

**May 16, 2005**

**In the Matter of  
On-Sale Wine w/ Strong Beer, Class D  
Ecu-Mex Inc.  
Angel's Pizza  
Alfonso Paucar  
805 38<sup>th</sup> St.  
Minneapolis, MN 55407**

**Findings of Fact,  
Conclusions and  
Recommendations**

This matter came before the Department at a Technical Advisory Committee hearing on Thursday, May 5, 2005 at 2:30 p.m. in Room 1-C, Minneapolis City Hall. Appearing on behalf of the business was Alfonso Paucar, owner, and Bill Ford, Attorney. Appearing for the City were License Inspector Angie Hugen, Liquor Customer Service Representative Ross Kegel, and Deputy Director of Licenses and Consumer Services Ricardo Cervantes. Based on information presented at the hearing, the Department makes the following findings of facts:

#### **FINDINGS OF FACT**

1. That the Owner failed to provide proof of liquor liability insurance to the Liquor Licensing Department by March 31, 2005 in violation of Minneapolis ordinances.
2. That on April 12<sup>th</sup>, 2005, Inspector Angie Hugen went to the business and placed an orange placard on the front door stating that the business was unlicensed due to no liquor liability insurance. The placard indicated the business must remain closed until proof of liquor liability insurance was provided.
3. That on April 15<sup>th</sup>, 2005, Inspector Hugen arrived at the business at 8:55 pm and found it open and operating with no sign of the placard on the front door.
4. That on April 15<sup>th</sup>, 2005, Inspector Hugen spoke to Alfonso Paucar by phone and informed him of the specific problem. Once informed of the situation regarding liquor liability insurance, Mr. Paucar voluntarily complied with the request to close the business and to ask all customers to leave.
5. That on April 18<sup>th</sup>, 2005, proof of liquor liability insurance was turned into Licenses indicating the business did have liquor liability insurance coverage for the period 04-01-05 through 04-01-06.
6. That by April 18<sup>th</sup>, 2005, all fees for 2005 had been paid as well as the audit results for 2004.

## CONCLUSIONS

1. The owner failed to provide proof of continuous coverage of liquor liability insurance in violation of Mpls. Ord. 362.150 and MN Statutes, Section 340A.409.
2. The owner failed to remain closed after being placarded as an unlicensed business due to lack of current liquor liability insurance in violation of Mpls. Ord. 363.20.
3. The owner failed to provide in a timely manner a certified copy of gross sales revenue showing the food to alcohol sales ratio in violation of Mpls. Ord. 363.430.

## RECOMMENDATIONS

The Department acknowledges the business's interest to resolve the issues at 805 38<sup>th</sup> St. Due to the willingness of all to bring the property into compliance with all ordinances, the Department makes the following recommendations:

1. Liquor Liability Insurance must remain in continuous coverage or the business will close.
2. The owner will communicate directly to all employees that when staff from the City of Minneapolis contact the business by phone, they will immediately attempt to contact the owner directly so he may speak to City staff. This will occur immediately.
3. The owner will provide the City with a revised report to the State of MN which states the gross sales revenue and shows the food to alcohol sales ratio. This will be provided by June 15, 2005.
4. The owners shall be assessed a civil penalty of \$100 for not proving proof of liquor liability insurance and for remaining open once notified they must remain closed. To recover the cost of staff time, an additional \$400 fee must also be paid for a total of \$500. This must be paid by June 1<sup>st</sup>, 2005.

I have read the above report and recommendations. I agree with the report and I agree with the above noted recommendations. I understand that failure on my part to adhere to this agreement with the Department may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted by the Minneapolis City Council and signed by the Mayor. I also understand that future violations may put my license in jeopardy.

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Signature

Date

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Printed Name

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Signature

Date

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Printed Name