



City of Minneapolis
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. L188-40350 AUGIE'S CABARET
for LIQ ON-SALE A W/SS SERIES 2000

Held by:
YENDOR CORP
RODNEY JOHNSON
BRIAN MICHAEL MCGINNIS
424 HENNEPIN AVE
MINNEAPOLIS, MN 55401

14-1086533

This matter came before the Division of Licenses and Consumer Services at a License Settlement Conference on Thursday, November 13, 2014 in Room 107, Minneapolis City Hall. Appearing on behalf of the Licensee were Brian Michael McGinnis; Owner/Partner of Augie's Cabaret, Thomas Harlan, Daniel Christians and Brandt Erwin; attorneys for licensee. Appearing for the City were Grant Wilson; Manager of Licenses and Consumer Services, Craig Eliason; District Supervisor, Michele Harvet; License Inspector and Lt. Amelia Huffman of the Minneapolis Police Department. Based on information presented at the Conference, the Division makes the following Findings of Fact, Conclusions, and Recommendations (the "Recommendations"):

FINDINGS OF FACT

1. Yendor Corp., doing business as Augie's Cabaret ("Augie's Cabaret" or "Licensee"), has held an On-Sale Liquor License, Class A, at this location since 1998.
2. The Licenses and Consumer Services Division (the "Licenses Division") of the City of Minneapolis monitors licensed liquor businesses to ensure that they are operating within the confines of state statutes, rules and city ordinances, so that they are not having a negative impact on the surrounding community.

3. Incidents reported by Minneapolis Police on September 25, 2010, March 3, 2013, May 19, 2013, September 7, 2013 and October 18, 2014 occurred on or around the premises of Augie's Cabaret. Two of those incidents involved guns and one involved a knife. On October 27, 2014, the City of Minneapolis (the "City"), through the Licenses Division, issued a notice requiring Augie's Cabaret to appear before the Licenses Division for the Settlement Conference.
4. During that Settlement Conference, two (2) incidents were addressed: a violation notice for an incident on September 30, 2014, and a violation notice for an incident on October 18, 2014. Augie's Cabaret, despite discussing the September 30, 2014, incident at the Settlement Conference, contends that it did not receive any notice from the City for the September 30, 2014 incident.

CONCLUSIONS

1. For the September 30, 2014, incident, a patron, after being reasonably removed from Augie's Cabaret's premises, illegally reentered Augie's Cabaret through an adjacent business that shares a non-public common area used exclusively for employee access and storage.
2. For the October 18, 2014, incident, a patron, who evaded the normal security measures of the Licensee, shot and killed another patron after that patron (the deceased) started an incident with her.
3. For the other incidents listed in the Notice of the Settlement Conference, Augie's Cabaret was cited for being in violation of MCO 259.250 (3) and (4) by failing to provide adequate security to prevent criminal activity or disorderly conduct on or around the business premises. Those incidents were not addressed during the Settlement conference and Augie's Cabaret has not otherwise responded to the same.
4. The Licensee will take measures to ensure that illegal entry through adjacent business does not occur. The Licensee has also installed a new metal detection system that pinpoints where metal is located on a person's body and they have updated their security plan. Persons who refuse to reveal the source of metal or continue to have unknown metal detected on their body will **NOT** be admitted.

RECOMMENDATIONS

That the On-Sale Liquor License, Class A, held by Augie's Cabaret shall be subject to the following agreed upon conditions:

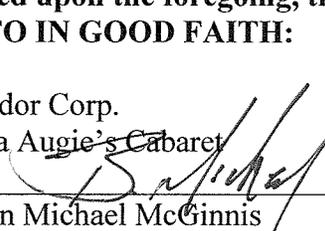
1. Licensee shall employ and maintain the use of a metal detection system already onsite that pinpoints where metal is located on a person's body. Persons who refuse to reveal the source of metal or continue to have unknown metal detected on their body will **NOT** be admitted. All patrons, whether entering for the first time or re-entering, will be subject to this screening process.

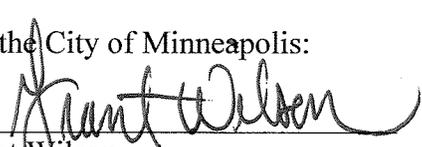
2. Before hiring, Licensee shall perform background checks on all employees and other independent security staff. Records of current employees and other independent security staff shall be maintained, at the business premises, along with copies of their background checks, for inspection by regulatory agents.
3. The Licensee shall continue to utilize an electronic ID scanner and to maintain its "Do Not Admit" list.
4. The Licensee shall ensure that the back door (near the pizza restaurant) is not being used as an entry point by patrons.
5. The Licensee will register all of their exterior cameras with the Downtown Improvement District.
6. The Licensee will have all staff that act as security personnel attend an annual Use of Force Continuum training provided by an approved trainer listed on the State of Minnesota Board of Private Detective and Protective Agent Services website.
7. The Licensee will provide alcohol server training to all employees at least annually.

Yendor Corp., doing business as Augie's Cabaret, 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:

Yendor Corp.
 d/b/a Augie's Cabaret
 By: 
 Brian Michael McGinnis
 Owner

For the City of Minneapolis:
 By: 
 Grant Wilson
 Manager
 Licenses & Consumer Services

Date: 12.17.14

Date: 12-17-14