



**Minneapolis**  
City of Lakes

**Regulatory Services  
Department**

**Licenses &  
Consumer Services  
Division**

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*PSRS - Approved  
11/24/04.*

November 17, 2004

**In the Matter of the On-Sale  
On Sale and Off Sale 3.2 License  
Of**

**W.J. Associates dba Joe's Tavern  
109 East 26<sup>th</sup> Street  
Minneapolis, MN 55408**

**Findings of Fact,  
Conclusions of Law, and  
Recommendation**

This matter came before the Minneapolis Licenses and Consumer Services Division (LCS) on November 17, 2004 in a Technical Advisory Committee meeting (TAC) as a result of reports of violations of laws relating to the operation of a licensed beverage alcohol establishment. Present at the TAC meeting were the following persons: Kenneth Ziegler, Linda Roberts of the License Division; Lt. Janee Harteau, Sgt. Travis Glampe, Officer David Rodriguez of the Police Licensing Division; Sgt. Bryan Schaffer, Officer Tom Wheeler, Officer James Loveland, Officer Brian Anderson of 5<sup>th</sup> Precinct Police Department; Wallace Schwab Licensee, Joyce Bartel Licensee, Attorney Stephen O'Brian. Based upon the evidence presented at the TAC meeting, the committee makes the following:

#### **FINDINGS OF FACT**

- 1) That the licensee violated Minneapolis Ordinance 259.250 and has failed to effectively manage the business that has become an establishment where drug sales are conducted. That since January 16, 2002 there have been a number of controlled buys of illegal drugs related to establishment.
- 2) That the City of Minneapolis had taken action against the licensee in 1985 with the same violations and that signed recommendations were to suspend the license for a period of 60 days, that the business operations were to check all patrons for ID's, to notify the police if anyone is suspected of dealing drugs, keep undesirables out of the bar, hire security, and to have staffing hours of the licensee at the establishment.
- 3) That the employees of the licensee failed to check patrons for proper identification.
- 4) That the employees of the licensee had knowledge of, acquiesced to and facilitated drug sales in the licensed premises.
- 5) That the licensee wishes to sell the business.

#### **RECOMMENDATIONS**

Based upon the recurring nature of the violations enumerated in these Findings, the TAC members recommend the following be required for a minimum of 2 years or until the business is sold:

- 1) That this report be referred to the Minneapolis Standing Committee on Public Safety and Regulatory Services Committee on Wednesday November 24, 2004 for action based on the below recommendations be approved if there is a signed agreement by the licensee or enforced if there is not.

- 2) That the licensee pays an administrative fine of \$3,000.00 for the violation of Minneapolis Ordinance 259.250 of which \$3,000.00 will be stayed if all recommendations are followed.
- 3) That the licensee close the business for 30 consecutive days to force the drug dealers out of the business. The closure would occur the date of the signed agreement or the day after council action.
- 4) That the staff suspected of cooperating with drug sales be fired or not rehired, specifically Bill Thunberg, Marie Pierce and Corey Anderson.
- 5) That all future employees be screened for criminal history. CCP/SAFE or Licensing could offer resources to facilitate a criminal history check.
- 6) That after the expiration of the voluntary closure that the business is staffed by no fewer than 2 persons at all times.
- 7) That the employees be responsible for hourly bathroom inspections that would include but not be limited to clearing all persons, cleaning all debris, and signing a log that show the inspection was complete.
- 8) That every person that enters the business be checked for legal identification.
- 9) That the licensee actively lists the business for sale as is the intention of the licensee.
- 10) That the licensee will notify police at once if they suspect anyone of drug or weapon dealing in or around the bar.
- 11) That the licensee and employees will keep all undesirables out of the bar and have a list available to all employees.

**I have read the above report and recommendations. I agree with the report, and I agree with the above recommendations. I understand that failure on my part of the part of my business to adhere to this agreement with the Department may lead to further action against my license. I understand that this report must be accepted by the Minneapolis City Council and signed by the Mayor. I understand that future violations may put my license in jeopardy.**

*Wallace Schwab* *11-23-04*  
 \_\_\_\_\_  
 Name Signature Date

*Jane a Bortel* *11/23/04*  
 \_\_\_\_\_  
 Name Signature Date

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 Name Signature Date