

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. L173-08301 for LIQ OFF-SALE SERIES 4000.
ZIPP'S LIQUOR.

Held by:
ZIPP'S LIQUOR STORE INC
2618 FRANKLIN AVE E
MINNEAPOLIS, MN 55406

09-0683016

This matter came before a License Settlement Conference on Tuesday, April 7, 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 were Jennifer and Andy Schoenzeit, as power of attorneys for Marshall Schoenzeit, the principal of Zipp's Liquor Store, Inc. 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.
2. On January 19, 2009, Minneapolis Police License Division conducted an alcohol compliance check at Zipp's Liquor, located at 2618 Franklin Avenue East. The employee for Zipp's Liquor failed to ask for identification and the alcohol compliance checkers was able to purchase a six pack of beer. A \$500 administrative citation was issued to Zipp's Liquor. The citation has been paid. The management of Zipp's Liquor Store, Inc terminated the employee that failed the youth alcohol compliance check.
3. On March 2, 2009, Minneapolis Police License Division conducted a second check for alcohol compliance at Zipp's Liquor, located at 2618 Franklin Avenue East. The employee for Zipp's Liquor failed to ask for identification and the alcohol compliance checker was able to purchase a six pack of beer. A \$1000 administrative citation was issued to Zipp's Liquor. The citation has been paid. The management of Zipp's Liquor Store, Inc terminated the employee that failed the youth alcohol compliance check.
4. License records do not list Jennifer or Andy as a principal or approved manager on the Zipp's Liquor license records. Jennifer and Andy both stated they have power of attorneys' for their father. They offered to provide us with a copy after the hearing. They were encouraged to apply as a manager so they could represent their father as to license

matters. The conference continued with the agreement Licenses would receive their power of attorney. The power of attorney was received on April 8, 2009.

5. At the conference, Zipp's representatives described their alcohol training program as follows:
 - a. All employees attend alcohol server training through MN Liquor and Beverage Alcohol Association.
 - b. Zipp's hold weekly employee meetings reviewing their policies.
 - c. Zipp's provide their own spot checks to ensure their employees are asking for identification.
 - d. Zipp's have signs posted in their business that they cannot sell to anyone under the age of 21.
 - e. Zipp's always have a manager present to support the cashiers.
 - f. Recently they joined with J & J Taylors to send in checkers from that business.
 - g. Representatives of Zipp's insisted they take alcohol compliance seriously and have a zero tolerance for sale of alcohol to minors.

CONCLUSION

1. Zipp's Liquor Store, Inc allowed alcohol sale to minors on two occasions, January 19, 2009 and March 2, 2009, in violation of MCO 364.10.

RECOMMENDATION

1. The City of Minneapolis will impose a sanction in the amount of \$3000 for failing two minor sales of alcohol compliance checks. \$1500 of the sanction will be stayed for a two year period pending no same or similar violations upon agreement that an identification scanner will be purchased and used by the cashiers in compliance with the Zipp's Liquor Store, Inc alcohol policies. The remaining \$1500 sanction must be paid upon signature of this agreement.
2. The business agrees to implement and maintain an alcohol sales policy. This policy is to include the following:
 - a. Signage concerning sale of alcohol to persons above the age of 21 shall be posted at the entrance door and the cash registers.
 - b. Pictures of the State of Minnesota identification cards shall be give to each employee to make them familiar with the wording on the card that the person holding it is under 21.
 - c. All employees will take alcohol server training within 30 days of the start of their employment.
 - d. The policy shall include all current policies that are described in the Findings of Fact listed in #5 in this document.
3. All employees will take alcohol server training within 30 days of the start of their employment
4. The business agrees that all employees will attend an alcohol refresher program on an annual basis from a company of their choice.

5. The business agrees that a trained manager will be present at all times and will support the employees to prevent alcohol sales to minors.
6. Andy and Jennifer Schoenzeit will apply as on site managers by April 30, 2009.

Andrew and Jennifer Schoenzeit, as power of attorney for Marshall Schoenzeit, principal for Zipp's Liquor Store, Inc. , 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

For the City of Minneapolis:

By: J. Schoenzeit
(signature)
Power of Attorney for
Marshall Schoenzeit, principal for
Zipp's Liquor Store, Inc.

Ricardo Cervantes
Ricardo Cervantes
Deputy Director of Licenses

Dated: 4-27, 2009

Dated: May 5, 2009