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

**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

In the Matter of License No. L028 50075 CEDAR COUNTRY BOY
for BEER OFF-SALE

Held by:
ABBAA SENAA LLC
ETEFA N TINTI
4164 CEDAR AVE S
MINNEAPOLIS, MN 55407

09-0684608

This matter came before a License Settlement Conference hearing on Monday, April 20, 2009. Appearing for the licensee was Etefa N Tinti, General Manager and owner, Cedar Country Boy. Appearing for the Licenses and Consumer services were Deputy Director Ricardo Cervantes, and Lead License Inspector Julie Casey. Lieutenant Travis Glampe represented the Minneapolis Police Department. Based on the evidence presented at the hearing, the department makes the following findings of fact:

FINDINGS OF FACT

1. Cedar Country Boy has been in business in the city of Minneapolis since January 9, 2007.

2. 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.

3. On February 11, 2009 Minneapolis Police Officers conducted a Youth Alcohol Compliance check at Cedar Country Boy. Two police decoys presented beer for purchase to a Cedar Country Boy Employee. The employee checked the identification of both decoys. He then sold beer to one decoy and denied sale to the second. An administrative citation for sale of alcohol to a minor was issued to Cedar Country Boy in the amount of $500. This citation has not been paid.

4. On March 23, 2009 Minneapolis Police Officers conducted a second Youth Alcohol Compliance check at Cedar Country Boy. Without first checking for identification or verifying the underage police decoys' ages, the Cedar Country Boy employee sold beer to both decoys. An administrative citation for sale of alcohol to a minor-2nd violation was issued to Cedar Country Boy in the amount of $1,000. This citation has not been paid.

5. The licensee, Eetefa Tinti appeared at the License Settlement Conference. Mr. Tinti was the clerk that sold the beer to the underage police decoy on February 11, 2009. Mr. Tinti stated that his store has four staff; his wife, brother-in-law and his cousin. None have been professionally trained. They have a policy and signage to prevent alcohol sales to minors. There main effort to prevent sales is using the "We I.D." calendar.

CONCLUSIONS

1. On February 11, 2009 and March 23, 2009, employees of the Cedar Country Boy 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 two 2 years.

RECOMMENDATIONS

Based on evidence presented at the hearing, the Department makes the following recommendations:

1. That a sanction in the amount of $3000 be imposed for failing two alcohol compliance checks. $3000 of the sanction is stayed pending no further alcohol compliance check failures, for period of 2 years from the signing of this agreement. A 30 day suspension of license is stayed pending no further alcohol compliance failures within the same two year period.

2. The $1500 in unpaid administrative citations be paid on a schedule as follows: $500.00 paid on or before May 15, 2009, $500.00 paid on or before June 15, 2009 and $500.00 paid on or before July 15, 2009.

3. A professional training program, of their choice, will be hired to conduct training for their staff by May 30, 2009.

4. An electronic identification device shall be purchased by May 30, 2009.

4. An identified manager shall be on duty to support the clerks in their efforts to prevent alcohol sales to minors.

5. A written alcohol policy shall be created and turned into the License Department upon signature of this agreement. The policy shall include the following:

a. An identified age at which all identification shall be checked.
b. Signage on the door, counter and beer cooler that state the check identification.
c. A statement on if an identification card is identified as a forgery that no sale is made.
d. The electronic identification device shall be used for all sales to correspond to the age checking policy.

Cedar Country Boy 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:

Business

ETEFA Tinti

By: _____
(signature)

Its: Manager
(title)

Dated: 05/01, 2009

For the City of Minneapolis:

Ricardo Cervantes
Deputy Director of Licenses

Dated: May 6, 2009