

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

In the Matter of Union Liquor Store  
Held by JPOC, Inc.  
DBA: Union Liquor Store  
3219 Penn Avenue North  
License: Liquor – Off Sale  
L173-27128

**Findings of Fact,  
Conclusions and  
Recommendation**  
Ward: 4

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This matter came before a License Settlement Conference hearing on Friday, March 28, 2008. Appearing for the licensee were James O'Connell, President, Union Liquor Store, Gary Rother, Manager, Union Liquor Store and Harry Sieben Jr. Attorney for Union Liquor Store. Appearing for the Licenses and Consumer services were Deputy Director Ricardo Cervantes, District Supervisor Linda Roberts and License Inspector Dan Jacobs. Lieutenant Steve Kincaid and Sergeant John Billington represented the Minneapolis Police Department. Based on the evidence presented at the hearing, the department makes the following findings of fact:

**FINDINGS OF FACT**

1. Union Liquor Store has been in business in the city of Minneapolis since 1992.
2. 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. In a period from 1998 to 2004, Union Liquor Store has had five youth alcohol compliance checks, failing once in 1999.
3. On December 13, 2007, Minneapolis Police Officers conducted a youth alcohol compliance check at Union Liquor Store. In this instance, two, (2), underage shoppers were sold a six-pack of Mike's Hard Lemonade by staff at the liquor store. An administrative citation was issued at that time in the sum of \$500.
4. On January 24, 2008, another youth alcohol compliance check was done at the Union Liquor Store. In this instance, two, (2) underage shoppers purchased two, (2), six-packs of beer.

5. This was the second violation for Union Liquor Store in two, (2), years. As a result of the compliance failure, an administrative citation was issued in the amount of \$1000, as detailed in a City Council resolution.
6. On March 10, 2008, a third youth alcohol compliance check was conducted at Union Liquor Store, in keeping with policy to re-check establishments that have failed within two, (2), months of a previous failure. Two, (2), underage shoppers were sold a six-pack of Corona Light beer by a cashier at the liquor store. Additionally, officers learned the cashier had several warrants, and arrested her. An administrative citation for this third failure was issued at that time, in the sum of \$2000.

### **CONCLUSIONS**

1. On three, (3), separate occasions, employees of the Union Liquor Store 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 four, (4), months.

### **RECOMMENDATIONS**

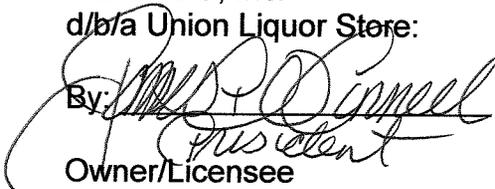
Based on evidence presented at the hearing, the Department makes the following recommendations:

1. That a sanction in the amount of \$7,000.00 (\$4000 stayed for a period of two years pending no further alcohol compliance check failures). \$3000 will be paid upon signing this agreement, payable to the Minneapolis finance Department, delivered to the office of Licenses & Consumer Services.
2. A suspension of 30-days will be imposed (23 days stayed for a period of two years pending no further alcohol compliance check failures). The 7-days of served suspension will be served on May 12 - May 15 and June 14 - June 16 (exact dates need to be agreed on prior to the signing of this agreement and must be served in total within 3 months).
3. Union Liquor Store agrees to establish a written alcohol policy, that includes training of staff prior to hire, training certification for essential employees, rewards, and penalties for employee noncompliance with policies and secret shoppers.

4. Union Liquor Store agrees to have a trained store manager on the premises during hours of operation to ensure compliance with the written alcohol policy.
5. Union Liquor Store will consistently operate the technology that requires a scanned ID prior to sale of alcohol.
6. A Union Liquor Store representative will participate in the Liquor Industry And The City (LINC) Industry meeting.
7. A Union Liquor Store representative will attend in the Mothers Against Drunk Drivers (MADD) alcohol awareness training within 3 months of signing this agreement.
8. This Agreement does not alter or preclude any previously imposed license conditions that may exist regarding any other licenses held by Union Liquor Store.
9. 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.
10. "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.

This action shall not preclude any other adverse license action, including but not limited to suspension or revocation, for subsequent violations of this action, or for subsequent violations or subsequently discovered violations of any federal, state, or local laws, ordinances, or regulations.

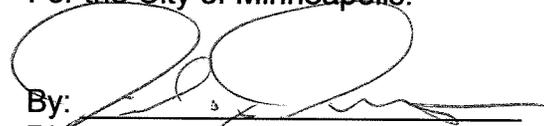
For JPOC, Inc.  
d/b/a Union Liquor Store:

By: 

Owner/Licensee

Dated: 4/21/08, 2008.

For the City of Minneapolis:

By: 

Ricardo Cervantes, Deputy Director  
Licenses & Consumer Services

Dated: April 30, 2008.