

**CITY OF MINNEAPOLIS
CITY COUNCIL
PUBLIC SAFETY & REGULATORY SERVICE COMMITTEE**

In the Matter of the On-Sale Wine with Strong Beer License,

Held by Molly's INC
dba Broder's Southside Pasta Bar

**FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATIONS**

This matter came on for a Technical Advisory Committee ("TAC") meeting on Friday February 10, 2006 at 9:00 a.m. in Room 1 of City Hall, 350 South Fifth Street, Minneapolis, MN 55415. The TAC meeting was held to discuss issues related to the operation of Molly's INC, dba Broder's Southside Pasta Bar, located at 5000 Penn Avenue South, Minneapolis, Minnesota 55410 pursuant to a Notice to Appear, dated January 19th, 2006. Present at the TAC meeting were the following representatives of Broder's Southside Pasta Bar: Thomas & Molly Broder (Owners) and Michael Norton (Attorney for Broder's Southside Pasta Bar). Also present were the following representatives of the City of Minneapolis: Ricardo Cervantes (Deputy Director of Licenses and Consumer Services), Sergeant Travis Glampe (Minneapolis Police License Investigation Division), and Joel Fussy (Assistant City Attorney).

Based upon the agreement between the parties and all files and records contained herein, the Committee makes the following recommendation:

FINDINGS OF FACT

1. The Minneapolis Police Department License Investigation Division conducts youth alcohol compliance checks in an effort to assure liquor license holders are not serving alcohol to persons under the age of 21.

2. On December 2, 2005 the Minneapolis Police License Investigation Division conducted a youth alcohol compliance check at Broder's Southside Pasta Bar. An 18 year old male decoy and 18 year old female decoy were sent into the business. The decoys approached the host stand and asked for Amstel Light beers while they waited to be seated. The Broder's Southside Pasta Bar employee requested identification from the decoys. The decoys provided their actual Minnesota driver's licenses which showed them both to be 18 years of age. The employee then served the decoys the beers they requested. This constituted Broder's Southside Pasta Bar's first alcohol compliance check failure. An administrative citation was issued to Broder's Southside Pasta Bar in the amount of \$500.00 as detailed in a City Council resolution.

3. On January 18, 2006 the Minneapolis Police License Investigation Division conducted a youth alcohol compliance check at Broder's Southside Pasta Bar. Two 19 year old female decoys were sent into the business where they were seated. An employee of Broder's Southside Pasta Bar came to their table to take their beverage order. One of the decoys ordered an Amstel Light beer. She was asked for her identification. She produced her actual Minnesota Driver's License which showed her to be 19 years of age. The employee then served her the requested beer. This constituted Broder's Southside Pasta Bar's second alcohol compliance failure. As a result of the failure, an

administrative citation was issued to Broder's Southside Pasta Bar in the amount of \$1000.00 as detailed in a City Council resolution.

4. Criminal charges are pending against the Broder's Southside Pasta Bar employees who served the alcoholic beverages to the underage persons in the above incidents.

5. Broder's received its wine and strong beer license in 1995 and immediately instituted a program of training of employees regarding service of alcoholic beverages. The training program was updated in 2003 by implementation of the City's ARM Program.

6. During the period 1995 to December 2, 2005, Broder's had been found in full compliance with all alcohol compliance checks conducted by the Minneapolis Police License Investigation Division.

7. Subsequent to the December 2 failed compliance check, Broder's took immediate action to retrain its employees and update training materials to address compliance issues.

8. Subsequent to the failed January 18, 2006, compliance check, Broder's took additional immediate actions to institute a zero tolerance/termination policy for employees who failed to follow established identification procedures and provided updated training on the features of identification cards and driver's licenses relating to age of the person providing such identification.

CONCLUSIONS

1. On two separate occasions employees of Broder's Southside Pasta Bar provided 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 two months.

RECOMMENDATIONS

That the On-Sale Wine with Strong Beer License, issued to Broder's Southside Pasta Bar shall be subject to adverse license action up to and including revocation, with the commencement of such adverse license action stayed through and including December 2, 2007 subject to full compliance with the following conditions:

1. It is strongly suggested, but not required, that Broder's Southside Pasta Bar require all customers who purchase alcohol to produce identification as listed in Minnesota Statute Section 340A.503, subdivision 6. Broder's Southside Pasta Bar has full knowledge of the consequences regarding any future incidents involving sale of alcohol to minors and understands that such incidents could lead to a revocation of their On-Sale Wine with Strong Beer License. Broder's Southside Pasta Bar agrees to take any necessary steps to assure persons under the age of 21 are properly identified when alcohol purchases are made.
2. Broder's Southside Pasta Bar will immediately pay \$1,500 in outstanding administrative fines owed to the City. This payment must be received at the Minneapolis Police License Investigation Division, Room 1 City Hall, 350 South Fifth Street, Minneapolis, Minnesota 55415. This payment must be received by Wednesday March 29, 2006 at 1:00 p.m.

3. Broder's Southside Pasta Bar will pay \$1,000 in cost recovery to the City. This payment must be received in the offices of the Minneapolis Police Department License Investigation Division, room 1 City Hall, 350 South Fifth Street, Minneapolis, Minnesota 55415. This must be received by 1:00 p.m. on Wednesday, March 29, 2006.
4. The On-Sale Wine with Strong Beer License of Broder's Southside Pasta Bar is suspended for a period of 30 days. Imposition of 29 days of suspension will be stayed and 1 day will be imposed. The date of this suspension has been chosen by Broder's Southside Pasta Bar and will include April 16, 2006. Should the licensee violate any provision of this Agreement while it is in effect it shall be subject to additional adverse license action, including but not limited to the imposition of the stayed license suspension period as well as the potential commencement of license revocation proceedings.
5. All Broder's Southside Pasta Bar employees will attend alcohol server training that will be presented by Tom or Molly Broder. This training will occur on a yearly basis for all employees. Any newly hired employees must attend this training within 30 days of hire. All managers and owners who participate in the day-to-day operations of the business will attend a retail alcohol management course. This training program must be approved by the City of Minneapolis Office of Licenses and Consumer Services. This training must be completed within 30 days of the date of the effective date of this Agreement. All new

managers will be required to attend retail alcohol management training within 30 days of hire.

6. A properly trained manager or owner must be on-site during business hours at all times.
7. This Agreement does not alter or preclude any previously imposed license conditions that may exist.
8. The licensee is aware that it will be subject to additional compliance checks during the term of this Agreement. As is the policy of the City of Minneapolis, the decoys will at all times respond truthfully to any questions asked of them by employees or sales clerks of the licensee and, if asked, will present their actual duly-issued age identification.
9. This Agreement shall not preclude any other adverse license action, including but not limited to suspension or revocation, for subsequent violations of this Agreement, or for subsequent violations or subsequently-discovered violations of any federal, state or local laws, ordinances, or regulations.
10. Term of Agreement. This Agreement shall remain in effect through and including December 2, 2007. It is understood between the parties that this Agreement shall bind only the present licensee and will not bind any subsequent, unrelated person or persons should the business be sold and a new license approved.

11. "Date of Agreement" shall be defined as the date that the licensee signs or otherwise executes this Agreement. This Agreement is subject to approval by the Minneapolis City Council, however should such approval be obtained after the execution of this Agreement the approval shall be retroactive to the date of execution.

Broder's Southside Pasta Bar

By: _____
Molly Broder
Owner
Date: February 14, 2006

By: _____
Thomas Broder
Owner
Date: February 14, 2006

Minneapolis Police Department

By: _____
Lt. Robert Skomra
Commander, License Division
Date: February 14, 2006

**City of Minneapolis Office of
Licenses and Consumer Services**

By: _____
Ricardo Cervantes
Deputy Director of Consumer
Services

Date: February 14, 2006