

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5TH STREET, ROOM 1-C, CITY HALL
MINNEAPOLIS, MN 55415

**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

In the Matter of License No. L192 50018 MONTE CARLO
for LIQ ON-SALE C-2 W/SS SERIES 2000

Held by:
MONTE CARLO RESTAURANT INC
JOHN RIMARCIK
219 3RD AVE N
MINNEAPOLIS, MN 55401

09-0721847

This matter came on for a License Settlement Conference (“LSC”) meeting on Wednesday September 2nd, 2009 at 10:00 a.m. in Room 1-C City Hall, 350 5th Street South, Minneapolis, MN 55401. The LSC meeting was held to discuss issues related to the operation of Monte Carlo, located at 219 3rd Avenue North, Minneapolis, Minnesota 55401, pursuant to a Notice to Appear, dated August 24th, 2009. Present at the LSC meeting was the following representatives of Monte Carlo, John Rimarcik, owner and Denise Garvais, General Manager. Also present were the following representatives of the City of Minneapolis: Ricardo Cervantes, Deputy Director, and Inspector Phil Schliesman from Licenses and Consumer Services; Sergeant Rolf Markstrom and Lt. Travis Glampe from the Minneapolis Police License Investigation Division.

Based on the evidence presented at the hearing, the department makes the following findings of fact:

FINDINGS OF FACT

1. This establishment has been in existence since 1959. The current owner, John Rimarcik, has owned this establishment since 1980.
2. The Minneapolis Police Department Licensing Division conducts Youth Alcohol Compliance checks in an effort to ensure retail alcohol license holders are not serving alcohol to persons under the age of 21 years.
3. On July 6, 2009, Minneapolis Police Officers conducted a Youth Alcohol Compliance check at the Monte Carlo. An underage-police decoy ordered a beer from the Monte Carlo bartender. This bartender asked for identification from the decoy and was given a driver's license showing the decoy to be 20 years old. After reviewing the identification, the bartender served the decoy beer. An administrative citation for service of alcohol to a minor in the amount of \$500 was issued to the Monte Carlo. This citation has been paid.
4. On August 19, 2009, Minneapolis Police Officers conducted a second Youth Alcohol Compliance check at the Monte Carlo. Without first checking for identification or verifying the underage-police decoys' ages, the Monte Carlo employee served the underage decoys beer. An administrative citation for sale of alcohol to a minor-2nd violation was issued to the Monte Carlo in the amount of \$1,000. This citation has been paid.

CONCLUSIONS

1. On two separate occasions, employees of Monte Carlo sold alcohol to persons under the age of 21, in violation of Minneapolis City Ordinance 370.10, Minnesota Statue 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 24 months.

RECOMMENDATIONS

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

1. The Minneapolis Licenses and Consumer Services Division will impose a \$3,000.00 in lieu of a license suspension and as a sanction for cost recovery purposes. \$2,500.00 will be stayed as long as no same or similar violations occur within a period of two years.
2. Provide an updated alcohol service policy to the Division of Licenses and Consumer Services due at the time of the signing of this agreement to include all of the following;
 - A. A written comprehensive policy covering employee training for beverage alcohol service with the policy to include: training verifying customer identification and define a backup system so a manager or a second designated staff member looks at any ID if there are any questions.
 - B. Indicate in the policy, managers and/or ownerships role to assist servers at any time should a member of the wait staff have questions regarding the age of a patron.
 - C. Indicate in the policy any incentive program that may be implemented for staff should they pass a self imposed or City administered compliance check.
 - D. Indicate in the policy whenever a staff meeting is held, alcohol service and proof of age policies will be a standing agenda item.
 - E. Provide a copy of the signage that is currently posted in the establishment that reminds staff they must refuse service to anyone that is under that age of 21 and also provide a list of locations where the signs are posted.
3. Provide alcohol service training from by an outside service provider. New employees must receive alcohol service training within 30 days of hire. Provide proof of training in writing to the Licenses and Consumer Services within 10 days of completing the training.
4. Institute a self check program with underage decoys. These self checks must be conducted (4) times a year with the first check to occur within 30 days from this agreement being approved by full City council.
5. Attend the monthly downtown bar meeting at least three times within one year of this agreement being approved by full City council.

Signatures are on the following page

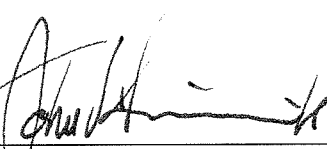
The Monte Carlo understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility, and, as such, it is understood that there is a minimum standard that shall be met in order to hold such a license. Furthermore, it is understood that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances and regulations. As such, 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.

Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

Monte Carlo Representative

**City of Minneapolis
Office of Licenses and
Consumer Services**

By: 
John Rimarcik
Owner

By: 
Ricardo Cervantes
Deputy Director
Licenses and Consumer Services

Date: September 16, 2009

Date: Sept 23, 2009