

**In the Matter of  
On-Sale Wine and Strong Beer  
License Held by G & A Partners, LLC  
d/b/a El Pantano Restaurant  
417 East Lake Street  
Minneapolis, MN 55408**

**Findings of Fact,  
Conclusions, and  
Recommendations**

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This matter came before the Division of Licenses and Consumer Services at a Licensing Settlement Conference hearing on Thursday, September 6, 2007 in Room 1C, Minneapolis City Hall. Appearing on behalf of the Licensee were Abdiwahab Mohamed; Owner and Licensee, Maria Leon; Manager of El Pantano, Ricardo Marquez; Assistant Manager of El Pantano, and Steven Lundeen; Attorney for El Pantano. Appearing for the City were Ricardo Cervantes; Deputy Director of Licenses and Consumer Services, Michele Harvet; License Inspector, Lt. Travis Glampe and Sgt. Kent Warnberg; Police Licensing. Based on information presented at the hearing, the Division makes the following findings of fact, conclusions, and recommendations:

**FINDINGS OF FACT**

1. El Pantano Restaurant has been licensed for On-Sale Wine and Strong Beer with Class B Entertainment since 2005.
2. On April 19, 2007, while investigating a possible ownership change by request of the manager at El Pantano, License Inspector downloaded pictures from El Pantano's website that depicted a wet T-shirt contest. Adult entertainment and contests are not allowed with a Class B license. The contest was held at El Pantano on an undetermined date.
3. The licensee submitted food/alcohol sales reports that recorded other sales. Licensee may not be counting cover charges in their food sales.
4. The licensee admitted that the business repeatedly offered control of El Pantano's premises to promotion agencies that retain all cover charges for any bands that they represent and have perform at El Pantano.
5. The Minneapolis Police Department License Investigation 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. On June 14<sup>th</sup>, 2007, the Minneapolis Police License Investigation Division conducted a youth alcohol compliance check at El Pantano. Two underage females were able to purchase two bottles of Corona beer. The bartender asked and then looked at both of the shopper's driver's license. Both of the shoppers' driver's licenses had "Under 21" printed on them. The bartender returned their driver's licenses and then served them the beer. The sale was completed and the business was considered to have failed the compliance check. As a result of the compliance failure, an administrative citation was issued to El Pantano in the amount of \$500 as detailed in a City Council resolution. El Pantano then paid the \$500 administrative fine.

6. On June 19<sup>th</sup>, 2007, the Division held a License Settlement Conference for El Pantano and had not been able to come to an agreement before the current License Settlement Conference.
7. On July 26<sup>th</sup>, 2007 the Minneapolis Police License Investigation Division conducted a youth alcohol compliance re-check at El Pantano. A twenty year old female was sent into the business in an attempt to purchase alcohol for the re-check. The shopper was asked how old she was, and replied "20". The shopper was then asked for some identification. While the shopper was reaching in her purse for her driver's license, the server walked to the kitchen and returned with an open bottle of Corona beer. The server then left the beer and walked back to the kitchen area. The shopper was 20 years of age, and it was so stated on her driver's license. This constituted El Pantano's second youth alcohol compliance failure within a 24 month period. As a result of the compliance failure, an administrative citation was issued to El Pantano in the amount of \$1,000 as detailed in a City Council resolution. El Pantano paid the \$1,000 administrative fine.
8. From the first alcohol sales, the server was charged out with Sales of Alcohol to a Minor, and the server pled guilty. The guilty plea entered was for the sale of alcoholic beverages to an underage person. Criminal charges are pending as a result of the July 26<sup>th</sup>, 2007 failure.
9. On August 19<sup>th</sup>, 2007, Inspectors observed patrons drinking and dancing in an area of the restaurant that was not on the originally submitted floor plan and therefore, not approved by City Council as part of the licensed premises.
10. On August 19<sup>th</sup>, 2007, Inspectors observed patrons still at El Pantano at 2:08AM when there was no license for them to operate after 1:00AM.

### CONCLUSIONS

1. The licensee allowed entertainment outside of its Class B Entertainment license, which is in violation of Mpls Ord 259.250.
2. The licensee allowed others to use their licensed premises which is in violation of Mpls Ord 360.15.
3. The licensee does not have clear documentation of 60/40 food/alcohol sales reporting.
4. On two separate occasions, employees of El Pantano 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 all occurred in a period of less than twenty four months.
5. The licensee allowed patrons in an area that was not part of the legally licensed premises.
6. The licensee operated past the legally allowed time of 1:00AM.

## RECOMMENDATIONS

That the On-Sale Wine with Strong Beer License issued to El Pantano shall be subject to the following adverse license action.

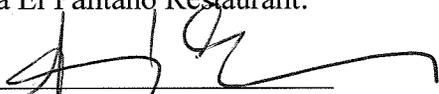
1. The Minneapolis Licenses and Consumer Services Division will impose a \$5000.00 sanction that will be **due at time of signing** this agreement.
2. The Minneapolis Licenses and Consumer Services Division will impose a thirty (30) days suspension of El Pantano's On-Sale Wine and Strong Beer License. Fifteen (15) days will be stayed for two years from the signing of this agreement if there are no same or similar violations. Fifteen (15) days will be served as follows: seven (7) days during December 17 through December 24, 2007 and eight (8) days during the first week in June, 2008.
3. The licensee will provide a detailed, independent Certified Public Accountant report on purchases and sales (including summaries of all receipts) from January 1<sup>st</sup>, 2007 through June 30<sup>th</sup>, 2007 to Licenses and Consumer Services **due thirty (30) days after this agreement is approved by City Council.**
4. The licensee will provide a detailed, independent Certified Public Accountant report on purchases and sales (including summaries of all receipts) from January 1<sup>st</sup>, 2008 through June 30<sup>th</sup>, 2008 to Licenses and Consumer Services **due on the fifteenth of each following month for January, February, March, April, May, and June, 2008.**
5. The licensee will obtain equipment; in the form of a cash register and/or software that will clearly support 60/40 calculation and documentation.
6. The licensee will provide a copy of the lease agreement for El Pantano Restaurant every time the lease is updated or renewed with the property owner.
7. The licensee will **not** advertise El Pantano as a nightclub or nightclub type of establishment. It shall be made clear to patrons and potential patrons that El Pantano is primarily a restaurant that offers live entertainment. The licensee and/or promoter for the licensee will not distribute or hire others to distribute flyers, handbills, et cetera to the public on any public right of way, open air plaza, open air parking lot or ramp, or near sporting event or convention facilities in the city of Minneapolis that advertise events at the establishment.
8. The licensee will provide and implement a plan that shows clear management of security, youth alcohol compliance, includes the surveillance system, and lists staffing for each day, **due at time of signing.**
9. The licensee will not allow other businesses or promoters to use their licensed premises.
10. The licensee will provide a current floor plan **due at time of signing.**
11. All live entertainment and alcohol service will end at 1:00am and alcohol will be removed from tables and patrons will be off the premises by 1:30am.

12. This Agreement does not alter or preclude any previously imposed license conditions that may exist regarding any other licenses held by El Pantano.
13. This Agreement shall not preclude any other adverse license action for subsequent violations of this Agreement, or for subsequent violations or subsequently-discovered violations of any federal, state or local laws, ordinances, or regulations.

G & A Partners, LLC 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 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.

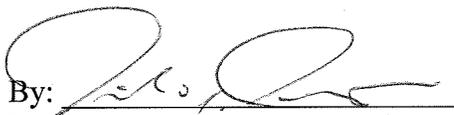
I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

For G & A Partners, LLC  
d/b/a El Pantano Restaurant:

By:   
Abdiwahab Mohamed  
Officer

Dated: 11-28, 2007.

For the City of Minneapolis:

By:   
Ricardo Cervantes, Deputy Director  
Licenses & Consumer Services

Dated: Nov. 28, 2007.