



APPLICATION TO CONDUCT
GOING OUT OF BUSINESS SALE
PURSUANT TO NEW YORK STATE GENERAL
BUSINESS LAW ARTICLE 29-F, SECTIONS 580 - 596

Note: This application is required to be sworn to under oath. Any false swearing is punishable as provided in the Penal Law of the State of New York.

1. NAME AND ADDRESS OF APPLICANT: Fill in the exact legal name and address of the person or entity to whom the license is proposed to be issued (the "Applicant"). (Attach additional sheets where necessary.)
 - (a) If the Applicant is a corporation, list its exact full name as it appears on its Certificate of Incorporation, any DBA it operates under, together with the date and state of incorporation, the names and addresses of all officers.
 - (b) If the Applicant is a partnership, joint venture or LLC with more than one (1) member, list its exact full name and address as it appears on the Partnership Agreement or LLC Certificate, any DBA it operates under, together with the full name and address of each partner or member, as the case may be.
 - (c) If the Applicant is an individual, sole proprietorship, or individual DBA, list the exact name and address of the Applicant.

 - (d) If the Applicant is a corporation, has a controlling interest in the corporation been transferred within the past six months? Yes _____ No _____

If Yes, state the names and addresses of all persons from whom the controlling interest was purchased.

2. State the name, address and phone number of the person or persons who will be in charge of and conduct the sale.

3. State the exact address at which the proposed sale will be conducted.

4. State the length of time the Applicant has been in business at such location. _____

5. When will the proposed sale begin? _____ End? _____
6. Does the Applicant own or lease the sale location? Own _____ Lease _____
7. If leased, when does the lease terminate? _____
8. Is the Applicant the owner of the goods proposed to be sold? _____
8. Why must the goods be sold in an urgent manner? _____
9. State the name of the sale. (I.e. "Going Out of Business Sale", "Liquidation", "Fire Sale"):

10. If the application is for a "Going Out of Business" or similar type of sale, will the business be reopened at another location? Yes _____ No _____

If Yes, state the new location, whether such reopened business will be owned or operated by the Applicant and the name of such reopened business.

11. Attach a complete, detailed and itemized inventory of the goods and merchandise to be offered at such sale, including; quantity, make, brand name, model, manufacturer's number and any other information required to clearly identify the goods.

The Applicant shall provide the total retail value of the inventory to be sold, said value being based upon the inventory used for the Applicant's most recent federal tax return, adjusted for subsequent purchases and sales.

The Applicant shall also list separately any inventory purchased and received within the ninety days prior to the date of this application.

12. By executing this Application, the Applicant hereby certifies as follows:
 - A. No goods, wares, or merchandise will be added to the inventory after the sale has begun,
 - B. All goods, wares and merchandise included in the attached inventory have been purchased by Applicant for resale on orders with no cancellation privileges and such inventory contains no goods, wares or merchandise purchased on consignment, and
 - C. No goods, wares or merchandise listed in the inventory have been the subject of a licensed sale conducted within one year prior to the date of this Application, unless they were damaged by fire, smoke or water while in the possession of the Applicant.

13. Items required for issuing the license:

- A certified check for \$425.00 check payable to the Town of Victor for a 30-day Going Out of Business sale must be deposited with the Town Clerk.

- Non-refundable certified check payable to the Town of Victor in the amount of \$75.00 must be deposited with the Town Clerk.

14. Items required for extending the sale for additional 30 days:

- Certified check for \$50.00 to extend the sale an additional 30 days. This check shall be provided together with an extension form requesting an extension and certifying the inventory as provided in the original Application has not changed since the filing of the original Application. The form and the check shall be presented to the Town Clerk a minimum of 10 days prior to the expiration of Original License.

15. Within thirty days of the termination of the sale, the Applicant shall submit to the Town Clerk a statement providing the retail value of the goods, wares or merchandise not disposed of during the sale and the ultimate disposition thereof and, if transferred, the name, address and business, if any, of the transferee.

Note: The \$425.00 certified check will be held by the Town Clerk until notified that the sale has ended at which time \$425.00 will be refunded to the Applicant if the Application has not otherwise been denied or revoked, the sale has concluded in compliance with NY Law, and the store is closed within 60 days of the issuance of the License.

The undersigned Applicant has read this completed application and knows the contents thereof and swears that the same is true to Deponent's knowledge.

Dated: _____

(Name of Applicant)

(Signature)

(Printed Name and Title of Signer)

Sworn to before me this _____ day of _____, 20____.

Town Clerk. or Notary Public

CLERK'S USE ONLY

Date sale to begin _____

Date sale to end _____

Date license issued _____

License # _____ - 20____

- Itemized inventory list.

Received by _____ Date _____

- Certified check for \$425.00 payable to the Town of Victor.

Received by _____ Check # _____ Date _____

Deposit Refunded _____ By _____

- Non-refundable certified check for \$75.00 payable to the Town of Victor,

Received by _____ Check # _____ Date _____

- Extending the sale for additional 30 days:
Non-refundable certified check for \$50.00 and a form requesting extension within
minimum of 10 days prior to the expiration of Original License.

Received by _____ Check # _____ Date _____

- Final statement of inventory.

Received by _____ Date _____

Going Out Of Business Licenses - Instructions

1. Under General Business Law Article 29-F, Sections 580 to 596 (the "Going out of Business Law"), any business going out of business or otherwise having a "closing out sale" as defined by the Going out of Business Law must obtain a "Going Out Of Business" License from the Clerk of the local municipality where the store is located.

The only exceptions to this License requirement are as follows: the sale is in conducted pursuant to Court Order, the sale is by a public officer, and the sale is by a duly licensed auctioneer who is conducting an auction. In these instances, a Going Out Of Business license is not required.

2. Have applicant complete the form & supply a copy of the store's inventory and two checks for the permit. (See below for further explanation).

3. The application must be notarized or signed before the Town Clerk and will be assigned the appropriate license number for that year: i.e. License 1 of 2006, License 2 of 2006, etc.

4. Application for this license must be filed with the Town Clerk at least 15 days before the sale (This 15-day wait does include weekends and holidays) and needs to indicate the date when the sale begins.

NOTE: The Town may not waive this 15-day waiting period (NYS Attorney General's office March 2006.) This waiting period allows town staff to review the inventory and item prices. After receipt of this application, no additions may be made to the inventory or any price changes allowed unless a license extension is obtained 10 days before the end of the original license period expired - then an updated inventory is required showing any further price reductions.

5. The application may be reviewed for accuracy and compliance.

5. Town Clerk must issue license within 48 hours of application for any business in the town if all conditions are met exclusive of Saturdays, Sundays, and public holidays - but the start date will not become valid until the 15-day waiting period has expired.

6. Goods must be listed separately (itemized) in an inventory which must be submitted with the application.

7. A license is only good for one 30-consecutive day period. Send a copy of the license to Codes & Development and NYS Attorney General's office as follows:

Eric T. Schneiderman, New York State Attorney General
144 Exchange Blvd., Suite 200
Rochester, NY 14614

Keep one copy for our files.

8. Only one renewal of license is permitted for one additional consecutive 30-day period. The renewal of the license must include the same inventory and extension application must be made not more than 10 days prior to the expiration of the original license.

9. The license fee is \$500.00. Please note that two certified checks are required for the license fee: one check for \$425.00 (returnable if the sale is completed on or prior to the date of expiration of the license, if the store is closed within 60 days of issuance of the license and if the

Application/License is not otherwise denied or revoked) (to be held in the safe until the completion of the sale) and \$75.00 (non-refundable), which is deposited. If a license extension is requested, there is an additional, non-refundable \$50.00 fee required.

Note: The State Attorney General said that the license fee is \$500.00; however, the Town may administer these fees as we wish and that we may refund the \$425.00 fee as we have been doing. (See Notes below.)

10. The Town Clerk's calendar should be marked to show the license expiration date so that the check being held may be returned to the Applicant at the conclusion of the sale.

11. Refundable monies are to be held by the Town Clerk for return to applicant after sale has concluded in compliance with the law. A final statement of the value of status of unsold inventory shall be submitted to the Town Clerk upon request for the refund.

NOTES:

1. Have Town Attorney sign off on Going Out Of Business applications forms.
2. If the \$425.00 deposit is not returned to the applicant, check with the Town's attorney to discuss appropriateness of forwarding this money to NYS.
3. Inventories need to be retained as per Retention Schedule (6 years).
4. As a courtesy, send a copy of the license issued to the NYS Attorney General, 144 Exchange Blvd., Suite 200, Rochester NY 14614.
5. If we are aware that a going out of business sale is being conducted without a license, contact the NYS Attorney General's office in Rochester - they will investigate the situation.
6. The Town Clerk may request an opinion from the Attorney General on Going Out Of Business issues, that opinion automatically becomes effective when rendered.

McKinney's Consolidated Laws of New York Annotated
General Business Law (Refs & Annos)
Chapter 20. Of the Consolidated Laws
Article 29-F. Going Out of Business Sales (Refs & Annos)

McKinney's General Business Law § 580

§ 580. Purpose and intent

Currentness

It is hereby determined and declared that sales to be licensed and regulated pursuant to the provisions of this article have often been conducted and advertised in such a manner as to mislead and defraud the public and otherwise to result in harm to the public interest. Such fraud and imposition on the public has included, by way of partial enumeration only: the misrepresentation of the condition or necessity which is the occasion of such sale; the misrepresentation of the identity of the person conducting such sale, and the name and style in which such sale is to be conducted; the misrepresentation that the goods offered at such sale are selling at sacrifice prices; the misrepresentation that the operator of the sale is selling merchandise on hand at the time when the necessity, which is the occasion of such sale, arose, when in fact he is replenishing his stock with additional merchandise both prior to the commencement and during the conduct of such sale so as to foist upon the public such added merchandise as though it were part of the original stock; and the excessive valuation and misrepresentation of the quality, former price and ownership of the goods to be sold at such sale. In order to prevent such fraud and imposition, the public interest requires the regulation of such sales and the duration and conduct thereof; and the public interest, therefore requires that no such sale should be conducted without a license or otherwise than in accordance with this article.

Credits

(Added L.1968, c. 435, § 1, eff. Sept. 1, 1968.)

Notes of Decisions (1)

McKinney's General Business Law § 580, NY GEN BUS § 580
Current through L.2014, chapters 1 to 430.

McKinney's Consolidated Laws of New York Annotated
General Business Law (Refs & Annos)
Chapter 20. Of the Consolidated Laws
Article 29-F. Going Out of Business Sales (Refs & Annos)

McKinney's General Business Law § 581

§ 581. Definitions

Currentness

(a) The term "closing out sale" shall include, but not be limited to, all sales advertised, represented, or held forth under the designation of "quitting business," "going out of business," "discontinuance of business," "closing out," "selling out," "liquidation," "lost our lease," "must vacate," "forced out," "removal," "branch store discontinuance sale," "building coming down," "end," "final days," "final clearance," "last days," "lease expires," "we give up sale," "we quit sale," "warehouse closing sale," "warehouse removal sale," "reorganization sale," or any other advertising or designation by any other expression or characterization similar to any of the foregoing giving notice to the public that the sale will precede the abandonment of a business location.

(b) The term "sale of goods damaged by fire, smoke or water" shall include, but not be limited to, all sales advertised, represented or held forth under the designation of "fire sale," "smoke damage sale," "water damage sale," "flood damage sale," "insurance sale," or any other advertising or designation by any other expression or characterization similar to any of the foregoing giving notice to the public that the goods, wares or merchandise offered for sale have been damaged.

(c) The term "defunct business sale" shall include, but not be limited to, all sales advertised, represented or held forth under the designation of "adjuster's sale," "administrator's sale," "assignee's sale," "bankrupt sale," "bankrupt stock sale," "benefit of administrator's sale," "benefit of creditor's sale," "benefit of trustee's sale," "creditor's committee sale," "creditor's sale," "executor's sale," "insolvent sale," "mortgage sale," "receiver's sale," "trustee's sale," or any other advertising or designation by any other expression or characterization similar to any of the foregoing conveying the same meaning or giving notice to the public of a sale resulting from death, business failure, or other adversity.

(d) "Unusual purchase or addition" shall mean any purchase of goods, wares or merchandise during the ninety days preceding the application for a license, the total value of which is at least twenty-five per cent greater than purchases made by the applicant for a like ninety-day period during the year next preceding the year in which the application is made or the total value of which is at least twenty-five per cent greater than the purchases made by the applicant for any ninety-day period if the applicant has been in business for less than one year.

(e) "Person" shall mean any individual, partnership, association, firm or corporation.

(f) "Licensee" shall mean any person granted a license pursuant to the provisions of this article.

(g) "Licensing authority" shall mean that department or officer of any city, town or village established for the specific purpose of issuing licenses, and where there is no such department or officer, it shall mean the clerk of such city, town or village.

McKinney's Consolidated Laws of New York Annotated
General Business Law (Refs & Annos)
Chapter 20. Of the Consolidated Laws
Article 29-F. Going Out of Business Sales (Refs & Annos)

McKinney's General Business Law § 582

§ 582. Unlawful advertisement

Currentness

It shall be unlawful for any person to advertise or hold out by any means that the sale of any goods, wares or merchandise to the public is a "closing out sale," "a sale of goods damaged by fire, smoke or water," or a "defunct business sale," unless a license is first obtained to conduct such a sale from the licensing authority of the appropriate city, town or village in which such sale is to be held.

Credits

(Added L.1968, c. 435, § 1, eff. Sept. 1, 1968.)

McKinney's General Business Law § 582, NY GEN BUS § 582

Current through L.2014, chapters 1 to 430.

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McKinney's Consolidated Laws of New York Annotated
General Business Law (Refs & Annos)
Chapter 20. Of the Consolidated Laws
Article 29-F. Going Out of Business Sales (Refs & Annos)

McKinney's General Business Law § 583

§ 583. Application requirements

Currentness

- (a) Any person desiring to conduct any sale as defined in section five hundred eighty-one shall make a written application under oath to the licensing authority of the appropriate city, town or village in which the sale is to be held.
- (b) If the application is for a "closing out sale" or a "defunct business sale," it shall be filed at least fifteen days prior to the date on which such sale is to commence.
- (c) If the application is for a "sale of goods damaged by fire, smoke or water," it may be made at any time prior to the date on which such sale is to commence.
- (d) Such application shall set forth and contain the following information: (1) The name and address of the applicant, whether the applicant is the true owner of the goods, wares or merchandise to be sold, and if the applicant be a partnership, the names and addresses of all partners, or if the applicant be a corporation or association, the date and place of incorporation or organization, the address of the principal office within the state, the names and addresses of all the officers of the applicant and whether controlling interest in the corporation or association was transferred within six months prior to the date of the filing of the application.
- (2) The name and address of the person or persons who will be in charge and responsible for the conduct of such sale.
- (3) The exact address of the place at which the proposed sale is to be conducted and the length of time the applicant has been engaged in business at such location.
- (4) The date on which it is proposed to begin the sale.
- (5) The nature of the occupancy where such sale is to be held, whether by lease or otherwise, and the effective date of termination of such occupancy.
- (6) The reason for the urgent and expeditious disposal of the goods, wares or merchandise to be offered at such sale.
- (7) A statement of the descriptive name of the sale.

(8) If the application is for a "closing out sale" or a "defunct business sale," a statement whether the business is to be terminated permanently or reopened at another location; the location of the premises at which the business is to be reopened; whether the applicant intends to resume the operation of the business upon the termination of the sale; and the name or designation under which such business is to be resumed.

(9) A full, complete, detailed, and itemized inventory of the goods, wares, and merchandise to be offered at such sale as disclosed by applicant's records, which inventory shall:

(i) Itemize the goods, wares and merchandise to be offered for sale and contain sufficient information concerning each item, including quantity, make, brand name, model and manufacturer's number, if any, to clearly identify it;

(ii) List separately any goods, wares and merchandise to be offered for sale which were purchased and received during a ninety-day period immediately prior to the date of making application for the license;

(iii) List the total retail value of the inventory of goods, wares and merchandise to be offered at such sale based on the inventory used for applicant's most recent federal income tax return adjusted for sales and purchases.

(10) If the application is for a license to conduct a "sale of goods damaged by fire, smoke, or water" and the applicant was not the owner at the time when the goods, wares and merchandise to be offered at the contemplated sale were damaged, he shall attach to the said application copies of the bill of sale and all other documents connected with such transfer obtained by him from the previous owner of such goods, wares and merchandise.

(11) If the application is for a license to conduct a "defunct business sale," and the applicant was not the owner of the goods, wares and merchandise to be offered at the contemplated sale at the time of occurrence of the circumstances warranting the termination of such business, he shall attach to the application copies of the bill of sale and the official appraisal made by the trustee, receiver, assignee for benefit of creditors, referee in bankruptcy, or the personal representative of a decedent.

(12) A statement that no goods, wares and merchandise will be added to the inventory after the application is made.

(13) A statement that all goods, wares and merchandise included in such inventory have been purchased by the applicant for resale on orders without cancellation privileges and that said inventory comprises no goods, wares and merchandise purchased on consignment.

(14) A statement that no goods, wares and merchandise listed in the inventory have been the subject of a licensed sale conducted within one year prior to the date of the application, unless they were damaged by fire, smoke, or water while in the possession of the applicant.

(e) Upon compliance with the foregoing and subject to the provisions of subdivision (a) of section five hundred eighty-seven, the licensing authority of the appropriate city, town or village in which the sale is to be held shall, within forty-eight hours after submission of the application to it, exclusive of Saturdays, Sundays and public holidays, issue a license to conduct the sale which is the subject of the application.

McKinney's Consolidated Laws of New York Annotated
General Business Law (Refs & Annos)
Chapter 20. Of the Consolidated Laws
Article 29-F. Going Out of Business Sales (Refs & Annos)

McKinney's General Business Law § 584

§ 584. Exceptions

Currentness

The provisions of this article shall not apply to any sale advertised as an "alteration sale," "remodeling sale," "clearance sale," "surplus stock liquidation sale," "floor sample sale," "inventory reduction sale," "special purchase sale," or any other advertising or designation by any other expression or characterization similar to any of the foregoing giving notice to the public that the sale will not precede the abandonment of a business location, nor shall this article apply to the following persons:

- (a) Persons acting pursuant to an order or process of a court of competent jurisdiction;
- (b) Persons who are required to file an accounting with a court of competent jurisdiction;
- (c) Persons acting in accordance with their powers and duties as public officers;
- (d) Any publisher or employee of a newspaper, magazine, or any operator or employee of a radio or television broadcasting station, who publishes or broadcasts any such advertisement in good faith without knowledge of its false, deceptive and misleading character, or without knowledge that the provisions of this article have not been complied with;
- (e) Any duly licensed auctioneer, selling at auction;
- (f) Any insurance corporation, or any association, firm or corporation, the controlling interest in which is owned by any insurance corporation or corporations, which, pursuant to the terms of a policy or policies of insurance, acquires title in or to any goods, wares or merchandise damaged by fire, smoke, water or otherwise, and which advertises and sells such goods, wares and merchandise as salvage.

Credits

(Added L.1968, c. 435, § 1, eff. Sept. 1, 1968.)

Notes of Decisions (2)

McKinney's General Business Law § 584, NY GEN BUS § 584
Current through L.2014, chapters 1 to 430.

McKinney's Consolidated Laws of New York Annotated
General Business Law (Refs & Annos)
Chapter 20. Of the Consolidated Laws
Article 29-F. Going Out of Business Sales (Refs & Annos)

McKinney's General Business Law § 585

§ 585. Branch stores and warehouses

Currentness

If the applicant for a license hereunder owns, conducts or operates more than one store, or a warehouse in connection with such store or stores, the license issued will apply only to the one store or warehouse for which it was issued, and no other store, branch or warehouse may advertise or represent in any way that it is cooperating with or participating in any way in the licensed sale, nor shall a store licensed pursuant to this article or any person advertise or represent that any other store or warehouse is cooperating with or participating in the licensed sale. The licensed sale conducted by any store of a chain or group of stores shall be conducted solely at the location of the store for which the license was issued and no goods, wares or merchandise shall be brought from any other store and placed on sale at the store licensed pursuant to this article.

Credits

(Added L.1968, c. 435, § 1, eff. Sept. 1, 1968.)

McKinney's General Business Law § 585, NY GEN BUS § 585
Current through L.2014, chapters 1 to 430.

McKinney's Consolidated Laws of New York Annotated
General Business Law (Refs & Annos)
Chapter 20. Of the Consolidated Laws
Article 29-F. Going Out of Business Sales (Refs & Annos)

McKinney's General Business Law § 586

§ 586. Substitution, addition and commingling of goods; license void; certain purchases prohibited

Currentness

(a) Any substitution for or addition to goods described in an inventory filed pursuant to this article, or any change in the time or place of a sale conducted pursuant thereto, shall be unlawful and any license issued for such sale shall thereupon become void.

(b) Where an applicant, conducting a sale licensed under this article, also conducts a business of selling other goods, wares or merchandise not included in the inventory accompanying the application, the goods, wares and merchandise to be sold at such sale shall be clearly and distinctly segregated, marked or identified, and advertised, if at all, so that, both on display and in advertising, such goods, wares and merchandise may be readily distinguished from other goods, wares and merchandise and their identity readily ascertained. Any commingling of such goods, wares and merchandise with other goods, wares and merchandise of the licensee in such a manner as to cause them to lose their separate identity, either on display or in advertising, shall be unlawful and any license issued pursuant for such sale shall thereupon become void.

Credits

(Added L.1968, c. 435, § 1, eff. Sept. 1, 1968.)

McKinney's General Business Law § 586, NY GEN BUS § 586

Current through L.2014, chapters 1 to 430.

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Article 29-F. Going Out of Business Sales (Refs & Annos)

McKinney's General Business Law § 587

§ 587. Investigation of application; grounds for denial; revocation of license

Currentness

(a) Upon receipt of the application, the licensing authority of the appropriate city, town or village in which such sale is to be held may make or cause to be made an examination into any or all the facts contained in the application and inventory in relation to the proposed sale. A license shall be denied or refused if any one or more of the following facts or circumstances is found to exist:

(1) That the applicant is not the true owner of the goods, wares and merchandise to be sold.

(2) That the applicant has not been the owner of the business advertised or described in the application for a license hereunder for a period of at least six months prior to the date of the application, or, if the applicant be a corporation or association, controlling interest in the corporation or association had been transferred within six months prior to the date of the application for a license hereunder, except--

(i) Where the application is for a license for a "sale of goods damaged by fire, smoke, or water," or a "defunct business sale," and the inventory listed in the application contains only those goods, wares or merchandise which were on the premises at the time of the occurrence of the circumstances warranting the granting of a license hereunder;

(ii) Upon the death of a person doing business in the state, the representatives of his estate, or his or her heirs, distributees, devisees, legatees, or their successors and assignees, shall have the right to apply at anytime for a license hereunder;

(iii) Where a business is required or compelled to be discontinued because the premises upon which it is being conducted have been taken by eminent domain or because the premises must be vacated pursuant to legal or judicial proceedings.

(3) That in the case of a "closing out sale," the applicant, either as owner, partner, member of an association, or principal stockholder of a corporation, was granted a prior license hereunder within one year preceding the date of the filing of the application, or the applicant, within one year prior to the date of filing of the application, has conducted a sale in connection with which he advertised or represented that the entire business conducted at the particular location for which the license is sought was to be closed out or terminated.

(4) That the inventory contains goods, wares or merchandise not purchased by the applicant for resale on bona fide orders without cancellation privileges.

(5) That the inventory contains goods, wares or merchandise purchased by the applicant on consignment, except if the consigned goods, wares or merchandise have been damaged while in the applicant's actual possession.

(6) That the applicant has within one year prior to the filing of the application been convicted of a violation of this act.

(7) That the goods, wares or merchandise as described in the inventory were transferred or assigned to the applicant prior to the date of the filing of the application and that said transfer or assignment was not made for a valuable and adequate consideration.

(8) That in the case of a "closing out sale" or a "defunct business sale," the inventory contains goods, wares or merchandise purchased by the applicant or added to his stock in contemplation of such sale and for the purpose of selling the same at such sale. Any unusual purchase or addition shall be presumptive evidence that such purchase or additions were made in contemplation of such sale and for the purpose of selling the same at such sale.

(9) That any representation made in the application is knowingly false.

(b) Revocation. The licensing authority shall revoke any license granted under the provisions of this article if, after investigation, it shall determine:

(1) That any sale by the applicant has been or is being conducted in violation of any provision of this article, or;

(2) That the applicant has made any material misstatement in his application for said license, or;

(3) That the applicant has knowingly failed to include in the inventory, filed with this application, all goods, wares or merchandise required to be contained in such inventory, or;

(4) That the applicant has added or permitted to be added to said sale or offered or permitted to be offered at said sale, any goods, wares or merchandise not described in the original application and inventory, or;

(5) That the applicant made or permitted to be made any false, misleading or deceptive statements, whether written or oral, in advertising said sale, or in displaying, ticketing, or pricing goods, wares or merchandise offered for sale.

(c) Any complaint filed with the licensing authority concerning any violation of this article shall be in writing and duly verified by the complainant.

(d) If the licensing authority shall revoke any license pursuant to the provisions of subsection (b), it shall serve notice of such revocation upon the licensee within twenty-four hours of the revocation. Notice of revocation shall be served on the licensee in the same manner as a summons as prescribed by the civil practice law and rules or by registered or certified mail, return receipt requested. The failure of the licensee to discontinue said sale upon receipt of such notice shall constitute a violation of this article.

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General Business Law (Refs & Annos)
Chapter 20. Of the Consolidated Laws
Article 29-F. Going Out of Business Sales (Refs & Annos)

McKinney's General Business Law § 588

§ 588. Appeal from denial or revocation of license

Currentness

Any applicant for a license who is aggrieved by the denial or revocation of a license may apply to the supreme court in the judicial district in which the place of the proposed sale is located for a review of such denial or revocation by a proceeding under article seventy-eight of the civil practice law and rules. Such proceeding shall be instituted within thirty days of the date of the receipt of such denial or revocation.

Credits

(Added L.1968, c. 435, § 1, eff. Sept. 1, 1968.)

McKinney's General Business Law § 588, NY GEN BUS § 588

Current through L.2014, chapters 1 to 430.

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McKinney's General Business Law § 589

§ 589. Copy of application; inventory and license to be posted; license to be referred to in advertisements

Currentness

A copy of the application for a license to conduct a sale under this article, including the inventory filed therewith, shall be posted in a conspicuous place in the sales room or place where the inventoried goods, wares or merchandise are to be sold, so that the public may be informed of the facts relating to such goods, wares and merchandise before purchasing them. Any advertisement or announcement published in connection with the sale shall conspicuously show on its face the number of the license, the date of its expiration, and if applicable, the location where the business is to be resumed.

Credits

(Added L.1968, c. 435, § 1, eff. Sept. 1, 1968.)

McKinney's General Business Law § 589, NY GEN BUS § 589

Current through L.2014, chapters 1 to 430.

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McKinney's General Business Law § 590

§ 590. Duration of sale; license fee

Currentness

(a) A license to conduct a sale issued pursuant to this article shall be good for no more than a period of thirty consecutive calendar days and may be renewed for one consecutive period not exceeding thirty consecutive calendar days upon the affidavit of the applicant that the goods, wares and merchandise listed in the inventory have not been disposed of and that no new goods, wares and merchandise have been or will be added to the inventory previously filed pursuant to this article by purchase, acquisition, on consignment or otherwise. The application for renewal shall be made not more than ten days prior to the date of the expiration of the license and shall contain an inventory of the goods, wares and merchandise remaining on hand at the time the application for renewal is made, which inventory shall be prepared and furnished in the same manner and form as the original inventory. The licensing authority of the appropriate city, town or village in which such sale is to be conducted shall receive from the applicant for such license, upon the filing of an application therefor, a fee of five hundred dollars, and upon the renewal thereof, a fee of fifty dollars. The applicant shall not be entitled to a refund of the fee paid if said application is revoked.

(b) Any person desiring to conduct any sale defined in subdivision (a) of section five hundred eighty-one of this article shall place the fees prescribed in subdivision (a) of this section with the licensing authority, all except seventy-five dollars of which shall be returned to such person provided the store is closed within sixty days of the receipt of such a license. In the event that the person going out of business and which is holding the closing out sale does not close his doors within sixty days of the receipt of such a license, the applicant shall not be entitled to a refund of such fees.

Credits

(Added L.1968, c. 435, § 1, eff. Sept. 1, 1968. Amended L.1969, c. 670, § 1; L.1989, c. 169, § 1; L.1995, c. 435, § 1.)

McKinney's General Business Law § 590, NY GEN BUS § 590
Current through L.2014, chapters 1 to 430.

McKinney's Consolidated Laws of New York Annotated
General Business Law (Refs & Annos)
Chapter 20. Of the Consolidated Laws
Article 29-F. Going Out of Business Sales (Refs & Annos)

McKinney's General Business Law § 591

§ 591. Opening of a similar business

Currentness

Opening of a business similar to the one for which the sale, licensed pursuant to this article, was conducted, except the licensed "sale of goods damaged by fire, smoke or water," by the person, partnership, association, corporation, or partner of a partnership, officer of an association or principal stockholder of a corporation, who or which conducted the sale upon the same premises within a period of one year of the termination of the sale, shall constitute a violation of this article, and every day in which business is conducted within such period shall constitute a separate violation of this article.

Credits

(Added L.1968, c. 435, § 1, eff. Sept. 1, 1968.)

McKinney's General Business Law § 591, NY GEN BUS § 591

Current through L.2014, chapters 1 to 430.

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McKinney's Consolidated Laws of New York Annotated
General Business Law (Refs & Annos)
Chapter 20. Of the Consolidated Laws
Article 29-F. Going Out of Business Sales (Refs & Annos)

McKinney's General Business Law § 592

§ 592. Records

Currentness

(a) Suitable books and records concerning any sale licensed pursuant to this article shall be kept by the licensee for the duration of the licensed sale and one year thereafter, and shall be open for inspection by the licensing authority of the appropriate city, town or village in which such sale was held.

(b) Upon the termination of a sale licensed hereunder the applicant shall, within thirty days of such termination, file a statement with the licensing authority of the appropriate city, town or village in which the sale was held stating the total retail value of the goods, wares or merchandise not disposed of during the sale and the ultimate disposition thereof and, if transferred to another, the name, address and business, if any, of the transferee.

Credits

(Added L.1968, c. 435, § 1, eff. Sept. 1, 1968.)

McKinney's General Business Law § 592, NY GEN BUS § 592
Current through L.2014, chapters 1 to 430.

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Article 29-F. Going Out of Business Sales (Refs & Annos)

McKinney's General Business Law § 593

§ 593. Injunctions

Currentness

Upon application by the licensing authority of the appropriate city, town or village in which a "closing out sale," "a sale of goods damaged by fire, smoke or water," or a "defunct business sale" is being held, the supreme court of the county wherein a violation of this act occurred may restrain and enjoin any act forbidden or declared illegal by any provision of this article.

Credits

(Added L.1968, c. 435, § 1, eff. Sept. 1, 1968.)

McKinney's General Business Law § 593, NY GEN BUS § 593

Current through L.2014, chapters 1 to 430.

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McKinney's Consolidated Laws of New York Annotated
General Business Law (Refs & Annos)
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Article 29-F. Going Out of Business Sales (Refs & Annos)

McKinney's General Business Law § 594

§ 594. Penalties

Currentness

Any person violating any provision of this article shall be guilty of an unclassified misdemeanor punishable by a fine of two hundred fifty dollars or imprisonment for one year or both, and each day upon which any sale is conducted in violation of this article shall be a separate violation.

Credits

(Added L.1968, c. 435, § 1, eff. Sept. 1, 1968.)

McKinney's General Business Law § 594, NY GEN BUS § 594

Current through L.2014, chapters 1 to 430.

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McKinney's General Business Law § 595

§ 595. Application of article

Currentness

This article shall apply only to any city, town or village having a population of less than one million.

Credits

(Added L.1968, c. 435, § 1, eff. Sept. 1, 1968.)

Notes of Decisions (2)

McKinney's General Business Law § 595, NY GEN BUS § 595

Current through L.2014, chapters 1 to 430.

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General Business Law (Refs & Annos)
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McKinney's General Business Law § 596

§ 596. Saving clause

Currentness

If any section or provision of this article shall at any time be declared to be unconstitutional, it is the expressed legislative intent that no other section or provision hereof be thereby affected.

Credits

(Added L.1968, c. 435, § 1, eff. Sept. 1, 1968.)

McKinney's General Business Law § 596, NY GEN BUS § 596

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