

SUGGESTED MOTION:

Move to transfer the current valid beer and liquor license for the Wild Rice Bar & Grill for the remainder of 2018, and approve a beer and liquor license for January 1-December 31, 2019, upon receipt of payment for the 2019 license fees.

CASS COUNTY, NORTH DAKOTA
ALCOHOLIC BEVERAGE LICENSES - 2018

<u>County #</u> Alcohol Beer*	<u>NAME AND ADDRESS</u>	<u>FEE PAID**</u>	<u>TOWNSHIP/ PARCEL #</u>	<u>R.E. TAXES PAID</u>
437 *1025	Wild Rice Bar & Grill, Inc. Bruce Schauer, 205 Main Wild Rice ND 58047 (239-8470)	\$1,260	Stanley/Wild Rice 64-0100-03200-000 64-0100-03210-000	√
437 *1025	JAL Wild Rice Bar & Grill, LLC d/b/a Wild Rice Bar & Grill John Lynn, 205 Main Wild Rice ND 58047 (367-6881)	license transferred effective October 1 through December 31	Stanley/Wild Rice 64-0100-03200-000 64-0100-03210-000	√
438 *1026	Richard & LaVonne Schroeder d/b/a/ Bronco Bar, 103 Main Street Chaffee ND 58079-4300 (347-4143)	\$1,260	Walburg/Chaffee 66-0100-12464-000	√
439 *1027	Jack Nick, LLC d/b/a Knickerbocker Liquor Locker 412 Main Street Mike Bice (799-5557) Nicole Bice (364-9100) 305 7th St-Hickson ND 58047	\$1,260	Pleasant/Hickson 57-0100-10428-000	√
440 *1028	Brenda Hocking d/b/a Club 94 15568 37 St SE PO Box 561 Casselton ND 58012-0561 (347-4418)	\$1,260	Everest Township 38-0000-04814-000	√
441 *1029	Bear Creek Winery, LLC Rod & Sue Ballinger 8800 25 th Street South Fargo ND 58104 (306-7519)	\$1,000	Stanley Township 64-0000-02300-017 64-0000-02300-078	√
442 *1035	The Pines Wedding & Events, LLC Phil Bruckbauer 4887 165 th Ave SE Davenport ND 58021 (212-3794)	\$500	Warren Township 67-0250-00010-000	√

Worden, Heather

From: Peters, Tracy
Sent: Thursday, August 9, 2018 4:48 PM
To: Worden, Heather
Subject: RE: beer and wine

Hi Heather,

In looking at the current policy, it doesn't address what happens to the license fee when there is a transfer in ownership, so it will have to be a decision made by the commission. Current policy allows for the purchase of a 12 month license or a 6 month license. Under N.D.C.C. 5-02-03, "[t]he local governing body may by ordinance or resolution provide for issuance of licenses for any period not to exceed one year and may allow for proration and refunds of license fees." The current ordinance doesn't say anything about refunds of license fees. Because the ordinance is silent, the commission will have to decide how they should handle this situation.

That's about the best answer I have for you!

Tracy

From: Worden, Heather
Sent: Tuesday, August 7, 2018 2:49 PM
To: Peters, Tracy <PetersT@casscountynd.gov>
Subject: RE: beer and wine

Sorry...the current owner has paid through the end of this year, not June.

From: Worden, Heather
Sent: Tuesday, August 7, 2018 1:13 PM
To: Peters, Tracy <PetersT@casscountynd.gov>
Subject: RE: beer and wine

That's exactly my question. The current owner has paid for a beer and liquor license through June. The sale of the business plans to be finalized October 1st and that is when the new owner will take over the establishment.

From: Peters, Tracy
Sent: Tuesday, August 7, 2018 12:43 PM
To: Worden, Heather <WordenH@casscountynd.gov>
Subject: RE: beer and wine

Hi Heather, I just want to make sure I understand the question here –

The liquor licenses run January 1st to December 31st

If a new owner takes over the business October 1st, what should they pay for a license for that three month period?
Or does the license follow the business meaning he's ok not to pay until 2019?

From: Worden, Heather
Sent: Friday, August 3, 2018 11:28 AM
To: Peters, Tracy <PetersT@casscountynd.gov>
Subject: RE: beer and wine

Thanks, Tracy.

I sent the background investigation to the Sheriff's Office. The individual plans to take over the business on October 1st and wants to have board approval as soon as possible to move forward with the transfer.



Heather Worden
Administrative Assistant
Cass County Commission Office
211 9th Street South
PO Box 2806
Fargo ND 58108-2806
wordenh@casscountynd.gov
D: 701-241-5609

From: Peters, Tracy
Sent: Friday, August 3, 2018 11:25 AM
To: Worden, Heather <WordenH@casscountynd.gov>
Subject: beer and wine

Hi Heather –
Got your message and your question – I'll get back to you next week on it!

Tracy

Tracy J. Peters
Assistant States Attorney
211 9th St S
Fargo, ND
(701)241-5850

SUBJECT: ORDINANCE #2018-3 (ALCOHOLIC BEVERAGE RETAIL LICENSE FEES)

ADOPTED DATE: MARCH 19, 2018

PAGE 1 OF 2

ORDINANCE NO. 2018-3

AN ORDINANCE RELATING TO THE RETAIL LICENSING FEE FOR AN ANNUAL LICENSE TO SELL ALCOHOLIC BEVERAGES IN CASS COUNTY, NORTH DAKOTA, OUTSIDE OF INCORPORATED CITIES

WHEREAS, Chapter 5 of the North Dakota Century Code authorizes the Board of County Commissioners to set alcoholic beverage retail license fees, the following fee schedule shall govern all alcoholic beverage retail licenses in Cass County, North Dakota, outside of incorporated cities.

SECTION 1: Definitions

The terms in this Ordinance are defined in Chapter 5 of the North Dakota Century Code.

SECTION 2: Annual Fee Schedule

On & Off Sale Alcoholic Beverage	\$1000
On OR Off-Sale Alcoholic Beverage	\$1000
Beer and Wine	\$500

The term of the license shall be on a calendar-year basis from January 1st through December 31st.

An applicant may apply for a six (6) month retail license. Such a license shall be valid during any consecutive six (6) month period within the calendar year. The fee for a six (6) month license shall be ½ of the annual fee stated above.

The penalty for a violation of this ordinance is set forth in Chapter 5 of the North Dakota Century Code.

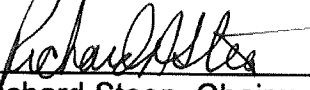
NOW, THEREFORE, be it ordained by the Cass County Board of Commissioners that the retail licensing fees for the sale of alcoholic beverages in Cass County, North Dakota, be established pursuant to the above schedule.

SUBJECT: ORDINANCE #2018-3 (ALCOHOLIC BEVERAGE RETAIL LICENSE FEES)

ADOPTED DATE: MARCH 19, 2018

PAGE 2 OF 2

APPROVED:


Richard Steen, Chairman
Board of Commissioners
Cass County

ATTEST:


Michael Montplaisir
Cass County Auditor

(SEAL)

First Reading: February 20, 2018
Second Reading: March 19, 2018
Final Passage: March 19, 2018
Publication: February 26, 2018

HISTORICAL REFERENCE DATE: MARCH 19, 2018

APPLICATION FOR RETAIL LIQUOR LICENSE

CASS COUNTY COMMISSION

To the Hon. Board of County Commissioners of Cass County, North Dakota: AUG 1 2018

The undersigned applicant hereby makes application for license to engage in the retail sale of alcohol and alcoholic beverages for consumption..... the premises hereinafter described for the period beginning

Oct 1, 2018, and ending 1 yr 20____, and as a basis therefor makes the following representations:

1. Name of applicant: John A Lynn JAL Wild Rice Bar & Grill, LLC
Address: 1324 5th St N Fargo ND 58102 Age: 57 years.

2. Are you a citizen of the United States? yes If naturalized, give date and place of naturalization
For how long past have you been a resident of the State of North Dakota? 57 yrs

3. If incorporated give date of charter..... Is it a North Dakota corporation of authorized capitalization?..... Amount of paid in capital \$..... Is it a subsidiary of any other corporation?..... If so, give name and address..... Purpose for which incorporated.....

Give names and addresses of all officers, directors and individuals holding 1% of capital stock with amount held by each.....

4. Description of premises for which license is desired..... floor of building located on

Wild Rice Bar & Grill
205 Main St Wild Rice, ND

5. Name and address of owner of the business premises.....

6. Date of the deed or lease for the premises. Oct 1, 2018

7. Are there any delinquent taxes against said premises? NO

8. Have you ever been engaged in the sale or transportation of liquor prior to this application? NO

If so, give date and type of business and address.....

9. If application is for a renewal, give date applicant first began to operate.....

10. Have you ever had a license rejected by any municipality, state or federal authority? NO If so, give details.....

11. Have you ever been convicted of any violation of any law of the United States, or the State of North Dakota, or local ordinance governing the manufacture, sale or possession of intoxicating liquor? NO If so, give date and details.....

12. Have you ever had a license for the sale of intoxicating liquor revoked for any violation of any state law or local ordinance? NO If so, give date and details.....

13. Have you ever been indicted or convicted of any crime other than that stated in (11) either in North Dakota or elsewhere? NO If so, give date and details.....

14. Give names and addresses of all partners, silent or otherwise, interested in any manner in said business, or who will have charge, management, or control of the establishment for which license is requested.....

15. Has any person, other than applicant, any right, title, estate, or interest in the leasehold, or in the furniture, fixtures or equipment in the premises for which license is requested? NO If so, give names, addresses and details.....

16. Have you any agreement or understanding or intention to have any agreement or understanding with any person, partnership or corporation to obtain for any other, or transfer to any other person this license, or to obtain it for any other than the specific use of the applicant? NO If so, give names, addresses and details.....

17. Have you any interest whatsoever, directly or indirectly, in any other liquor establishment within or without the State of North Dakota? NO If so, give names and addresses of establishments.....

18. List the occupations which you have followed during the past ten years. Owner of Apt Buildings, Owner of a Wash

19. Give names and addresses of at least three business references, including one bank, and state briefly extent of business relations with each.

Ann Federal Bank Fargo Mortgages 215 S 4th St N Fargo ND
Blaze Construction W.F. N.D. 701-318-4586 Contractor
D.M.I. 909 Page Dr. 701-237-6606 Car Wash Supplier

20. Are you rated by any commercial agency? NO If so, give names and details of rating.....

21. Do you intend to handle certain exclusive brands of intoxicating liquors? NO If so, give details of contract or arrangement with person from whom purchases are to be made.....

22. Will you be engaged in any other form of business than the sale of liquor under the license applied for? If so, give type of business and name of employer and address. Food Service

23. Give number of Federal Stamp Tax Receipt. _____

24. Do you owe any past due personal property taxes? NO

25. Do you promise and agree to abide by the provisions of the initiated law, known as the "Liquor Control Act," enacted at the election November 3, 1936, and the rules and regulations passed by the Board of County Commissioners and any future amendments to said law or rules and regulations? Yes

26. Are you prepared to furnish a bond in the amount of \$ _____ as provided for in such rules and regulations? Give name of surety _____

The applicant herein does hereby consent that the Chairman of the Board of County Commissioners, the Sheriff and any police officer of the County of Cass aforesaid, or any person or persons duly authorized by the Board of County Commissioners of said county may enter upon the premises described in this application at any hour of the day or night, and that they and any one of them shall have free access to the said described premises and every part thereof for the purpose of inspecting the said premises and the records of this applicant relating to the purchase and sale of alcohol and alcoholic beverages, and applicant does hereby waive any and all rights that he may have under the Constitution of the United States and the Constitution of the State of North Dakota relative to searches and seizures without issuance of a search warrant, and the applicant does hereby agree that such immunities shall never be claimed by him, and that such search, seizure, and inspection may be made at any time without a search warrant. Do you agree to each provision of this paragraph? Yes

The amount of the remittance accompanying this application is \$ _____

Dated at Aug 1, 2018, North Dakota, on this _____ day of _____, A. D. 20 _____

[Signature]
Applicant.

STATE OF NORTH DAKOTA }
County of Cass } ss.
John A. Lynn

_____, being first duly sworn, deposes and says that he is the applicant who is described in and who executed the foregoing and above application, that he has read each question and statement therein contained and knows the contents thereof, and that he has made the answers set forth in said application, and that each one of said answers is true of his own knowledge.

Subscribed and sworn to before me on this 1st day of August 2018.

JASON J. JAEGER
Notary Public
State of North Dakota
My Commission Expires May 15, 2021

Notary Public for Cass
County, North Dakota.
My commission expires May 15, 2021

Application for License to Sell Alcohol and Alcoholic Beverages at Retail (County) _____
Name of Applicant _____
For period beginning _____ 20 _____ and ending _____ 20 _____
Amount of License Fee, \$ _____
Action of Governing Board _____
Date _____ 20 _____

APPLICATION FOR BEER LICENSE

RECEIVED
CASS COUNTY COMMISSION

AUG 1 2018

To the Hon. Board of County Commissioners of Cass

County, North Dakota:

The undersigned applicant hereby makes application for license to engage in the retail sale of beer off of (and on) the premises hereinafter described, and as a basis therefor makes the following representations:

1. Name of applicant John Lynn Age 57 years.

Citizenship US Place of residence Fargo, ND

For how long past have you been a resident of the State of North Dakota? 57 yrs

2. State whether incorporated NO If so, in what State incorporated?

Date of charter Name and address of each officer:

3. State whether partnership NO If so, state name, age, citizenship and place of residence of each partner

4. In what business are you now engaged? Car Wash, Apt Buildings

Business address Box 43, Fargo, ND 58107

Description of premises for which license is desired: 205 Main St floor of building located on lot in block in Wild Rice, ND Addition to said City.

6. Have you pleaded guilty to or been convicted of a crime? NO If so, what crime? In what Court? When?

7. Will you personally conduct the business on premises hereinbefore described and for which license is applied? Yes If not, state name, age, citizenship and place of residence of person who will be in charge thereof

8. Have you received a license to engage in the retail sale of beer at said premises from the Federal Government? When issued? NO Number of license

9. Have you received a license to engage in the retail sale of beer off of (and on) said premises from State of North Dakota? NO When issued? Number of license

10. Do you promise and agree not to permit the violation of any law of the State of North Dakota on said premises? Yes

11. Do you promise and agree to abide by the rules and regulations passed by the Board of County Commissioners? Yes

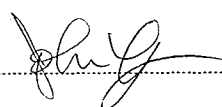
12. Do you promise and agree not to sell or permit the sale of beer on said premises to a minor, incompetent person, or a person who is an inebriate or habitual drunkard, or to any one thereof? Yes

13. Do you understand that any license granted upon this application will not be transferable except by specific authority of said governing body, and will authorize the retail sale of beer as herein applied for only at the place and on the premises designated in this application and in such license? Yes

The applicant herein does hereby consent that the Chairman of the Board of County Commissioners, the Sheriff and any police officer of the County of _____ aforesaid, or any person or persons duly authorized by the Board of County Commissioners of said county may enter upon the premises described in this application at any hour of the day or night, and that they and any one of them shall have free access to the said described premises and every part thereof for the purpose of inspecting the said premises and the records of this applicant relating to the purchase and sale of beer, and applicant does hereby waive any and all rights that he may have under the Constitution of the United States and the Constitution of the State of North Dakota relative to searches and seizures without issuance or use of a search warrant, and the applicant does hereby agree that such immunities shall never be claimed by him, and that such search, seizure, and inspection may be made at any time without a search warrant. Do you agree to each provision of this paragraph? Yes

The amount of the remittance accompanying this application is \$ _____

Dated at Fargo, North Dakota, on this 1st day of August 2018

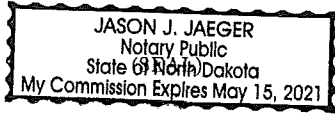
 Applicant.

STATE OF NORTH DAKOTA

County of Cass } ss.

John A. Lyon, being first duly sworn, deposes and says that he is the sole applicant who is described in and who executed the foregoing and above application, that he has read each question and statement therein contained and knows the contents thereof, and that he has made the answers set forth in said application, and that each one of said answers is true of his own knowledge.

Subscribed and sworn to before me on this Aug 1, 2018 day of 20.....



[Signature]
Notary Public for Cass
County, North Dakota.
My commission expires May 15, 2021

**Application for License
to Sell Beer**

Name of Applicant John A. Lyon

For consumption off of (and on) premises
for period ending..... 20.....

Amount of License Fee, \$.....

Action of Governing Board

Date..... 20.....



ORGANIZED TOWNSHIP BOARD CONSENT
 (To the Issuance of an Alcoholic Beverage License by Board of County Commissioners)
 OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 14337 (09-2001)

The Township Board of Supervisors of: (Township Name)	
Stanley Township	
County of: (Name of County)	
Cass	NORTH DAKOTA

does hereby grants is approval and consent to the Board of County Commission pursuant to N.D.C.C. 5-01-07 to issue a retail alcoholic beverage license.

Licensee(s) Name: (If Corporation, LLC, etc. please list proper name)	
JAL Wild Rice Bar & Grill, LLC	
Doing Business As: (Business Name)	
Wild Rice Bar & Grill, Inc.	
On Premises Located at: (Complete Business Address)	
205 Main	
City:	County:
Wild Rice	Cass NORTH DAKOTA
I hereby certify that the foregoing consent to the issuance of a retail alcoholic beverage license was approved by the township board of supervisors at its meeting on this date:	
Signature of Township Board of Supervisors Clerk:	Date:
<i>Stephanie Sarabakhsh</i>	9-11-18
Type or Print Name of Clerk:	
STEPHANIE SARABAKHSH	

RETURN TO: Cass County Commission Office
 PO Box 2806
 Fargo ND 58108-2806