

§ 1.35

with the procedure set forth in part 200 of this chapter.

AUTHORIZATION

§ 1.35 Authority to issue, amend, deny, suspend, revoke, or annul basic permits.

The authority and power of issuing, amending, or denying basic permits, or amendments thereof, is conferred upon the appropriate ATF officer except as to agency initiated curtailment. The Director, upon consideration of appeals on petitions for review in part 200 of this chapter, may order the appropriate ATF officer to issue, deny, suspend, revoke, or annul basic permits.

[T.D. ATF-416, 64 FR 49985, Sept. 15, 1999]

AMENDMENT AND DURATION OF BASIC PERMITS

§ 1.40 Change of name.

In the event of any change in the name (trade or corporate name) of a permittee, or, in the event a permittee desires to engage in operations under an additional trade name, such permittee must file application Form 5100.18 for an amended basic permit, which application must be approved, and amended permit issued, before operations may be commenced under the new name.

(Approved by the Office of Management and Budget under control number 1512-0090)

[T.D. ATF-373, 61 FR 26098, May 24, 1996, as amended by T.D. ATF- 416, 64 FR 49985, Sept. 15, 1999]

§ 1.41 Change of address.

In the event of a change in address the permittee must file application Form 5100.18 for an amended basic permit.

[T.D. ATF-373, 61 FR 26098, May 24, 1996, as amended by T.D. ATF- 416, 64 FR 49985, Sept. 15, 1999]

§ 1.42 Change in ownership, management, or control of business.

In the event of any change in the ownership, management, or control of any business operated pursuant to a basic permit (if the permittee is a corporation, if any change occurs in the officers, directors, or persons owning or

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controlling more than 10 percent of the voting stock of said corporation) the permittee shall immediately notify the appropriate ATF officer of such change, giving the names and addresses of all new persons participating in the ownership, management, or control of such business, or in the case of a corporation, the names and addresses of such new officers, directors, or persons owning or controlling more than 10 percent of the voting stock. Notice to the appropriate ATF officer of any such change shall be accompanied or supplemented by such data in reference to the personal or business history of such persons as the appropriate ATF officer may require.

§ 1.43 Duration of permits.

A basic permit shall continue in effect until suspended, revoked, annulled, voluntarily surrendered, or automatically terminated, as provided in the Act and in this part.

§ 1.44 Automatic termination of permits.

No basic permit shall be leased, sold, or otherwise voluntarily transferred, and, in the event of such lease, sale, or other voluntary transfer, such basic permit shall automatically terminate thereupon. If any basic permit is transferred by operation of law or if actual or legal control of the permittee is acquired, directly or indirectly whether by stock ownership or in any other manner, by any person, then such permit shall be automatically terminated at the expiration of 30 days thereafter: Provided, That if within such 30-day period application for a new basic permit is made by the transferee or permittee, respectively, then the outstanding basic permit shall continue in effect until such time as the application is finally acted upon.

REVOCATION, SUSPENSION, OR ANNULMENT OF BASIC PERMITS

§ 1.50 Revocation or suspension.

Whenever the appropriate ATF officer has reason to believe that any permittee has willfully violated any of the conditions of the permittee's basic permit or has not engaged in the operations authorized by the permit for a

period of more than two years, the appropriate ATF officer shall institute proceedings for the revocation or suspension of such permit, in accordance with the procedure set forth in part 200 of this chapter, which part is made applicable to such proceedings.

§ 1.51 Annulment.

Whenever the appropriate ATF officer has reason to believe that any basic permit was procured through fraud, or misrepresentation or concealment of material fact, the appropriate ATF officer shall institute proceedings for the annulment of such permit in accordance with the procedure set forth in part 200 of this chapter, which part is made applicable to such proceedings.

§ 1.52 Disposition of stocks of alcoholic beverages upon revocation, annulment, or automatic termination of basic permit.

In the event of the revocation or annulment of a basic permit, pursuant to part 200 of this chapter, or in the event such permit is automatically terminated by operation of law (27 U.S.C. 204(g) and §1.44 of this part), the appropriate ATF officer may authorize the orderly disposition of stocks of distilled spirits, wines, or malt beverages then held by the permittee or former permittee upon such conditions as may be considered proper.

MISCELLANEOUS

§ 1.55 Recalling permits for correction.

Whenever it shall be discovered that any basic permit has been issued authorizing acts, or combinations of acts, which may not properly, under the law and regulations, as of now or hereafter in force, be authorized, or that any material mistake has occurred in the issuance thereof, the holder of such permit shall forthwith surrender the same for correction or amendment upon demand of the appropriate ATF officer.

§ 1.56 Oaths and affirmations.

A document must be verified by an oath or affirmation taken before a person authorized by the laws of the United States or by State or local law to administer oaths or affirmations in

the jurisdiction where the document is executed when required by:

- (a) Regulation; or
- (b) An appropriate ATF officer.

[T.D. ATF-416, 64 FR 49985, Sept. 15, 1999]

§ 1.57 Procedure.

The procedures prescribed by the rules of practice in permit proceedings (part 200 of this chapter) are applicable to administrative proceedings for the issuance, amendment, denial, revocation, suspension, or annulment of basic permits, the issuance of subpoenas and the taking of depositions under the Act.

§ 1.58 Filing of permits.

Every person receiving a basic permit under the provisions of this part must file the same, at the place of business covered by the basic permit, so that it may be examined by appropriate ATF officers.

[T.D. ATF-373, 61 FR 26098, May 24, 1996, as amended by T.D. ATF-416, 64 FR 49985, Sept. 15, 1999]

§ 1.59 Public information as to applications acted upon.

The appropriate ATF officer shall cause to be maintained currently in the appropriate ATF officer's office for public inspection, until the expiration of one year following final action on the application, the following information with respect to each application for basic permit filed:

(a) The name, including trade name or names, if any, and the address of the applicant; the kind of permit applied for and the location of the business; whether the applicant is an individual, a partnership or a corporation; if a partnership, the name and address of each partner; if a corporation, the name and address of each of the principal officers and of each stockholder owning 10 percent or more of the corporate stock.

(b) The time and place set for any hearing on the application.

(c) The final action taken on the application. In the event a hearing is held upon an application for a basic permit, the appropriate ATF officer shall make