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. L178 50022 DOUBLETREE MINNEAPOLIS
for LIQ ON-SALE A W/SS SERIES 1000

Held by:
SHP DT BEVFLOW INC
ATTN: ROBERT ALTER
1101 LASALLE AVE
MINNEAPOLIS, MN 55403

11-0813359

This matter came before a License Settlement Conference hearing on Tuesday, January 4, 2011. Appearing for the licensee was Pam Nielsen, Food & Beverage Director for Doubletree Minneapolis Hotel. Appearing for the City of Minneapolis were Grant Wilson, Manager of Licenses & Consumer Services, Craig Eliason, Inspector for Licenses & Consumer Services, Lt Chris Hildreth, Commander of the Minneapolis Police License Investigative Division, Sergeant Rolf Markstrom, Minneapolis Police License Investigative Division and Dan Pommerenke, Minneapolis Police License Investigative Division. Based on the evidence presented at the hearing, the following findings of fact are asserted:

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 July 11, 2009 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check the Doubletree Minneapolis Hotel, located at 1101 LaSalle Ave, in the City of Minneapolis. A 20 year old male shopper and a 20 year old female shopper were sent into the business in an attempt to purchase alcohol. The shoppers sat down at the hotel bar. The bar tender approached the shoppers and asked them for their orders. Each shopper ordered a bottle of Heineken.

The bar tender asked the shoppers for ID. After checking the IDs, the bar tender served each of the shoppers a bottle of Heineken. Two plain clothes Minneapolis Police Officers were situated approximately 5-10 feet away from the shoppers and observed the above transaction. The shoppers each picked up their respective beers and handed them off to the officers. The sale 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 the Doubletree Minneapolis Hotel in the amount of $500.00 as detailed in a City Council Resolution. The Doubletree Minneapolis Hotel has paid the $500.00 administrative fine.

3. On August 18, 2009 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance re-check at the Doubletree Minneapolis Hotel pursuant to the above compliance check failure. 2 underage shoppers were sent into the business in an attempt to purchase alcohol. The underage shoppers were carded and refused service. The business passed the compliance re-check.

4. On November 30, 2010 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at the Doubletree Minneapolis Hotel for the calendar year of 2010. A 19 year old male shopper and a 19 year old female shopper were sent into the business in an attempt to purchase alcohol. The shoppers sat down at the hotel bar. The bar tender approached the shoppers and asked them for their orders. Each of the shoppers ordered a bottle of Corona. The bar tender asked the shoppers for ID. After checking the IDs, the bar tender served each of the shoppers a bottle of Corona. Two plain clothes Minneapolis Police Officers were situated approximately 10-15 feet away from the shoppers and observed the transaction. The shoppers each picked up their respective beers and handed them off to the officers. The sale was completed and the business was considered to have failed the compliance check. This constituted the second youth alcohol compliance check failure within a 24 month period for the Doubletree Minneapolis Hotel. As a result of the second compliance check failure, an administrative citation was issued to the Doubletree Minneapolis Hotel in the amount of $1000.00 as detailed in a City Council Resolution. The Doubletree Minneapolis Hotel has paid the $1000.00 administrative fine.

5. From the first sale on July 11, 2009, the clerk was charged with Furnishing Alcohol to a Person Under 21 and convicted of said charge. Criminal charges against the clerk are pending as a result of the November 30, 2010 failure.

Conclusions

1. On two separate occasions, employees of the Doubletree Minneapolis Hotel 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

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

1. Doubletree Minneapolis Hotel agrees to implement a policy to card anyone appearing under the age of 40.

2. Doubletree Minneapolis Hotel agrees to conduct their own youth alcohol compliance checks on a quarterly basis for a period of two years and keep a record of the results.

3. Doubletree Minneapolis Hotel agrees to address alcohol service at regularly scheduled staff meetings.

4. Doubletree Minneapolis Hotel agrees to send at least one manager to attend professional alcohol server training within 60 days of signing this agreement.

5. Doubletree Minneapolis Hotel agrees that a trained manager will be present at all times of alcohol sales.

6. Doubletree Minneapolis Hotel agrees to post a sample ID for review by staff serving liquor.
7. Doubletree Minneapolis Hotel agrees to post a "legal age calendar" for use by staff serving liquor.

8. Doubletree Minneapolis Hotel agrees to pay a $1,500 sanction in lieu of suspension for failing a second youth alcohol compliance check. $1,000 of the sanction is stayed pending no further youth alcohol compliance check failures for a period of two years from the signing of this agreement.

9. Doubletree Minneapolis Hotel agrees to pay the $500 sanction within 30 days of signing this agreement.

I have read the above report and recommendations. I agree with the report and recommendations. I understand that the failure on my part or on the part of the business to adhere to this agreement may lead to further action against the license. I understand that this report must be accepted and approved by the Minneapolis City Council and signed by the Mayor. I understand that future violations may put the license in jeopardy.

For SHP Bevflow Inc
DBA: Doubletree Minneapolis Hotel

By: _____
Pam Nielsen
Food & Beverage Director

Date: 1-26-11

For the City of Minneapolis

By: _____
Grant J. Wilson
Manager, Licenses & Consumer Services

Date: 2/9/11