

**CITY OF ROCHESTER
CITY CLERK'S OFFICE
LICENSING UNIT
ROOM 100A, CITY HALL
ROCHESTER, NY 14614**

Lic. # _____ Date _____
Contact _____
Phone _____
Operation Days _____

Going Out of Business

License Application – Article 29-F, General Business Law

Type of Sale (circle one) – (Closing Out), (Defunct Business), (Goods Damaged by Fire, Smoke or Water)

1

Business Information:

Name of Business

Email Address

Business Address

City, State

Zip

(____) _____

Business Phone

(____) _____

Cell Phone

2

Is applicant true owner of goods? Yes ___ No ___

3

Partnership/Corporation Officers: (if other than owner, PICTURE I.D. REQUIRED)

Name _____ Address _____

Date of Birth _____ Phone (Home & Cell) (____) _____

Email Address

4

Corporate Information:

Date and Location of Incident: _____

Address of Principal Office in N.Y.: _____

Has corporate interest been transferred within 6 months? Yes ___ No ___

5

Person in Charge of Sale:

Name _____ Address _____

Date of Birth _____ Phone (Home & Cell) (____) _____

Email: _____

6

Location of Sale:

Dates of Sale: From: ____/____/20____ To: ____/____/20____

How long has business been at location? _____

7

Nature of Occupancy (Own) ___ (Rent) ___ (Other) ___

Effective termination date of such occupancy: ____/____/20____

8 Reason for urgent disposal of merchandise:

9 Statement of descriptive name of sale:

10 If “closing out sale” or “defunct business sale”, complete the following:
Is business to be terminated permanently? Yes _____ No _____
Is business to be reopened at another location? Yes _____ No _____
Location of reopening: _____
Does applicant intend to resume operation of business after termination? Yes _____ No _____
Name under which business will be reopened: _____

11 If application is for the “sale of goods damaged by fire, smoke or water” or “defunct business sale”, and applicant was not true owner of the merchandise at the time when the events leading to the proposed sale occurred, then applicant must attach bill of sale, other documents of transfer, and official appraisal if application is for a “defunct business sale”.

12 Attach full, complete, itemized inventory including separate listing of goods purchased within past ninety (90) days and total retail value.

13 Furthermore, the above applicant states that no merchandise will be added to the inventory after the date of this application, that all goods, wares and merchandise included in the attached inventory have been purchased by the applicant for resale on orders without cancellation privileges; that the attached inventory comprises no goods, wares and merchandise purchased on consignment; and that none of the merchandise in the attached inventory has been the subject of a licensed sale within one (1) year of the date of this application unless the merchandise was damaged by fire, smoke or water while in the possession of the applicant.

I acknowledge that all the submitted information is correct and I understand that false statements made on this application may result in the denial or revocation of the license issued by the Chief of Police.

PRINT NAME

SIGNATURE OF APPLICANT

SUBSCRIBED AND SWORN TO BEFORE ME

THIS _____ **DAY OF** _____

Notary/Commissioner of Deeds

Date of Expiration



Consent for criminal background review in connection with license application

Name of applicant: _____

Date of Birth: _____

Residence: _____

Home Phone: _____

Cell Phone: _____

Type of license applied for: _____

I have been informed that as part of my application for a City of Rochester license, the Municipal Code requires a review of my criminal background records. I hereby consent to such a review and authorize the City of Rochester to obtain such records from the New York State Division of Criminal Justice Services, the Federal Bureau of Investigation, or any other government agency.

I understand that under New York Correction Law Section Article 23-A a prior criminal conviction will not automatically exclude me from obtaining a license, but that in certain cases it may lead to a denial of a license. I have been given a copy of Correction Law Article 23-A with this consent form.

I have been informed that a procedure exists by which I can obtain a copy of my criminal background records from the New York State Division of Criminal Justice Services as provided in 9 NYCRR Part 6050, and the FBI if applicable, and to request that said agency correct any errors in those records.

Applicant Signature: _____

Date: _____

NY Correction Law ARTICLE 23-A
LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY
CONVICTED OF ONE OR MORE CRIMINAL OFFENSES

Section 750. Definitions.

751. Applicability.

752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.

753. Factors to be considered concerning a previous criminal conviction; presumption.

754. Written statement upon denial of license or employment.

755. Enforcement.

§ 750. Definitions. For the purposes of this article, the following terms shall have the following meanings:

(1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.

(2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.

(3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.

(4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

(5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

§ 751. Applicability. The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

§ 752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited. No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

(1) there is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or

(2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to

property or to the safety or welfare of specific individuals or the general public.

§ 753. Factors to be considered concerning a previous criminal conviction; presumption. 1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

(a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.

(b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.

(c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.

(d) The time which has elapsed since the occurrence of the criminal offense or offenses.

(e) The age of the person at the time of occurrence of the criminal offense or offenses.

(f) The seriousness of the offense or offenses.

(g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.

(h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

§ 754. Written statement upon denial of license or employment. At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

§ 755. Enforcement. 1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.

2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.