

**40 KAR 2:210. Application for conducting more than two (2) going-out-of-business sales in four (4) years form.**

RELATES TO: KRS 365.447

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 365.447

NECESSITY, FUNCTION, AND CONFORMITY: To fulfill the requirement for an application form to conduct more than two (2) going-out-of-business sales in a four (4) year period identified in KRS 365.447.

Section 1. Application for Excess Permits Form. The "Application for Excess Permits Form GOB-2" required by KRS 365.447 shall contain the following information:

- (1) The title of the county clerk;
- (2) The number of going-out-of-business permits acquired by the applicant during past four (4) years;
- (3) For each of the previous sales, the applicant shall provide the name of the store involved, the name(s) of the owner(s), and the date and address of the sale;
- (4) The name and address of the owner(s) of the goods to be sold. If the owner is a partnership, corporation, firm, or association, list all partners and officers;
- (5) The address of the principal office of the applicant in Kentucky;
- (6) The date and place of incorporation or organization of the business;
- (7) Whether the controlling interest in the firm or business has been transferred within the twelve (12) months prior to the filing of the application. If the answer is yes, then specify the parties to the transfer and the date of the transfer;
- (8) The name and style in which the sale is to be conducted;
- (9) The address of the premises where the sale will be conducted;
- (10) The date the sale is to begin and the projected duration of the sale;
- (11) The name and address of the person who will be in charge and responsible for the conduct of the sale;
- (12) Nature of the occupancy (lease, etc.) of the premises where the sale is to be held, and the effective date of the termination of the occupancy;
- (13) The condition or necessity which is the occasion of the sale;
- (14) An explanation of the condition or necessity for the previous sales, and the legitimate business reason for obtaining the excess permits;
- (15) The name of the sale, and the reason why the name is truthfully descriptive of the sale;
- (16) The location to which the business will be relocated if the sale is a removal sale;
- (17) The time, location, and cause of damage to the goods if the license is to conduct a fire sale;
- (18) Whether the sale involves foods or drugs damaged by fire or other casualty. If it does, proof of approval by the Department for Human Resources must be provided before the application may be accepted;
- (19) The total value of the inventory at cost, with inventory pages from Form GOB-1 attached;
- (20) The total value of the inventory at retail from the attached GOB-1 inventory pages;
- (21) A sworn and notarized statement from the authorized individual filing the application;
- (22) A notice that the applicant will be charged the actual costs of the Attorney General's investigation. The minimum charge will be twenty-five (25) dollars, and the maximum charge will be \$250.

Section 2. (1) The "Application for Conducting More Than Two (2) Going-out-of-business Sales in Four (4) Years Form GOB-2" is incorporated by reference.

(2) Copies of the "Application For Conducting More Than Two (2) Going-out-of-business Sales In Four (4) Years Form GOB-2" may be inspected, copied, or obtained at the Office of the Attorney

General, Consumer Protection Division, 1024 Capital Drive, Frankfort, Kentucky 40602, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. (21 Ky.R. 703; Am. 1294; eff. 10-12-94; Crt eff. 2-21-2020.)