

**In the Matter of  
On-Sale Liquor  
License Held by Mr. Susie, Inc  
D/b/a Barbette**

**VOLUNTARY SETTLEMENT AGREEMENT**

WHEREAS, this agreement is entered into between the City of Minneapolis ("The City") and Mr. Susie, Inc., d/b/a Barbette ("Barbette") as a compromise agreement settling certain claims between the parties of relevance to Barbette's on-sale liquor license; and

WHEREAS, Barbette is a well-established and popular food establishment in the community; and

WHEREAS, in 2006, Barbette was involved in a food borne illness outbreak with 30 confirmed illnesses; and

WHEREAS, it is The City's contention that the Bryant Lake Bowl, another restaurant in The City, while subject to a different on-sale liquor license with a different licensee than Barbette, in fact shares and has shared common managers and some degree of common staff with Barbette; that Bryant Lake Bowl was involved in separate food borne illness outbreaks in 1999 (10 confirmed ill) and 2002 (29 confirmed ill); that these three outbreaks occurred within the scope of seven years and two of them are considered to be among the most significant outbreaks in the State of Minnesota in recent years; that failure of the person in charge to enforce the provisions of the Minnesota Food Code was the contributing factor to the outbreak in 2006; that on the occasion of each outbreak, The City provided training and guidance to prevent future outbreaks, yet the establishments in The City's view demonstrated recurring issues relating to inadequate focus on food safety standards, inadequate enforcement of the food code and inadequate training of employees, which in The City's view resulted in various food safety violations that contributed to the three outbreaks; and that The City has expended an inordinate amount of time in dealing with these three outbreaks and attempting to work with the involved establishments to prevent future outbreaks; and

WHEREAS, it is Barbette's contention that the ownership of the Bryant Lake Bowl has changed over the years and since its last outbreak four years ago; that Barbette is a different entity and a different licensee than Bryant Lake Bowl; that the management and staff of the two establishments are for the most part different from each other, including different kitchen staff; that the management and staff of Bryant Lake Bowl is largely different than at the time of its last outbreak (more than four years ago) or its first outbreak (more than seven years ago); that these three outbreaks are separate incidents, each with its own explanation, that occurred to different entities involving largely (but not entirely) different personnel over a period of numerous years; that Bryant Lake Bowl has operated for more than four years with no additional outbreaks and that Barbette has only one outbreak in its history; and that each establishment has tried to

implement a good food safety program, which is not only important to public safety but is in the best business interest of the establishments; and

WHEREAS, The City and Barbette now agree to a plan of action to promote public safety, enhance food safety protocols and procedures at Barbette and reimburse the City in part for expenses arising from the 2006 outbreak;

NOW THEREFORE, the undersigned hereby agree as follows:

1. Barbette will develop and implement food safety standards and submit to The City a written plan of action for maintaining food safety standards on or before Monday, January 22, 2007.
2. Barbette will receive a full inspection on a quarterly basis for a period of one year from the date hereof. Barbette agrees to pay The City the sum of \$100 per inspection, to be paid as the inspections occur.
3. Barbette agrees to monitor and document temperatures of potentially hazardous products twice daily and document cooling and reheating processes daily, for a period of one year from the date hereof. Documentation will be kept available upon request by The City. Barbette acknowledges that templates have been provided by The City.
4. Barbette will, for a period of one year from the date hereof, conduct self-inspections every other week and submit reports on such inspections to the code compliance officer for review and to file in the facility record. Documentation will be kept available upon request by The City. Barbette acknowledges that a self-inspection template has been provided by The City.
5. Barbette represents that it has already provided basic two hour food safety training for all its current restaurant employees, using food safety consultants from the University of Minnesota, and it will submit to The City, on or before Monday, February 5, 2007, a description of the training, the date and location, the instructor, a list of the employees in attendance, a list of those who have not attended and details in regard to their completion of the training. On an ongoing basis in the future, Barbette will provide food safety training to all incoming restaurant employees using instructional materials based on those used by the University of Minnesota, which it will provide to The City for review and comment.
6. As a partial reimbursement to The City for costs associated with the 2006 outbreak, Barbette agrees to pay The City the sum of \$8,000 within seven days of execution of this agreement.
7. Barbette acknowledges that the holding of a business or liquor license in The City is both a privilege and a responsibility, and that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances and regulations. It further acknowledges that failure to comply with any of the above conditions may result in adverse license action by The City, up to or including suspension, revocation or denial of Barbette's license.

This Agreement is voluntarily entered into:

For Mr. Susie Inc.:

By: 

Kari Bartmann

Its: President

Dated: 1-31, 2007

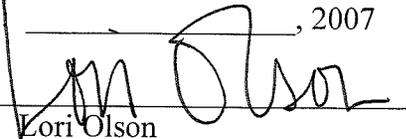
For The City of Minneapolis

By: 

Ricardo Cervantes

Its: Deputy Director of Licenses

Dated: \_\_\_\_\_, 2007

By: 

Lori Olson

Its: Deputy Director, Environment Management

Dated: 2.20, 2007