



Legislation Details (With Text)

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Title: Public Hearing and Action on the transfer of an Off-Sale Malt License from Sixth Street Diner, Inc., Robert Fischer, Patrick Kearns, and Richard Weisser, owners, to Commonwealth Gaming & Holdings Co., dba Deuces Casino, Bryant Soberg and Kirby Muilenburg, owners, 223 6th Street, Brookings, South Dakota, legal description: South 114' of West 69.3' of Lot 20, and South 114' of Lot 21, Block 3, Henry's Addition.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Legal Notice

Date	Ver.	Action By	Action	Result
9/26/2017	1	City Council	approved	Pass

Public Hearing and Action on the transfer of an Off-Sale Malt License from Sixth Street Diner, Inc., Robert Fischer, Patrick Kearns, and Richard Weisser, owners, to Commonwealth Gaming & Holdings Co., dba Deuces Casino, Bryant Soberg and Kirby Muilenburg, owners, 223 6th Street, Brookings, South Dakota, legal description: South 114' of West 69.3' of Lot 20, and South 114' of Lot 21, Block 3, Henry's Addition.

Summary:

The City of Brookings has received an application to transfer the Off-Sale Malt License from Sixth Street Diner, Inc., Robert Fischer, Patrick Kearns, and Richard Weisser, owners, to Commonwealth Gaming & Holdings Co., dba Deuces Casino, Bryant Soberg and Kirby Muilenburg, 233 6th Street, Brookings, South Dakota. All required documents have been submitted for this application.

Background:

A public hearing and action by the local governing body is required to approve all alcohol licenses. The On-Off Sale Malt License would be effective until to June 30, 2018, and then subject to an annual renewal. If approved, the application would be forwarded to the State Department of Revenue for final action and issuance of the license.

Further Information: SDCL 35-2-1.2 provides all applications for retail licenses ...shall be submitted to the governing board of the municipality within which the applicant intends to operate...The governing board: "shall have discretion to approve or disapprove the application depending on whether it deems the applicant a suitable person to hold such license and whether it considers the proposed location suitable."

SDCL 35-2-6.2 provides the "character" requirements for alcoholic beverage licensees: "Any license under this title...must be a person of good moral character, never convicted of a felony, and, if a corporation, the managing officers thereof must have like qualifications."

Procedure for issuance of licenses: Procedurally, SDCL 35-2-3 provides that “no license for the on or off-sale at retail of alcoholic beverages...shall be granted to an applicant for any such license, except after public hearing, upon notice.” SDCL 35-2-5 provides the procedure for the time and place of hearing and for publication of notice. If an application for a license is refused, “no further application may be received from a person until after the expiration of one year from the date of a refused application.”

Recommendation:

Staff recommends approval.

Attachments:

Legal Notice