



## City Administration

**DATE:** June 13, 2022

**FROM:** Jason Tomanek, Assistant City Administrator

**ITEM:** Application for a new Class I3 Restaurant Beer Only License for Mars Restaurant Group, LLC (dba) Pancheros Mexican Grill at 711 South 3<sup>rd</sup> Street.

**REQUEST:**

Introduction of and call for a public hearing on a request for a new class I3 Restaurant Beer Only License for Mars Restaurant Group, LLC (dba) Pancheros Mexican Grill at 711 South 3<sup>rd</sup> Street.

Please place this item on the June 14, 2022, City Commission meeting agenda.

**BACKGROUND INFORMATION:**

Mars Restaurant Group, LLC (dba) Pancheros Mexican Grill, is applying for an I3 Restaurant Beer Only Liquor License for address, 711 South 3<sup>rd</sup> Street.

Class I-3 - Beer only.

- 1) Gross sales of alcoholic beverages may not be greater than 30% of total gross sales. All Class I license holders shall file with the application for license renewal a sworn statement executed by the licensee and a certified public accountant retained by the licensee certifying that gross food sales and gross liquor sales for the previous calendar year meet the requirements of this section. The board of city commissioners may, in its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary. All sales of alcoholic beverages by Class I licensees must be separately receipted to the customer by cash register receipt and clearly identified as sales of liquor, beer, or wine on all receipts.
- 2) The license is for on-sale only, and no off-sale is permitted.
- 3) The restaurant serves, at a tabletop, food that is prepared in a kitchen with at least an indoor grill.
- 4) Once a license has been established at a particular location, the license may not be transferred to another location.

- 5) The licensee may not permit public dances or dancing of any kind. Minors are allowed on the licensed premises only as permitted by NDCC Section 5-02-06.
- 6) Alcoholic beverages may be sold or served only during such times that full menu service is available.
- 7) For a Class I-1 that has a minimum seating capacity of 100 seats, gross sales of alcoholic beverages may not be greater than 40 percent of total gross sales of food and alcoholic beverages.

**RECOMMENDED CITY COMMISSION ACTION:**

Staff recommends approval of the introduction of and call for a public hearing on the request from Mars Restaurant Group, LLC (dba) Pancheros Mexican Grill at 711 South 3rd Street, with the public hearing scheduled for Tuesday, June 28, 2022. Staff also recommends approval of the new class I3 Restaurant Beer Only License.

**STAFF CONTACT INFORMATION:**

Jason Tomanek | Assistant City Administrator | 701-355-1300 | [jtomanek@bismarcknd.gov](mailto:jtomanek@bismarcknd.gov)

Print

Retail Alcohol Beverage License - Submission #15661

Date Submitted: 5/26/2022



License Information:

Application Type\*

New License Application

License Type\*

I3-Restaurant - Beer Only - 70/30 Split - \$800.00

Please select the type of license you are applying for.

Location Information:

Name of Partnership or Corporation:\*

MARS Restaurant Group LLC

Name of business for which license is requested (DBA):\*

Panuchos Mexican Grill

Date of Incorporation:\*

11/06/2006

State of ND Liquor License No.:

If out of state corporation, is corporation registered in North Dakota?

- Yes
- No
- N/A

Location Address:\*

711 South 3rd Street

City:\*

Bismarck

State:\*

ND

Zip:\*

58504

Phone No.:\*

701-751-2021

Owner of Building or Premises:

CBL Associates & Management, INC

Correspondence Information (Where correspondence is to be sent):

Primary Contact:\*

Rachel Simenson

Email Address:\*

rachel@marsrestaurantgroup.com

Mailing Address:\*

3475 56th Street South

City:\*

Fargo

State:\*

ND

Zip:\*

58104

Phone No.:\*

701-532-1680

List all officers, directors, and stockholders of corporation and percentage of ownership:

<b>Manager's Name:*</b> Jonathan Thompson		<b>Date of Birth:*</b> 03/04/1985	<b>Percentage of Ownership:*</b> 0
<b>Driver's License No.:*</b> THO855349	<b>State Issued:*</b> ND	<b>Gender:</b> M	<b>Race:</b>
<b>Home Address:*</b> 3405 Shannon Dr			
<b>City:*</b> Bismarck	<b>State:*</b> ND	<b>Zip:*</b> 58501	<b>Phone No.:*</b> 701-361-8352
<b>Occupation:*</b> Director of Operations	<b>Title:*</b> Director of Operations	<b>Email Address:*</b> jt@marsrestaurantgroup.com	

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<b>Name:*</b> Steven Majkrzak		<b>Date of Birth:*</b> 09/12/1983	<b>Percentage of Ownership:*</b> 40
<b>Driver's License No.:*</b> MAJ831022	<b>State Issued:*</b> ND	<b>Gender:</b> M	<b>Race:</b>
<b>Home Address:*</b> 3521 Polk St S			
<b>City:*</b> Fargo	<b>State:*</b> ND	<b>Zip:*</b> 58104	<b>Phone No.:*</b> 701-371-0308
<b>Occupation:*</b> President	<b>Title:*</b> CEO	<b>Email Address:</b> steve@marsrestaurantgroup.com	

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<b>Name:</b> Scott Majkrzak		<b>Date of Birth:</b> 09/04/1979	<b>Percentage of Ownership:</b> 40
<b>Driver's License No.:</b> MAJ556151	<b>State Issued:</b> ND	<b>Gender:</b> M	<b>Race:</b>

**Home Address:**

7113 Maple Ln

**City:**

Horace

**State:**

ND

**Zip:**

58047

**Phone No.:**

701-261-4251

**Occupation:**

**Title:**

CEO

**Email Address:**

scott@pfbaseline.com

**Name:**

Robert Majrkzak

**Date of Birth:**

07/20/1955

**Percentage of Ownership:**

20

**Driver's License No.:**

MAJ795874

**State Issued:**

ND

**Gender:**

M

**Race:**

**Home Address:**

3805 Kensington Dr

**City:**

West Fargo

**State:**

ND

**Zip:**

58078

**Phone No.:**

**Occupation:**

**Title:**

**Email address:**

Please submit all officers that will not fit on this form.

Choose File No file chosen

The undersigned states that the following information is true and correct.

1. Are manager and partners legal residents of the United States and the State of North Dakota, and are all officers or directors legal residents of the United States?\*

- Yes
- No

2. Have any of the persons listed above been convicted of any crime within the past five years? \*

- Yes
- No

If yes, list all convictions and the dates, locations and sentence of disposition of each:

3. Does the building meet all state and local sanitation and safety requirements?\*

- Yes
- No

4. Has applicant, or any of the persons listed above, within the past five years had any license to engage in sale of alcoholic beverages revoked or suspended? \*

- Yes
- No

If yes please, give details:

5. If new application, have you ever engaged in the sale or transportation of alcoholic beverages previously?\*

- Yes
- No

If yes please, give details:

Beer license held at our other Pancheros location 1225 W Century

6. Has applicant, or any of the persons listed above, within the past five years, had an application for any federal or state or local license of any type rejected or denied? \*

- Yes
- No

If yes please, give details:

7. Is there any agreement or understanding, or proposed agreement or understanding to obtain the license for another, or to operate the business for another, or as an agent for another?\*

- Yes
- No

If yes please, give details:

8. Has the business been sold or leased, or is there any intention to sell or lease the business to another?\*

- Yes
- No

If yes please, give details:

9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other license liquor establishment within or without the State of North Dakota?\*

- Yes
- No

If yes please, give details:

10. Will the applicant, or any of the persons listed above, be engaged in any other business other than the sale of liquor under the license applied for?\*

- Yes
- No

If yes please, give details:

11. Have all property taxes and special assessments currently due been paid?\*

- Yes
- No

If not please, explain why:

### Restaurant Requirements:

All applications for Class "F", Class "I" (restaurants), Class "M" (caterer), Class "P" (event site) and Class "Q" (Restaurant On-Sale and Off-Sale) licenses MUST be accompanied by a sworn statement executed by the licensee and a certified public accountant retained by the licensee certifying that gross food sales and liquor sales for the previous calendar year meet the requirements of Chapter 5-01-04 of the City Code of Ordinances.

Upload Gross Food Sales Report:

No file chosen

### Liquor License Site Diagram Requirements:

- Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- The licensed area shall be identified within the margins.
- The agency name shall be included on the diagram.
- The direction "North" shall be included on the diagram.
- The interior design of the licensed area shall be represented. This should include entrances, exits, interior doors, windows, tables, coolers, storage offices and room dividers.
- The diagram may be hand drawn, but it must be neat and reasonably accurate. Do not submit copies of construction blueprints.
- If the licensed site is part of a larger complex such as a restaurant, areas such as mixing, serving and storage must be identified.

Upload Site Diagram:\*

State Alcohol Floor Plan.pdf

I agree that I will not transfer or sell this license, if granted, without the prior approval of the governing body and in accordance with applicable ordinances,\*

- I agree

I also agree that should any of the information contained in this application change within the period of the license, if granted, that I will inform city officials immediately and furnish such details as may be requested by such officials concerning any such changes. I also agree that, should there be a change in ownership or management during the period of the license, prior approval of the Board of City Commissioners is required.\*

- I agree

I further agree that any misrepresentation, false statement or omission in this application shall be grounds for rejection of said application or for revocation or suspension of any license granted.\*

I agree

**Signature of Applicant:\***

Rachel Simenson

By checking this box I acknowledge that I am electronically signing this liquor license application.\*

Electronic Signature

Date:\*

5/26/2022

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**Payment Options:\***

Check By Mail ▼

**NOTE: This application must be accompanied by required fees.**

The \$200 application fee is due when the application is submitted. (Fee does not apply to renewal applications)

**Credit Card**

[Credit Card Authorization Form](#)

**Upload Credit Card Authorization Form**

No file chosen

**Mail Payments To:**

City of Bismarck Administration, 221 North 5th Street, Bismarck, ND 58501





**STATE RETAIL ALCOHOLIC BEVERAGE FLOOR PLAN**  
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL  
 LICENSING SECTION  
 SFN 14985 (03-2020)

License Number

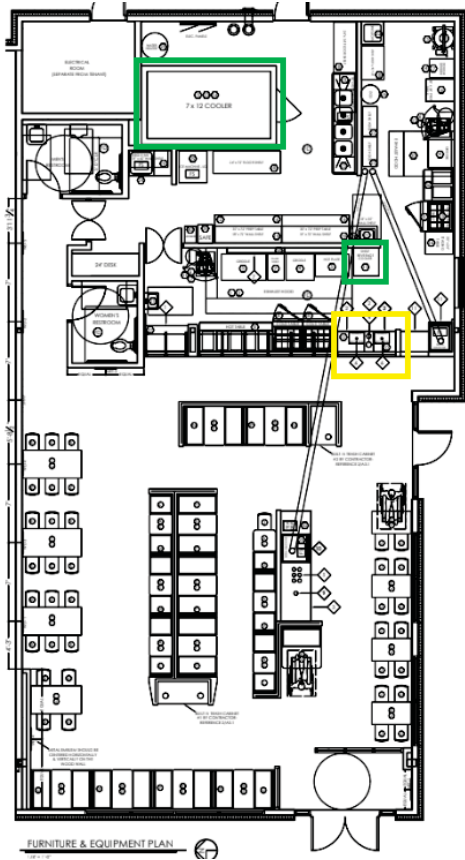
Floor Plan Submitted for  
 New License       Amendment to Existing License

Applicant or Licensee Name (if corporation, limited liability company, etc., enter legal name)  
**MARS Restaurant Group, LLC**

Business Name  
**Pancheros Mexican Grill**

Street Address of Business <b>711 S 3rd St</b>	City <b>Bismarck</b>	State <b>ND</b>	ZIP Code <b>58504</b>	County <b>Burleigh</b>
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Use the space below to draw a clear and understandable floor plan of the premises to be licensed. Show all exits, bars, dining areas (if any), beverage coolers and beverage storage areas. Indicate which are solid walls, dividers, and movable partitions. Use a different color to outline the area to be used for the sale and/or dispensing of alcoholic beverages, or the "licensed premises" of the establishment. This should include the areas where alcoholic beverages are served to or paid for by customers. Floor plan can be attached on 8 1/2" x 11" standard size form.



**Indicates area in which alcohol will be sold to customers**



**Indicates area in which alcohol will be stored**

Printed Name of Individual Submitting Floor Plan <b>Steven Majkrzak</b>	Official Position <b>President / CEO</b>
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Signature of Individual <i>Steven Majkrzak</i>	Date <b>5/26/2022</b>
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For Licensing Use Only

Mail to:  
 Office of Attorney General  
 Licensing Section  
 600 E Boulevard Ave Dept. 125  
 Bismarck ND 58505-0040

Questions please call (701) 328-2329