
This matter came before the Department of Licenses and Consumer Services at a Licensing Settlement Conference hearing on Monday, January 8, 2007 at 11:00 a.m. in Room 1-C, Minneapolis City Hall. Appearing on behalf of the licensee was Stevens Anderly, Officer, Hubert's, Inc., and he was represented by Dennis Johnson, Attorney. Appearing for the City were Sgt. Travis Glampe, Police Licensing; Janee Harteau, 1st Pct Police Inspector; Melissa Chiodo, Minneapolis Police Officer; Lois Conroy, Assistant City Attorney; and Grant Wilson, Manager, Licenses and Consumer Services. Based on information presented at the hearing, the Department makes the following findings of fact, conclusions, and recommendations:

FINDINGS OF FACT

1. The City demonstrated that persons have engaged in the business of buying and selling, or arranging and promoting the sale of sporting event tickets on the licensed premises.
 - A. Police reports evidence that employees of Hubert's Inc. were observed allowing known ticket selling agents use of non-public entrances of Hubert's Bar and Grill prior to major sporting events so that they could have access to the establishment without waiting in the public customer waiting line.
 - B. Inspector Harteau testified that the resale of tickets is often illegal if it is conducted on the public right of way and if the tickets are sold for more than face value. The activity of private ticket sales by brokers is a crime problem for the Police Department in that citizens can be a robbery target if they are exchanging money in crowds of people, and counterfeit tickets have been sold in the past.
 - C. Officer Chiodo testified that while conducting recent ticket scalping details in the area of Hubert's Bar and Grill it was easy to spot ticket brokers that use the bar area as a headquarters for ticket selling operations. The ticket brokers are quite sophisticated in their approach by having various runners sell tickets, and by storing excess tickets in off site vehicles, etc.
 - D. Grant Wilson testified that during major sporting events at the adjacent HHH Metrodome it is common to have the public sidewalks blocked or congested due to the numerous ticket brokers standing in front of Hubert's Bar and Grill. This situation is compounded by long waiting lines of Hubert's patrons staging on the sidewalks near the main entrance to Hubert's Bar and Grill.

2. The City demonstrated that persons have smoked tobacco products in a temporary structure on the rear patio area.
 - A. On March 31, 2006 Hubert's Inc. received a written notice from the Department of Licenses and Consumer Services Division indicating that patron smoking in the rear patio enclosure was in violation of the Minneapolis Ban on smoking in restaurants and bars.
 - B. On 12-17-06 License Inspector Phil Schliesman observed patrons smoking in the rear patio enclosure area.
3. The City demonstrated that the licensee was notified upon submitting renewal of their annual liquor license that certain documents were needed relating to a summons. The Department again notified Hubert's, Inc. via US Mail on November 20th, 2006 that the summons documentation had not been submitted and licensee testified that the summons was faxed to the city immediately.

CONCLUSIONS

1. Sporting event ticket brokers to have used the premises of Hubert's Bar and Grill for purposes of selling and trading various sporting event tickets in 2006.
2. The Public Sidewalks directly adjacent to Hubert's Bar and Grill are often blocked for regular pedestrian travel during major sporting events due to patron activity and the activity of sporting event ticket brokers.
3. Patrons have smoked tobacco in areas of the premises that are indoor areas despite a written notice from the Department of Licenses and Consumer Services.
4. Liquor license application material was not submitted in a timely manner. (The missing summons paperwork was faxed to the department immediately after the hearing).

RECOMMENDATIONS

The Licensee was very cooperative during the settlement conference and agreed to work with staff to alleviate all of the violations and concerns cited herein. To that end the licensee agreed to the following recommendations:

1. The licensee will enact a new policy that prohibits employees and officers of Hubert's Inc. from aiding or abetting the activity of ticket sales to events being held at the HHH Metrodome. This policy will be added to the employee handbook and will be in place prior to the 2007 Minnesota Twins baseball season. The licensee will hold a staff meeting for all current employees where this policy will be introduced. The Minneapolis Police will participate in this meeting to further enforce the importance of the policy.
2. The licensee will issue a written trespass notice for a period of one year to any person on their premises that engages in the illegal sale of entertainment tickets or to any person on their premises that is aiding and abetting in the illegal sale of entertainment tickets.
3. The licensee will direct staff to ask those persons loitering in front of Hubert's Bar and Grill to move along, and will keep patron waiting lines orderly so as to keep the public sidewalks free for general pedestrian traffic.

4. Hubert's, Inc. will not permit patrons to smoke tobacco products on any part of the licensed premises that is not an outdoor area per the standards established by the City Council on 11-17-06.
4. 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 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:

For Hubert's, Inc.

By: Steven R. Anderly
Stevens Anderly (signature)
Owner/Licensee
Its: CEO
(Title)

Dated: 1-18, 2007.

For the City of Minneapolis:

Ricardo Cervantes
Ricardo Cervantes
Deputy Director of Licenses

Dated: 1-24-07, 2007.