based on sales volume. (3-20-97)

014. SALES TO LICENSEES.

To be eligible to purchase liquor at discount (Section 23-217, Idaho Code) a licensee shall obtain a permit from any state store or distributing station. (3-20-97)

01. Valid Permit. The permit shall remain valid only as long as the permit holder is an authorized licensee as defined in Section 23-902(e), Idaho Code. (3-20-97)

02. Permits Are Not Transferable. Permits are not transferable and will automatically terminate on suspension, revocation, sale, or transfer of the liquor license. (3-20-97)

015. -- 019. (RESERVED).

020. STORE CONVERSIONS.

The Dispensary reserves the right at any time to convert a state store to a distributing station or to convert a distributing station to a state store. However, this right will not be arbitrarily applied and will not be exercised until relevant facts presented to the Superintendent have been reviewed and there has been reasonable time during which appropriate public notice has been given. (3-20-97)

021. VENDORS.

01. Price Quotations. All vendors must submit a liquor price quotation, on forms prescribed by the Dispensary, for every item they have listed with the Dispensary. (3-20-97)

a. All price quotations must be submitted to the Dispensary by certified mail or electronic transmission. (3-20-97)

b. Price change quotations must be submitted sixty (60) days in advance of any price changes. (3-20-97)

02. Warranties. Vendor warranties will conform to the requirements of the Bureau of Alcohol, Tobacco and Firearms. (3-20-97)

03. Liquor Shipments. Pursuant to Sections 23-203(a), 23-203(b) and 23-207(d) of the Idaho Code, all liquor transported into the state of Idaho shall be under the direction of the Dispensary. (3-20-97)

a. Such liquor shall be transported directly to, and only to, the Dispensary's warehouse. (3-20-97)

b. It is a violation of Sections 23-203(a), 23-203(b) and 23-207(d) of the Idaho Code for any vendor or other party to ship liquor into the state of Idaho for purposes not authorized by the Superintendent. (3-20-97)

c. The Dispensary reserves the right to select the mode of transportation for all liquor within the state of Idaho. (3-20-97)

04. Title To Liquor. The title to liquor passes from the vendor to the Dispensary when the Dispensary accepts the liquor. (3-20-97)

a. Liquor ordered or withdrawn from bailment will be received subject to the right of the Dispensary to make tests and inspections thereof at any time. (3-20-97)

b. The Dispensary reserves the right at any time to reject any liquor if, upon tests and inspections, the liquor does not conform to requirements. (3-20-97)

c. Upon rejection by the Dispensary, ownership of such property shall automatically vest with the vendor or transportation company depending upon circumstances and cause of rejection. (3-20-97)

05. Liquor Returns. Liquor may be returned to vendors by the Dispensary, in full cases, for "ordinary and unusual commercial reasons" in accordance with the Bureau of Alcohol, Tobacco and Firearms regulations. (3-20-97)

a. The vendor shall immediately reimburse the Dispensary the full invoice cost plus an additional amount, fixed by the Dispensary, as reimbursement for the Dispensary's expense in shipping to and from its stores and warehouse. (3-20-97)

06. New Listings. New listings shall be added at the discretion of the Superintendent pursuant to Sections 23-203 and 23-207, Idaho Code. (3-20-97)

a. Vendors must submit price quotations sixty (60) days in advance of any price change in order to have their product considered for listing. (3-20-97)

b. New listings will be given one (1) year from the time of listing to attain a minimum quota as set by the Dispensary. (3-20-97)

07. Delisting. Delistings shall be at the discretion of the Superintendent pursuant to Sections 23-203 and 23-207, Idaho Code. (3-20-97)

a. All items listed with the Dispensary must maintain a minimum quota in order to insure continued distribution in Idaho. (3-20-97)

b. A list of minimum quotas by class is available upon request from the Dispensary. (3-20-97)

- 08. Resident Representatives.** All vendors doing business with the Dispensary shall have resident representation. (3-20-97)
- a. Vendors shall be limited to five (5) representatives one of which must be a resident of Idaho. (3-20-97)
 - b. One (1) Idaho resident representative shall be designated as the primary representative and shall be the direct representative of that vendor. (3-20-97)
 - c. In the event that the primary Idaho resident representative position becomes vacant, it must be filled within sixty (60) days. (3-20-97)
- 09. Permits.** Resident representatives must obtain a permit from the Dispensary. (3-20-97)
- a. Permits must be renewed January 1st of each year. (3-20-97)
 - b. Permits will not be issued to any holder of a bartender's permit, retail licensee, a distributor of restaurant or bar supplies, a distributor of beer or wine, or to a food wholesaler. (3-20-97)
 - c. Representatives may represent more than one (1) vendor without additional permit fees. (3-20-97)
- 10. Facility Visitations.** Vendor representatives, or anyone acting in that capacity, must obtain prior approval from the Superintendent or his authorized agent to conduct business at any state store or distributing station. Visits to the Dispensary are to be confined to the central office area only, unless otherwise approved by the Superintendent or his authorized agent. (3-20-97)
- 11. Samples.** Samples shall be limited to ten (10) wine gallons per month and the sizes of samples shall be that which are permitted by Federal Regulation or statute. (3-20-97)
- 12. Promotional Samples.** Promotional Samples shall be limited to fifty (50) ml size bottles unless specified otherwise by the Superintendent. (3-20-97)
- 13. Contact With Licensees.** No vendor representative, or anyone acting in that capacity, shall deliver any liquor, wine, or beer sold by the Dispensary to a licensee's place of business, other than samples. (3-20-97)
- a. Such samples shall be limited to sizes permitted by Federal Regulation or statute. (3-20-97)
 - b. Such samples shall be only those items not carried in that licensee's product line. (3-20-97)
- 14. Liquor Displays.** The Dispensary will regulate all retail store liquor displays. (3-20-97)
- a. No vendor representative shall be permitted to interfere with product displays. (3-20-97)
 - b. Any vendor owned display material may be discarded if not picked up within thirty (30) days after termination of the display period. (3-20-97)
- 15. Advertising.** Advertising in all retail stores will be in accordance with Section 23-607, Idaho Code. If an industry member is doubtful as to whether a proposed advertisement is in compliance with the provisions of these rules, a specimen of the proposed advertisement may be submitted to the Superintendent of the Dispensary for approval prior to publication. (3-20-97)
- 16. Violations.** Any vendor representative, or anyone acting in that capacity, who violates Title 23, Idaho Code, or any rule of the Dispensary, shall thereby subject the manufacturer's, wholesaler's or distributor's products to removal from the Dispensary's product line or; the Superintendent, at his discretion, may suspend (temporarily or permanently) their liquor industry representative permit. (3-20-97)

022. SCHEDULE OF FEES.

The following fees may be charged by the Dispensary. (3-20-97)

01. Cost Reimbursement. The Dispensary may seek cost reimbursement, as determined by the Dispensary, from liquor representatives for mailing, shipping, or other expenses incurred by the Dispensary to distribute information or displays to liquor stores at the request of a liquor representative. (3-20-97)

02. Maximum Fee For Samples. There will be a maximum fee of twenty-five dollars (\$25) per case charged to liquor representatives for samples. (3-20-97)

03. Maximum Fee For Annual Permit. There will be a maximum fee of fifty dollars (\$50) charged to liquor representatives each January for an annual permit. (3-20-97)

023. -- 030. (RESERVED).

031. STATE STORES SOLICITATION AND PROMOTIONAL PRESENTATIONS.

No school, church, fraternal, civic, political or charitable organization or individual shall be allowed to solicit for donations or advertise for any purpose within any state store. (3-20-97)

032. WINES.

Table wines may be sold in any state store or distributing station at the discretion of the Superintendent pursuant to Section 23-1305, Idaho Code. All rules of the Dispensary applicable to liquor are also applicable to table wines and beer sold by the Dispensary. (3-20-97)

033. RULE CHANGES--PETITIONS.

Any interested person may petition the Dispensary to request the adoption, amendment or repeal of a rule; or request a ruling regarding the applicability of a rule or statute pursuant to Section 67-5206, Idaho Code. (3-20-97)

01. Petitions. Petitions shall be directed to the Superintendent of the Idaho State Liquor Dispensary, the Idaho Attorney General, or both. (3-20-97)

02. Notification. Upon receipt, the Superintendent shall immediately notify the interested party of the receipt of the petition and within thirty (30) days after submission of the petition, notify the petitioner of the disposition. (3-20-97)

03. Petition Denied. Where the petition is denied, the Superintendent shall state the reasons for denial. This shall be considered the final decision of the Dispensary for purposes of administrative review. (3-20-97)

04. Petition Accepted. Where the petition is not denied, the Superintendent shall include the petition for consideration in the next rule making proceedings pursuant to Section 67-5221, Idaho Code. (3-20-97)

034. LIQUOR FUND.

Determination of the final annual amount of cash available for distribution in the liquor account under Section 23-404, Idaho Code, shall be the amount of the Dispensary's annual net income determined in accordance with Generally Accepted Accounting Principles, consistently applied. Notwithstanding the above, cash reserves are allowed under Section 23-403, Idaho Code. Further, the Superintendent with the concurrence of the State Controller may hold back from distribution additional cash reserves needed for prudent operation of the Dispensary. Such final annual amount of available cash shall be disbursed no later than ninety (90) days following each fiscal year end. (3-20-97)

035. -- 999. (RESERVED).

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