

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. L247 50057 TRUE THAI RESTAURANT
for WINE E W/STRONG BEER

Held by:
TRUE THAI RESTAURANT LTD
ATTN: ANNA FIESER
2627 FRANKLIN AVE E
MINNEAPOLIS, MN 55406

09-0684740

This matter came before a License Settlement Conference on Wednesday, April 15, 2009. Present for the License Division were Deputy Director Ricardo Cervantes and Lead License Inspector Julie Casey. Present for the Minneapolis Police License Division were Lt Travis Glampe and Sgt Rolf Markstrom. Appearing for the Licensee was Charles Whitney, an owner of True Thai Restaurant. Based on the information presented at the hearing the Department makes the following findings of fact.

FINDINGS OF FACT

1. Minneapolis Police License 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.
2. On October 3, 2007, Minneapolis Police License Division conducted an alcohol compliance check at True Thai Restaurant, LTD located at 2627 Franklin Avenue East. The employee for True Thai asked for identification but failed to identify that the identification was for a person under the age of 21 and alcohol was sold to the youth compliance checker. A \$500 administrative citation was issued to True Thai Restaurant. The citation has been paid.

3. On February 11, 2009, Minneapolis Police License Division conducted an alcohol compliance check at True Thai Restaurant, located at 2627 Franklin Avenue East. The employee for True Thai did not ask for identification and served alcohol to the youth alcohol compliance checker. The \$1000 administrative citation has been paid.
4. On February 4, 2009, a renewal inspection was conducted by Lead Inspector Julie Casey and License Inspector George Pridmore. At this inspection it was noted a new area had been added to the restaurant. A notice was sent to True Thai Restaurant to apply for a permanent expansion of premises. A due date of February 20, 2009 was given. On February 26, 2009, an administrative citation in the amount of \$500 was issued to True Thai Restaurant for expansion of their premises without approval of the City Council. This citation remained unpaid by the date of the conference.
5. At the conference, the owner of True Thai described their alcohol training as follows:
 - a. Monthly meeting with all servicers to emphasize checking identification cards to prevent sales to persons under the age of 21.
 - b. Rewards were given to servers that passed checks.

CONCLUSIONS

1. True Thai Restaurant, LTD allowed alcohol sale to minors on two occasions, October 3, 2007 and February 11, 2009, in violation of 370.10., Minnesota Statute 340A503 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

1. In lieu of a suspension of the on sale wine with strong beer license, the City shall impose a \$3,000 sanction. \$3000 will be stayed for a period of two years from the date the full City Council approval of this agreement pending no same or similar violations. The licensee demonstrated the business is experiencing a difficult financial situation at this time. During the expansion of their business premises, unexpected structural challenges added time and expenses to the project.
2. Provide an updated alcohol service policy to the Division of Licenses and Consumer Services due at the time of signing of this agreement to include all of the following:
 - a. A clear policy in writing for employee training for verifying customer identification including: looking at the picture and at the customer to ensure the ID belongs to that person; look for any indication on the ID the person is under the age of 21, and define a backup system so a manager or second designated staff member looks at any ID if there are any questions.

- b. Provide signage at wait stations and where alcohol is stored so as to remind staff they must refuse service to anyone that is under the age of 21.
 - c. Clearly state the policy that True Thai Restaurant does not allow alcohol to be served in the waiting area.
 - d. Start daily meetings with wait staff to emphasize the alcohol policies of True Thai Restaurant.
 - e. Continue to post a copy of the driver's licenses issued in the State of Minnesota that shows the license is issued to a person under the age of 21.
 - f. Continue any incentive program for staff that passes the self check program.
3. Employ a self check program with persons that employees of True Thai Restaurant are required to check the ID. These must be conducted a minimum of four (4) times per year for the next two years and document the results and make them available to the Business License or Police License Divisions upon request. This program should start within 30 days of this agreement being approved by the City Council.
4. Clearly designate, on a daily basis, the name of the manager on duty that wait staff may request assistance of in case of a difficult situation with a person being denied alcohol based on the True Thai Restaurant policies.
5. An expansion of premises application shall be turned in upon signature of this agreement.
6. The \$550 outstanding administrative citation, issued by the Police License Division, will be paid upon signature of this agreement.

Charles Whitney 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:

Business

TRUE TRAIL

By:

Charles Whitney
(signature)

Its:

Owner
(title)

Dated:

5-13, 2009

For the City of Minneapolis:


Ricardo Cervantes
Deputy Director of Licenses

Dated:

May 14, 2009