

**In the Matter of  
On-Sale Liquor  
License Held by Afterbar, Inc  
D/b/a Restaurant Miami;  
913 Lake St W  
Minneapolis, MN 55408**

**Findings of Fact,  
Conclusions and  
Recommendations**

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This matter came before the Department at a Licensing Settlement Conference hearing on Monday June 30, 2008 at 1:30pm in Room 1-C, Minneapolis City Hall. Appearing on behalf of the licensee was Robert Serr, owner/licensee of Restaurant Miami. Appearing for the City were Pat Hilden District Supervisor Licenses and Consumer Services and Ricardo Cervantes, Deputy Director of Licenses and Consumer Services. Based on information presented at the hearing, the Department makes the following findings of fact, conclusions, and recommendations:

**FINDINGS OF FACT**

1. That the City demonstrated a failure to comply with Minneapolis Ordinance 259.250 Business license management requirements by not complying with the following orders and violations.
  - A. The Licensee did not renew the license by the due date of June 1, 2008. Orders were issued on June 20, 2008 Request number 08-0637379. Violation of Minneapolis Ordinances 362.80
  - B. Based on observations by the Minneapolis Police Department on 6-03-08 and a License inspection on 06-17-08, the licensee failed to comply with #2, 5, 10, 12 and 14 of the conditions of license that were signed by the licensee. Violation of Minneapolis Ordinances 259.250
  - C. The City's records reflect the failure of the licensee to pay False Alarm fees of \$500.00 and PCAB fees of \$318.00. Violation of Minneapolis Ordinances 259.15 and 360.130
  - D. The licensee was placed on the State of Minnesota's Department of Revenue "no ship" list on 5-3-07. Licensee has failed to comply with the request for receipts for purchase of alcohol beverages. Orders issued June 20, 2008 request number 08-0637448. There is no legal way for the licensee to have purchased alcohol for resale. Minnesota Rules 7515.0550
  - E. Licensee has failed to post the license conditions at the premise; orders issued April 28, 2008 request number 08-0622863. License inspection was conducted on June 17, 2008 A citation was issued June 20, 2008. Violations of Minneapolis Ordinance 259.135

## CONCLUSIONS

1. That the licensee has failed to meet business license management requirements in Mpls Ord. 259.10 by not complying with numerous violations that were noticed to the licensee.
2. That City staff have spent additional resources to attempting to bring this establishment into compliance.

## RECOMMENDATIONS

The Department has demonstrated that the licensee does not meet minimum standards for the license. Due to the expressed willingness of the licensee to sell the business to another operator, the Department makes the following recommendations:

1. The owner/licensee shall pay all outstanding citations and fees owed to the city:  
Administrative Citation number 08-0622863 issued by the Licensing and Consumer Services office in the amount of \$250.00  
Three Administrative Citations number EHFS08-00127 issued by Environmental Health and Food Safety office, in the amount of \$600.00  
False Alarm fees owed to Licensing and Consumer Services office in the amount of \$500.00  
PCAB fees owed to Environmental Management and Safety office in the amount of \$318.00
2. That the owner/licensee will not apply for an on sale alcohol license for a period of at least three years.
3. The licensee understands that the license for Afterbar Inc.LLC expires on June 30, 2008 and will close the business immediately and will not allow any operation of a restaurant until such time a valid license is issued by the city.

Afterbar Inc. LLC 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 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.

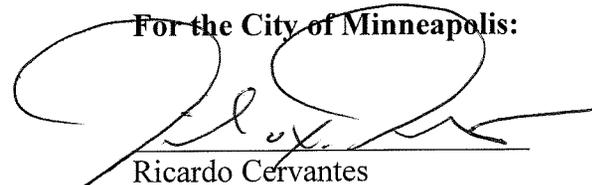
Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

**Afterbar LLC**

By:   
Robert Serr (signature)  
Owner/Licensee

Its: owner  
(Title)

Dated: July 15, 2008.

**For the City of Minneapolis:**  
  
Ricardo Cervantes  
Deputy Director of Licenses

Dated: July 22, 2008.