



Administration Department

DATE: January 9, 2024

FROM: Whitnie Olsen, Senior Administrative Assistant

ITEM: Public hearing on a request for a new Class G: Catered Retail Beer, Wine, & Liquor license for Thomas & Moriarty's LLC (dba) Thomas & Moriarty's at 200 West Main Street.

REQUEST:

Public hearing on a request for a new Class G: Catered Retail Beer, Wine, & Liquor license for Thomas & Moriarty's LLC (dba) Thomas & Moriarty's at 200 West Main Street.

BACKGROUND INFORMATION:

Thomas & Moriarty's LLC (dba) Thomas & Moriarty's is requesting the issuance of a new Class G: Catered Retail Beer, Wine, & Liquor license at 200 West Main Street.

Class G. A license to sell catered retail beer, wine, and liquor on-sale only, may be issued subject to the following conditions:

1. The licensee shall not be permitted to provide on-sale alcoholic beverages at a site owned, leased, or operated by the licensee.
2. The licensee may operate a "cash" bar at up to twenty (20) catered events per license year. For the purposes of this section, a cash bar is a bar in which alcoholic beverages are sold to individual customers at the catered event.
3. The licensee must obtain and keep in effect off-premises alcohol liability insurance and provide the City proof of insurance with its license application.
4. Gross sales of alcoholic beverages may not be greater than 40 percent of the total gross sales of food and alcoholic beverages. All Class G license holders shall file with the application for license renewal a sworn statement executed by the licensee and a certified public accountant certifying that gross food and 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.
5. A licensee shall obtain an event permit pursuant to Ordinance 5-01- 13 for each catered event. An application for an event permit must indicate whether or not the event will have a cash bar.
6. A Class G license may only be transferred to a person or entity purchasing the licensee's catering business.

RECOMMENDED CITY COMMISSION ACTION:

Hold a public hearing on the request from Thomas & Moriarty's LLC (dba) Thomas & Moriarty's for a new Class G: Catered Retail Beer, Wine, & Liquor license at 200 West Main Street, Mandan, ND and approve issuing of the license.

STAFF CONTACT INFORMATION:

Whitnie Olsen, Senior Administrative Assistant, wolsen@bismarcknd.gov

ATTACHMENTS:

1. R) ADMIN - New Alcohol License - Thomas and Moriartys



APPLICATION FOR RETAIL ALCOHOL BEVERAGE LICENSE

Phone: 701-355-1300 • Fax: 701-221-6470 • TDD 711
221 N 5th St • Bismarck, ND 58501

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

LAST REVISED: 5/15/2023

License Type:				
	<input type="checkbox"/> New Application	<input checked="" type="checkbox"/> Renewal	<input type="checkbox"/> Transfer	<input type="checkbox"/> Relocation
Class A: Nationally Organized Fraternal Order or Club <input type="checkbox"/> \$3,700	Class B-1: Operator of the Beverage Concession at the Airport Terminal Building <input type="checkbox"/> \$650	Class B-2: Concession at the Bismarck Municipal Country Club <input type="checkbox"/> \$650	Class B-3: Commercial passenger vessels on the Missouri River <input type="checkbox"/> \$650	Class B-4: Sale of Beer & Wine at the Bismarck Event Center <input type="checkbox"/> \$650
Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations <input type="checkbox"/> \$650	Class B-6: Commercial Airline <input type="checkbox"/> \$650	Class C-1: Hotel or Motel Full Service <input type="checkbox"/> \$3,800	Class C-2: Hotel or Motel <input type="checkbox"/> \$1,000	Class D: Sale at Retail of Alcoholic Beverages <input type="checkbox"/> \$4,100
Class E: Sale at Retail of Beer Only <input type="checkbox"/> \$800	Class F-1: Restaurant - Alcoholic Beverages <input type="checkbox"/> \$3,500	Class F-2: Restaurant - Beer & Wine Only <input type="checkbox"/> \$1,100	Class G: Catered Retail Beer, Wine, & Liquor <input checked="" type="checkbox"/> \$650	Class H: Domestic Brewery / Distillery / Winery <input type="checkbox"/> \$800
Class I: Senior Living Community / Complimentary <input type="checkbox"/> \$350	All Class F-1, F-2, C-2, & G license holders shall file with the application for license renewal a copy of their report of food and alcoholic beverage amounts that they have filed with the State of North Dakota for their state alcohol permit for the immediately preceding calendar year prior to renewal. The Board of City Commissioners may, at its discretion, require the licensee to provide such additional proof of the licensee's compliance with this section as the commission deems necessary.			

Location Information:				
Legal Business Name: Thomas & Moriarty's		Date of Incorporation: 02/07/2018	State Business ID Number: 02038	
Doing Business As (DBA) Name, if Applicable:		If out of state corporation, is corporation registered in North Dakota? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Location Address: 200 W. Main St.	City: Mandan	State: ND	Zip: 58554	Phone Number: 751-0752
Name and Title of Person Completing Form (must be the person listed in ownership information or manager): Stacy Sturm, Co-owner				

Contact Information (Where correspondence is to be sent):				
Primary Contact: Stacy Sturm		Phone Number: 426-8370	Email Address: thomasandmoriartys@gmail.com	
Mailing Address: 200 W. Main St		City: Mandan	State: ND	Zip: 58554

Manager's Name: Michael Kashey		Date of Birth: 02/07/1987	Percentage of Ownership: 40%	
Driver's License Number: KAS-87-9865		State Issued: ND	Gender: M	Race: Caucasian
Home Address: 314 E Ave D		City: Bismarck	State: ND	Zip: 58501
Occupation: Co-owner, Manager	Phone Number: 319-8439	Title: Co-owner	Email Address: thomasandmoriartys@gmail.com	

List all officers or directors of corporation or partners and percentage of ownership:

Name: Stacy Sturm		Date of Birth: 05/20/1974	Percentage of Ownership: 60%
Driver's License Number: STU-92-3475	State Issued: ND	Gender: F	Race: Caucasian
Home Address: 314 E Ave D	City: Bismarck	State: ND	Zip: 58501
Occupation: Co-owner Thomas & Moriartys	Phone Number: 426-8370	Title: Co-owner	Email Address: stacy@urlradio.net

Name: Michael Kashey		Date of Birth: 02/07/1987	Percentage of Ownership: 40%
Driver's License Number: KAS-87-9865	State Issued: ND	Gender: M	Race: Caucasian
Home Address: 314 E. Ave D	City: Bismarck	State: ND	Zip: 58501
Occupation: Co-owner, Thomas & Moriarty's	Phone Number: 319-8439	Title: Co-owner	Email Address: thomasandmoriartys@gmail.com

Name:		Date of Birth:	Percentage of Ownership:
Driver's License Number:	State Issued:	Gender:	Race:
Home Address:	City:	State:	Zip:
Occupation:	Phone Number:	Title:	Email Address:

Name:		Date of Birth:	Percentage of Ownership:
Driver's License Number:	State Issued:	Gender:	Race:
Home Address:	City:	State:	Zip:
Occupation:	Phone Number:	Title:	Email Address:

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

1. Are the 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If no, please explain:
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2. Have any of the persons listed above been convicted of any crime within the past five years? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, list all convictions and the dates, locations and sentence of disposition of each:
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3. Does the building meet all state and local sanitation and safety requirements? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
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5. If a new application, has the applicant or any of the persons listed above engaged in the sale or transportation of alcoholic beverages previously? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, please give details:
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6. Has the 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
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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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
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8. Has the business been sold or leased, or is there any intention to sell or lease the business to another? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
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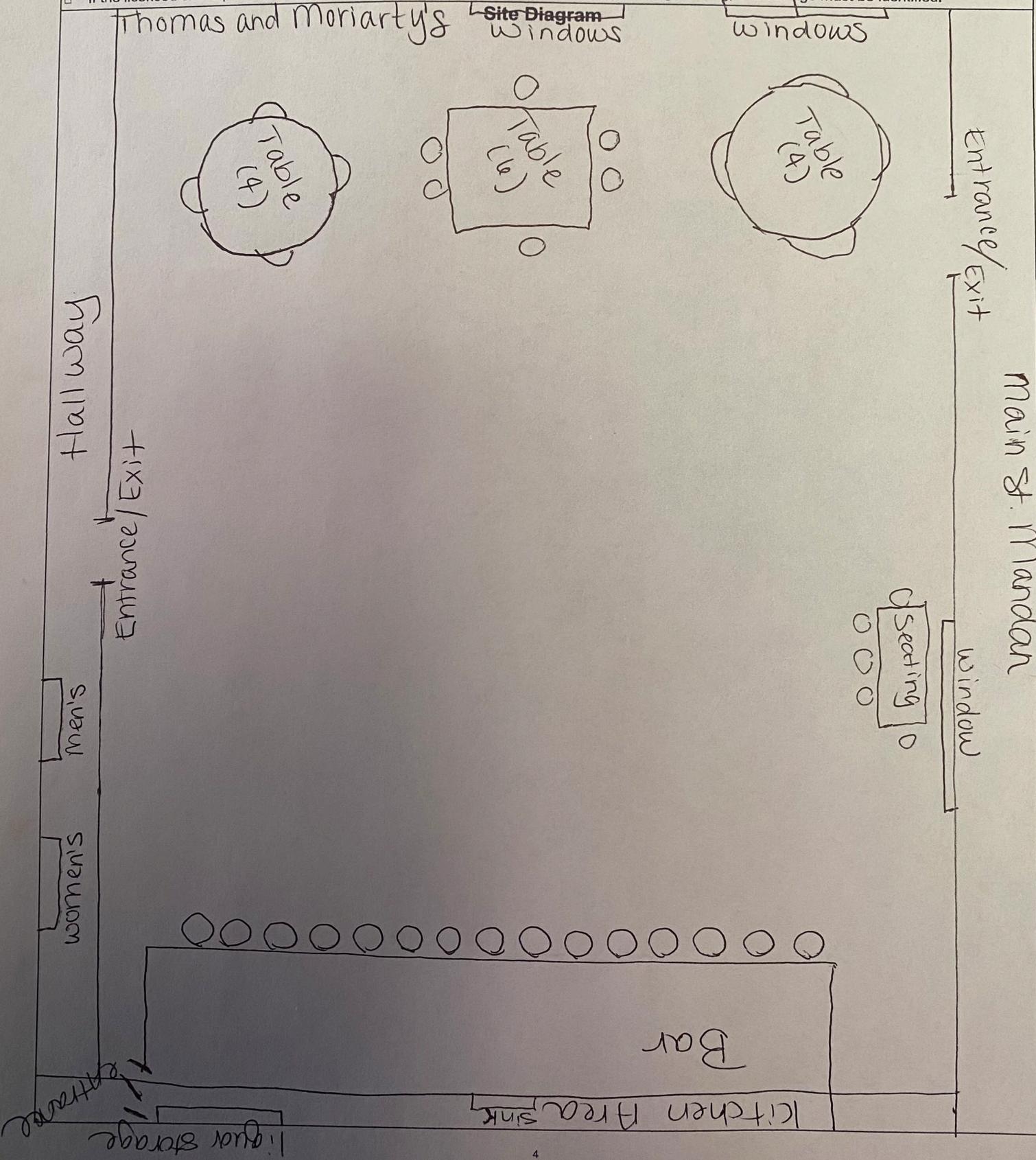
9. Has the applicant, or any of the persons listed above, shown interest in whatsoever, directly or indirectly, any other licensed liquor establishment within or without the State of North Dakota? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
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10. 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If yes, please give details: I, Stacy, also own a radio station
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11. Have all property taxes and special assessments currently due been paid? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If no, please give details:
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Site Diagram Requirements:

- Site diagrams are to be submitted on a plain sheet of paper, 8½ x 11-inch size.
- 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.
- If the licensed site is part of a larger complex, such as a restaurant, areas such as mixing, serving, and storage must be identified.



Signature:

- 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 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 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.



12-18-23

Signature of Applicant

Date

Stacy Sturm, Co-owner

Print Name / Title of Officer

Liquor License Transfers (only use if license is being transferred):

The Class _____ license owned by me is transferred to Applicant upon successful application.

Signature of Current License Holder

Signature of New Applicant

Print Name

Print Name

State of _____

Subscribed and sworn to before me this _____

County of _____

day of _____

Notary Seal

Notary Public

My Commission Expires