

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. L206 50102
RACHAELS CLUB 46
4601 Lyndale Ave N
Mpls, MN 55412

for LIQ ON-SALE E W/SS SERIES 3000

RFS # 08-0647470

This matter came before a License Settlement Conference hearing on Monday, July 21, 2008. Appearing for the licensee was Rachael A. Tveraa owner of Rachael's Club 46. Appearing for the City were Ricardo Cervantes, Deputy Director of Licenses and Consumer Services, Dan Jacobs, Inspector from Licenses and Consumer Services, and Sheila Rawski, Permit Compliance Officer from Construction Code Services. Based on the evidence presented at the hearing,

1. Testimony by Permit Compliance Officer Sheila Rawski indicated that the licensee failed to obtain permits before starting work at 4601 Lyndale Avenue North with the installation of a dishwasher. This was in violation of Minneapolis Code of Ordinance (MCO) 101.70 and the Minnesota State Building Code (MSBC) 1300.0120.
2. Licensing received a complaint that employees were consuming alcohol while on duty. On June 12, 2008 two (2) business license inspectors observed an on duty bartender consuming alcohol.

CONCLUSIONS

1. The licensee failed to obtain permits before starting work at 4601 Lyndale Avenue North with the installation of a dishwasher. This was in violation of Minneapolis Code of Ordinance (MCO) 101.70 and the Minnesota State Building Code (MSBC) 1300.0120.

2. On June 12, 2008 an on duty bartender was observed consuming alcohol. Although this is not a violation in it self, this practice could interfere with the bartenders ability to judge if a customer is intoxicated and therefore violate Minneapolis Code of Ordinance (MCO) 364.30.

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

RECOMMENDATIONS

1. That no future structural work of any kind will be performed without first obtaining all required permits and complying with all Minneapolis Code of Ordinances and Minnesota State Building Codes.
2. Rachael's Club 46 will make training their employees a priority and establish a written training program. This will be completed and a copy presented to Business Licensing no later than October 21, 2008.
3. Rachael's Club 46 fully realizes the importance of their bartenders being able to identify if a customer is intoxicated and how alcohol consumption by the bartender may impair this ability. Rachael's Club 46 agrees to prohibit this practice and include it as part of their written employee training program.
4. Rachael's Club 46 agrees to conduct their own youth alcohol compliance checks at least once monthly.
5. This agreement does not alter or preclude any previously imposed license conditions that may exist regarding any other license held by Rachael's Club 46.
6. This agreement shall not preclude any other adverse license action for subsequent violations of this agreement, or for subsequent violations or subsequent-discovered of any federal, state or local laws, ordinances, or regulations.
7. "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.

Rachael A Tveraa owner of Rachael's Club 46 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:

For Club 46, INC.
d/b/a Rachael's Club 46:

By: 

Owner/Licensee

Dated: Aug 1, 2008.

For the City of Minneapolis:



By: Ricardo X. Cervantes, Deputy Director
Licenses & Consumer Services

Dated: Aug 1, 2008.