



Board of County Commissioners - Staff Report

Meeting Date: December 6, 2022

Presenter: Shelley Fairbanks, Deputy County Clerk

Submitting Dept: County Clerk

Subject: 2023 Liquor License Renewal

ILC 3535 Holdings LLC dba The Copper Bar

Statement / Purpose: 2023 Liquor License Renewals per WS § 12-4-104 for ILC 3535 Holdings LLC dba The Copper Bar

Background / Description (Pros & Cons):

On October 26, 2022 the Teton County Clerk's Office received verbal notification from a county resident that The Copper Bar was currently closed and had been for several years. Upon talking with the Wyoming Liquor Division, they provided the following information:

1. A retail license was issued to ILC 3535 Holdings LLC dba The Copper Bar on June 20, 2017.
2. The Copper Bar has not placed an order with the Wyoming Liquor Division since September 2020.
3. The Wyoming Department of Revenue, Excise Tax Division records indicate that no sales have been reported since September 2020 and sales reporting was sporadic before that time period.
4. The previous renewal applications for 2020 and 2021 show the establishment as operational even though they did not report any sales.
5. Based on a January 20, 2019 email from the Wyoming Liquor Division, it was confirmed that The Copper Bar had been closed, non-operational since approximately May or June of 2018; the previous application (2018 renewal) showed full-time operational status except for being closed during May and September 2018; they placed an WLD order in January 2019 and the last order before that was May 2018; there were sales reported to the Excise tax Division for March 2018 and there were zero sales report submitted for August 2018

The Teton County Clerk's Office has not ever received a request from ILC 3535 Holdings LLC dba The Copper Bar for non-operational status, nor has there been a request to move from full-time to seasonal status after the issuance of the retail liquor license.

Per WS § 12-1-101 "Operational" means offering for sale on an ongoing weekly basis to the general public alcoholic liquor and malt beverages as authorized under a license or permit issued under this title;

Per WS § 12-1-103 A license or permit authorized by this title shall not be held by, issued or transferred to:

(iv) Any licensee who fails to demonstrate that his licensed alcoholic or malt beverage enterprise will be operational in a planned but not physically functional building within one (1) year after a license or permit has been issued or transferred, or if holding a license, fails to open his business in a functional building within one (1) year after license issuance or transfer and remain operational thereafter. Upon a showing of good cause by the licensee and for an additional period of not to exceed one (1) year, the local licensing authority may extend the time period in which the business or enterprise of the licensee is required to become operational or open for business pursuant to this paragraph. Any license or permit in violation of this paragraph shall not be renewed by the local licensing authority and once the enterprise is operational or open for business, no licensee shall be eligible to repeat the grace periods made available by this paragraph without the consent of the local licensing authority due to extraordinary circumstances. For purposes of this paragraph "remain operational" means operational consecutively, in any license term year, for twelve (12) months or for not less than three (3) months if determined by the local licensing authority to be a seasonal operation.



Board of County Commissioners - Staff Report

Pursuant to WS § 12-4-104 (b) "If a renewal or transfer hearing, the hearing shall be held no later than thirty (30) days preceding the expiration date of the license or permit." The current licenses expire on January 6, 2022.

The Board of County Commissioners are to review all liquor license approvals according to the following factors:

1. Whether the people residing in the vicinity of the license would be adversely or seriously affected.
2. Whether the purpose of the Liquor Laws of the State of Wyoming would be carried out by the renewal of this license.
3. Whether the number, type and location of existing licenses meet the needs of the vicinity under consideration.
4. Whether the renewal of the license would meet or satisfy the desires of the residents of the county.
5. Whether any reasonable restrictions or standards should be imposed upon the applicant.

Pursuant to Wyo. Stat. §12-4-106 a license is considered a personal privilege and the term of a license is normally one year, however, the Board of County Commissioners may issue the license for less than one year to coincide with the annual renewal date in January.

Stakeholder Analysis & Involvement: Published in local newspaper of record, on county website, and posted at the liquor establishment. No comments were received.

Fiscal Impact: A total of \$1,500.00 in license fees as follows:

1	Retail Permits	\$1,500.00
---	----------------	------------

Staff Impact: None

Legal Review: Gingery

Staff Input / Recommendation: Pursuant to Wyo. Stat. §12-4-104(d) the Wyoming Department of Revenue, Liquor Division, must certify all renewal applications as complete prior to approval by the Board of County Commissioners. The Liquor Division has reviewed the renewal applications and certified the applications as complete.

However, even though the application is complete, the liquor license has not been utilized or operational for more than a year. Holding a retail liquor license solely to gain blue sky value on the open market is not the purpose of issuing retail liquor permits. The retailer has not been operational and the license should not be renewed. After repeated attempts to contact the applicant, the Clerk has received no response.

Attachments: Application of ILC 3535 Holdings LLC dba The Copper Bar and County Clerk recommendation.

Suggested Motion: I move to approve the Teton County Liquor License renewal for ILC Holdings LLC dba The Copper Bar for the term of January 7, 2023 through January 6, 2024.

RENEWAL OF LIQUOR LICENSE OR PERMIT APPLICATION

FOR LIQUOR DIVISION USE ONLY		
Customer #:	C 2464	
Reviewer:	Initials	Date
Agent:		/ /
Mgr.:		/ /

To be completed by City/County Clerk

License Fees	Annual Fee:	\$ 1500.00	Local License #:	
	Prorated Fee:	\$	Date filed with clerk:	10 / 18 / 2022
	Transfer Fee:	\$	Advertising Dates: (2 Weeks)	Nov 23, 2022 & Nov 30, 2022
	Publishing Fee:	\$	Hearing Date:	12 / 06 / 2022
Publishing Fee Direct Billed to Applicant: <input checked="" type="checkbox"/>				

License Term: 1/7/2023 Through 1/6/2024

LICENSING AUTHORITY: Begin publishing promptly. As W.S. 12-4-104(d) specifies: NO LICENSING AUTHORITY SHALL APPROVE OR DENY THE APPLICATION UNTIL THE LIQUOR DIVISION HAS CERTIFIED THE APPLICATION IS COMPLETE.

Applicant:	ILC 3535 HOLDINGS LLC		
Trade/Business Name (dba):	THE COPPER BAR		
Building Address:	4040 WEST LAKE CREEK DR		
(Building to be licensed)	WILSON, WY 83014 TETON		
Local Mailing Address:	219 MAIN ST UNIT 736		
	CHATHAM, NJ 07928		
Local Business Telephone Number:	(307) 733-1071	Fax Number:	
Business E-Mail Address:	bap@ilhre.com		

FILING IN <u>COUNTY OF TETON</u>	FILING AS (CHOOSE ONLY ONE) <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> LP/LLP <input checked="" type="checkbox"/> LLC <input type="checkbox"/> CORPORATION <input type="checkbox"/> LTD PARTNERSHIP <input type="checkbox"/> ORGANIZATION <input type="checkbox"/> OTHER
TYPE OF LICENSE OR PERMIT (CHOOSE ONLY ONE)	
RETAIL LIQUOR LICENSE <input type="checkbox"/> ON-PREMISE ONLY (BAR) <input type="checkbox"/> OFF-PREMISE ONLY (PACKAGE STORE) <input checked="" type="checkbox"/> COMBINATION ON/OF PREMISE (BOTH BAR & PACKAGE STORE)	<input type="checkbox"/> RESTAURANT LIQUOR LICENSE <input type="checkbox"/> BAR AND GRILL LIQUOR LICENSE <input type="checkbox"/> RESORT LIQUOR LICENSE LIMITED RETAIL LIQUOR LICENSE (CLUB) <input type="checkbox"/> VETERANS CLUB <input type="checkbox"/> FRATERNAL CLUB <input type="checkbox"/> GOLF CLUB <input type="checkbox"/> SOCIAL CLUB SPECIAL DESIGNATIONS: NONE
To Assist the Liquor Division with scheduling inspections: OPERATIONAL STATUS	
<input type="checkbox"/> FULL TIME (e.g. Jan through Dec) <input checked="" type="checkbox"/> SEASONAL/PART-TIME <input type="checkbox"/> NON-OPERATIONAL/PARKED	(specify months of operation) DAYS OF WEEK (e.g. Mon through Sat) HOURS OF OPERATION (e.g. 10a - 2a) from Dec to March from Thursday to Saturday from 4pm to 10pm

1. BUILDING OWNERSHIP: Does the applicant? W.S. 12-4-103 (a) (iii)

(a) OWN the licensed building? ☒ YES (own)

(b) LEASE the licensed building? (Lease must be through the term of the liquor license) ☐ YES (lease)

(c) LEASE is current and on file with the licensing authority & Liquor Division. ☐ YES ☐ NO

If lease is not current, please submit a copy of the lease and indicate:

(i) When the lease expires, located on page paragraph of lease document.

(ii) Where the Sales provision for alcoholic or malt beverages is located, on page paragraph of lease.

(MUST contain a provision for SALE OF ALCOHOLIC or MALT BEVERAGES.)

2. BAR AND GRILL LICENSE OR RESTAURANT LICENSE HOLDERS ONLY:

(a) Gross sales figures and percentages of income derived from: (Line 1) Liquor Sales: \$ (%)

W.S.12-4-408(b) (Line 2) Food Sales: \$ (%)

(Line 1 + Line 2 must = Line 3) (Line 3) Gross Sales: \$ (%)

(b) Have you submitted a valid food service permit or application? W.S. 12-4-413(a) ☐ YES ☐ NO

3. MICROBREWERY LICENSE HOLDERS ONLY:

- (a) Did you produce over 50 barrels (1,550 gallons) but less than 50,000 barrels (1,550,000 gallons) during the previous license term? W.S. 12-1-101(a)(xix)

☐ YES ☐ NO

- (b) Do you self-distribute your products? W.S. 12-2-201(a)
(Requires wholesale malt beverage license with the Liquor Division)

☐ YES ☐ NO
4. SOCIAL CLUB LICENSE HOLDERS ONLY:

- (a) Have you files a detailed statement of your activities during the year with an itemized statement of amounts expended?

☐ YES ☐ NO
5. If applicant is filing as an Individual, Partnership or Club: W.S. 12-4-102(a)(ii) & (iii)

Each individual, partner or club officer must complete the box below.

True and Correct Name	Date of Birth	Residence Address No. & Street City, State & Zip DO NOT LIST PO BOXES	Residence Phone Number	Have you been a DOMICILED resident for at least 1 year and not claimed residence in any other state in the last year?	Have you been Convicted of a Felony Violation?	Have you been Convicted of a Violation Relating to Alcoholic Liquor or Malt Beverages?
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>

(If more information is required, list on a separate piece of paper and attach to this application.)

6. If the applicant is a Corporation, Limited Liability Company, Limited Liability Partnership or Limited Partnership:

Per W.S. 12-4-102(a)(iv) & (v) each stockholder holding, either jointly or severally, ten percent (10%) or more of the outstanding and issued capital stock of the corporation, limited liability company, limited liability partnership, or limited partnership, and every officer, and every director must complete the box below.

True and Correct Name	Date of Birth	Residence Address No. & Street City, State & Zip DO NOT LIST PO BOXES	Residence Phone Number	No. of Years in Corp or LLC	% of Corporate Stock Held	Have you been Convicted of a Felony Violation?	Have you been Convicted of a Violation Relating to Alcoholic Liquor or Malt Beverages?
Interland Capital	3/8/16	219 Main Street, 2nd fl Chatham NJ 07928	212-813-1590	6	100%	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Peter DeNeufville	12/22/67	323 Main Street Chatham, NJ 07945	(212) 813-1594	6	0	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
						YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
						YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>

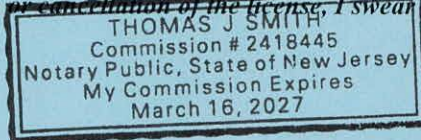
(If more information is required, list on a separate piece of paper and attach to this application)

OATH OR VERIFICATION

(Requires signatures by **ALL** Individuals, **ALL** Partners, **ONE (1)** LLC Member, or **TWO (2)** Corporate Officers or Directors except that if all the stock of the corporation is owned by **ONE (1)** individual then that individual may sign and verify the application upon his oath, or **TWO (2)** Club Officers.) W.S. 12-4-102(b)

Under penalty of perjury, and the possible revocation or cancellation of the license, I swear the above stated facts, are true and accurate.

STATE OF NEW JERSEY)
) SS.
COUNTY OF MORRIS)



Signed and sworn to before me on this 13th day of OCTOBER, 2022 that the facts alleged in the foregoing instrument are true by the following:

1) <u>Peter de Neufville</u> (Signature)	<u>DENEUFVILLE, P</u> (Printed Name)	<u>OWNER</u> Title
2) _____ (Signature)	_____ (Printed Name)	_____ Title
3) _____ (Signature)	_____ (Printed Name)	_____ Title
4) _____ (Signature)	_____ (Printed Name)	_____ Title

Witness my hand and official seal:

Thomas J. Smith
Signature of Notary Public

My commission expires: 3/16/27



To: Board of County Commissioners

From: Maureen Murphy, Teton County Clerk

Re: The Copper Bar Retail Liquor License Renewal

As you have read in Shelley Fairbanks's staff report on the renewal of The Copper Bar's retail liquor license recommendation, the Clerk's Office was contacted on October 26, 2022 regarding the operational status of the Copper Bar.

Upon this notification, my office contacted the Wyoming Liquor Division and was informed that there have been zero orders of alcohol since September of 2020. Also, the Wyoming Department of Revenue have indicated that no sales have been reported since September 2020 and sales reporting was sporadic before that time period.

At this time, I repeatedly tried to reach out to both the owner and the listed contact by both phone and email and received no response. It's listing on google states it is permanently closed and the number listed is out of service.

WS § 12-1-103 speaks to the requirement of a business being operational. Although it lists that the Copper Bar has been operational in the last two years of applications, there is nothing that shows it indeed has been open.

It is my recommendation, as Teton County Clerk, that this application not be renewed for 2023.