



Request for City Council Committee Action from the Department of Regulatory Services

Date: April 2, 2010
To: Council Member Elizabeth Glidden
Referral to: Regulatory, Energy and Environment Committee
Subject: Revocation of the Rental Hall License for Avestek Consulting Group, dba 42nd Avenue Ball Room

Recommendation:

The Business License Division recommends revocation of the Rental Hall license for Avestek Consulting Group, dba 42nd Avenue Ballroom, located at 705 42nd Avenue North, for failure to pay fines in the amount of \$660.00.

Department Information

Prepared by: Ricardo Cervantes, Deputy Director
Licenses and Consumer Services

Approved by: Rocco Forte
Assistant City Coordinator

Presenters in Committee: Ricardo Cervantes, Deputy Director, Licenses and Consumer Services; Dan Jacobs, Inspector, Licenses and Consumer Services

Financial Impact: No financial impact.

Supporting Information:

Evidence packet sent under separate cover.

The license holder is in violation of Minneapolis Code of Ordinance 259.15 by failing to pay fines the amount of \$660.00. On December 12, 2010, three (3) citations were issued totaling an amount of \$600.00. With late fees assessed, the total amount owed is \$660.00.

No appeals were made on any of the above listed fines.

Despite written attempts to resolve these fines, they have not been paid.



City of Minneapolis
 Licenses and Consumer Services
 350 South 5th Street - Room 1C
 Minneapolis, MN 55415-1391
 Phone: 612-673-2080 or 311
 Fax: 612-673-3399
 TTY: 612-673-2157
www.ci.minneapolis.mn.us/business-licensing

| | |
|--------------|-------------|
| LICENSE ID # | L 302-50011 |
| CSR: | de |
| Date: | 10/21/09 |

**MINNESOTA TAX CLEARANCE
 AND WORKERS' COMPENSATION LAW**

| BACKGROUND INFORMATION | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|--------------|-------------------|
| Type of License for Renewal Rental Hall | Applicant's Name (Last, First, MI) LLC | | |
| Name of Business Avestek consulting group, d/b/a on 42nd Ave. Ballroom | Minnesota Sales Tax ID Number, Social Security Number, or Individual Tax ID Number Fed. 41-2023794 Mn. TAX # 5920123 | | |
| Business Address 705 42nd Ave. NO. MPLS. 55412 | City Mn. | State Mn. | Zip Code 55412 |
| Telephone Number 612-501-8049 Cell 763-519-0393 Hom | E-mail Address Avestini at Yahoo.com | | |
| Have there been any changes to your business including but not limited to new owners, partners or corporate officers; expansion of your premises or services; or contact information? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If Yes, list the specific changes. | | | |
| 1. | | | |
| 2. | | | |
| 3. | | | |
| I understand I am required to report any change to my business to the City of Minneapolis Division of Licenses and Consumer Services. | | | |

| WORKERS' COMPENSATION | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------------------------------------------------|
| Workers' Compensation Company (Insurance Company Name) State Farm Insurance Co. | Policy Number 93-K0-2155-2 | Dates of Coverage Starting Ending Jan 09 Jan 10 |
| Or | | |
| I certify that I am not required to carry workers' compensation insurance because: <input type="checkbox"/> I am self insured. <input type="checkbox"/> I am the sole proprietor and I have no employees. <input type="checkbox"/> I have no employees who are covered by workers' compensation law. Only employees who are specifically exempted by statute are not covered by the workers' compensation law. These include: Spouse, Parents, and Children regardless of age. All other workers whose work is controllable by the employer must be covered. | | |

| VERIFICATION | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| The data which you furnish on this application will be used by the City of Minneapolis to assess your qualifications for licensure. This information is required by law. Disclosure of this information is voluntary. You are not legally required to provide this data, however if you fail to do so, the City of Minneapolis may be unable to process this application. Disclosure of your Social Security number, Minnesota Tax ID Number, or Individual Tax ID Number is required by Minnesota Statutes 270C.72 and your Social Security number may be requested by and released to the Minnesota Commissioner of Revenue. After issuance of a license, all information contained in this application, except your Social Security Number, will be public information pursuant to Minnesota Statutes, Chapter 13. The information provided above will be verified by the Minnesota Department of Labor and Industry and individuals are subject to a \$2,000 penalty if the information is false. | |
| A SIGNATURE IS REQUIRED IN ORDER TO PROCESS THIS APPLICATION | |
| I, (name) <u>Tyler J. Avestini</u> , certify or declare under penalty of perjury under the laws of the State of Minnesota that the foregoing is true and correct. All information given is subject to verification by the State of Minnesota. | |
| SIGNATURE OF APPLICANT | Tyler J. Avestini DATE 10-21-09 |
| PRINT NAME | Tyler J. Avestini TITLE owner |

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

ADMINISTRATIVE CITATION

This citation charges you with a violation of Minneapolis City Code of Ordinances.
For information on how to respond to this citation, see the reverse side of this form.

16-DEC-09

AVESTEK CONSULTING GROUP LLC
TYLER J AVESTINI
705 42ND AVE N
MINNEAPOLIS, MN 55412

Violation number: 09-0738374
Violation Location: 705 42ND AVE N
Violation Date: 12-DEC-09

Violation: LV039
Failure to operate within the required hours of operation per MCO 548.240 and 548.300.

FINE: \$200 (If not paid by 05-JAN-10 a 10% late payment fee will be added)

DANIEL JACOBS, LICENSING INSPECTION, Phone: (612) 673-3909

Warning – Failure to respond to this citation within twenty (20) days will result in increased penalties and fees assessed.

Make Checks Payable to: MINNEAPOLIS FINANCE DEPARTMENT

DO NOT COMBINE THIS PAYMENT WITH ANY OTHER CITY BILLING

MICRO-PERFORATED: Detach and return this portion with payment. Do not fold this

ADMINISTRATIVE CITATION BILLING STATEMENT

| | | | |
|--------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|------------------------------------------|
| Location: 705 42ND AVE N | MAIL PAYMENTS TO Licenses and Consumer Services Division 350 South 5 th St, Room 1-C Minneapolis MN 55415-1316 | Date Due 05-JAN-10 | Amount Due Now \$200 |
| Please write this number on your check: 09- 0738374 | | Amount Due After Above Due Date: \$ 220 | |

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5th STREET, ROOM 1-C CITY HALL
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VIOLATION NOTICE

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MINNEAPOLIS, MN 55412

16-DEC-09
Request Number: 09-0738374

Re: 705 42ND AVE N

An inspection on **12-DEC-09** of the premises at the above address disclosed conditions that are in violation of the Minneapolis Code of Ordinances.

The following corrections are required:

Your business is operating beyond the allowed hours of operation. Future similar violations may result in a citation and/or loss of your business license privileges.

Inspector's Comments: At an inspection on Saturday, 12/12/09, at 11:10pm we found the business in operation. This inspection demonstrated a failure to operate within the required hours of operation per MCO 548.240 and 548.300. Your allowable hours of operation are 6:00 am to 10:00 pm Sunday thru Thursday and 6:00 am to 11:00 pm Friday and Saturday.

Required Date: 05-JAN-10

Failure to comply with the above city ordinance(s) may result in the doubling of fines daily.

IF YOU HAVE ANY QUESTIONS ABOUT THESE ORDERS, OR IF YOU ARE NOT THE OWNER, AGENT OR OCCUPANT, PLEASE CALL THE INSPECTOR LISTED BELOW.

The Minneapolis code of ordinances is available on computer terminal (on line) at:

- ◆ Minneapolis Public Library, Government Documents Section
- ◆ City Clerk's Office, Room 304 City Hall, 350 So. 5th St.
- ◆ On line at www.ci.minneapolis.mn.us under Minneapolis ordinances.

ALL MATERIAL AND SERVICES ARE AVAILABLE IN ACCESSIBLE FORMATS
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DANIEL JACOBS, LICENSING INSPECTION, Phone: (612) 673-3909
Office hours 8:00am – 4:30pm

English- Attention. If you want help translating this information, call 612-673-2080.

DXC
RFS# 09-0738374
BLVIOL.MRG

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

NON PAYMENT OF FEES

AVESTEK CONSULTING GROUP LLC
TYLER J AVESTINI
705 42ND AVE N
MINNEAPOLIS, MN 55412

27-JAN-10
Request Number: 09-0738374

RE:705 42ND AVE N

Our records indicate that you have failed to pay required fees to the City of Minneapolis. Payment of all fees is required to maintain your business license in good standing.

Your business is operating beyond the allowed hours of operation. Future similar violations may result in a citation and/or loss of your business license privileges.

Inspector's Comments: At an inspection on Saturday, 12/12/09, at 11:10pm we found the business in operation. This inspection demonstrated a failure to operate within the required hours of operation per MCO 548.240 and 548.300. Your allowable hours of operation are 6:00 am to 10:00 pm Sunday thru Thursday and 6:00 am to 11:00 pm Friday and Saturday.

Minneapolis ordinance 259.15/360.140 requires all financial claims be paid before a license be granted or renewed. Our records indicate that you have an unresolved financial claim. The type of financial obligation and the amount is listed below. Please pay the fees by the due date or an action will be initiated to add additional fines, suspend or revoke your business license resulting in discontinuance of business activity.

Inspector's Comments: You were issued a citation and fine of \$200.00 due on Jan 5, 2010 for failure to operate within the allowable hours of operation. The amount due now is \$220.00

Due Date: 29-JAN-10

If these fees are not paid by the due date listed above, negative license action could result. Negative license action includes, but is not limited to, administrative fines, suspension or revocation of your business license.

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5TH STREET, ROOM 1-C, CITY HALL
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AVESTEK CONSULTING GROUP LLC
TYLER J AVESTINI
705 42ND AVE N
MINNEAPOLIS, MN 55412

03-FEB-10

Request Number: 09-0738374

NOTICE OF PENDING HEARING FOR UNPAID FEES

You have been previously notified that you owed fines or fees to the City of Minneapolis. The fine or fee remains unpaid. Minneapolis Code of Ordinances 259.15/360.140 prohibits the issuance or renewal of business licenses when fines or fees are owed.

A hearing is being scheduled to consider the denial or revocation of your business license application due to your failure to make payment on your unpaid fine or fee. It is the intention of the Business License Division to request that the City Council deny or revoke your license application resulting in discontinuance of business activities. This hearing can be avoided by tendering payment in the amount of to the Business License Department. Please send or deliver a check or money order to

Licenses and Consumer Services
350 South 5th Street, Room 1-C, City Hall
Minneapolis, MN 55415

If you have any questions concerning the payment of the fine or fee, please call the inspector listed below.

ALL MATERIAL AND SERVICE ARE AVAILABLE IN ACCESSIBLE FORMATS.

TTY NUMBER: 612-673-3300

DANIEL JACOBS, LICENSING INSPECTION, Phone: (612) 673-3909

Officer Hours: 8:00 a.m. – 4:30 p.m.

English- Attention. If you want help translating this information, call 612-673-2080.

Spanish- Atención. Si desea recibir asistencia gratuita para hablar con alguien en español llame 612-673-2700

Somali- Ogow. Haddii aad dooneyso in lagaa kaalmeeyo tarjamadda macluumaadkani oo lacag la' aan wac 612-673-3500

Hmong-Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koj dawb, hu 612-673-2800

Sign Language Interpreter- 612-673-3220 TTY: 612-673-2626

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES DIVISION
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16-DEC-09

AVESTEK CONSULTING GROUP LLC
TYLER J AVESTINI
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MINNEAPOLIS, MN 55412

Violation number: 09-0738391
Violation Location: 705 42ND AVE N
Violation Date: 12-DEC-09

Violation: LV239

Failure to keep lease agreements for a period of one year per MCO 266.60(3) (a)

FINE: \$200 (If not paid by 05-JAN-10 a 10% late payment fee will be added)

DANIEL JACOBS, LICENSING INSPECTION, Phone: (612) 673-3909

Warning – Failure to respond to this citation within twenty (20) days will result in increased penalties and fees assessed.

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ADMINISTRATIVE CITATION BILLING STATEMENT

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| Location: 705 42ND AVE N | MAIL PAYMENTS TO Licenses and Consumer Services Division 350 South 5 th St, Room 1-C Minneapolis MN 55415-1316 | Date Due 05-JAN-10 | Amount Due Now \$200 |
| Please write this number on your check: 09- 0738391 | | Amount Due After Above Due Date: \$ 220 | |

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5th STREET, ROOM 1-C CITY HALL
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VIOLATION NOTICE

AVESTEK CONSULTING GROUP LLC
TYLER J AVESTINI
705 42ND AVE N
MINNEAPOLIS, MN 55412

17-DEC-09
Request Number: 09-0738391

Re: 705 42ND AVE N

An inspection on **12-DEC-09** of the premises at the above address disclosed conditions that are in violation of the Minneapolis Code of Ordinances.

The following corrections are required:

Per MCO 266.60(3) (a) all lease agreements shall be kept on file at the licensed rental hall for a period of one (1) year after the date of the event and made available to a license inspector or police officer upon request

Inspector's Comments: At an inspection on 12/12/09, a lease could not be made available by the employee or leasee when requested by the License Inspector or Police.

Required Date: 05-JAN-10

Failure to comply with the above city ordinance(s) may result in the doubling of fines daily.

IF YOU HAVE ANY QUESTIONS ABOUT THESE ORDERS, OR IF YOU ARE NOT THE OWNER, AGENT OR OCCUPANT, PLEASE CALL THE INSPECTOR LISTED BELOW.

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NON PAYMENT OF FEES

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27-JAN-10
Request Number: 09-0738391

RE:705 42ND AVE N

Our records indicate that you have failed to pay required fees to the City of Minneapolis. Payment of all fees is required to maintain your business license in good standing.

Minneapolis ordinance 259.15/360.140 requires all financial claims be paid before a license be granted or renewed. Our records indicate that you have an unresolved financial claim. The type of financial obligation and the amount is listed below. Please pay the fees by the due date or an action will be initiated to add additional fines, suspend or revoke your business license resulting in discontinuance of business activity.

Inspector's Comments: You were issued a citation and fine of \$200.00 due on Jan 5, 2010 for failure to maintain leases on site. The amount now due is \$220.00.

Per MCO 266.60(3) (a) all lease agreements shall be kept on file at the licensed rental hall for a period of one (1) year after the date of the event and made available to a license inspector or police officer upon request

Inspector's Comments: At an inspection on 12/12/09, a lease could not be made available by the employee or leasee when requested by the License Inspector or Police.

Due Date: 29-JAN-10

If these fees are not paid by the due date listed above, negative license action could result. Negative license action includes, but is not limited to, administrative fines, suspension or revocation of your business license.

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AVESTEK CONSULTING GROUP LLC
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03-FEB-10

Request Number: 09-0738391

NOTICE OF PENDING HEARING FOR UNPAID FEES

You have been previously notified that you owed fines or fees to the City of Minneapolis. The fine or fee remains unpaid. Minneapolis Code of Ordinances 259.15/360.140 prohibits the issuance or renewal of business licenses when fines or fees are owed.

A hearing is being scheduled to consider the denial or revocation of your business license application due to your failure to make payment on your unpaid fine or fee. It is the intention of the Business License Division to request that the City Council deny or revoke your license application resulting in discontinuance of business activities. This hearing can be avoided by tendering payment in the amount of to the Business License Department. Please send or deliver a check or money order to

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Sign Language Interpreter- 612-673-3220 TTY: 612-673-2626

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16-DEC-09

AVESTEK CONSULTING GROUP LLC
TYLER J AVESTINI
705 42ND AVE N
MINNEAPOLIS, MN 55412

Violation number: 09-0738389
Violation Location: 705 42ND AVE N
Violation Date: 12-DEC-09

Violation: LV242
Failure to provide security equal to one for 50 or more in attendance per MCO 266.60(5).

FINE: \$200 (If not paid by 05-JAN-10 a 10% late payment fee will be added)

DANIEL JACOBS, LICENSING INSPECTION, Phone: (612) 673-3909

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The following corrections are required:

Per MCO 266.60(5) the licensee shall provide adequate security for each event based upon the number of attendees and the nature of the event. At least one security guard licensed pursuant to Minnesota Statutes, Section 326.32 et seq. shall be present in and at the rental hall premises at all times during an event attended by fifty (50) or more people, if beverage alcohol is present, or if guests dance to live or recorded music.

Inspector's Comments: At an inspection on 12/12/09, there was (1) one employee during the event being held. There were approximately 150 people at the event.

Required Date: 05-JAN-10

Failure to comply with the above city ordinance(s) may result in the doubling of fines daily.

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NON PAYMENT OF FEES

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Inspector's Comments: You were issued a citation and fine of \$200.00 due on Jan. 5, 2010 for failure to provide security during an event. The amount now due is \$220.00.

Per MCO 266.60(5) the licensee shall provide adequate security for each event based upon the number of attendees and the nature of the event. At least one security guard licensed pursuant to Minnesota Statutes, Section 326.32 et seq. shall be present in and at the rental hall premises at all times during an event attended by fifty (50) or more people, if beverage alcohol is present, or if guests dance to live or recorded music.

Inspector's Comments: At an inspection on 12/12/09, there was (1) one employee during the event being held. There were approximately 150 people at the event.

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