

CITY OF MINNEAPOLIS  
LICENSES AND CONSUMER SERVICES  
350 SOUTH 5<sup>TH</sup> STREET, ROOM 1-C, CITY HALL  
MINNEAPOLIS, MN 55415

**FINDINGS OF FACT  
CONCLUSIONS, AND  
RECOMMENDATIONS**

In the Matter of License No. L202 50012 NICK AND EDDIE  
for LIQ ON-SALE C-2 W/SS SERIES 3000

Held by:  
**JAHAUS MANAGEMENT LLC  
STEVEN VRANIAN  
1614 HARMON PL  
MINNEAPOLIS, MN 55403**

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09-0682143

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This matter came before a License Settlement Conference on Monday, February 2, 2009. Appearing for the licensee was Steve Vranian. Appearing for the Department were Deputy Director Ricardo Cervantes, License Inspector Phil Schliesman, Lt. Travis Glampe, and Sgt. Rolf Markstrom. Based on the evidence presented at the hearing, the department makes the following findings of fact:

**FINDINGS OF FACT**

1. On November 14, 2008, Minneapolis Police Officers conducted a Youth Alcohol Compliance check at Nick and Eddie. The bartender checked identification and sold alcohol to the underage police shoppers. An administrative citation for the sale of alcohol to a minor – 1<sup>st</sup> violation, of \$500.00 was issued to Nick and Eddie. This citation has been paid.
2. On December 22, 2008, Minneapolis Police Officers conducted a Youth Alcohol Compliance check at nick and Eddie. The bartender did not check identification and sold alcohol to the underage police shoppers. An administrative citation of the sale of alcohol to a minor – 2<sup>nd</sup> violation, of \$1000.00 was issued to nick and Eddie. This citation has not been paid.
3. Nick and Eddie currently holds an On Sale Liquor Class C-2 with Sunday Sales license since July 12, 2007 and is otherwise in good standing.

## CONCLUSIONS

1. On two separate occasions, employees of Nick and Eddie 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 occurred in a period of less than 24 months.

## RECOMMENDATIONS

Based on the evidence presented at the hearing, the Department recommends the On Sale Class C-2 with Sunday Sales license issued to Nick and Eddie shall be subject to the following conditions and adverse license actions:

1. Provide an updated alcohol service policy to the Division of Licenses and Consumer Services due at the time of the signing of this agreement to include all of the following;
  - A. Use of an electronic identification reader that assists employees in determining the birth date required to make a legal sale of alcohol.
  - B. Develop a clear policy in employee manual for verifying customer identification including: looking at the picture and at the customer to ensure the ID belongs to that person, look for any indication on the ID the person is under the age of 21, and define a backup system so a manager or a second designated staff member looks at any ID if there are any questions.
  - C. Provide signage at wait stations so as to remind staff they must refuse service to anyone that is under that age of 21.
  - D. Indicate any incentive program that may be implemented for staff should they pass a self imposed or City administered compliance check
  - E. Indicate whenever a staff meeting is held, alcohol service and proof of age policies will be a standing agenda item.
2. Provide annual alcohol service training to begin by March 31<sup>st</sup>, 2009. New employees must receive alcohol service training within 30 days of hire. Provide proof of training in writing to the Licenses and Consumer Services by April 5<sup>th</sup>, 2009.
3. Employ a self check program with underage decoys four (4) times a year for the next two years and document the results. Start this program within 30 days of this agreement being approved by full City council.
4. In lieu of a suspension of the on sale liquor license, the City shall impose a \$3,000.00 sanction with \$1,500.00 stayed for a period of two years from full City Council approval of this agreement. The licensee shall pay \$750.00 by April 18<sup>th</sup>, 2009 and a second payment of \$750.00 by May 2<sup>nd</sup>, 2009.

Nick and Eddie 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:

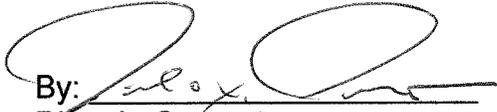
Signature Page Follows

**Nick and Eddie  
Representative**

By:   
Steve Vranian  
General Manager

Date: March 30, 2009

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

By:   
Ricardo Cervantes  
Deputy Director  
Licenses and Consumer Services

Date: April 3, 2009