



City of Minneapolis
Department of Regulatory Services
Licenses and Consumer Services Division
350 South Fifth Street Room 1-C City Hall
Minneapolis, Minnesota 55415
www.minneapolismn.gov

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FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS

In the Matter of License No. L171 50016 NORTH LOOP WINE AND SPIRITS
for LIQ OFF-SALE SERIES 2000

Held by:
WASHINGTON AVENUE LIQUORS LLC
LISA IMPAGLIAZZO
218 WASHINGTON AVE N
MINNEAPOLIS, MN 55401

12-0955315

This matter came on for a License Settlement Conference meeting on Wednesday November 28th, 2012 at 10:30 a.m. in Room 1-C City Hall, 350 5th Street South, Minneapolis, MN 55401. The LSC meeting was held to discuss issues related to the operation of North Loop Wine & Spirits, located at 218 Washington Avenue North, Minneapolis, Minnesota 55401. Present at the LSC meeting was the following representatives of North Loop Wine & Spirits, Lisa Impagliazzo, owner and Michael Quinn, employee. Also present were the following representatives of the City of Minneapolis: Grant Wilson, Manager, and Inspector Phil Schliesman from Licenses and Consumer Services; Sergeant Rolf Markstrom and Lt. Chris Hildreth from the Minneapolis Police License Investigation Division.

Based on the evidence presented at the hearing, the department makes the following findings of fact:

Findings of Fact

1. The Minneapolis Police Department License Investigative 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 May 17, 2011, the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at North Loop Wine & Spirits, located at 218 Washington Av N, in the City of Minneapolis. A 20 year old male and an 18 year old male were sent into the business in an attempt to purchase alcohol. The shoppers walked to the beer cooler, and the 20 year old male picked out a six pack of Summit Pilsner beer from the cooler. The shoppers walked up to the checkout counter, and the 20 year old shopper set the six pack of beer on the counter. The cashier did not ask either shopper for ID. The clerk rang up the sale. The 20 year old shopper paid for the six pack of beer, and the cashier gave him his change. 2 plain clothes Minneapolis Police Officers were situated approximately 10 feet away from the shoppers and observed the transaction. The 20 year old male shopper picked up the six pack of beer and turned it over to the officers. The transaction was completed, and the business was considered to have failed the compliance check. As a result of the compliance check failure, an administrative citation was issued to North Loop Wine & Spirits in the amount of \$500.00 as detailed in a City Council Resolution. The business paid the \$500.00 administrative fine.
3. On June 21, 2011, the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance re-check at North Loop Wine & Spirits, pursuant to the above compliance check failure. A 20 year female and a 20 year old male were sent into the business in an attempt to purchase alcohol. The shoppers walked to the beer cooler, and the male shopper picked out a six pack of Dos Equis beer. The shoppers walked to the checkout counter, and the male shopper placed the six pack of beer on the counter. The cashier asked the male shopper for ID. After looking at the ID, the cashier rang up the sale. The male shopper paid for the six pack of beer and the cashier gave the shopper his change. Two plain clothes Minneapolis Police Officers were situated approximately 15 feet away from the shoppers and observed the transaction. The male shopper picked up the six pack of beer and handed it over to the officers. The transaction was completed, and the business was considered to have failed the compliance re-check. This constituted the second youth alcohol compliance check failure for North Loop Wine & Spirits in a 24 month period. As a result of the second compliance check failure, an administrative citation was issued to the business in the amount of \$1000.00 as detailed in a City Council Resolution. North Loop Wine & Spirits has paid the \$1000.00 administrative fine.
4. On October 13, 2011 The Minneapolis Police Department License Investigative Division conducted a second youth alcohol compliance re-check at North Loop Wine & Spirits. Two underage shoppers were sent into the business in an attempt to purchase alcohol. The underage shoppers were carded, identified as being under 21 years of age and refused service. The business passed the second youth alcohol compliance re-check.

5. On October 8, 2012 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at North Loop Wine & Spirits for the calendar year of 2012. A 19 year old female shopper was sent into the business in an attempt to purchase alcohol. The shopper walked to the beer cooler and picked out a six pack of Leinenkugel's Honey Weiss. The shopper walked up to the checkout counter and set the six pack of beer on the counter. The cashier asked the shopper for ID. After looking at the shopper's ID, the cashier rang up the sale. The shopper paid for the six pack of beer, and the cashier gave the shopper her change. Two plain clothes Minneapolis Police Officers were situated approximately 10 feet away from shopper and observed the transaction. The shopper picked up the six pack of beer and turned it over to the Police Officers. The transaction was completed, and the business was considered to have failed the compliance check. This constituted the third youth alcohol compliance check failure for the business in a 24 month period. As a result of the third compliance check failure, an administrative citation was issued to North Loop Wine & Spirits in the amount of \$2000.00 as detailed in a City Council Resolution. The business has paid the \$2000.00 administrative fine.

6. From the first sale on May 17, 2011, the cashier was charged with Furnishing Alcohol to a Person Under 21 and was convicted of said charge. From the 2nd sale on June 21, 2011 the cashier was also charged with and convicted of Furnishing Alcohol to a Person Under 21. Regarding the third sale on October 8, 2012, charges against the cashier are pending.

Conclusions

1. On three separate occasions, employees North Loop Wine & Spirits 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 24 months.

2. The licensee has paid the \$500.00 administrative fine related to the first above stated compliance check failure. The licensee has paid the \$1000.00 administrative fine related to the second above stated compliance check failure. The licensee has also paid the \$2000.00 administrative fine related to the third above stated compliance check failure.

Recommendations

1. The City of Minneapolis will impose a sanction, in the amount of \$3000, for failing three minor sales of alcohol compliance checks. The sanction of \$3000 must be paid within two (2) business days of the date the City Council approves of this agreement.

2. North Loop Wine & Spirits off sale license be suspended for a period of three days. Those days are to be consecutive with at least one day being either a Friday or a Saturday. The suspension days to be selected by North Loop Wine & Spirits must be served within 30 days this agreement is approved by the City Council. The dates chosen are January 2nd, 3rd and 4th, 2013.
3. North Loop Wine & Spirits shall maintain the following policies concerning prevention of the sale of beverage alcohol to persons under the age of 21:
 - a. A calendar is kept at all point of sale locations that lists the date the customer reaches the age of 21.
 - b. North Loop Wine & Spirits will immediately arrange alcohol server training from an approved alcohol server trainer for all employees within 30 days from the signing of this agreement.
 - c. North Loop Wine & Spirits will establish a self-check program for age compliance using a secret shopper. A log will be kept outlining the conduct of each self-check and the outcome for review by Minneapolis Police and Business Licenses. Four (4) tests will be required within one year of the signing of this agreement.
 - d. Within 30 days after alcohol server training has been completed, North Loop Wine & Spirits will arrange with Minneapolis Police Licenses/City Staff to conduct a presentation to staff on prevention of sales to persons under the age of 21.
 - e. North Loop Wine & Spirits will review their policies concerning prevention of sales of alcohol to persons under the age of 21 at every staff meeting.
4. North Loop Wine & Spirits will present a new written alcohol serving policy to the Licenses and Consumer Services Division which is due on the date this agreement is signed. Include any progress that has been made in taking steps to obtain an ID scanner at the register.

North Loop Wine and Spirits understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility. A minimum standard shall be met in order to hold such a license. One minimum standard is that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances, and regulations. It is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any stayed penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to hold a license and that failure to comply with any of these conditions may result in additional adverse license action.

I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

Business

John [Signature]

By: North Oaks
(signature)

Its: 12/19/2012
(title)

Dated: _____, 20__

owner

For the City of Minneapolis:

[Signature]

Grant J. Wilson
Manager

Dated: 12-19, 2012