

In Re the Matter of License No. L020-28723 PIZZA LUCE, INC. for SPECIAL LATE NIGHT FOOD LICENSE

Held by:

PIZZA LUCE, INC.

d/b/a PIZZA LUCE

JOSEPH BAIER

401 2ND AVE N

MINNEAPOLIS, MN 55401

FINDINGS OF FACT AND RECOMMENDATIONS

This matter came before the Division of Licenses and Consumer Services at a License Settlement Conference on Friday, June 21, 2013 at 1:00 PM in Room 1C, Minneapolis City Hall. Appearing on behalf of the licensee Pizza Luce, Inc. d/b/a Pizza Luce were Joseph Baier, JJ Haywood, Michael Brundage and Michael Sinette. Appearing on behalf of the City of Minneapolis were Grant Wilson, Manager, Licenses and Consumers Services; Linda Roberts, District Supervisor, Licenses and Consumer Services; Craig Eliason, Inspector, Licenses and Consumer Services; Inspector Bryan Schafer, Minneapolis Police Department; Lt. Chris Hildreth, Minneapolis Police Department; Commander Bruce Folkens, Minneapolis Police Department and Sgt. Chris Huhok, Minneapolis Police Department. Based on information presented at the hearing, the Division makes the following findings of fact and recommendations:

FINDINGS OF FACT

1. Pizza Luce, Inc. d/b/a Pizza Luce ("Pizza Luce") has held a Special Late Night Food License and an On-Sale Liquor license issued by the City of Minneapolis since 1993.
2. On June 9, 2013, a shooting occurred at Pizza Luce located at 119 N. 4th Street in Minneapolis. This incident occurred at approximately 1:20 a.m. ("the Incident").
3. Pizza Luce has been proactive and cooperative with the City of Minneapolis and the Minneapolis Police Department to address issues. Specifically, since 1993, Pizza Luce has met with city staff to respond to any questions or concerns related to Pizza Luce's operations. For example, in 2005, following a meeting with city staff, Pizza Luce implemented a plan pursuant to which they agreed to implement a roped-off line area outside its establishment for waiting guests in an effort to better control crowds and reduce potential security issues. In addition, as part of this process, Pizza Luce also implemented the use of a "prepaid food charge" to further address ongoing concerns. Both of these changes were supported by city staff and have been in place since 2005.

4. Following the Incident, Pizza Luce implemented a number of other measures which, as described below, it agrees to continue to provide.

CONCLUSIONS

1. Following the Incident that took place on June 9, 2013, Pizza Luce agrees to continue to follow the previously put in security measures, as well as to implement new security measures in an effort to further reduce security issues at Pizza Luce.

RECOMMENDATIONS

Based on discussions occurring at the June 21, 2013 meeting, the Division and Pizza Luce agree to the following:

1. Pizza Luce agrees to implement the below specified security measures at its 119 N. 4th Street Minneapolis location effective immediately.
2. Pizza Luce agrees to close late night on Sundays, which would be 2 a.m. Monday mornings, for the remainder of the Summer Months during 2013. Summer Months are understood to be the months or time from Memorial Day to Labor Day (the "Summer Months"). This closure will be implemented immediately but will not include August 31, 2013. During this time, Pizza Luce will be able to continue to provide late night delivery service. Additionally, it is agreed that during this time period that any guest that enters the premises prior to 2 a.m. Monday morning can remain in the premises until Pizza Luce's regular closing hour of 2:30 a.m.
3. Pizza Luce agrees to establish, maintain and utilize an electronic "do not admit" list and to make that list readily available upon request by the Division of Licenses and Consumers Services or the Police Department.
4. Pizza Luce agrees to card all patrons after midnight on Friday and Saturday nights and will not admit anyone without an ID.
5. Pizza Luce agrees to immediately begin performing "pat down" searches on all male guests after midnight on Friday and Saturday nights. With respect to female guests, Pizza Luce will utilize an electronic wand to conduct searches. These searches will be implemented during the Summer Months. Pizza Luce may also perform the searches at any other time during the year that it believes these are warranted.
6. Pizza Luce agrees that, effective immediately, no patrons under the age of 21 will be allowed to enter the premises after midnight on Friday, Saturday and Sunday nights during the Summer Months or as otherwise determined. An exception to this shall include those bar and restaurant workers who are over the age of 18 but under the age of 21 and other patrons on holiday weekends and special events.

7. Pizza Luce agrees to continue to work with the owner of the property in connection with the surveillance camera currently installed on the exterior building and to make available to the city staff any requested video.
8. Pizza Luce agrees to continue to hire off duty police officers as needed.
9. Pizza Luce agrees to continue to collect a prepaid food charge or "cover charge" that will be applied toward the purchase of food and beverage inside the restaurant from those patrons waiting outside in the queue line at 2 a.m. on Friday and Saturday nights or as otherwise needed.

Pizza Luce Inc. understands that the holding of a business or liquor license in the City of Minneapolis is both 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.

I have read and understand the above findings of fact 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:

For the City of Minneapolis:

Pizza Luce Inc.

By:

Joseph B. Bair
(signature)

Grant J. Wilson
Grant J. Wilson
Manager

Its:

President
(title)

Dated:

7/15, 2013

Dated:

7/15, 2013,