

## AFFIDAVIT OF

Full Name of Affiant

I, \_\_\_\_\_, hereinafter referred to as Affiant, being duly sworn on oath, states that:

Full Name of Affiant

1. Affiant is a restricted investor, as defined in sec. 125.20(1), Wis. Stats., with relation to the following licensee(s)/permittee(s) or applicant(s), which is or will be doing business in the (choose only one) ☐ Retail ☐ Distribution ☐ Production tier of alcohol beverages:

Legal Entity Name(s)	Business DBA or Trade Name	Business Address	FEIN

2. Affiant also has or will have an interest in alcohol beverage businesses operating in the (choose all that apply) ☐ Retail ☐ Distribution ☐ Production tier(s) of alcohol beverages, which is/are in a different tier than identified in 1.  
Those interests occur in the following business(es):

Legal Entity Name(s)	Business DBA or Trade Name	Business Address	FEIN

3. Except for the ability to vote as an owner, Affiant commits to a complete lack of involvement in the day-to-day operations of, and lack of control over, the business(es) identified in 2.
4. The foregoing is true and correct to the best of my knowledge.

Affiant Signature			Date	
Last Name		First Name		M.I.
Address		City	State	Zip Code
Email			Phone	

## To be Completed By Notary Public Only

State of Wisconsin, County of	(seal)
Subscribed and sworn to before me on this date by the above-named Affiant	
Signature of Notary Public	
My Commission Expires on	

# Form AB-104a Instructions

## *Restricted Investor Affidavit - Restricted Individual*

### **What is the purpose of this form?**

Wisconsin law provides for a three-tier regulatory system of alcohol beverages. The tiers of the alcohol beverage industry are production, distribution, and retail. Members of one tier of the alcohol beverage industry may not have an interest in another tier unless an exception applies.

The purpose of this form is for a Restricted Investor to disclose to the Division of Alcohol Beverages that the Restricted Investor has or seeks to hold an interest in a different tier of the alcohol beverage industry and to meet the requirements specified under sec. 125.20(6)(a), Wis. Stats.

### **What is a restricted investor?**

A "Restricted Investor" is defined in sec. 125.20, Wis. Stats., and is either a restricted individual or a restricted entity.

A "Restricted Entity" is an entity that holds more than 10% ownership interest in a permittee or licensee.

A "Restricted Individual" is any of the following:

- An individual identified on a managers' license or who works or acts in a managerial capacity for a permittee or licensee.
- An individual who serves as an officer, director, member, manager, or agent of a corporation or limited liability company holding a permit or license.
- An individual who holds more than 10% ownership interest in a permittee or licensee.

### **Permissible Ownership Interest**

It is **illegal** for an alcohol beverage licensee or permittee (including a Restricted Individual of such person) to hold any interest in a licensee or permittee (including a Restricted Individual of such person) in a different tier of the alcohol beverage industry:

*Exception:* Wisconsin law allows a Restricted Investor to have 10% or less ownership interest in a licensee or permittee in a different tier if the Restricted Investor is not a Restricted Investor in the other tier and completes and submits this affidavit swearing to a complete lack of involvement in the day-to-day operations of, and lack of control over, the licensee or permittee in the other tier, beyond their ability to vote as an owner.

### **When do I submit this form to the Division of Alcohol Beverages?**

You must submit Form AB-104a to the Division of Alcohol Beverages when you are seeking a permissible ownership interest described in the exception above.

You must also submit Form AB-104a to the Division of Alcohol Beverages within 30 days of any change in any facts set forth on this form, or whenever you seek to hold an ownership interest in a different tier of the alcohol beverage industry.

Mail this form to:

Wisconsin Department of Revenue  
Division of Alcohol Beverages  
PO Box 8934  
Madison, WI 53708-8934

Keep a copy of the completed form for your personal records.

### **Specific Instructions**

#### *Affiant:*

- The affiant is the individual completing this form and who makes and swears to the affidavit under an oath administered by a notary public. The affiant swears to the truthfulness and correctness of the information alleged in the affidavit.
- Enter your full name in the box at the top of the form and in the first sentence on the form.

#### *Statement 1:*

- Check the box that corresponds to the Wisconsin alcohol beverage tier in which you are a Restricted Individual.
- Enter the Legal Entity Name, DBA or Trade Name, Business Address, and FEIN of all the alcohol beverage businesses for which you are a Restricted Individual. Attach additional sheets if necessary.

### **Statement 2:**

- Check the box(es) that corresponds to the Wisconsin alcohol beverage tier that is different from Statement 1 and for which you have or seek to have an ownership interest of 10% or less.
- Enter the Legal Entity Name, DBA or Trade Name, Business Address, and FEIN of all the alcohol beverage businesses in which you have or seek to have an ownership interest of 10% or less. Attach additional sheets if necessary.

Read the affidavit in its entirety and ensure that you understand all paragraphs of the document. You must find the contents of the affidavit to be truthful, complete, and correct prior to bringing the affidavit before a notary public.

**Note:** DO NOT sign the affidavit until you are present before a notary public and have received instruction to do so.

### **Notarization**

A notary public must do all of the following:

1. Require that the affiant making the statement be in the notary's presence, either in-person or via an approved communication technology provider;
2. Confirm the affiant's identity;
3. Determine that the affiant was competent or capable of executing the record;
4. Determine that the affiant signed the document knowingly and voluntarily;
5. Require the affiant to specifically confirm that they swear, or affirm under penalty of perjury, that the statements in the document to be notarized are true; and
6. Witness the affiant signing the document.

Additional information on notaries public may be obtained through the Wisconsin Department of Financial Institutions at <https://dfi.wi.gov>.

### **Assistance**

This form is designed by the Wisconsin Division of Alcohol Beverages for use by the Division.

If you have questions about this form or any Wisconsin alcohol beverage laws and regulations, you may contact the Division of Alcohol Beverages using the contact information below.

Website: [DOR Alcohol Beverage \(wi.gov\)](https://dora.wi.gov)

Write: [DORAlcohol@wisconsin.gov](mailto:DORAlcohol@wisconsin.gov)

Call: (608) 266-2526