



City of Minneapolis
Licenses and Consumer Services Division
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**FINDINGS OF FACT
 CONCLUSIONS, AND
 RECOMMENDATIONS**

In the Matter of License No. L247 50242 MOSAIC CAFE
 for WINE E W/STRONG BEER

Held by:
ICE SCREAM INC
BENJAMIN J SMITH
3019 MINNEHAHA AVE S
MINNEAPOLIS, MN 55406

13-1010874

This matter came before a license settlement conference on Friday, October 25, 2013. Appearing for the Business License Department were Manager Grant Wilson and Lead License Inspector Julie Casey. Appearing for Minneapolis Police Licenses were Lt Amelia Huffman and Officer Chris Leum. Appearing for I Scream, Inc. was Ben Smith. Based on the evidence presented at the conference, the department makes the following findings of fact.

FINDINGS OF FACT

1. The Minneapolis Police (MPD) 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 January 15, 2013, the MPD conducted a youth alcohol compliance check at the Mosaic Café located at 3019 Minnehaha Avenue. A 19 year old female shopper was sent into the business in an attempt to purchase alcohol. The shopper ordered a bottle of Summit beer. The cashier asked for the shopper's identification card. The shopper then handed her identification card the cashier. The cashier looked at it and handed it back and then opened up a bottle of Summit beer and handed it to the shopper. The beer was paid for and the change was handed back to the shopper. At this point, the transaction

was complete and the business was considered to have failed the compliance check. As a result of the failure, an administrative citation was issued to Mosaic Café in the amount of \$500.00. This citation has been paid.

3. On October 1, 2013, the MPD conducted a follow up alcohol compliance check at the Mosaic Café. Two underage shoppers, 19 and 20 years old, entered the Mosaic Café in an attempt to purchase alcohol. A bottle of Summit beer was ordered. The cashier requested and looked at the identification cards for both shoppers and gave them back. The cashier then opened a bottle of Summit beer and placed it on the counter. The shopper paid for the beer. At this point, the transaction was complete and the business was considered to have failed the compliance check. As a result of the failure, an administrative citation was issued to Mosaic Café in the amount of \$1000 for failing two checks in less than 24 months.
4. A license settlement conference was scheduled for Friday, October 25, 2013. The owner of Mosaic Café, Ben Smith, was present. He stated that his staff had recently gone through alcohol server training. His employee had miscalculated the date the shopper would turn 21. Before the check, his manager had requested a calendar, from their alcohol vendor, which would list the date when a person would reach 21 years of age. They had not received the calendar before the check was conducted. Since the check, the manager had been posting the date persons turn 21 years of age for the benefit of the employees.

CONCLUSION

1. On two separate occasions, employees of the Mosaic Café sold alcohol to persons under the age of 21, in violation of Minneapolis City Ordinance 370.10 and Minnesota Statute 340A.503 subd2(1), and the establishment compliance check policy and procedures of the City of Minneapolis. These compliance failures all occurred in a period of less than 12 months.

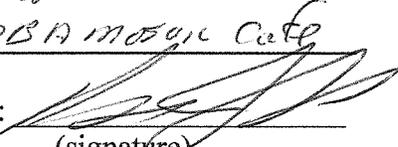
RECOMMENDATIONS

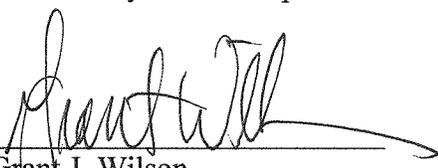
1. Mosaic Café is assessed a \$1500 sanction for failing to prevent the sale of alcoholic beverages to persons under the age of 21. \$1000 of the sanction is stayed pending implementation of the following policies and no same or similar violations for a period of one year. \$500.00 is payable at the time this agreement is signed.
2. Mosaic Café agrees to provide a daily calendar to their employees to use to determine the date in which a person reached the age of 21. Manager will remain their employees of this date on a daily basis.
3. Mosaic Café will have their employees, serving alcoholic beverages, attend alcohol server training, on a yearly basis.
4. Mosaic Café will establish a secret shopper program to check if employees are correctly identifying persons under the age of 21 attempting to obtain alcoholic beverages. These checks should be conducted on a quarterly basis and records kept as to the results of the checks. These records shall be made available to the Minneapolis Police Dept or Business Licenses staff upon request.
5. Mosaic Café shall explore the purchase of an electronic scanning system that identifies persons under the age of 21 by use of their identification card.

I Scream 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
Ice Scream Inc
DBA Inosai Cafe
By: 
(signature)
Its: pres, dent
(title)
Dated: January 7, 2014

For the City of Minneapolis:

Grant J. Wilson
Manager
Dated: 1-9, 2014