

**CITY OF MINNEAPOLIS
CITY COUNCIL
PUBLIC SAFETY & REGULATORY SERVICE COMMITTEE**

In the Matter of the On-Sale Wine and Strong Beer License
Held by The Noodle Shop Co.
Db: Noodles and Company
616-18 Washington Ave SE

**FINDINGS OF FACT
CONCLUSION AND
RECOMMENDATIONS**

This matter came on for a License Settlement Conference (“LSC”) meeting on Thursday, July 26^h, 2007 at 10:00 a.m. in Room 1 of City Hall, 350 South Fifth Street, Minneapolis, MN 55415. The LSC meeting was held to discuss issues related to the operation of The Noodle Shop, located at 616 Washington Ave. SE., Minneapolis, Minnesota 55414 , pursuant to a Notice to Appear, dated July6th, 2007. Present at the LSC meeting was the following representative of Noodles and Company: Collin Kuechle, area manager, and Blake Doud, store manager. Also present were the following representatives of the City of Minneapolis: Deputy Director of Licenses and Consumer Services Ricardo Cervantes, Lieutenant Steven Kincaid, Commander of the Minneapolis Police License Investigation Division, Sergeant Kent B. Warnberg of the Minneapolis Police License Investigation Division, and liquor inspector, Linda Roberts.

Based upon the agreement between the parties and all files and records contained herein, the Committee makes the following recommendation:

FINDINGS OF FACT

1. The Minneapolis Police Department License Investigation Division conducts youth alcohol compliance checks in an effort to assure retail-alcohol license holders are not serving alcohol to persons under the age of 21.

2. On September 15th, 2006 the Minneapolis Police License Investigation Division conducted a youth alcohol compliance check at Noodles and Company. A 19 year old female and 19 year old male were sent into the restaurant in an attempt to purchase alcohol.. The shoppers ordered two bottles of beer from the server, and the server asked them for their identification, and the shoppers both presented their Minnesota Drivers License. The server looked at both of their drivers license, which showed that the actual age of the shoppers were 19 years old. The server then served the 19 year olds two bottles of beer. The sale was completed and the business was considered to have failed the compliance check. As a result of the compliance failure, an administrative citation was issued to Noodles and Company in the amount of \$500 as detailed in a City Council resolution. Noodles and Company then paid the \$500 administrative fine.

3. On May 21st, 2007 the Minneapolis Police License Investigation Division conducted a youth alcohol compliance check at Noodles and Company. A 20 year old female was sent into the business in an attempt to purchase alcohol. The minor ordered a beer, and the server asked to see her identification. She produced her MN driver's license. The server looked at the driver's license and then served one of the shopper a bottle of Corona beer. This constituted Noodles and Company second youth alcohol

compliance failure. As a result of the compliance failure, an administrative citation was issued to Noodles and Company in the amount of \$1,000 as detailed in a City Council resolution. Noodles and Company paid the \$1,000 administrative fine.

4. From the first alcohol sales, the server was charged out with Sales of Alcohol to a Minor. Criminal charges are pending as a result of the May 21st, 2007 failure.

CONCLUSIONS

1. On two separate occasions, employees of Noodles and Company sold alcohol to persons under the age of 21, in violation of Minneapolis City Ordinance 370.10, Minnesota Statute 340A.503 subd. 2(1), and the established compliance check policy and procedures of the City of Minneapolis. These compliance failures all occurred in a period of less than twenty four months.

RECOMMENDATIONS

1. The licensee will pay \$3,000.00 (\$1,500.00 stayed if no same or similar within one year of signed agreement) in cost recovery to the City by Wednesday, October 3, 2007 at 12:00 p.m. by delivering payment to room 1C of City Hall, 350 Fifth Street South, Minneapolis, MN.
2. The licensee will submit a business and security plan that will address under age alcohol service upon signing of this agreement.
3. The licensee will provide training that better serves the staff and will continue to provide training to new staff within 30 days of hire.
4. The licensee will purchase an ID scanner to use for all alcohol purchases at the cashier.

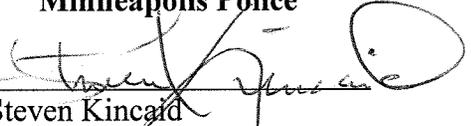
5. The licensee will actively participate in the neighborhood group and with LINC Liquor Industry a”N”d the City group.
6. “Date of Agreement” shall be defined as the date that the licensee signs or otherwise executes this Agreement. This Agreement is subject to approval by the Minneapolis City Council; however should such approval be obtained after the execution of this Agreement the approval shall be retroactive to the date of execution.

Noodles and Company

By: 
Collin Kuechle
Regional Manager

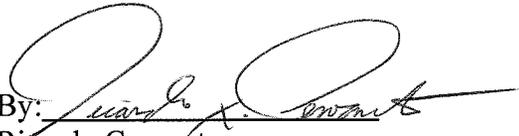
Date: 12/16/07

Minneapolis Police

By: 
Lt. Steven Kincaid
Commander, License Division

Date: 2/26/08

**City of Minneapolis Office of
Licenses and Consumer Services**

By: 
Ricardo Cervantes
Deputy Director of Consumer
Services

Date: 2/26/08



Noodles & Company Alcohol Policy

To be read and signed by ALL EMPLOYEES.

1. All Noodles & Company employees are strictly prohibited from providing alcohol to anyone under the age of 21 at anytime.
2. Only managers may confirm the validity of customers' identification and serve alcoholic beverages. Non-manager employees are strictly prohibited at all times from selling alcohol. If at any time, a cashier or other non-manager employee is asked by a manager to validate a customers' identification and/or sell alcohol, they should refuse to do so.
3. Only managers may use their manager swipe card to complete the sale of alcohol.
4. In order to SERVE alcohol, a manager must meet the minimum age requirements to sell alcohol, as mandated by the laws of the state in which the restaurant is located. The chart below identifies each state's minimum age requirements for serving alcohol

STATES	MINIMUM AGE
AL, AK, AR, IN, KS, MS, MO, NV, NM, ND, OK, SC, SD, UT**, WA, WY	21
AZ, ID, KY, NE, OH, D.C.	19
CA, CO*, CT, DE, FL, GA, HI, IL, IA, LA, MD, MA, MI, MN, MT, NH, NJ, NY, NC, OR**, PA, RI, TN, TX, VT, VA, WV, WI	18
ME	17

* CO – Must be supervised on-premise by someone 21 years or older. Anyone under the age of 18 must step away from the POS when an alcoholic beverage is ordered and remove him/herself from the transaction, including the handling of money.

** UT & OR – With Permit

*** KS – All managers must be 21 to SELL alcohol

5. Any customer who appears to be under the age of 40 and wishes to buy or consume alcohol must provide proof of age in the form of a valid government-issued picture ID.
6. Only one drink at a time, per customer and ID, may be sold.
7. When a bottle of beer is ordered, it must be opened and given to the customer by a manager.
8. When a glass of wine is sold, it must be poured and handed to the customer by a manager.
9. When a bottle of wine is sold, it should be uncorked and handed to the customer by a manager.
10. Each person under the age of 40 requesting a glass for wine must have his/her ID verified by a manager.
11. Alcohol shall not be removed from the building or patio, except if the store liquor license permits a bottle of wine to be corked and taken off-premises. In that case only managers may re-cork the wine bottle for customer carry-out.
12. Alcohol shall not be sold or served to individuals who appear intoxicated.
13. If applicable, municipal alcohol training requirements will be met immediately.
14. In addition to the above rules, all federal, state and local rules and regulations must also be followed.
15. If a violation of the policy occurs, the Area Manager of the restaurant and an attorney in the CSO Legal Department shall be notified immediately.
16. Failure to comply with any of the preceding paragraphs will result in immediate termination of employment.

I hereby acknowledge by signing the below that I understand the above alcohol policy and that any violation of this policy will result in immediate termination of my employment with Noodles & Company.

Employee Name _____ Restaurant # _____

Employee Signature _____ Date _____

I hereby acknowledge by signing the below that the above employee has read and signed the alcohol policy and such employee has satisfactorily completed any and all applicable alcohol training and policy knowledge reviews.

Manager Signature _____ Date _____

If applicable to the employee's position:

Cashier Knowledge Review Completed on _____ Manager Initials _____

Manager Knowledge Review Completed on _____ Manager Initials _____



Políticas de Noodles & Company Acerca del Alcohol

Que TODOS LOS EMPLEADOS deben leer y firmar.

1. Se prohíbe estrictamente a todos los empleados de Noodles & Company ofrecer alcohol a cualquier persona menor de 21 años en cualquier momento.
2. Sólo los gerentes pueden confirmar la validez de la identificación de los clientes y servir bebidas alcohólicas. Se prohíbe estrictamente a todos los empleados que no sean gerentes vender alcohol en todo momento. Si en algún momento, un gerente le pide a un cajero, o a otro empleado que no sea gerente, que valide la identificación de un cliente y/o que venda alcohol, el empleado debe negarse.
3. Sólo los gerentes pueden usar su tarjeta de gerente para completar la venta de alcohol.
4. Para SERVIR alcohol, un gerente debe cumplir con los requisitos mínimos de edad para vender alcohol, según lo determinado por las leyes del estado en el cual se encuentra el restaurante. El cuadro siguiente indica los requisitos mínimos de edad en cada estado para servir alcohol.

ESTADOS	EDAD MÍNIMA
AL, AK, AR, CA, IN, KS, MS, MO, NV, NM, ND, OK, SC, SD, UT**, WA, WY	21
AZ, ID, KY, NE, OH, D.C.	19
CO*, CT, DE, FL, GA, HI, IL, IA, LA, MD, MA, MI, MN, MT, NH, NJ, NY, NC, OR**, PA, RI, TN, TX, VT, VA, WV, WI	18
ME	17

* CO – Debe estar supervisado en el restaurante por alguien de 21 años o mayor. Cualquier persona menor de 18 años de edad debe alejarse del POS cuando se solicita una bebida alcohólica y la persona no debe participar en la transacción, ni tampoco manejar el dinero de esa transacción.

** UT y OR – Con un permiso

*** KS – All managers must be 21 to SELL alcohol

5. Cualquier cliente que desee comprar o consumir alcohol debe ofrecer una prueba de su edad a través de una identificación válida del gobierno con foto.
6. Sólo se puede vender una bebida cada vez por cada cliente y cada identificación.
7. Si se ordena una botella de cerveza, el gerente debe abrirla y dársela al cliente.
8. Si se vende un vaso de vino, el gerente debe servirlo y entregárselo al cliente.
9. Si se vende una botella de vino, el gerente debe abrirla y entregársela al cliente.
10. El gerente debe verificar la identificación de cada persona que ordena un vaso para el vino.
11. El alcohol no puede llevarse fuera del edificio o del patio, excepto en aquellos casos donde la licencia de alcohol del restaurante permita cerrar una botella para llevarla fuera del restaurante. En ese caso, sólo los gerentes pueden cerrar la botella de vino para que el cliente la lleve.
12. No se debe vender ni servir alcohol a individuos que parecen haber bebido demasiado.
13. Si aplica, se cumplirá inmediatamente con los requisitos de entrenamiento municipal acerca del alcohol.
14. Además de las reglas que se mencionan arriba, deben seguirse todas las reglas y reglamentos federales, estatales y locales.
15. Si ocurre una violación de las políticas, se debe notificar inmediatamente al Gerente de Área del restaurante y a un abogado del Departamento Legal de CSO.
16. Si no se obedece alguno de los párrafos anteriores, el empleado será inmediatamente despedido.

Con mi firma a continuación, reconozco que comprendo las políticas de alcohol explicadas más arriba y que cualquier violación de estas políticas tendrá como resultado la pérdida inmediata de mi trabajo en Noodles & Company.

Nombre del empleado _____ Restaurante # _____

Firma del empleado _____ Fecha _____

Con mi firma a continuación reconozco que el empleado mencionado ha leído y firmado las políticas de alcohol y que dicho empleado ha completado satisfactoriamente todos los procesos de capacitación de alcohol y revisión de conocimientos de políticas que aplican según corresponda.

Firma del gerente _____ Fecha _____

Revisión de conocimientos del cajero, se completó el _____ Iniciales del gerente _____

Revisión de conocimientos del gerente, se completó el _____ Iniciales del gerente _____



Alcohol Policy Knowledge Review (All Managers)

Review Alcohol Policy on Day 1 of Week 6

Complete the Alcohol Knowledge Review on Day 2 of Week 6

Answer each of the following questions, if you have questions please consult your Market Training Manager, General Manager or Area Manager

Manager Name _____

Date Completed _____

Reviewed with _____

After completing, make a copy and place it into the Manager's employee file.

Answers:	Questions:
	<p>1. Who may serve alcohol and confirm the validity of a customer's ID according to Noodles & Company policy?</p> <ul style="list-style-type: none"> a. Cashiers only b. Managers only c. Both Cashiers and Managers
	<p>2. What is the minimum age to purchase alcohol according to state law?</p> <ul style="list-style-type: none"> a. 18 b. 19 c. 20 d. 21
	<p>3. Which of the following is NOT a potential consequence of serving alcohol to a minor?</p> <ul style="list-style-type: none"> a. Termination of Employment b. Criminal citation issued in your name c. Monetary fine d. Jail e. All of the above are potential consequences

	<p>4. The dinner hour is very busy. As you circulate through the restaurant, you notice a customer leaving through front door with a bottle of beer. What do you do?</p> <ul style="list-style-type: none"> a. Immediately approach the customer and politely tell him/her that alcohol may not be taken off the restaurant premises and request that he/she dispose of the beer prior to leaving. b. Allow the customer to leave because liquor liability ends once the customer exits the premises.
	<p>5. True or False? As long as a customer looks at least 40 years old, there is no need to ask for identification. If False, why?</p>
	<p>6. True or False? A single customer may place 1 order for 2 beers at the same time. If false, why?</p>
	<p>7. Which of the following is NOT a valid form of ID a customer can produce as proof of age.</p> <ul style="list-style-type: none"> a. Passport b. Driver's License c. Military ID d. School ID e. All are valid forms of ID
	<p>8. True or False? Failure to strictly comply with the Noodles & Company Alcohol Policy will result in automatic termination of employment?</p>

DOES NOT NEED TO BE KEPT IN TRAINING FOLDER

Alcohol Policy Knowledge Review for ALL MANAGERS

Answers:	Questions:
	<p>1. Who may serve alcohol and confirm the validity of a customer's ID according to Noodles & Company policy?</p> <ul style="list-style-type: none"> a. Cashiers only b. Managers only c. Both Cashiers and Managers
	<p>2. What is the minimum age to purchase alcohol according to state law?</p> <ul style="list-style-type: none"> a. 18 b. 19 c. 20 d. 21
	<p>3. Which of the following is NOT a potential consequence of serving alcohol to a minor?</p> <ul style="list-style-type: none"> a. Termination of Employment b. Criminal citation issued in your name c. Monetary fine d. Jail e. All of the above are potential consequences
	<p>4. The dinner hour is very busy. As you circulate through the restaurant, you notice a customer leaving through front door with a bottle of beer. What do you do?</p> <ul style="list-style-type: none"> a. Immediately approach the customer and politely tell him/her that alcohol may not be taken off the restaurant premises and request that he/she dispose of the beer prior to leaving. b. Allow the customer to leave because liquor liability ends once the customer exits the premises.
	<p>5. True or False? As long as a customer looks at least 40 years old, there is no need to ask for identification. If False, why?</p>
	<p>6. True or False? A single customer may place 1 order for 2 beers at the same time. If false, why?</p>
	<p>7. Which of the following is NOT a valid form of ID a customer can produce as proof of age.</p> <ul style="list-style-type: none"> a. Passport b. Driver's License c. Military ID d. School ID e. All are valid forms of ID
	<p>8. True or False? Failure to strictly comply with the Noodles & Company Alcohol Policy will result in automatic termination of employment?</p>

Alcohol Policy Knowledge Review for ALL MANAGERS – Answer Key

Answers:	Questions:
B	<p>1. Who may serve alcohol and confirm the validity of a customer's ID according to Noodles & Company policy?</p> <ul style="list-style-type: none"> a. Cashiers only b. Managers only c. Both Cashiers and Managers
D	<p>2. What is the minimum age to purchase alcohol according to state law?</p> <ul style="list-style-type: none"> a. 18 b. 19 c. 20 d. 21
E	<p>3. Which of the following is NOT a potential consequence of serving alcohol to a minor?</p> <ul style="list-style-type: none"> a. Termination of Employment b. Criminal citation issued in your name c. Monetary fine d. Jail e. All of the above are potential consequences
A	<p>4. The dinner hour is very busy. As you circulate through the restaurant, you notice a customer leaving through front door with a bottle of beer. What do you do?</p> <ul style="list-style-type: none"> a. Immediately approach the customer and politely tell him/her that alcohol may not be taken off the restaurant premises and request that he/she dispose of the beer prior to leaving. b. Allow the customer to leave because liquor liability ends once the customer exits the premises.
<p>False; Noodles & Company requires all customers who purchase an alcoholic beverage to present identification.</p>	<p>5. True or False? As long as a customer looks at least 40 years old, there is no need to ask for identification. If False, why?</p>
<p>False; Noodles & Company allows only one alcoholic beverage to be purchased per customer at one time.</p>	<p>6. True or False? A single customer may place 1 order for 2 beers at the same time. If false, why?</p>
D	<p>7. Which of the following is NOT a valid form of ID a customer can produce as proof of age.</p> <ul style="list-style-type: none"> a. Passport b. Driver's License c. Military ID d. School ID e. All are valid forms of ID
True	<p>8. True or False? Failure to strictly comply with the Noodles & Company Alcohol Policy will result in automatic termination of employment?</p>