



## Administration Department

**DATE:** April 9, 2024

**FROM:** Jason Tomanek, City Administrator

**ITEM:** Application to transfer Class E: Retail Beer License

**REQUEST:**

Introduction of and call for a public hearing on a request to transfer the Class E: Sale at Retail of Beer Only from Mini Mart, Inc. (dba) Loaf 'N Jug #685 to Washington Bismarck ND, LLC. (dba) Brake Time, at 2835 North Washington Street.

**BACKGROUND INFORMATION:**

Washington Bismarck ND, LLC. (dba) Brake Time is requesting the transfer of Class E: Sale at Retail of Beer Only at 2835 North Washington Street from Mini Mart, Inc. (dba) Loaf 'N Jug #685.

**Class E**

To any applicant for the sale at retail of beer only. The total number of Class E licenses issued in any year may not exceed sixteen plus one additional license for each 2,500 people in excess of 60,000 people, as shown by the most recent official estimated census. New Class E licenses or Class E licenses revoked or not renewed may be issued only pursuant to section 5-01-06.

**RECOMMENDED CITY COMMISSION ACTION:**

Staff recommends approval of the Introduction of and call for a public hearing on a request to transfer the Class E: Sale at Retail of Beer Only from Mini Mart, Inc. (dba) Loaf 'N Jug #685 to Washington Bismarck ND, LLC. (dba) Brake Time, at 2835 North Washington Street, with the public hearing scheduled for Tuesday, April 23, 2024.

Staff also recommends approval of the transfer of the Class E license.

**STAFF CONTACT INFORMATION:**

Whitnie Olsen, Senior Administrative Assistant, [wolsen@bismarcknd.gov](mailto:wolsen@bismarcknd.gov)

**ATTACHMENTS:**

1. Brake Time Application\_Redacted
2. Applicant - Transfer Form
3. Owner - Transfer Form
4. Site Diagram





## 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: 2/6/2024

<b>License Type:</b>				
	<input type="checkbox"/> New Application	<input type="checkbox"/> Renewal	<input checked="" type="checkbox"/> Transfer	<input type="checkbox"/> Relocation
Class A: Nationally Organized Fraternal Order or Club <span style="float: right;"><input type="checkbox"/> \$3,700</span>	Class B-1: Operator of the Beverage Concession at the Airport Terminal Building <span style="float: right;"><input type="checkbox"/> \$650</span>	Class B-2: Concession at the Bismarck Municipal Country Club <span style="float: right;"><input type="checkbox"/> \$650</span>	Class B-3: Commercial passenger vessels on the Missouri River <span style="float: right;"><input type="checkbox"/> \$650</span>	Class B-4: Sale of Beer & Wine at the Bismarck Event Center <span style="float: right;"><input type="checkbox"/> \$650</span>
Class B-5: Sale of Beer & Wine at Bismarck Parks and Recreation Locations <span style="float: right;"><input type="checkbox"/> \$650</span>	Class B-6 : Commercial Airline <span style="float: right;"><input type="checkbox"/> \$650</span>	Class C-1: Hotel or Motel Full Service <span style="float: right;"><input type="checkbox"/> \$3,800</span>	Class C-2: Hotel or Motel <span style="float: right;"><input type="checkbox"/> \$1,000</span>	Class D: Sale at Retail of Alcoholic Beverages <span style="float: right;"><input type="checkbox"/> \$4,100</span>
Class E: Sale at Retail of Beer Only <span style="float: right;"><input checked="" type="checkbox"/> \$800</span>	Class F-1: Restaurant - Alcoholic Beverages <span style="float: right;"><input type="checkbox"/> \$3,500</span>	Class F-2: Restaurant - Beer & Wine Only <span style="float: right;"><input type="checkbox"/> \$1,100</span>	Class G: Catered Retail Beer, Wine, & Liquor <span style="float: right;"><input type="checkbox"/> \$650</span>	Class H-1: Domestic Winery <span style="float: right;"><input type="checkbox"/> \$800</span>
Class H-2: Domestic Brewery <span style="float: right;"><input type="checkbox"/> \$800</span>	Class H-3: Domestic Distillery <span style="float: right;"><input type="checkbox"/> \$800</span>	Class I-1: Senior Living Community <span style="float: right;"><input type="checkbox"/> \$350</span>	Class I-2: Complimentary <span style="float: right;"><input type="checkbox"/> \$350</span>	

All Class F-1, F-2, & C-2 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.

<b>Location Information:</b>				
Legal Business Name: <b>Washington Bismarck ND LLC</b>		Date of Incorporation: <b>02/16/2024</b>	State Business ID Number:	
Doing Business As (DBA) Name, if Applicable: <b>Brake Time</b>		If out of state corporation, is corporation registered in North Dakota? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>		
Location Address: <b>2835 N Washington St</b>	City: <b>Bismarck</b>	State: <b>ND</b>	Zip: <b>58501</b>	Phone Number: <b>(832) 539-8190</b>
Name and Title of Person Completing Form (must be the person listed in ownership information or manager):				

<b>Contact Information (Where correspondence is to be sent):</b>				
Primary Contact: <b>Muhammad Akhtar</b>		Phone Number: [REDACTED]	Email Address: [REDACTED]	
Mailing Address: <b>PO BOX 37329</b>		City: <b>Houston</b>	State: <b>TX</b>	Zip: <b>77237</b>

Manager's Name: <b>Terry Lee Barnes</b>		Date of Birth: [REDACTED]	Percentage of Ownership: <b>0.00%</b>	
Driver's License Number: [REDACTED]		State Issued: <b>ND</b>	Gender: <b>Male</b>	Race:
Home Address: <b>4905 Trenton Dr</b>		City: <b>Bismarck</b>	State: <b>ND</b>	Zip: <b>58503</b>
Occupation: <b>Manager</b>	Phone Number: [REDACTED]	Title: <b>Store Manager</b>	Email Address: [REDACTED]	

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

<b>Name:</b> Omar Bashir		Date of Birth: [REDACTED]	Percentage of Ownership: 10.00%
Driver's License Number: [REDACTED]	State Issued: TX	Gender: Male	Race: Asian
Home Address: [REDACTED]	City: Richmond	State: TX	Zip: 77404
Occupation: Entrepreneur	Phone Number: [REDACTED]	Title: Managing Member	Email Address: [REDACTED]

<b>Name:</b> Muhammad Akhtar		Date of Birth: [REDACTED]	Percentage of Ownership: 90.00%
Driver's License Number: [REDACTED]	State Issued: TX	Gender: Male	Race: Asian
Home Address: [REDACTED]	City: Sugar Land	State: TX	Zip: 77498
Occupation: Entrepreneur	Phone Number: [REDACTED]	Title: Managing Member	Email Address: [REDACTED]

<b>Name:</b>		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:

<b>Name:</b>		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:  Yes, The Store Manager Mr. Terry Lee is legal resident of State of ND. Whereas, the owners are legal residents of the State of Texas.
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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
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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 checked="" 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 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please give details:
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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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**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.

*A2 You*

3-19-24  
Date

Signature of Applicant

*Muhammad Akhtar*

Print Name / Title of Officer

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

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

*[Signature]*  
Signature of Current License Holder

*\* Notarized on Additional page*

NICHOLAS M. UNKOVIC  
Print Name

*A2 You*  
Signature of New Applicant

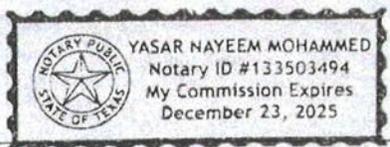
Muhammad Akhtar  
Print Name

Texas  
State of

Subscribed and sworn to before me this 19

Harris  
County of

day of March 2024



*[Signature]*  
Notary Public

My Commission Expires



### Alcoholic Beverages License Transfers

The following licenses may be transferred according to City Code 5-01-12. Licenses may be transferred with the prior approval of the Board of City Commissioners:

- **Class A** license may not be transferred to another person. It may be transferred to a new location only if the fraternal order or club is moved to that location.
- **Class B-1** license may not be transferred to another person or to a new location other than the airport terminal.
- **Class B-2** license may not be transferred to another person or to a new location other than the Municipal Country Club.
- **Class B-3** license may be transferred to another person only if that person has purchased or entered into an agreement to purchase the passenger vessel. It may not be transferred to a new location other than the passenger vessel and the location where the vessel docks and boards passengers.
- **Class B-4** license may not be transferred to a new entity or location.
- **Class B-5** license may not be transferred and may be held only by the person or entity holding the lease with the Bismarck Parks and Recreation District for the Riverwood or Tom O'Leary Golf Courses.
- **Class B-6** license may not be transferred to a new location or Entity.
- **Class C** license may be transferred to another person only if that person has purchased or entered into an agreement to purchase the hotel or motel. It may not be transferred to a new location.
- **Class D** license may be transferred to another person only with the prior approval of the board of city commissioners.
- **Class E** license may be transferred to another person only with the prior approval of the board of city commissioners.
- **Class F** license may be transferred to another person only if that person has purchased or entered into an agreement to purchase that establishment. It may not be transferred to a new location.
- **Class G** license may be transferred to another person or entity only if that person or entity has purchased or has entered into an agreement to purchase the catering business.
- **Class H** license may be transferred to another person only if that person has purchased or entered into an agreement to purchase that establishment. It may not be transferred to a new location except by the current owner.
- **Class I** license may be transferred to another person only if that person has purchased or entered into an agreement to purchase that establishment. It may not be transferred to a new location.

Notarized signatures of both parties are required for eligible license transfers.

STATE OF Texas

COUNTY OF Harris

On this 28 day of March, in the year 24 before me, personally appeared Mini Mart, Inc. DBA Loaf 'N Jug (Original license holder) and Washington Bismarck ND LLC (Transfer applicant) to acknowledge the transfer of a Class E alcoholic beverage license. The applicant agrees to abide by all rules of the license and the City of Bismarck Chapter 5-01 Alcoholic Beverages Code of Ordinances.

\_\_\_\_\_  
Original License Holder Signature

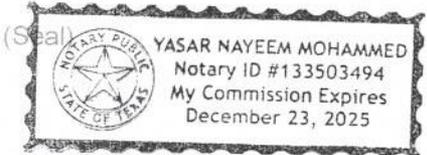
[Signature]  
\_\_\_\_\_  
Transfer Applicant Signature

\_\_\_\_\_  
Original License Holder Name Printed

Muhammad Akhtar - Managing Member  
\_\_\_\_\_  
Transfer Applicant Name Printed

\_\_\_\_\_  
Business Name

Washington Bismarck ND LLC DBA Brake Time  
\_\_\_\_\_  
Applicant Business Name



[Signature]  
\_\_\_\_\_  
Notary Signature / Date



## Alcoholic Beverages License Transfers

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- **Class B-1** license may not be transferred to another person or to a new location other than the airport terminal.
- **Class B-2** license may not be transferred to another person or to a new location other than the Municipal Country Club.
- **Class B-3** license may be transferred to another person only if that person has purchased or entered into an agreement to purchase the passenger vessel. It may not be transferred to a new location other than the passenger vessel and the location where the vessel docks and boards passengers.
- **Class B-4** license may not be transferred to a new entity or location.
- **Class B-5** license may not be transferred and may be held only by the person or entity holding the lease with the Bismarck Parks and Recreation District for the Riverwood or Tom O'Leary Golf Courses.
- **Class B-6** license may not be transferred to a new location or Entity.
- **Class C** license may be transferred to another person only if that person has purchased or entered into an agreement to purchase the hotel or motel. It may not be transferred to a new location.
- **Class D** license may be transferred to another person only with the prior approval of the board of city commissioners.
- **Class E** license may be transferred to another person only with the prior approval of the board of city commissioners.
- **Class F** license may be transferred to another person only if that person has purchased or entered into an agreement to purchase that establishment. It may not be transferred to a new location.
- **Class G** license may be transferred to another person or entity only if that person or entity has purchased or has entered into an agreement to purchase the catering business.
- **Class H** license may be transferred to another person only if that person has purchased or entered into an agreement to purchase that establishment. It may not be transferred to a new location except by the current owner.
- **Class I** license may be transferred to another person only if that person has purchased or entered into an agreement to purchase that establishment. It may not be transferred to a new location.

Notarized signatures of both parties are required for eligible license transfers.

STATE OF MASSACHUSETTS

COUNTY OF WORCESTER

On this 27TH day of MARCH, in the year 2024 before me, personally appeared

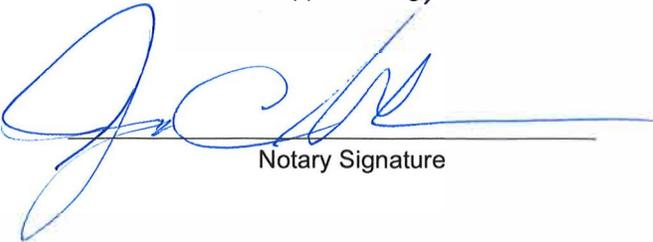
Mini Mart, Inc. d/b/a Loaf 'n Jug #685 (Original license holder) and Washington Bismarck ND LLC (Transfer applicant) to

acknowledge the transfer of a Class E alcoholic beverage license. The applicant agrees to abide by all rules of the license and the City of Bismarck Chapter 5-01 Alcoholic Beverages Code of Ordinances.

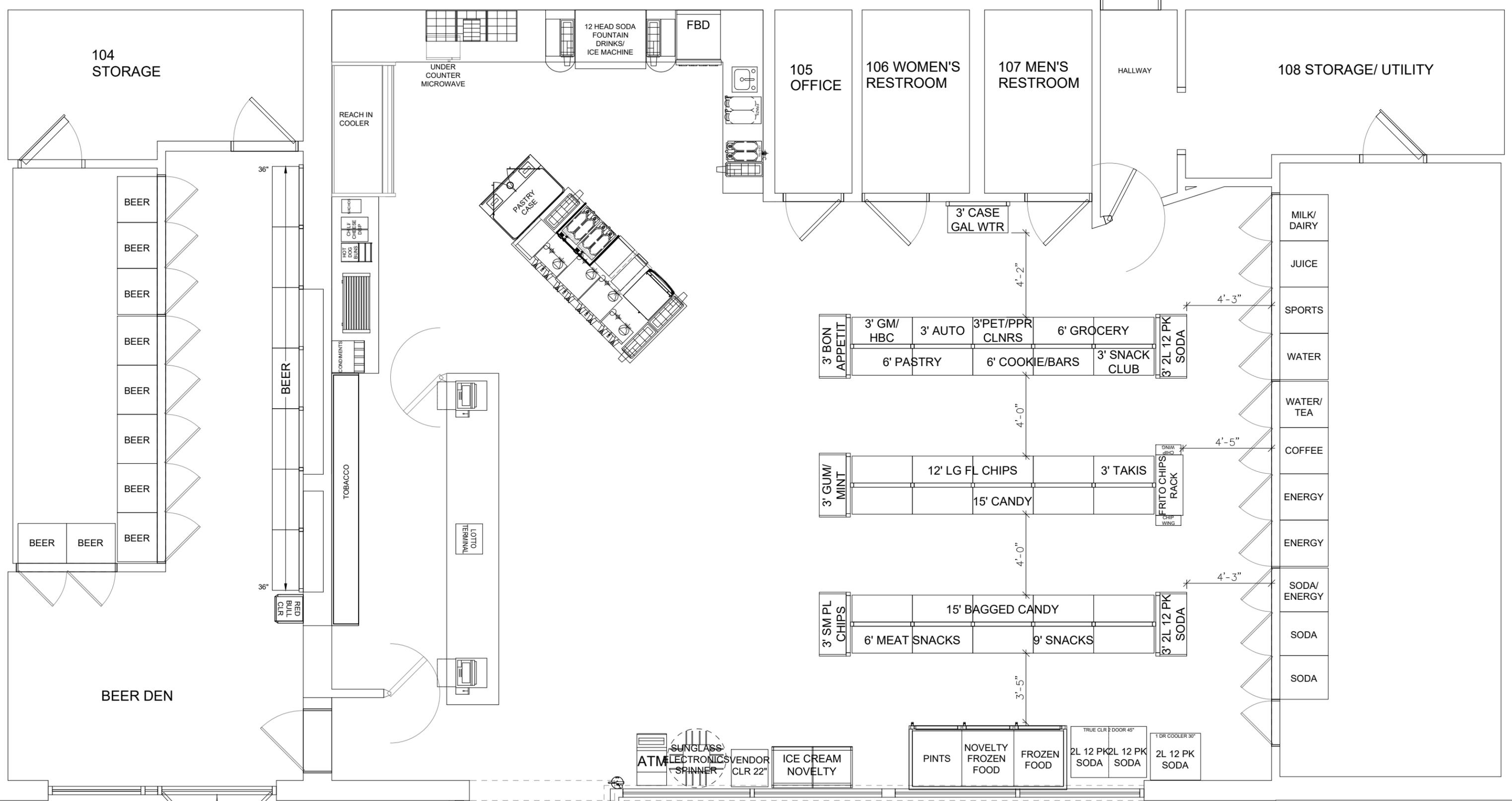
MINI MART, INC.  
D/B/A LOAF 'N JUG #685

By:  Nicholas Unkovic, Secretary  
Original License Holder Signature

Transfer Applicant Signature

  
Notary Signature

 **JASON C. MELLO**  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
October 6, 2028



LOAF N JUG #750685  
 BISMARCK, ND - AS BUILT  
 MERCHANDISE PLAN 11/14/22

