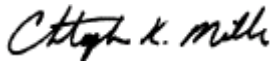


REQUEST FOR COUNCIL ACTION

Date: 6/23/2014
Item No.: 11.a

Department Approval



City Manager Approval



Item Description: Public Hearing to Consider the Transfer of an Off Sale Liquor License to JE Roseville Liquor 2014, LLC (Cub Liquor)

BACKGROUND

Jerry's Enterprises, Inc. and its subsidiary JE Roseville Liquor 2014, LLC, are in the process of purchasing the Rainbow Foods liquor store located at 1201 Larpenteur Avenue West. JE Roseville Liquor 2014, LLC intends to begin operating under the name Cub Liquor upon the closing of the sale, pending local and State approvals.

Recognizing that the City permits a maximum of ten off-sale liquor licenses, all of which are currently in use, RBF, LLC of Wisconsin has agreed to forfeit the rights to its off-sale liquor license upon the sale of the stores, effective on or around July 16, 2014. The license will then be transferred to JE Roseville Liquor 2014, LLC for the remainder of 2014.

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, JE Roseville Liquor 2014, LLC's application materials are considered complete and in full compliance with City documentation requirements. Criminal background checks have been completed on all owners and officers.

POLICY OBJECTIVE

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

FINANCIAL IMPACTS

Not applicable.

32 **STAFF RECOMMENDATION**

33 City Staff recommends that the City Council approve the transfer of the off-sale liquor license from
34 RBF, LLC of Wisconsin to JE Roseville Liquor 2014, LLC, effective on or around July 16, 2014 upon
35 the close of the sale.

36 **REQUESTED COUNCIL ACTION**

37 Motion to approve the transfer of the off-sale liquor license to JE Roseville Liquor 2014, LLC for the
38 remainder of the 2014 calendar year.

39

Prepared by: Chris Miller, Finance Director

Attachments: A: Application from JE Roseville Liquor 2014, LLC (Cub Liquor)



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 SFM Policy # 9592.521
 Licensee's MN Sales and Use Tax ID # 8899921 To apply for a MN sales and use tax ID #, call (651) 296-6181
 Licensee's Federal Tax ID # 41-0834686

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>JE ROSEVILLE Liquor 2014 LLC</u>	Social Security # <u>NA</u>	Trade Name or DBA <u>Cub Liquor</u>	
License Location (Street Address & Block No.) <u>1201 Carpenter Ave. W.</u>	License Period From _____ To <u>12/31/14</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>UNKNOWN AT THIS TIME</u>	Business Phone Number <u>952-922-8335</u>	DOB (Individual Applicant) <u>corp</u>	

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>See Attached</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
Partner Officer (First, middle, last)	DOB	SS#	Title	Shares	Address, City, State, Zip Code

- If a corporation, date of incorporation 3-27-14, state incorporated in MN AND ETC, amount paid in capital 0. If a subsidiary of any other corporation, so state Jerry's Enterprises and give purpose of corporation retail operator. If incorporated under the laws of another state, is corporation authorized to do business in the state of Minnesota? ☐ Yes ☐ No
- Describe premises to which license applies: such as (first floor, second floor, basement, etc.) or if entire building, so state.
first floor - see highlighted portion of floor plan
- Is establishment located near any state university, state hospital, training school, reformatory or prison? ☐ Yes ☒ No If yes state approximate distance. _____
- Name and address of building owner: Reinhart Real Estate Group, Inc., Suite 800
201 Main St., La Crosse
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. NO
- 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. See attached list of locations

CA 140-12382

8. Are the premises now occupied or to be occupied by the applicant entirely separate and exclusive from any other business establishment? ☒ Yes ☐ No
9. 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
10. 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. _____
12. State Number of Employees UNKNOWN (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)? _____
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. 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. 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.
See ATTACHED LIST OF VIOLATIONS
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. 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

KEAT DIXON - EXECUTIVE V.P.

[Signature]

5-6-14

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:

[Signature]

Police/Sheriff's Department

Chief of Police

Title

[Signature]

Signature

PS 9136-(2009)

County Attorney's Signature

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

Alcohol Violations/Fines

Jerry's Enterprises, Inc. currently owns and operates 18 retail grocery stores within Minnesota; 9 under Diamond Lake 1994 LLC, and 9 under Jerry's Enterprises, Inc., as well as three off-sale liquor stores; Cub Liquor in Bloomington, Cub Liquor in West St Paul and Sun Ray Liquors in St. Paul.

Following is a list of alcohol violations that have occurred in these stores in the past five years:

Diamond Lake 1994 LLC

10/17/2013	Cub Broadway	\$500.00 fine
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Jerry's Enterprises, Inc.

8/31/09	Cub Liquor – Bloomington	\$1000 fine
5/27/10	Jerry's Edina	\$1000 fine
4/21/10	Cub – Bloomington	\$750 fine
9/18/13	Cub – Liquor-SunRay	Warning—no fine
10/1/13	Cub – Lake Street	\$500.00 fine

Policies and procedures are in place, and employee training is ongoing to prevent occurrence of this type of situation. We have a zero tolerance policy regarding the Sale of Alcohol that is strictly enforced.



Jerry's Enterprises, Inc.

JE Roseville Liquor 2014, LLC
Listing of Officers

Robert Nessel Shadduck

100% owner

President

Kent Dean Dixon

Executive Vice President

Benjamin Carl Schultes

Vice President of Finance
505-1000-1077

CORPORATE OFFICES

5101 VERNON AVENUE SQ. • EDINA, MN • 55436

TEL.: (952) 922-8335

FAX: (952) 929-9281

ROUNDY'S SUPERMARKETS, INC.

PICK 'N SAVE · COPPS · RAINBOW · METRO MARKET · MARIANO'S

PO Box 473
Milwaukee, WI 53201
414-231-5000

May 13, 2014

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Chris Miller
Finance Director
City of Roseville
Finance Department, License Division
2660 Civic Center Drive
Roseville, MN 55113

Re: Change of Ownership

Dear Mr. Miller:

RBF, LLC of Wisconsin will cease operating the Rainbow Foods grocery and liquor stores located at 1201 Larpentur Avenue West (the "Stores") on or about July 16, 2014, due to the sale of the Stores to Jerry Enterprises, Inc. and its subsidiary JE Roseville Liquor 2014, LLC. The 3.2% Off-Sale and Off-Sale licenses issued to the Stores will be surrendered to the City upon the closure of the Stores.

Please contact me with any questions you may have at 414-231-5901.

Very truly yours,

ROUNDY'S SUPERMARKETS, INC.



Edward G. Kitz
Group Vice President – Legal, Risk & Treasury

Cc: Ben Schultes (via electronic mail)

