

REQUEST FOR LOCAL LIQUOR CONTROL COMMISSION ACTION

DATE: June 9, 2015

ITEM NO. 4 – Application to transfer a Class A2 license (Restaurant – all alcoholic liquors) from La Fogata Taqueria Inc. d/b/a La Fogata Taqueria to Hacienda la Amistad Restaurant, Inc. d/b/a Hacienda la Amistad at 519 South Illinois Avenue

Attached is an application from Hacienda la Amistad Restaurant, Inc. for the transfer of an existing Class A2 liquor license held by La Fogata Taqueria, Inc. at 519 South Illinois Avenue. A letter from the current shareholders of La Fogata Taqueria, Inc. authorizing the transfer has been provided.

Liquor Code Provisions: There is not a cap on Class A2 liquor licenses. During the hours when the kitchen facilities are fully operational and full menu service is available, there is not a legal entry age requirement for Class A2 businesses. If the kitchen is not fully operational or if the menu offerings are limited, the nineteen year old legal entry age does apply. A Class A2 license shall not be issued to the applicant unless at least fifty-one percent (51%) of its gross retail sales revenue is collected from the sales of nonalcoholic beverages and food.

Transfers Of Licenses:

A. Not Transferable By Holder: A license shall be a purely personal privilege and shall not constitute property. Nothing in this title shall be construed to grant a right to transfer or accept the transfer of any license. Applicants for the transfer of an existing liquor license shall follow the procedures for issuance of a new liquor license as contained in this chapter.

B. Commission Discretion: Notwithstanding subsection A of this section, the local liquor control commission, upon receipt of written application and a transfer fee in the amount of one hundred dollars (\$100.00), may authorize the transfer of any license issued under this chapter.

C. Relocation Of Business: If the applicant seeks to transfer the license to a new location, the proposed location must comply with all rules, regulations, city ordinances and state statutes applicable to the operation and maintenance of a licensed premises.

D. New Ownership: The transfer of a license issued hereunder from one person to another may only be made in the case of a bona fide sale or transfer for valuable consideration of the business, and upon the determination by the local liquor control commission that the purchaser possesses the qualifications as required of an applicant for the original license.

E. Old License Returned To City: No transfer shall be effective and no new license shall be issued until the former license is submitted to the office of the city clerk and all monies due the city have been paid. (Ord. 2007-38)

Liquor Advisory Board Review: The Liquor Advisory Board reviewed this request on May 19, 2015, and unanimously recommended approval of the transfer application subject to the applicant providing to the Local Liquor Control Commission full responses to those questions which were not completely answered on the application, submission of a copy of the menu, and contingent upon receipt of all outstanding items.

Outstanding Items: The \$100 transfer fee has been paid and the certificate of good standing has been submitted. The criminal history investigation did not reveal anything which would expressly preclude the applicant from holding a liquor license. Other items outstanding include: certificate of insurance, copy of the lease, retailer's occupation tax certificate, affidavit of server training, and approvals from the Building and Neighborhood Services Division and the Fire Department.

Recommended Action: The Local Liquor Control Commission may:

- (1) Approve the transfer of the Class A2 liquor license from La Fogata Taqueria, Inc. to Hacienda la Amistad, Inc., contingent upon receipt of all outstanding items; or
- (2) Deny the transfer of the Class A2 liquor license from La Fogata Taqueria, Inc. to Hacienda la Amistad, Inc., based on one or more of the provisions of the *Liquor Code*.

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