City of Minneapolis
Department of Regulatory Services
Licenses and Consumer Services Division
350 South Fifth Street Room 1-C City Hall
Minneapolis, Minnesota 55415
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FINDINGS OF FACT CONCLUSIONS, AND RECOMMENDATIONS

In the Matter of License No. L028 41126 OLD COLONY EZ STOP
for BEER OFF-SALE

Held by:
CROWN COCO INC
ATTN: DOMENIC LOSARDO
1717 BROADWAY ST NE
MINNEAPOLIS, MN 55413

12-0958442

This matter came before a License Settlement Conference hearing on Wednesday, December 19, 2012. Appearing for the licensee were Domenic Losurdo, President Crown CoCo, Inc., Steven Milner, Area Supervisor, Crown CoCo, Inc., and Chip Kadlec, Store Manager, Old Colony EZ Stop. Appearing for Licenses and Consumer Services were Grant Wilson, Manager, Licenses and Consumer Services and Nicole Anderson, License Inspector. Lieutenant Chris Hildreth and Sergeant Rolf Markstrom represented the Minneapolis Police Department. Based on the evidence presented at the hearing, the department makes the following finding of facts:

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 October 26, 2011 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at Old Colony EZ Stop, located at 1624 Washington Av N, in the City of Minneapolis. A 20 year old male shopper

was sent into the business in an attempt to purchase alcohol. The shopper walked up to the checkout counter and asked the cashier for a 32 ounce bottle of Bud Light. The cashier asked the shopper for ID. After looking at the ID, the cashier rang up the sale. The shopper paid for the bottle of beer, and the cashier gave the shopper his change. The cashier then called out to the store manager to get a 32 ounce bottle of Bud Light from the beer cooler. The manager retrieved the bottle of beer from the cooler and handed it to the shopper. Two plain clothes Minneapolis Police Officers were standing nearby and observed the above transaction. The shopper handed the bottle of beer to the officers. The sale 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 Old Colony EZ Stop in the amount of $500.00 as detailed in a City Council Resolution. Old Colony EZ Stop has paid the $500.00 administrative fine.

3. On December 13, 2011 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance re-check at Old Colony EZ Stop pursuant to the above compliance check failure. One underage shopper was sent into the business in an attempt to purchase alcohol. The underage shopper was carded, identified as being under 21 years of age and refused service. The business passed the compliance re-check.

4. On November 14, 2012 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at Old Colony EZ Stop for the calendar year of 2012. A 19 year old female was sent into the business in an attempt to purchase alcohol. The shopper walked up to the checkout counter and asked the cashier for a six pack of Bud Light. The cashier asked the shopper for ID. After looking at the ID, the cashier retrieved a six pack of Bud Light from the beer cooler. The cashier rang up the sale, and the shopper paid for the six pack of beer. The cashier gave the shopper her change. Two plain clothes Minneapolis Police Officers were standing approximately 15 feet away from the shopper and observed the transaction. The shopper handed the six pack of beer over to the officers. The sale was completed and the business was considered to have failed the compliance check. This constituted Old Colony EZ Stop's second youth alcohol compliance check failure within a 24 month period. As a result of the second compliance check failure, an administrative citation was issued to Old Colony EZ Stop in the amount of $1000.00 as detailed in a City Council Resolution. Old Colony EZ Stop has paid the $1000.00 administrative fine.

5. From the first sale on October 26, 2011, the cashier was charged with Furnishing Alcohol to a Person Under 21 and convicted of said charge. Criminal charges against the cashier are pending as a result of the November 14, 2012 sale.

Conclusions

1. On two separate occasions, employees of Old Colony EZ Stop 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 also paid the $1000.00 administrative fine related to the second above stated compliance check failure.

Recommendations

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

1. A sanction in the amount of $1,500 ($1,000 stayed for a period of one year pending no further alcohol compliance check failures). $500 will be paid upon signing this agreement, payable to the Minneapolis Finance Department, delivered to the office of Licenses and Consumer Services.

2. Old Colony EZ Stop agrees to conduct underage alcohol compliance checks on its employees six (6) times a year. This activity is to be kept in a log book at the business and available to inspectors upon request.

3. Old Colony EZ Stop agrees to conduct annual alcohol server training.

4. Old Colony EZ Stop agrees to implement a system where alcohol purchases will be verified by two (2) employees.

5. Old Colony EZ Stop agrees to implement a program where employees will sign in by writing down the day's date of when alcohol and tobacco can be sold.

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.

Crown Coco, Inc. 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

Crown Coco, Inc.

By: _____
(signature)

Its: President
(title)

Dated: 12/21, 2012

For the City of Minneapolis:

Grant Wilson

Grant J. Wilson
Manager

Dated: 1-17, 2013