



STATE OF SOUTH CAROLINA  
DEPARTMENT OF REVENUE  
**NON-PROFIT PRIVATE CLUB AFFIDAVIT**

**ABL-958**  
(Rev. 4/2/15)  
4571

FEI/SSN \_\_\_\_\_

ENTITY NAME \_\_\_\_\_

D/B/A NAME \_\_\_\_\_

BUSINESS ADDRESS \_\_\_\_\_

Alcohol Beverage Licensing File # \_\_\_\_\_

For the purpose of this affidavit please refer to the following Codes and Regulations:

**61-6-1600** Nonprofit organizations.

(A) A nonprofit organization which is licensed by the department pursuant to the provisions of this article may sell alcoholic liquors by the drink. A member or a guest of a member of a nonprofit organization may consume alcoholic liquors sold by the drink upon the premises between the hours of ten o'clock in the morning and two o'clock the following morning.

(B) An employee or agent of an establishment licensed as a nonprofit organization is prohibited from selling, making available for sale, or permitting the consumption of alcoholic liquors on the licensed premises between the hours of two o'clock in the morning and ten o'clock in the morning. A violation of this provision is a violation against the organization's license.

**7-401.4** Nonprofit Organizations.

A. Every initial and/or renewal application for a Sale and Consumption of Alcoholic Liquors License to a bona fide nonprofit organization shall be an association, organization or a nonprofit corporation organized and existing under the laws of the State of South Carolina and operated solely and exclusively for social, benevolent, patriotic, recreational or fraternal purposes but not for pecuniary gain or profit, no part of the net earnings of which inures to the direct benefit of any member or shareholder, it being the intent of Section 61-6-1600 of the Code that a license shall not be granted to or held by an organization which is, or has been, organized and operated primarily to obtain or hold a license to sell alcoholic beverages, but only to a bona fide nonprofit organization with limited membership to which the sale of alcoholic beverages is incidental to the main purpose of the organization.

B. The bona fide nonprofit organization must have a definite fixed method of electing persons on an individual basis to membership in the organization; such method must be described in the club's bylaws and must bear some reasonable relation to the object and purpose of the organization.

C. It shall be maintained by its bona fide members through the payment of monthly, quarterly or annual fees or dues.

D. The affairs and management of such nonprofit organization shall be conducted by a board of directors, executive committee or similar governing body chosen by the members at a regular meeting held at some periodic interval but at least on an annual basis. Provided, however, that nonprofit organizations operated for the benefit of universities and similar public institutions [IRS Code Section 501 (c) (3)] may be governed by a board or committee notwithstanding this provision as provided in the by laws of the organization.

E. Upon dissolution, liquidation or final termination of the operations of the organization, its residual assets must not inure to the direct benefit of any member or shareholder but must be turned over to one or more nonprofit organizations which are organized and operated for charitable purposes or for such other purposes as are authorized under Section 61-6-1600.

F. No member, officer, agent or employee of such nonprofit organization shall be paid, or directly or indirectly receive, in the form of salary or other compensation any of the profit from the sale or distribution of alcoholic beverages beyond the amount of such salary as may be fixed and voted at a regular meeting by the members of the organization or at a regular meeting by the governing body out of the general revenue of the organization, nor shall such salaries or compensation be in excess of reasonable compensation for the services actually performed.

G. Each nonprofit organization shall file with its application for a license the following information:

- (1) A certified copy of its charter, articles of incorporation or constitution;
- (2) A copy of its bylaws;
- (3) A list of its officers and directors showing names, ages, correct mailing addresses and business employment.

H. After receiving a license, each organization shall file the following information with the Department:

- (1) Changes in the board of directors, executive committee or similar governing body shall be reported within thirty days of the effective date of such change;
- (2) Changes in the organization's constitution, articles of incorporation, bylaws and membership effected during the preceding twelve (12) months must be filed with each application for license renewal;
- (3) A financial statement and a profit and loss statement for the latest calendar year or fiscal year, as the case may be, must be filed with each application for license renewal;
- (4) A sworn statement by an authorized officer of the organization that it is still being operated on a nonprofit and limited membership basis.

I. Licensees under this section shall maintain the following records on their premises and make them available for inspection by any authorized representative of the South Carolina Department of Revenue or the State Law Enforcement Division:

(1) A complete membership record showing the date of application of the proposed member, the date of admission after election, the date initiation fees and dues are paid, the amounts paid and the member's correct mailing address.

(2) All books and records relating to the financial transactions and activities of the licensee, including an income record, expenditure record and bank account all to be maintained in such form as is established by regulation of the Commission.

J. Only bona fide members and bona fide guests of members of such organizations may consume alcoholic beverages sold in sealed containers of two ounces or less upon the licensed premises.

K. Bona fide guests shall be limited to those who accompany a member onto the premises or for whom the member has made prior arrangements with the management of the organization.

**I, \_\_\_\_\_, upon being first duly sworn, upon penalty of perjury, do hereby acknowledge and affirm that the above mentioned business is a bona fide nonprofit organization and will operate pursuant to Regulation 7-401.4 and Section 61-6-1600.**

**SWORN to and subscribed before me this**

\_\_\_\_\_ day of \_\_\_\_\_, year of \_\_\_\_\_

Notary Public for \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Notary (L,S.) \_\_\_\_\_

Notary (printed name) \_\_\_\_\_

\_\_\_\_\_  
Taxpayer's Signature (L,S)

\_\_\_\_\_  
Taxpayer's Name (printed)