

**CITY OF MINNEAPOLIS
CITY COUNCIL
PUBLIC SAFETY & REGULATORY SERVICES COMMITTEE**

In the Matter of the Off-Sale Liquor License,
Held by DTB Corporation.
d/b/a Greenway Liquor

**FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATIONS**

This matter came on for a License Settlement Conference (“LSC”) meeting on Wednesday November 29, 2006 at 8:15 a.m. in Room 1 of City Hall, 350 South Fifth Street, Minneapolis, MN 55415. The LSC meeting was held to discuss issues related to the operation of DTB Corporation, dba Greenway Liquor, located at 115 West Grant Street, Minneapolis, Minnesota 55403 pursuant to a Notice to Appear, dated November 15, 2006. Present at the LSC meeting was the following representative of Greenway Liquor: Davoud Bakhtyari (Owner). Also present were the following representatives of the City of Minneapolis: Lieutenant Travis Glampe (Commander of the Minneapolis Police License Investigation Division) and Ricardo Cervantes (Deputy Director of Licenses and Consumer Services).

Based upon the agreement between the parties and all files and records contained herein, the Committee makes the following recommendation:

FINDINGS OF FACT

1. The Minneapolis Police Department License Investigation Division conducts youth alcohol compliance checks in an effort to assure liquor license holders are not serving alcohol to persons under the age of 21.

2. On August 31, 2006 the Minneapolis Police License Investigation Division conducted a youth alcohol compliance check at Greenway Liquor. A 19 year old male decoy was sent into the store at which point he presented a bottle of rum for purchase to the clerk at the front counter. The clerk completed the sale of the rum to the underage decoy without asking for identification. This constituted Greenway Liquor's first alcohol compliance failure. As a result of the failure, an administrative citation was issued to Greenway Liquor in the amount of \$500.00 for sale of alcohol to a minor-1st offense as detailed in a City Council resolution. Greenway Liquor paid the \$500.00 fine on September 8, 2006.

3. On November 1, 2006 the Minneapolis Police License Investigation Division conducted a youth alcohol compliance check at Greenway Liquor. A 19 year old male decoy and a 19 year old female decoy were sent into the store. The decoys presented a 12 pack of Miller Lite beer for purchase to the Greenway Liquor employee behind the front counter. Without checking the decoys' identification, the employee sold the beer to them. This constituted Greenway Liquor's second alcohol compliance failure. As a result of the failure, an administrative citation was issued to Greenway Liquor in the amount of \$1,000.00 for sale of alcohol to a minor-2nd offense. This fine was paid on November 29, 2006.

4. Criminal charges are pending against the Greenway Liquor employees as a result of the above listed sales of alcohol to minors.

CONCLUSIONS

1. On two separate occasions employees of Greenway Liquor 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 three months.

RECOMMENDATIONS

That the Off-Sale Liquor License, issued to Greenway Liquor be subject to adverse license action up to and including revocation, with the commencement of such adverse license action stayed through and including August 31, 2008 subject to full compliance with the following conditions:

1. It is strongly suggested that Greenway Liquor require all customers who purchase alcohol to produce identification as listed in Minnesota Statute Section 340A.503, subdivision 6. Greenway Liquor has full knowledge of the consequences regarding any future incidents involving the sale of alcohol to minors and understands that such incidents could lead to a revocation of their Off Sale Liquor License. Greenway Liquor agrees to take any necessary steps to assure persons under the age of 21 are properly identified when alcohol purchases are made. This includes, but is not limited to, purchase and utilization of an electronic identification card reading device.
2. A financial penalty of \$3,000 will be levied against Greenway Liquor. \$500 of this penalty will be imposed and must be received by the Minneapolis Police License Investigation Division, Room 1A City Hall, 350 South Fifth Street, Minneapolis, Minnesota by 1:00 p.m. on Wednesday December 13, 2006. The imposition of the remaining \$2,500 will be stayed through August 31, 2008, provided that no further

incidents of sale of alcohol to a minor, as defined by Minnesota State Statute 340A.503 subdivision 1 (2) or Minneapolis City Ordinance 370.10, occur. A criminal conviction for said violation against any Greenway Liquor employee, or any finding against Greenway Liquor for an administrative citation issued as a result of sale of alcohol to minor shall constitute proof of sale of alcohol to a minor.

3. The Off-Sale Liquor License of Greenway Liquor is suspended for a period of 12 days. Imposition of the 12 days of suspension will be stayed through August 31, 2008, provided that no further incidents of sale of alcohol to a minor, as defined by Minnesota State Statute 340A.503 subdivision 1 (2) or Minneapolis City Ordinance 370.10, occur. A criminal conviction for said violation against any Greenway Liquor employee, or any finding against Greenway Liquor for an administrative citation issued as a result of sale of alcohol to minor shall constitute proof of sale of alcohol to a minor.
4. All Greenway Liquor employees, managers, and owners involved in the daily operations of the business will attend professionally-presented alcohol server training. This training shall occur on a yearly basis. The initial training shall be completed by January 31, 2007. All employees, managers or owners hired or brought into the business after this initial training must attend a training class within thirty days of hire or approval as business owner.
5. Greenway liquors will develop a written policy regarding alcohol sales. This policy will include, but is not limited to, the following items: employee training, the store's policy regarding which customers are asked for identification (i.e. anyone who appears to be under 40 years old), signage indicating the above identification policy that is posted for the public's and employees' review, use of electronic identification card readers, and the store policy regarding corrective action involving employees when a sale of alcohol is

made to a minor. This policy must be received by the Commander of the Minneapolis Police License Investigation Division, Room 1A City Hall, 350 South Fifth Street, Minneapolis, Minnesota by 1:00 p.m. on Wednesday January 31, 2008.

6. A properly trained manager or owner must be on-site during business hours at all times.
7. This Agreement does not alter or preclude any previously imposed license conditions that may exist.
8. The licensee is aware that it will be subject to additional compliance checks during the term of this Agreement. As is the policy of the City of Minneapolis, the decoys will at all times respond truthfully to any questions asked of them by employees or sales clerks of the licensee and, if asked, will present their actual duly-issued age identification.
9. This Agreement shall not preclude any other adverse license action, including but not limited to suspension or revocation, for subsequent violations of this Agreement, or for subsequent violations or subsequently-discovered violations of any federal, state or local laws, ordinances, or regulations.
10. Should the licensee violate any provision of this Agreement while it is in effect it shall be subject to additional adverse license action, including but not limited to the imposition of the stayed license suspension period, the stayed financial penalty as well as the potential commencement of license revocation proceedings.
11. Term of Agreement. This Agreement shall remain in effect through and including August 31, 2008.
12. "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.

Greenway Liquor:

By: _____
Mr. Davoud Bakhtyari
Owner

Date: _____

Minneapolis Police Department:

By: _____
Lt. Travis Glampe
Commander, License Division

Date: _____

**City of Minneapolis Office of Licenses
and Consumer Services:**

By: _____
Ricardo Cervantes
Deputy Director of License and Consumer
Services

Date: _____