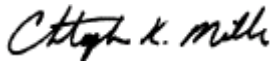


REQUEST FOR COUNCIL ACTION

Date: 9/21/2015
Item No.: 12.a

Department Approval



City Manager Approval



Item Description: Public Hearing to Consider the Transfer of an Off Sale Liquor License to Just Because Liquors, LLC (MGM Wine & Spirits)

BACKGROUND

Just Because Liquors, LLC is in the process of purchasing the MGM Wine & Spirits store located at 1149 Larpenteur Ave N. Just Because Liquors, LLC intends to begin operating under the existing trade name, MGM Wine & Spirits, upon the closing of the sale.

Recognizing that the City permits a maximum of ten off-sale liquor licenses, all of which are currently in use, MGM Wine & Spirits, Inc., the current licensee, has agreed to forfeit the rights to their off-sale liquor license upon the sale of the store on or around September 23. The license will then be transferred to Just Because Liquors, LLC for the remainder of 2015.

Under State Statute 340A.412 and City Code Chapter 302.07B, the acquisition of an existing off-sale retail location is effectively categorized as a transfer of an existing license; for which City Council consent is required. The City Code reads as follows:

***Person and Premises Licensed; Transfer:** Each license shall be issued only to the applicant and for the premises described in the application. No license may be transferred to another person or place without City Council approval. Before a transfer is approved, the transferee shall comply with the requirements for a new application. Any transfer of the controlling interest of a licensee is deemed a transfer of the license. Transfer of a license without prior City Council approval is a ground for revocation of the license. (Ord. 972, 5-13-1985) (Ord. 1390, 3-29-2010)*

Specific to City Code, Just Because Liquors, LLC's application materials are considered complete and in full compliance with City documentation requirements.

POLICY OBJECTIVE

State Statute and City Code permit the transfer of a liquor license with City Council consent.

FINANCIAL IMPACTS

Not applicable.

STAFF RECOMMENDATION

City Staff recommends that the City Council approve the transfer of the off-sale liquor license from

31 MGM Wine & Spirits, Inc to Just Because Liquors, LLC, effective upon the close of the sale on or
32 around September 23.

33 **REQUESTED COUNCIL ACTION**

34 Motion to approve the transfer of the off-sale liquor license to Just Because Liquors, LLC for the
35 remainder of the 2015 calendar year.

36

Prepared by: Chris Miller, Finance Director

Attachments: A: Application from Just Because Liquors, LLC (MGM Wine & Spirits)



Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
 444 Cedar St., Suite 222, St. Paul, MN 55101-5133
 (651) 201-7507 FAX (651) 297-5259 TTY (651) 282-6555
 WWW.DPS.STATE.MN.US



APPLICATION FOR OFF SALE INTOXICATING LIQUOR LICENSE

No license will be approved or released until the \$20 Retailer ID Card fee is received

Workers compensation insurance company. Name Integrity Insurance Co. Policy # 24567445
 Licensee's MN Sales and Use Tax ID # 4153713 To apply for a MN sales and use tax ID #, call (651) 296-6181
 Licensee's Federal Tax ID # 47-4780197

If a corporation, an officer shall execute this application If a partnership, a partner shall execute this application.

Licensee Name (Individual, Corporation, Partnership, LLC) <u>Just Because Liquors, LLC</u>	Social Security #	Trade Name or DBA <u>MGM Wine & Spirits</u>	
License Location (Street Address & Block No.) <u>1149 Larpenteur Ave. West</u>	License Period From <u>9/23/15</u> To <u>12/31/15</u>	Applicant's Home Phone #	
City <u>Roseville</u>	County <u>Ramsey</u>	State <u>MN</u>	Zip Code <u>55113</u>
Name of Store Manager <u>Kurt & Stacey Kuhlman</u>	Business Phone Number <u>651-488-1685</u>	DOB (Individual Applicant)	

If a corporation or LLC state name, date of birth, Social Security # address, title, and shares held by each officer. If a partnership, state names, address and date of birth of each partner.

Partner Officer (First, middle, last)	DOB	SS#	Title	Shares	Address, City, State, Zip Code
<u>Kurt Kuhlman (Allen)</u>					
<u>Stacey Kuhlman (Marie)</u>					
Partner Officer (First, middle, last)	DOB	SS#	Title	Shares	Address, City, State, Zip Code
Partner Officer (First, middle, last)	DOB	SS#	Title	Shares	Address, City, State, Zip Code

- If a corporation, date of incorporation 8/13/2015, state incorporated in MN, amount paid in capital \$24,004.00. If a subsidiary of any other corporation, so state _____ and give purpose of corporation _____. If incorporated under the laws of another state, is corporation authorized to do business in the state of Minnesota? ☐ Yes ☒ No -N/A
- Describe premises to which license applies; such as (first floor, second floor, basement, etc.) or if entire building, so state.
Rented space of 4800 sq. ft on 1st floor of strip mall - one level
- Is establishment located near any state university, state hospital, training school, reformatory or prison? ☐ Yes ☒ No If yes state approximate distance. Within 10 miles → Mpls Community & Technical College, University of MN, & University of North western. Regions Hospital & Corrections Department prison
- Name and address of building owner: Bixmor SPE 5 LLC (c/o Bixmor Property Group 450 Lexington Ave. 13th Floor) New York NY 10170 Attn: General Counsel
Has owner of building any connection, directly or indirectly, with applicant? ☐ Yes ☒ No
- Is applicant or any of the associates in this application, a member of the governing body of the municipality in which this license is to be issued? ☐ Yes ☒ No If yes, in what capacity? _____
- State whether any person other than applicants has any right, title or interest in the furniture, fixtures or equipment for which license is applied and if so, give name and details. N/A
- Have applicants any interest whatsoever, directly or indirectly, in any other liquor establishment in the state of Minnesota?
☐ Yes ☒ No If yes, give name and address of establishment. _____

Are the premises now occupied or to be occupied by the applicant entirely separate and exclusive from any other business establishment? ☐ Yes ☒ No Located in shopping center/strip mall

State whether applicant has or will be granted, an On sale Liquor License in conjunction with this Off Sale Liquor License and for the same premises. ☐ Yes ☒ No ☐ Will be granted

State whether applicant has or will be granted a Sunday On Sale Liquor License in conjunction with the regular On Sale Liquor License. ☐ Yes ☒ No ☐ Will be granted

11. If this application is for a County Board Off Sale License, state the distance in miles to the nearest municipality. N/A
12. State Number of Employees 5-6
13. If this license is being issued by a County Board, has a public hearing been held as per MN Statute 340A.405 sub2(d)? N/A
14. If this license is being issued by a County Board, is it located in an organized township? **If so, attach township approval.**

1. State whether applicant or any of the associates in this application, have ever had an application for a liquor license rejected by any municipality or state authority; if so, give dates and details. N/A - NO
2. Has the applicant or any of the associates in this application, during the five years immediately preceding this application ever had a license under the Minnesota Liquor Control Act revoked for any violation of such laws or local ordinances; if so, give dates and details. N/A - NO
3. Has applicant, partners, officers, or employees ever had any liquor law violations or felony convictions in Minnesota or elsewhere, including State Liquor Control penalties? ☐ Yes ☒ No If yes, give dates, charges and final outcome.
4. During the past license year, has a summons been issued under the Liquor Civil Liability Law (Dram Shop) M.S. 340A.802. ☐ Yes ☒ No If yes, attach a copy of the summons.

This licensee must have one of the following:

(ATTACH CERTIFICATE OF INSURANCE TO THIS FORM.)

Check one

- ☒ A. Our lease requires 1M/3M so we did 2M/4M for coverage
Liquor Liability Insurance (Dram Shop) - \$50,000 per person, \$100,000 more than one person; \$10,000 property destruction; \$50,000 and \$100,000 for loss of means of support.
- or ☐ B. A surety bond from a surety company with minimum coverage as specified in A.
- or ☐ C. A certificate from the State Treasurer that the licensee has deposited with the state, trust funds having market value of \$100,000 or \$100,000 in cash or securities.

I certify that I have read the above questions and that the answers are true and correct of my own knowledge.

Print name of applicant & title

Signature of Applicant

Date

Kurt Kuhlman (owner)

Kurt Kuhlman

8-13-15

REPORT BY POLICE/SHERIFF'S DEPARTMENT

This is to certify that the applicant and the associates named herein have not been convicted within the past five years for any violation of laws of the State of Minnesota or municipal ordinances relating to intoxicating liquor except as follows:

ROSEVILLE POLICE DEPT.

CHIEF OF POLICE

Police/Sheriff's Department

Title

Signature

[Signature]

County Attorney's Signature

PS 9136-(2009)

IMPORTANT NOTICE

All retail liquor licensees must register with the Alcohol, Tobacco Tax and Trade Bureau.
For information call (513) 684-2979 or 1-800-937-8864