

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. L180 28526 CHAMPPS
for LIQ ON-SALE B W/SS SERIES 1000

Held by:
BAZ INC, A MN CORP
DBA: CHAMPPS
100 6 ST N
MINNEAPOLIS, MN 55403

10-0748441

This matter came before a License Settlement Conference hearing on Thursday, March 4, 2010. Appearing for the licensee were Wayne Belisle, representative of Champps, Tom Clifford, General Manager of Champps and Dennis Johnson, legal counsel for Champps. 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 November 5th, 2009 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at Champps, located at 100 6th St N, in the city of Minneapolis. A 20 year old female and a 20 year old male were sent into the business in an attempt to purchase alcohol. Upon entering Champps, the shoppers both took a seat at the bar. The bar tender approached the shoppers, and each shopper ordered a bottled beer. The bar tender asked the shoppers for their IDs. After checking the IDs the bar tender refused to serve the 20 year old male shopper, but the bar tender served the 20 year old female shopper a bottled beer. Two plainclothes Minneapolis Police Officers were situated approximately 10 feet away from the shoppers and observed the transaction. The female shopper handed the beer off to the officers, and the shoppers exited the establishment. 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 Champps in the amount of \$500.00 as detailed in a Minneapolis City Council resolution. Champps has paid the \$500.00 administrative fine.
3. On January 7th, 2010 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance re-check at Champps. One 20 year old female was sent into Champps in an attempt to purchase alcohol. Upon entering Champps, the shopper took a seat at the bar. The bar tender approached the shopper, and the shopper ordered a glass of beer. The bar tender asked the shopper for her ID. After checking the ID, the bar tender poured a glass of beer from the tap and served it to the shopper. Two plainclothes Minneapolis Police Officers were situated approximately 25 feet away from the shopper and observed the transaction. The shopper handed the beer off to the officers, and the shopper exited the establishment. The transaction was completed and the business was considered to have failed the compliance re-check. As a result of the compliance re-check failure, an administrative citation was issued to Champps in the amount of \$1000.00 as detailed in a Minneapolis City Council resolution. Champps has not yet paid the \$1000.00 administrative fine.
4. From the first alcohol sale on November 5th, 2009, the bar tender was charged and the court case is pending. Criminal charges are pending on the bar tender as a result of the second alcohol sale on January 7th, 2010.

CONCLUSIONS

1. On two separate occasions, employees of Champps 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 check failures all occurred in a period of less than 24 months.
2. The licensee has paid the \$500.00 administrative citation related to the first compliance check failure, but the licensee has not yet paid the \$1000.00 administrative citation relating to the second compliance check failure.

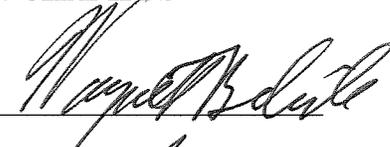
RECOMMENDATIONS

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

1. Champps 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. carding policy to ensure alcohol is not served to patrons under the age of 21
 - 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 hire and annually thereafter
2. Champps agrees that a trained manager will be present at all times of alcohol sales
3. Champps agrees to prominently post signs in the restaurant or in the menu outlining their carding policy
4. Champps agrees to pay a \$3000 sanction in lieu of suspension for failing a second 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 signing of this agreement.

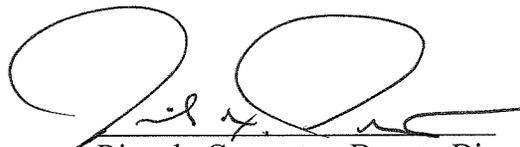
I have read and understand the above report and recommendations. I agree with the report and recommendations. I understand that the failure of my part or on the part of the business to adhere to this agreement may lead to further action against the license. I understand that this report must be accepted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

For: BAZ INC, A MN CORP
DBA: CHAMPBS

By: 
Sec.

Dated: April 28, 2010

For the City of Minneapolis:


Ricardo Cervantes, Deputy Director
Licenses & Consumer Services

Dated: June 3, 2010