

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

In the Matter of the On-Sale Liquor License,  
Held by Brinda Investments Inc..  
Db: Tugg's On The River

**FINDINGS OF FACT  
CONCLUSION AND  
RECOMMENDATIONS**

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This matter came on for a License Settlement Conference ("LSC") meeting on Friday May 31<sup>st</sup>, 2007 at 11:00 a.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 Tugg's On The River, located at 219 Main Street South East. Minneapolis, Minnesota 55414 pursuant to a Notice to Appear, dated May 10<sup>th</sup>, 2007. Present at the LSC meeting was the following representative of Tugg's On The River: Scott C. Brinda, owner. Also present were the following representatives of the City of Minneapolis: Deputy Director of Licenses and Consumer Services Ricardo Cervantes, Lieutenant Steven Kincaid, Commander of the Minneapolis Police License Investigation Division, Sergeant Kent B. Warnberg of the Minneapolis Police License Investigation Division, and liquor inspector, Phillip Schliesman.

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

## FINDINGS OF FACT

1. The Minneapolis Police Department License Investigation 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. Brinda Investments, Inc. (Scott Brenda, owner) holds an On Sale Liquor, Class E, License with a doing business name of Tugg's On The River, located at 217 Main Street SE, Minneapolis, MN.

3. On May 12<sup>th</sup>, 2005 the Minneapolis Police License Investigation Division conducted a youth alcohol compliance check at Tugg's On The River. A 20 year old female was sent into the business along with a 19 year old male. The shoppers ordered two bottles of beer from the server, and the server asked them for their identification, and the shoppers both presented their Minnesota Drivers License. The server looked at both of their drivers license, which showed that the actual age of the shoppers was 20 years old, and 19 years old. The server then served them two open bottles of beer. The sale was completed and the business was considered to have failed the compliance check. As a result of the compliance failure, an administrative citation was issued to Tugg's On The River in the amount of \$500 as detailed in a City Council resolution. Tugg's On the River then paid the \$500 administrative fine.

4. On April 19<sup>th</sup>, 2007 the Minneapolis Police License Investigation Division conducted a youth alcohol compliance check at Tugg's on the River. Two twenty year olds females were sent into the business. Both of the shoppers sat at a table, and were waited on by a male server. They each ordered a beer, and the server asked to see their identification. They each produced their MN driver's license. The server looked at both

of the driver's license, and refused service to one of the shoppers. Both of the shoppers are 20 years of age, and both of their driver's license states "Under 21" on it. The server then served one of the shoppers a bottle of Bud Light beer. This constituted Tugg's On the River second youth alcohol compliance failure. As a result of the compliance failure, an administrative citation was issued to Tugg's on the River in the amount of \$1,000 as detailed in a City Council resolution. Tugg's on the River paid the \$1,000 administrative fine.

5. From the first alcohol sales, the server was charged out with Sales of Alcohol to a Minor, and the server pled guilty. The guilty plea entered was for the sale of alcoholic beverages to an underage person. Criminal charges are pending as a result of the April 19<sup>th</sup>, 2007 failure.

6. The ownership of the establishment has implemented an internal training program for all servers and mandates the servers to undergo the training as a required part of their employment. Included in that program is a video, a post-video test created by management which must be passed, and continuing education with reminders at staff meetings.

## **CONCLUSIONS**

1. On two separate occasions, employees of Tugg's On The River 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 all occurred in a period of less than twenty four months.

2. The employees at Tugg's On The River involved in the aforementioned sale of beverage alcohol to minors had undergone the internal training program.

### **RECOMMENDATIONS**

That the On-Sale Liquor License, issued to Tugg's on the River shall be subject to adverse license action, with the commencement of such adverse license action stayed through and including November 4, 2007 subject to full compliance with the following conditions:

1. Tugg's on the River will pay \$ 1500.00 in cost recovery, with \$750.00 stayed for a period of two years as long as there are no same or similar violations, to the City on the date of approval of this agreement by the Minneapolis City Council, by delivering payment to Room 1, City Hall, 350 Fifth Street South, Minneapolis, Minnesota.
2. Tugg's will allow Inspector Phil Schliesman to review any and all training materials that are offered to Tugg's employees. This will be scheduled immediately and recommendations will be made on site.
3. This Agreement does not alter or preclude any previously imposed license conditions that may exist regarding any other licenses held by Tugg's.
4. Term of Agreement. This Agreement shall remain in effect for two years after the Date of Agreement.

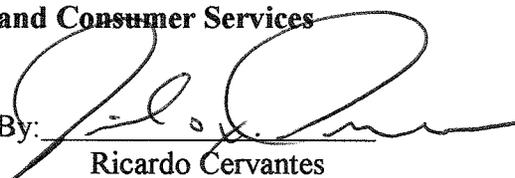
5. "Date of Agreement" shall be defined as the date that the licensee signs or otherwise executes this Agreement. This Agreement is subject to approval by the Minneapolis City Council; however should such approval be obtained after the execution of this Agreement the approval shall be retroactive to the date of execution.

**Tugg's On The River**

By:   
Scott C. Brinda  
Owner

Date: 17 OCT 07

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

By:   
Ricardo Cervantes  
Deputy Director

Date: NOV 13, 2007