

LICENSEE THIRD PARTY PROVIDER 10% OF TOTAL REVENUE STATEMENT

State of New York)
County of _____) ss.:

I, _____ [print name], being duly sworn, depose and say that:

1. I am an owner and/or principal of licensee _____ [print name of licensee], license number _____ (“Licensee”), and have the power and authority to provide the information contained herein on behalf of Licensee.
2. I understand that this Statement will not be considered by the New York State Liquor Authority (the “Authority”) unless it is sworn and subscribed before a licensed New York State notary.
3. Licensee is not a not-for-profit corporation, a governmental agency, or a public authority.
4. I am familiar with Licensee’s legal obligation to disclose to the Authority those persons/entities who are interested in Licensee as a partner, joint venturer, investor, or lender in either the premises or in the licensed business (ABCL §110(1)(b)).
5. I am familiar with Authority Advisory 2021-_____ (the “TPP Advisory”), which clarifies that said disclosure requirement includes disclosing persons/entities with which Licensee enters into agreements or other financial arrangements with who are third party providers to Licensee’s business (“TPPs”) that are or will be compensated for the goods or services they provide through revenue sharing: compensation that is dependent, directly or indirectly, on Licensee’s sales, profits, or revenues.
6. I am familiar with the requirement, as clarified in the TPP Advisory, to disclose to the Authority TPPs who are reasonably expected to be compensated with more than 10% of Licensee’s total revenues.
7. Licensee is a party to an agreement or financial arrangement with a TPP that does or will entitle the TPP to more than 10% of some designated portion of Applicant’s total revenues (a TPP Percentage Agreement). Said agreement is with _____ [print name of TPP].
8. Licensee has made a reasonable assessment of the Licensed Business’s historical revenues and expected obligations under the TPP Percentage Agreement, as reflected in the attached supporting documentation, and through this affidavit, I attest that said TPP’s compensation is

not reasonably expected to constitute more than 10% of the Licensed Business's total revenues.

9. I understand Licensee's obligation to reconsider the assessment in this Statement on an ongoing basis and, should said TPP's compensation under the TPP Percentage Agreement exceed 10% of the Licensed Business's total revenues for any annual period based on the Licensed Business's fiscal year, (or should reasonable projections suggest that such compensation will exceed 10% of the Licensed Business's total revenues, Licensee shall notify the TPP and the Authority of such occurrence, and either (a) take all necessary steps to add said TPP as a co-licensee to the licensed premises, or (b) end or modify the TPP Percentage Agreement and, if modified, submit it to the Authority along with a new Licensee 10% Of Total Revenue Statement.

Dated: _____, 20__

[Signature of Owner/Principal]

Sworn to before me this _____
day of _____, 20__

Notary Public