

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. L196 50070 BOMBAY BISTRO
for LIQ ON-SALE E W/SS SERIES 2000

Held by:
TRANS GLOBAL T INC
ATTN: AJAY MEHTA
820 MARQUETTE AVE
MINNEAPOLIS, MN 55402

10-0740391

This matter came before a License Settlement Conference hearing on Wednesday, December 2, 2009. Appearing for the licensee was Ajay Mehta, owner of Bombay Bistro. Appearing for the City of Minneapolis were Ricardo Cervantes, Deputy Director of Licenses & Consumer Services, Craig Eliason, Inspector for Licenses & Consumer Services, Lieutenant Chris Hildreth, Commander of the Minneapolis Police License Investigative Division and Sergeant Rolf Markstrom, 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 6, 2009, the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at Bombay Bistro. A 20 year old female and an 18 year old female were sent into the business in an attempt to purchase alcohol. The shoppers sat down at a table in the dining room. The server approached the shoppers and asked them for their orders. Both shoppers ordered a Corona. The server checked the IDs of both shoppers. After checking the IDs, the server refused service to the 18 year old female. The server informed the 20 year old female that the restaurant did not have Corona. The 20 year old female then ordered a Miller Lite. The server then poured a bottle of Miller Lite into a glass and served it to the 20 year old female. 2 plain clothes Minneapolis Police Officers were situated at a table approximately 15-20 feet away from the shoppers and observed the transaction. The 20 year old female shopper picked up the glass of Miller Lite and turned it over to the Police 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 Bombay Bistro in the amount of \$500.00 as detailed in a City Council Resolution. Bombay Bistro then paid the \$500.00 administrative fine.

3. On August 19, 2009, the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance re-check at Bombay Bistro pursuant to the above compliance check failure. A 20 year female and a 20 year old male were sent into the business in an attempt to purchase alcohol. The shoppers sat down at a table in the dining room. The server approached the shoppers and asked them for their orders. The 20 year old female asked for a Corona, and the 20 year old male asked for a Bud Light. The server checked the IDs of both shoppers. After checking the IDs, the server refused service to the 20 year old male, but the server poured a bottle of Corona into a glass and served it to the 20 year old female. 2 plain clothes Minneapolis Police Officers were situated at a table approximately 15 feet away from the shoppers and observed the transaction. The 20 year old female shopper picked up the glass of Corona and turned it over to the Police Officers. The transaction was completed, and the business was considered to have failed the compliance check. This constituted Bombay Bistro's second youth alcohol compliance check failure in a 24 month period. As a result of the second compliance check failure, an administrative citation was issued to Bombay Bistro in the amount of \$1000.00 as detailed in a City Council Resolution. Bombay Bistro then paid the \$1000.00 administrative fine.
4. November 5, 2009 the Minneapolis Police Department License Investigative Division conducted a second youth alcohol compliance re-check at Bombay Bistro pursuant to the above two compliance check failures. A 20 year old female and a 20 year old male were sent into the business in an attempt to purchase alcohol. The shoppers sat down at a table in the dining room. The server approached the shoppers and asked them for their orders. The 20 year old female ordered a Heineken, and the 20 year old male ordered a Bud Light. The server checked the IDs of both shoppers. After checking the IDs, the server refused service to the 20 year old male, but the server opened a bottle of Heineken and served it to the 20 year old female. On plain clothes Minneapolis Police Officer was situated at a table approximately 10 feet away from shoppers and observed the transaction. The other plain clothes Minneapolis Police officer observed the transaction from outside through the front window of the business. The 20 year old female shopper picked up the Heineken and turned it over to the Police Officer that was inside the business. The transaction was completed, and the business was considered to have failed the compliance check. This constituted Bombay Bistro's third youth alcohol compliance check failure in a 24 month period. As a result of the third compliance check failure, an administrative citation was issued to Bombay Bistro in the amount of \$2000.00 as detailed in a City Council Resolution. Bombay Bistro has not paid the \$2000.00 administrative fine.
5. From the first sale on July 6, 2009, the server was charged with Furnishing Alcohol to a Person Under 21. Per the Office of the Minneapolis City Attorney, the server entered a plea with a stay of adjudication. Regarding the second sale on August 19, 2009, the server has been charged with Furnishing Alcohol to a Person Under 21, and is awaiting

his first court appearance. Regarding the third sale on November 5, 2009, charges against the server are pending.

Conclusions

1. On three separate occasions, employees of Bombay Bistro 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 paid the \$1000.00 administrative fine related to the second above stated compliance check failure. The licensee has not paid the \$2000.00 administrative fine related to the third above stated compliance check failure.

RECOMMENDATIONS

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

1. Bombay Bistro agrees to purchase an ID scanner for age verification and implement its use in within 30 days of signing this agreement.
2. Bombay Bistro will submit to the City of Minneapolis Licenses Division a written policy regarding alcohol service at the time of signing the agreement. The policy shall address the following issues:
 - a. scanning the ID of every guest ordering alcohol
 - b. conducting their own youth alcohol compliance checks on a quarterly basis for a period of two years and keeping a record of the results
 - c. stating the rewards/consequences for those employees passing/failing youth alcohol compliance checks
 - d. addressing alcohol service at regularly scheduled staff meetings
 - e. requiring all staff serving liquor to attend professional alcohol server training within 30 days of signing this agreement and annually thereafter.
3. Bombay Bistro agrees that a trained manager will be present at all times of alcohol sales.
4. Bombay Bistro agrees to a 30 day suspension of its On Sale Liquor License. Twenty-seven days are stayed pending no further youth alcohol compliance check failures for a period of two years from the signing of this agreement. The business will close for three days. These days are:
 1. Friday, January 1, 2010
 2. Monday, February 15, 2010
 3. Thursday, July 1, 2010

5. Bombay Bistro agrees to pay the \$2200 administrative citation fine related to the third above stated compliance check failure.
6. Bombay Bistro agrees to pay the \$1000 sanction that was stayed from the previous License Settlement Conference held on September 10, 2009.
7. Bombay Bistro agrees to pay a \$5000 sanction for failing a third youth alcohol compliance check. \$1000 of the sanction is stayed pending no further youth alcohol compliance check failures for a period of two years from the date of the last violation.
8. Bombay Bistro agrees to pay the administrative citation fine and sanctions as follows:
 - a. \$2200 due at time of signing this agreement
 - b. five \$1000 payments, due no later than the first of each month commencing June 1, 2010 and ending October 1, 2010.

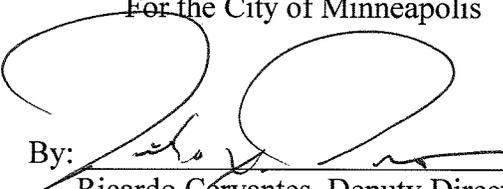
I have read the above report and recommendations. I agree with the report and recommendations. I understand that failure on my part or on the part of the business to adhere to this agreement may lead to further action against the license. I understand that this report must be accepted by the Minneapolis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

For Trans Global Technologies Inc
DBA: Bombay Bistro

By: 
Ajay Mehta
Owner

Date: 5-3-10

For the City of Minneapolis

By: 
Ricardo Cervantes, Deputy Director
Licenses & Consumer Services

Date: Apr. 30, 2010