

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

**In the Matter of the Liquor License
Steve Allen Real Estate, LLC.
DBA: Hiawatha Falls Liquor
4727 Hiawatha Ave. S.
License: Off-Sale Liquor
L171-50013**

**Findings of Fact,
Conclusions and
Recommendation
Ward: 12**

This matter came before a License Settlement Conference hearing on Wednesday, October 8, 2008. Appearing for the licensee was Steve Allen and Tammy Allen, owner/manager, Hiawatha Falls Liquor. Appearing for the Licenses and Consumer services were Deputy Director Ricardo Cervantes and License Inspector Mohamed Ismail, Lieutenant Steve Kincaid, and Sergeant Jane Moore represented the Minneapolis Police Department. Based on the evidence presented at the hearing, the department makes the following findings of fact:

FINDINGS OF FACT

1. Hiawatha Falls Liquor has been in business in the city of Minneapolis since March 12, 2007.
2. 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.
3. On June 26, 2008, Minneapolis Police Officers conducted a youth alcohol compliance check at Hiawatha Fall Liquor. In this instance, three underage customers were allowed to purchase a six pack of Heineken of beer. An administrative citation was issued at that time in the sum of \$500. This citation has been paid.
4. On September 11, 2008, another youth alcohol compliance check was done at the Hiawatha Falls Liquor. In this instance, two underage customers were allowed to purchase a six pack of beer. This was the second violation for the Hiawatha Falls Liquor in two 2 years. As a result of the compliance failure, an administrative citation was issued in the amount of \$1000, as detailed in a City Council resolution. This citation has been paid.

CONCLUSIONS

1. On two separate occasions, employees of the Hiawatha Falls Liquor 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 occurred in a period of less than two years.

RECOMMENDATIONS

Based on evidence presented at the hearing, the Department makes the following recommendations:

1. That a sanction in the amount of \$3,000.00 be imposed. \$1500 will be stayed for a period of two years pending no further alcohol compliance check failures. \$1500 will be paid in the following manner of upon signing this agreement: \$375 shall be paid on December 1, 2008; \$375 by January 1, 2009; \$375 by February 1, 2009; and \$375 by March 1, 2009. Fines payable to the Minneapolis Finance Department, delivered to the office of Licenses & Consumer Services.
2. The Hiawatha Falls Liquor agrees to have a trained store manager on the premises during hours of operation to ensure compliance with the written alcohol policy.
3. The Hiawatha Falls Liquor will purchase and consistently operate the technology that requires a scanned ID prior to sale of alcohol.
4. The Hiawatha Falls Liquor agrees to establish and submit a written alcohol policy upon signing this agreement that includes training of staff prior to hire, training certification for essential employees, rewards, and penalties for employee noncompliance with policies, use of signs for customers, employee, communication with employee regular policy, and secret shoppers.
5. This Agreement does not alter or preclude any previously imposed license conditions that may exist regarding any other licenses held by Hiawatha Falls Liquor.
6. This Agreement shall not preclude any other adverse license action for subsequent violations of this Agreement, or for

subsequent violations or subsequently discovered violations of any federal, state or local laws, ordinances, or regulations.

7. "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.

This action shall not preclude any other adverse license action, including but not limited to suspension or revocation, for subsequent violations of this action, or for subsequent violations or subsequently discovered violations of any federal, state, or local laws, ordinances, or regulations.

For Steve Allen Real Estate, LLC.
DBA: Hiawatha Falls Liquor:

By: TJ Allen

Owner/Licensee

Dated: 11/4, 2008.

For the City of Minneapolis:

By: [Signature]
Ricardo Cervantes, Deputy Director
Licenses & Consumer Services

Dated: Nov. 4, 2008.