

State of Montana
Form 37
Liquor and Gambling Short Form

Check the Appropriate Box to Designate the Purpose of this Application

The use of this short application is limited to report a change of location for a Gambling Manufacturer/Distributor/Route Operator (only); change in ownership due to the death of a licensee and transfer of ownership interest to an estate, or to a joint tenant with right of survivorship; transfer of interest resulting from divorce if the spouse to whom the interest is transferred is already identified as an owner of the license; transfer of ownership resulting from a foreclosure; transfer of ownership interest by gifting if the person to whom the interest is transferred is already identified as an owner of the license; transfers of ownership by sale if the person to whom the interest is sold is already identified as an owner of the license. In addition, transfers under any of the above circumstances must be to a person already disclosed in a liquor only or combined application owning at least 10% of the license. **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) unless a new Alcoholic Beverage/Gambling Operator Combined License Application (Form 5) reflecting the proposed transfer is sent to and approved by the divisions.** See the attached pages for a checklist of the documents and information that will be required for each transaction type.

- ☐ Change of Location (Gambling Manufacturer/Distributor/Route Operator **Only**) ☐ Death of a Licensee
☐ Divorce among Licensees ☐ Foreclosure ☐ Gifting among Licensees ☐ Sale among Licensees

Explain briefly the reason for this application:

Fees

Processing Fee: \$200 for Foreclosure **ONLY**

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 _____

Death of a Licensee

Gambling and liquor activity may continue pending approval of transfers to estates or joint tenants. Please send the following documents, if applicable, to facilitate the review and approval of the transfer.

1. Copy of Death Certificate or Court Order certifying death of licensee.
2. A copy of the will.
3. Formal appointment of person(s) to manage estate whether he/she is court appointed or named in licensee's will (i.e. executor of estate, conservator, personal representative, power of attorney, or trustee), where applicable.
4. The FEIN for the estate (supply appropriate documents).
5. Unless already identified as an owner of the license, a personal history statement, two fingerprint cards and fingerprint fee for each individual appointed to manage the estate.
6. Bylaws if the licensee is a corporation or limited liability company.
7. Operating agreement if the licensee is an LLC or Partnership as registered with the Secretary of State.
8. Current financial statements or most recent tax returns of the licensed operation.
9. New bank signature cards with updated signatures.

Please note:

- Whether or not there is a will, the decedents' interest in the liquor and gambling license will be placed into the name of the estate showing the Personal Representative as the responsible party until the estate is settled and the interest distributed to the designated heir(s).
- If the interest is held in joint tenancy with right of survivorship, this application will be sufficient to transfer both the liquor and gambling operator interests to the survivor.
- If the estate plans to sell the liquor license, an Alcoholic Beverage/Gambling Operator Combined License Application is required to be completed following approval of this amended application.

Sale of Interests Among Licensees

Gambling and liquor activity may continue pending approval of the sale of interests among licensees. Please send the following documents, if applicable, to facilitate the review and approval of the transfer.

1. Copy of the purchase/sale documents that include all terms and prices.
2. Copies of all documents verifying the source of funding for amounts to be paid to the seller (e.g. 6 months of bank statements, loan documents and security agreements, etc.).
3. Minutes of meetings during which the sale and terms of sale are approved, if applicable.
4. Current financial statements or most recent tax returns of the licensed operation.
5. If the owner transferring an interest is being completely removed from ownership provide letters from creditors, and lessors if applicable, removing the seller(s) from all liability.
6. If the seller is no longer on the license, a copy of new bank signature cards with updated signatures
7. You will be notified of the completion of the audit and at that time you will be able to schedule the closing. **Upon closing,**
 - Documents memorializing the sale of interests among licensees.
 - Corporate documents, partnership agreements, LLC agreements, minutes etc. (depending on type of change)
 - Documents verifying the cancellation of shares/interests, issuance of shares/interests and updated stock ledger (if applicable).

Divorce Among Licensees

Gambling and liquor activity may continue pending approval of transfers to an ex-spouse. Please send the following documents, if applicable, to facilitate the review and approval of the transfer.

1. Copy of the final decree of dissolution of marriage and property settlement agreement.
2. Source of funding documents, if any, if the transfer requires a buyout (e.g. 6 months of bank statements supporting cash payments, loan and security agreements, installments payment agreement, etc.).
3. If the spouse transferring the interest is to be completely removed from ownership and is to be no longer responsible for contractual obligations of the licensed operation, supply letters and related documents from banks, landlords, and vendors that release the departing spouse from liability (or converting him/her to a guarantor). and updated bank signature cards.
4. Current financial statements or most recent tax returns of the licensed operation.
5. If the transferring spouse is no longer a licensee, an updated bank signature card.
6. You will be notified of the completion of the audit and at that time you will be able to schedule the closing. **Upon closing,**
 - Documents memorializing the divorce and transfer of assets among licensees.
 - Corporate documents, partnership agreements, LLC agreements, minutes etc. (depending on type of change)
 - Documents verifying the cancellation of shares/interests, issuance of shares/interests and updated stock ledger (if applicable).

Gifting Among Licensees

Gambling and liquor activity may continue pending approval of the transfer via gift to an existing owner. Please send the following documents to facilitate the review and approval of the transfer.

1. Gifting statement that identifies both parties to the transaction, the intention of the transaction, and % of ownership being transferred.
2. Current financial statements or most recent tax return for the licensed entity.
3. You will be notified of the completion of the audit and at that time you will be able to schedule the closing. **Upon closing,**
 - Documents verifying gifting of ownership interest among licensees.
 - Corporate documents, partnership agreements, LLC agreements, minutes etc. (depending on type of change)
 - Documents verifying the cancellation of shares/interests, issuance of shares/interests and updated stock ledger (if applicable).

Foreclosure

Gambling and liquor activity may continue under the foreclosing party pending the outcome of a license investigation for a proposed transfer of ownership interest resulting from foreclosure under the following conditions:

- The party foreclosing has had no change in ownership since last licensed, and is the licensee's immediate predecessor.
- The foreclosing party is suitable for licensure.
- All applicable permit fees are paid.
- The former licensee has notified the department, within 5 working days of execution of the foreclosure.
- The foreclosure takes place within two years following the sale.
- If the license is to be operated, it must remain in the same location.
- If the license is to be operated, Liquor Control Division is required to publish the change in ownership and inform the local officials.

Please send in the following documents to facilitate the review and approval of the transfer:

1. Copy of the original buy/sell or purchase agreement between the prior licensee and the current licensee.
2. Documents and/or letters of foreclosure.
3. Entity documents for the proposed foreclosing party (i.e. corporate documents, LLC documents, etc.) if other than a sole proprietorship.
4. Statement of who is to be the new manager, if applicable and a management agreement if the manager is not the new owner (or owner, shareholder, member, or partner thereof) and fingerprint cards, personal history statement and fees.
5. New bank signature card.
6. \$200 processing fee to publish the transfer.
7. Floor plan of the licensed premise.
8. Request for Temporary Operating Authority.
9. Corporate statement (if applicable).
10. Documents verifying the applicant has possessory interest in the building where the business is operated. This can include items such as a lease, rental agreement, purchase agreement, tax statement, deed and/or finance agreement.

Change of Location (Gambling Manufacturer/Distributor/Route Operator ONLY)

Gambling activity may continue pending the outcome of a license investigation for a proposed change of location. Please send in the following documents to facilitate the review and approval of the transfer:

1. Copies of the mortgage loan documents (if a purchase) or new lease agreement for the new location.
2. Meeting minutes approving the change of location.
3. Current financial statements or the most recent federal income tax return.
4. Copy of the bank signature card for all commercial accounts – only if a new bank account is opened for this new location OR a change in mailing address.

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.

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) or from the Department of Revenue (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 fill out and print 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