

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

In the Matter of the On-Sale Wine License  
Class A with Strong Beer,  
Held by The Bean Scene, Inc.  
2220 West Broadway Avenue

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

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This matter came on for a Licensing Settlement Conference (“LSC”) meeting on Monday, November 13<sup>th</sup>, 2006 at 1:00 p.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 the Bean Scene, located at 2220 West Broadway Avenue, Minneapolis, Minnesota 55411 pursuant to a Notice to Appear, dated October 23<sup>rd</sup>, 2006. Present at the LSC meeting were the following representatives of Bean Scene – Dean Rose (Owner) Lynda Baker (Manager): Also present were the following representatives of the City of Minneapolis: Ricardo Cervantes (Deputy Director of Licenses and Consumer Services), Lieutenant Travis Glampe (Minneapolis Police License Investigation Division), Dan Niziolek (Inspector-Licenses and Consumer Services), and Kathy Louden (Minneapolis Environmental Health).

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

**FINDINGS OF FACT**

1. The Minneapolis Environmental Health Division conducts premise inspections of food establishments to ensure compliance with City and State Health Codes.
2. On 8/23/04, 3/8/05, 4/1/05, 3/9/06, and 4/10/06, the Minneapolis Environmental Health Division conducted premise inspections at the Bean Scene. During each of these inspections, violations of the Health Code were discovered.

3. On December 23<sup>rd</sup>, 2005, the City of Minneapolis approved a wine license for the Bean Scene. The agreement was that the ventilation system would be installed within 90 days of approval.

4. On 8/23/04, 3/8/04, 4/1/05, 4/4/05, 9/14/05, 3/9/06, and 4/10/06 Minneapolis Environmental Health conducted premise inspections at the Bean Scene. During each of these inspections it was discovered that there was not proper ventilation. All cooking from scratch was ordered to be discontinued. On 4/1/05, cooking from scratch discovered. On 3/9/06 suspicious cooked food found on premise. On 2/16/07 Environmental Health conducted an inspection and found unapproved foods stored on site and issued a \$200 citation.

### **CONCLUSIONS**

1. On two at least 5 separate occasions in the past 2 ½ years the Bean Scene operated in violation of parts of the health code.

2. The Bean Scene remains in violation of health code requirements for proper ventilation. This was agreed to be corrected within 90 days of approval their wine license.

### **RECOMMENDATIONS**

That the On-Sale Wine License, issued to The Bean Scene shall be subject to adverse license action up to and including revocation, with the commencement of such adverse license action stayed through and including November 1<sup>st</sup>, 2007 subject to full compliance with the following conditions:

1. That on March 5, 2007 the licensee will pay an administrative citation issued for unapproved foods stored on site issued by Kathy Loudon on February 16, 2007 in the amount of \$200.00.
2. That on March 5, 2007 the licensee will submit application materials for a restaurant license to be effective April 1, 2007.

3. That the licensee will cooperate with the City in order to meet inspection requirements to operate as a restaurant.
4. That the licensee will not renew the on sale wine license until proper ventilation and proper equipment is installed to prepare food that would support the application.
5. That the licensee will make application for permit to install proper ventilation.
6. That the licensee will only prepare and store foods for which there is proper equipment.
7. That the licensee will use current ovens for baking of pastries only.
8. That once the licensee has obtained the proper equipment to support an on sale wine license and the equipment is inspected by City staff; the licensee will have the opportunity to renew the on sale wine license without penalty before April 1, 2008. That if the licensee does not meet the requirements for an on sale wine license before April 1, 2008, the licensee will be required to make a new application for such license in the future.
9. 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.
10. This Agreement does not alter or preclude any previously imposed license conditions that may exist.
11. The licensee is aware that it will be subject to additional inspections during the term of this Agreement.
12. 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.

13. "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.

**Bean Scene**

By: \_\_\_\_\_

Owner

Date: \_\_\_\_\_

**Minneapolis Police Department**

By: \_\_\_\_\_

Lt. Kincaid  
Commander, License Division

Date:

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

By: \_\_\_\_\_

Ricardo Cervantes  
Deputy Director of Consumer Services

Date: