



Office of the City Attorney

City Attorney
Erik R. Johnson

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February 22, 2018

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Board of City Commissioners
City Hall
200 North Third Street
Fargo, ND 58102

Dear Commissioners:

I am enclosing a Resolution Establishing License Application Qualification Guidelines for parties applying for a liquor license. The Liquor Control Board discussed this License Application Qualification Guideline at its meeting in January, and put it out for public comment and review for further consideration at its meeting on February 21, 2018. The Liquor Control Board is recommending the adoption of the Resolution.

Recommended Motion: I move to approve the Resolution Establishing License Application Qualification Guidelines.

Sincerely,

Nancy J. Morris
JAR

Nancy J. Morris

Enclosure



COMMISSIONER Gehrig introduced the following resolution and moved its adoption:

RESOLUTION ESTABLISHING LICENSE APPLICATION QUALIFICATION
GUIDELINES

WHEREAS, the City of Fargo has enacted Article 25-15 of the Fargo Municipal Code for the purposes of licensing retail liquor in the city of Fargo; and

WHEREAS, Section 25-1505 of the Fargo Municipal Code mandates the Police Chief investigate the applicant, including the character, reputation, and fitness of the applicant to hold a license, and make a recommendation to the Board of City Commissioners as to whether or not a license should be granted under this Article; and

WHEREAS, the Board of City Commission of the City of Fargo desires to establish guidelines for purposes of considering the character, reputation, and fitness of an applicant for a license pursuant to Article 25-15.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF CITY COMMISSIONERS,

1. Applicant may not have had revoked, in the previous 5 years, any license for the sale of alcoholic beverages.
2. Property taxes and special assessments for the building in which the licensed premises are located may not be delinquent.
3. Applicant may not be in default on any obligation owed to the city of Fargo.
4. Applicant may not have sought any form of Bankruptcy protection within the past 5 years.
5. Applicant's credit must be in good standing. Applicant must not have any outstanding/unsatisfied civil or criminal judgments, including restitution judgments.
6. Applicant must be identified as in Good Standing with the North Dakota Secretary of State and the North Dakota Attorney General's Office.
7. Any false statement in the application process shall result in automatic refusal of the license application, or immediate withdrawal of prior issuance.
8. Applicant and/or manager may not have been convicted of any of the following offenses within the previous five (5) years, or if the applicant is not otherwise considered rehabilitated within the meaning of NDCC 12.1-33-02.1, or the offense has a direct bearing on the owner or manager's ability to serve the public in a liquor business:

- a. A felony;
- b. Conviction of an offense involving the manufacture, sale, distribution or possession of alcoholic beverages;
- c. Forfeiture of a bond or failure to appear in court pursuant to court order;
- d. Conviction of an offense involving the sale or felony possession of drugs;
- e. Conviction of any offense of Domestic Violence, Child Endangerment, or Sexual Assault;
- f. Conviction of a Prostitution offense;
- g. Conviction of an Obscenity or Pornography offense.

In the application of this section, it shall be presumed that a violation of paragraphs 7 (b), 7 (d-g) has a direct bearing on the applicant's ability to serve alcoholic beverages to the public.


9. Applicant must not have two (2) or more convictions in the two (2) years immediately prior to the application of the following offenses:
 - a. Actual physical control of a motor vehicle while under the influence of alcohol or drugs;
 - b. Minor in possession of alcohol;
 - c. Sale or delivery of alcohol to a minor;
 - d. Consuming in public.
10. Any other offense determined by the Board of City Commission to have a direct bearing on the applicant's or manager's ability to serve alcoholic beverages, and in the protection of the public interests.
11. Pending charges of either a felony or misdemeanor in any jurisdiction will result in the application being held until disposition of the charges, at which time the application will be considered in accordance with the foregoing criteria. Applications will be processed as they are received, and applications held for pending charges will be withdrawn from que until fully reviewable.

The motion for the adoption of the foregoing resolution was duly seconded by COMMISSIONER Grindberg, and upon roll call vote, the following voted in favor thereof: COMMISSIONERS Gehrig, Grindberg, Piepkorn, Strand, Mahoney The following were absent

and not voting: none, and the following voted against the same: none,
whereupon the resolution was declared duly passed and adopted.


Timothy J. Mahoney, Mayor

ATTEST:


Steve Sprague, City Auditor