

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5TH STREET, ROOM 1-C, CITY HALL
MINNEAPOLIS, MN 55415

**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

In the Matter of License No. L235 50044 MARKET BBQ
for LIQ ON-SALE C-1 W/SS SERIES 2000

Held by:

**MARKET BAR-B-QUE INC
STEVEN POLSKI
1414 NICOLLET AVE S
MINNEAPOLIS, MN 55403**

09-0682408

This matter came before a License Settlement Conference on Wednesday, April 1st, 2009. Appearing for the licensee were Steven and Anthony Polski. Appearing for the Department were Deputy Director Ricardo Cervantes, License Inspector Phil Schliesman, Lt. Travis Glampe, and Sgt. Rolf Markstrom. Based on the evidence presented at the hearing, the department makes the following findings of fact:

FINDINGS OF FACT

1. The Minneapolis Police Department Licensing Division conducts Youth Alcohol Compliance checks in an effort to ensure retail alcohol license holders are not serving alcohol to persons under the age of 21 years.
2. On January 5, 2009 Minneapolis Police Officers conducted a Youth Alcohol compliance check at Market Bar-B-Que. Without checking for identification or verifying the underage police shopper's age, the Market Bar-B-Que employee served the underage shopper beer. An Administrative Citation for sale of alcohol to a minor was issued to Market Bar-B-Que in the amount of \$500. This citation has been paid.
3. On March 12, 2009 Minneapolis Police Officers conducted a second Youth Alcohol Compliance check at Market Bar-B-Que. Without first checking for identification or verifying the underage police shoppers' ages, the Market Bar-B-Que bartender served the underage shoppers beer. An administrative citation for sale of

alcohol to a minor-2nd violation was issued to Market Bar-B-Que in the amount of \$1,000. This citation has been paid.

4. The type of entertainment offered at the establishment was discussed, which includes the use of a DJ playing prerecorded music without any type of dance floor being set up or offered.

CONCLUSIONS

1. On two separate occasions, employees of Market Bar-B-Que 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 occurred in a period of less than 24 months.
2. The entertainment was not found to be in violation, however the City will conduct a future inspection to determine if an upgrade in license class would be appropriate.

RECOMMENDATIONS

Based on the evidence presented at the hearing, the Department recommends the On Sale Class C-1 with Sunday Sales license issued to Market-Bar-B-Que shall be subject to the following conditions and adverse license actions:

1. Provide an updated alcohol service policy to the Division of Licenses and Consumer Services due at the time of the signing of this agreement to include all of the following;
 - A. Use of an electronic identification reader and policy that assists employees in determining the birth date required to make a legal sale of alcohol.
 - B. A clear policy in writing for employee training for verifying customer identification including: looking at the picture and at the customer to ensure the ID belongs to that person, look for any indication on the ID the person is under the age of 21, and define a backup system so a manager or a second designated staff member looks at any ID if there are any questions.

- C. Provide a copy of the signage that is currently posted at wait stations that remind staff they must refuse service to anyone that is under that age of 21 and also provide a list of locations where the signs are posted.
 - D. Indicate any incentive program that may be implemented for staff should they pass a self imposed or City administered compliance check
 - E. Indicate whenever a staff meeting is held, alcohol service and proof of age policies will be a standing agenda item.
 - F. A clear policy when the establishment is busy for staffing the door or other positions, and providing a manager or other designated staff to provide a back-up to cover the position(s) when needed.
 - G. Define current policy regarding persons under the age of 21 where they are allowed or not allowed to be in certain places within the establishment.
 - H. Indicate managers and/or ownership can assist any server at any time should a member of the wait staff have questions regarding the age of a patron.
2. Provide alcohol service training from by an outside service provider and begin this program within 30 days of this agreement being approved by full City Council. New employees must receive alcohol service training within 30 days of hire. Provide proof of training in writing to the Licenses and Consumer Services within 10 days of completing the training.
 3. Institute a self check program with underage decoys. These self checks must be conducted (4) times a year with the first check to occur within 30 days from this agreement being approved by full City council.
 4. Attend the monthly downtown bar meeting at least three times within one year of this agreement being approved by full City council.
 5. In lieu of a suspension of the on sale liquor license, the City shall impose a \$3,000.00 sanction. \$1,500.000 will be stayed for a period of two years from full City Council approval of this agreement if an electronic identification reader is used for use by employees. \$1,000.00 will be stayed if the electronic identification reader is not used. The sanction will be payable in two payments, \$750.00 due on June 30th, 2009 and \$750.00 due July 31, 2009.

Market Bar-B-Que understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility, and, as such, it is understood that there is a minimum standard that shall be met in order to hold such a license. Furthermore, it is understood that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances and regulations. As such, it is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any agreed upon or 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.

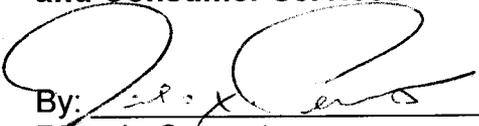
I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of 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:

**Market Bar-B-Que
Representative**

By: 
Steven Polski
Owner
Market Bar-B-Que

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

By: 
Ricardo Cervantes
Deputy Director
Licenses and Consumer Services

Date: 5/12/09

Date: May 22, 2009