

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. L186 50067 A LA SALSA RESTAURANT
for LIQ ON-SALE E W/SS SERIES 1000

Held by:

**ALA SALSA ENTERPRISES LLC
ATTNL: LORENZO ARIZA
920 LAKE ST E #155
MINNEAPOLIS, MN 55407**

11-0861473

Findings of Fact

1. The Minneapolis Police Department License Investigative 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.
2. On April 12, 2011 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at A La Salsa Restaurant, located at 920 Lake St E, Suite 155, in the City of Minneapolis. A 19 year old female and a 19 year old male were sent into the business in an attempt to purchase alcohol. The shoppers took a seat at the bar. Each shopper ordered a bottled beer from the bar tender. The bar tender asked the shoppers for ID. After looking at the ID's, the bar tender opened up two bottles of beer and served them to the shoppers. 2 plain clothes Minneapolis Police Officers were standing approximately 20 feet away from the shoppers and observed the above transaction. The shoppers picked up their respective beers and handed them off to the officers. The transaction was completed, and the business was considered to have failed the compliance check. As a result of the compliance check failure, an administrative citation was issued to A La Salsa Restaurant in the amount of \$500.00 as detailed in a City Council Resolution. A La Salsa Restaurant has paid the \$500.00 administrative fine.
3. On June 16, 2011 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance re-check at A La Salsa Restaurant, pursuant to the above compliance check failure. A 20 year old male and a 20 year old female were sent into the business in an attempt to purchase alcohol. The shoppers took a seat at the bar. Each shopper ordered a bottled beer from the bar tender. The bar tender asked the shoppers for ID. After checking the ID's, the bar tender served each shopper a bottle of beer. 2 plain clothes Minneapolis Police Officers were standing approximately 20 feet

away from the shoppers and observed the transaction. The shoppers picked up their respective beers and handed them off to the officers. The transaction was completed, and the business was considered to have failed the compliance re-check. This constituted the second youth alcohol compliance check failure for A La Salsa Restaurant within a 24 month period. As a result of the second compliance check failure, an administrative citation was issued to A La Salsa Restaurant in the amount of \$1000.00 as detailed in a City Council Resolution. A La Salsa Restaurant has paid the \$1000.00 administrative fine.

4. From the first compliance check failure on April 12, 2011, the bar tender has been charged with Furnishing Alcohol to a Person Under 21. Criminal charges against the bar tender are pending as a result of the June 16, 2011 compliance re-check failure.

Conclusions

On two separate occasions, employees A La Salsa Restaurant 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 all occurred in a period of less than 24 months.

2. The licensee has paid the \$500.00 administrative fine related to the first above stated compliance check failure. The licensee has also paid the \$1000.00 administrative fine related to the second above stated compliance check failure.

Recommendations

1. The City of Minneapolis will impose a sanction, in the amount of \$1500, for failing two minor sales of alcohol compliance checks; \$1000 of the sanction will to be stayed for a two-year period pending no same or similar violations. The remaining sanction of \$500 must be paid upon signature of this agreement.
2. A La Salsa shall maintain the following policies concerning prevention of the sale of alcohol to persons under the age of 21:
 - a. A calendar, at the point of sale locations, that lists the date the customer reaches the age of 21.
 - b. A La Salsa will immediately arrange alcohol server training for all employees.
 - c. A La Salsa will establish a self check program for age compliance using a secret shopper. A log will be kept outlining the conduct of each self check and the outcome for review by Minneapolis Police and Business Licenses.
 - d. A La Salsa will arrange with Minneapolis Police Licenses to conduct a class on prevention of sales to persons under the age of 21 within 30 days of signing this agreement.
 - e. A La Salsa will review their policies concerning prevention of sales of alcohol to persons under the age of 21 at every staff meeting.
 - f. A La Salsa will create a written policy for their staff concerning the prevention sales to minor. This written policy will be presented to the Business License staff for review and approval within 30 days of signing this agreement.

_____ understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility. A minimum standard shall be met in order to hold such a license. One minimum standard is that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances, and regulations. It is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any 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:

Business

ALA SALSA

By: [Signature]
(signature)

Its: OWNER
(title)

Dated: 8-24, 2011

For the City of Minneapolis:

[Signature]
Grant J. Wilson
Manager

Dated: 8/26, 2011