

**State of Montana
Form 39
Liquor and/or Gambling Short Form**

Check the Appropriate Box to Designate the Purpose of this Application

The use of this short application is limited to changes in the type of business entity, for example sole proprietor to corporation; or an increase of current ownership parties from under 10% to over 10% interest, but no other changes to the licensee or licensed entity are made and a transfer of a license from one location to another, but no other changes to the licensee or licensed entity are made. **NOTE: An ownership interest in a licensed gambling and/or liquor operation may not be transferred to a complete stranger to the license (someone not already listed and approved as an owner in the licensed operation) unless a new Alcoholic Beverage/Gambling Operator Combined License Application reflecting the proposed transfer is sent to and approved by the divisions.** Although this application is a short form, the change of entity type or the increase of ownership needs to be published once a week for two consecutive weeks and the public has the right to protest. See the attached pages for a checklist of the documents and information that will be required for each transaction type.

Entity Type Change Increase of current ownership interest from less than 10% ownership to over 10% ownership

Transfer of Location (GOA and/or ONP only; Gambling Manufacturer/Distributor/Route Operator's use Form 37)

Explain briefly the reason for this application:

Fees

Processing Fee: \$200

Fingerprint Fee: \$27.25 per set (two) when required. (See individual transaction type.)

General Information

Account ID _____ **FEIN** _____ **Liquor License No.** _____

Name of Licensee _____

Business/Trade Name _____

Mailing Address _____

Address of Licensed Premise _____

City, State, Zip _____

Business Phone _____ Cell Phone _____ Email Address _____

Authorization

I affirm I am authorized to make this application for the applicant and that the answers contained herein are true and complete. If this application or attachments contain false information, I understand I may be subject to the criminal penalties of Mont. Code Ann. § 45-7-202, 45-7-203, 45-7-208, 16-4-402 and/or revocation of any gambling and/or liquor licenses granted pursuant to this application.

Signature of Licensee/Authorized Agent _____ Date _____

Print Full Name of Licensee/Authorized Agent _____

Business Entity-Type Change

Gambling and liquor activity may continue pending approval of the business entity-type change. **This form may only be used if there will be no new persons added to the new entity. If there are new persons and a new entity, a new Alcohol and Gambling Operator Combined License Application (Form 5) must be completed.** Please send the following documents, if applicable, to facilitate the review and approval of the transfer.

1. Copy of current floor plan (including name, liquor license number, physical address, dimensions, seating, service bar, liquor storage etc.).
2. Verification from Secretary of State for new entity.
3. FEIN verification from the IRS.
4. Documents verifying the source of funding for any new funds used for the change, or infused in to the new entity (e.g. Loan documents, security agreements etc.).
5. Corporate and/or business statement (please use attached form if necessary).
6. Other information as applicable to help verify the change.
7. Bank signature cards showing the new business entity type.
8. You will be notified of the completion of the audit and at that time you will be able to schedule the closing. **Upon closing**, please supply documents memorializing the change of entity-types from the current type to the new type. Depending on the change this could include corporate documents, partnership agreements, LLC agreements, etc:
 - Documents verifying the end of the current entity-type, including minutes, cancellation of shares/interests, corporate/LLC/LLP/Partnership end of existence procedures documents.
 - Documents verifying the new entity-type, including minutes, issuance of shares/interest, corporate/LLC/LLP/Partnership creation documents.

Increase in Shareholders/Members/Partners Interest from under 10% to over 10% Ownership

Gambling and liquor activity may continue pending approval of the increase of ownership from under 10% to over 10%. If the person increasing his ownership was not previously qualified, this form will not work. **This form may only be used if there will be no other changes made to the entity or its enterprise, i.e. leasehold, concessions, managers, locations, etc. If there are additional changes, a new Alcoholic Beverage and Gambling Operator Combined License Application (Form 5) must be completed.**

1. Copy of current floor plan (including name, liquor license number, physical address, dimensions, seating, service bar, liquor storage etc.).
2. Documents verifying the source of funding, contributed capital, equity or for any new funds used for the change, or infused into the entity (e.g. loan documents, security agreements etc.).
3. Corporate and/or business statement (please use attached form if necessary).
4. Other information as applicable to help verify the increase in ownership or shareholder/member/partner.
5. You will be notified of the completion of the audit and at that time you will be able to schedule the closing. **Upon closing**, please supply documents memorializing the increase of shareholder/member/partner ownership to the entity.
 - Narrative and official entity documents, i.e. minutes, shares/interests/partnerships issuance agreements.
 - Shares/member interests certificates.

Transfer of Location (GOA and/or ONP only)

See attached page 3 for required information.

How do I go about filling out the application?

You need to send one original signed application to the Gambling Control Division. If you would rather fill out the application on your personal computer the form is available on the Gambling Control Division website (www.doj.mt.gov/gaming/forms.asp) or from the Department of Revenue website (www.revenue.mt.gov). All alcoholic beverage and gambling related laws and rules are also available at these websites. You cannot e-mail or electronically send the completed form; you must complete the form and send it along with the required documents and fees to:

Montana Department of Justice
Gambling Control Division
2550 Prospect Ave. - P.O. Box 201424
Helena, Montana 59620-1424

The Division(s) may require the applicant to send additional documents or information. This application and your submitted documents and information will be reviewed under an amended license process and final approval shall correspond with those procedures. If you have any questions, please contact the Gambling Control Division, Licensing Section at (406-444-1971).

Transfer of Location (GOA or ONP only)

The use of this short application is limited to a transfer of a license from one location to another, but no other changes to the license or licensed entity are made.

Address of Proposed Premises: _____
(Street Address, City, State Zip Code)

Is the premises for licensing located:

- Within the boundaries of an incorporated city/town.
- Within a distance of five miles of an incorporated city/town.
- Within an unincorporated city/town or outside the boundaries of and more than five miles distance from any city/town whether incorporated or unincorporated.

_____ in County of _____
City Name County Name

Liquor Licensee Suitability Checklist

- 1) Y/N Is the type of alcoholic beverages business easily determined, due to indoor and outdoor advertising, signage and/or general layout and atmosphere of the premises to be licensed.
- 2) Y/N Is premises open on regular basis?
- 3) Y/N Does the floor plan and dimensions accurately represent the physical layout of the premises?
- 4) Y/N Does your premises meet building, health, and fire code regulations?
- 5) Y/N Will your premises be physically separated by four permanent walls from any other business conducted in the building, which is not directly related to the manufacture, sale or distribution of alcoholic beverages, and with inside access only through a doorway no larger than 6' which can be closed and locked when not in use.
- 6) Y/N Do you acknowledge that automatic alcohol dispensing or vending machines are not in use on the premises?
- 7) Y/N If you have a deck or patio, is it immediately adjacent to the licensed premises?
- 8) Y/N Does the layout of your premises allow for licensee and/or employee only control over the sale and service of alcoholic beverages?
- 9) Y/N NA Does your establishment have a bar and at least 12 seats at the bar, tables or booths independent of gaming machines (if applicable)?

Required Documents:

- Documents verifying the licensee has possessory interest in the building where the business is operated. These documents will be determined by whether you own the new location or if you will be leasing it.
 - Copies of all purchase documents and related guarantees, mortgages, and security agreements associated with the new location, and all bills of sale, deeds and/or other documents reflecting title transfer of assets purchased;
 - Copies of all lease and related security agreements associated with the new location;
 - Certified survey affidavit ;
- Copy of the floor plan of the area to be licensed, using approximate dimensional measurements, including external dimensions and general layout – on an 8-1/2" x 11" sheet of paper. **Note:** On the floor plan you will need to clearly mark the areas where alcohol stored and served. The floor plan must contain outside dimensions, the name of the establishment, physical address, liquor license number and date.