KANSAS
DEPARTMENT OF REVENUE

Mark Parkinson, Governor
Joan Wagnon, Secretary

www.ksrevenue.org

August 31, 2010

POLICY MEMORANDUM 2002-5 (Revised)

Subject: Guidelines for the Use of "Doing Business As" Names by Retail Liquor Stores

1. **Purpose:** The purpose of this memorandum is to provide clarification of the statutes and regulations as they pertain to the use of "doing business as" (d/b/a) names for retail liquor stores.

2. **Applicability:** All Licensed retail liquor stores.

3. **Discussion:** Kansas regulation K.A.R. 14-13-15 prohibits any d/b/a name that may suggest to the public that multiple stores are part of a chain, or are owned or operated by a corporation. This memorandum clarifies the procedure for licensing under a d/b/a name, changing a d/b/a name, advertising using a d/b/a name, and operating under a d/b/a name.

   a. New Retail Liquor Licensees.
      - All applicants must submit an application for licensure on form ABC-800, including the d/b/a name under which the licensee intends to operate.
      - Any d/b/a name that might suggest multiple or corporate ownership, or that the retailer is part of a chain, shall not be approved.
      - If the proposed d/b/a name or a d/b/a name which is substantially similar to the proposed d/b/a name is in use in the same geographical area of the state, the application for licensure including the proposed d/b/a name shall not be approved.
        - Liquor stores owned by a husband and wife may have d/b/a names suggesting similar ownership.
      - The Director shall determine whether the proposed d/b/a name is substantially similar or the same as an existing d/b/a name in the same geographical area.

   b. Previously licensed retail liquor stores.
      - Any licensee currently operating under a d/b/a name that suggests that the store is part of a chain or is owned by a corporation may continue to use that d/b/a name even if it is the same or substantially similar to another d/b/a name in that geographic area.
      - If, at any time, a new applicant applies for a retail license at that location, however, a new d/b/a name will be required.

   c. Operating under a d/b/a name that suggests the store is part of a chain.
      - Any licensee currently operating under a d/b/a name, and two stores owned individually by a husband and wife, **may** use a d/b/a/ name that suggests each store is part of a chain if and only if each store posts a sign in or on the front of the store stating that:
        - **"This store is independently owned and operated in accordance with Kansas liquor laws"**
        - The sign must be conspicuously posted on the front door or in the front of the store, in clear view of people entering the store, and consist of block lettering in a minimum of three-quarter (3/4) inch print. The sign may be adhered to the glass or printed and hung or posted in plain view.

d. Advertising under a d/b/a name that suggests the store is part of a chain.
   - Any combined advertising, whether in print or electronic media, by two or more stores whose d/b/a names suggest that they are part of a chain shall include a statement that:
     - **"These stores are independently owned and operated in accordance with Kansas liquor laws"**

e. Changing a d/b/a name.
   - No retailer shall change its d/b/a name without the express, written consent of the Director.

4. **Additional Comments:**

   a. Failure to comply with the applicable statutes, regulations and/or this policy memorandum, may result in administrative action for violation of the liquor laws.

   b. Alcoholic Beverage Control Enforcement Agents will verify compliance with the provisions of the applicable statutes, regulations and this policy memorandum.

5. **Clarification of Policy:** All clarification requests to this policy should be directed in writing to this office via mail, fax, or submitted to the agency's email at abc_mail@kdor.state.ks.us.

6. **Effective Date of this policy:** This policy is effective from the date of signature until further notice.

Original Signed and On File

Thomas W. Groneman

cc: Assistant Attorney General
Chief of Enforcement
Licensing Supervisor
Compliance Supervisor
Administration Supervisor
Enforcement Agents