

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

In the Matter of License No. L198-50090
for LIQ ON-SALE A W/SS SERIES 3000
L161-50361 & L022-50922
BRASS RAIL

**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

Held by:
RAIL MINNEAPOLIS LLC
ATTN: PETER J HAFIZ
422 HENNEPIN AVE
MINNEAPOLIS, MN 55401

10-0758039

This matter came before the Division of Licenses and Consumer Services at a Licensing Settlement Conference meeting on Friday, March 5, 2010 in Room 1C, Minneapolis City Hall. Appearing on behalf of the Licensee were Pete Hafiz; Part Owner, Stewart Hafiz; Part Owner, and Dennis Johnson; Attorney. Appearing for the City were Ricardo Cervantes; Deputy Director, Michele Olds; License Inspector, and Sgt. Rolf Markstrom; Police Licensing. Based on information presented at the meeting, the Division makes the following findings of fact, conclusions, and recommendations:

FINDINGS OF FACT

1. The Brass Rail has held a Class A On-Sale Liquor License with Sunday Sales, since September, 2009.
2. The Minneapolis Police Department License Investigative 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 November 5th, 2009 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at the Brass Rail, located at 422 Hennepin Av S, in the city of Minneapolis. A 20 year old female and a 20 year old male were sent into the business in an attempt to purchase alcohol. Upon entering the Brass Rail, the shoppers both took a seat at the bar. The bar tender approached the shoppers, and each shopper ordered a bottled beer. The bar tender did not ask the shoppers for their IDs, nor did the bar tender ask the shoppers for their ages. The bar tender served each shopper a bottled beer. Two plainclothes Minneapolis Police Officers were situated approximately 20 feet away from the shoppers and observed the transaction. The shoppers handed their beers off to the officers, and the shoppers exited the establishment. The transaction was completed and the business was considered to have failed the compliance check. As a result of the compliance check failure, an administrative citation was issued to the Brass Rail in the amount of

\$500.00 as detailed in a Minneapolis City Council resolution. The Brass Rail has paid the \$500.00 administrative fine.

4. On January 7th, 2010 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance re-check at the Brass Rail. One 20 year old female was sent into the Brass Rail in an attempt to purchase alcohol. Upon entering the Brass Rail, the shopper took a seat at the bar. The bar tender approached the shopper, and the shopper ordered a bottled beer. The bar tender did not ask the shopper for her ID, nor did the bar tender ask the shopper her age. The bar tender served the shopper a bottled beer. Two plainclothes Minneapolis Police Officers were situated approximately 20 feet away from the shopper and observed the transaction. The shopper handed the beer off to the officers, and the shopper exited the establishment. The transaction was completed and the business was considered to have failed the compliance re-check. As a result of the compliance re-check failure, an administrative citation was issued to the Brass Rail in the amount of \$1000.00 as detailed in a Minneapolis City Council resolution. The Brass Rail paid the \$1000.00 administrative fine.
5. From the first alcohol sale on November 5th, 2009, the bar tender was charged and plead guilty to the criminal charges. Criminal charges are pending on the bar tender as a result of the second alcohol sale on January 7th, 2010.

CONCLUSIONS

1. On two separate occasions, employees of the Brass Rail 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 check failures all occurred in a period of less than 24 months.
2. The licensee has paid the \$500.00 administrative citation related to the first compliance check failure, and the licensee has paid the \$1000.00 administrative citation relating to the second compliance check failure.

RECOMMENDATIONS

That the On-Sale Liquor License issued to Brass Rail shall be subject to the following conditions and adverse license action:

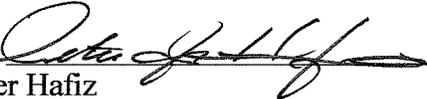
1. Provide a written alcohol service policy to Licensing **due at the time of signing this agreement** to include the following:
 - A. Policy and procedure given to employees regarding alcohol sales which includes rewards for not serving minors, consequences for serving minors, what to do if staff is checking ID's at the door, and what to do when staff is not available to check ID's at the door.
 - B. Whenever a staff meeting is held, alcohol service and proof of age policies will be a standing agenda item.
 - C. All new employees shall receive alcohol server training within sixty (60) days of hire.
 - D. A plan on removal/refusal of obviously intoxicated customers.
 - E. A plan for requesting assistance of a manager if one is not on-site.

2. Provide documentation of alcohol server training that staff has had within the last eight (8) months **due at the time of signing this agreement.**
3. Post signs that identify Brass Rail's alcohol service policy to customers and staff. This would include posters that promote the legal age for purchasing alcohol.
4. Employ a youth alcohol self-check program with decoys two (2) times each year for the next two (2) years and maintain documentation of the results. Results shall be made available upon request from Licenses & Consumer Services or Minneapolis Police. Implementation of this program shall begin within thirty (30) days of this agreement being approved by full City Council.
5. In lieu of a suspension, the City shall impose a \$3000 sanction. \$1000 shall be stayed for a period of two (2) years from the date of the City Council approval of these recommendations, if no same or similar violation occurs in that time period. The licensee shall pay \$2000 **due at the time of signing this agreement.**

I on behalf of Rail Minneapolis, LLC, 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 adverse license action, including imposition of any stayed penalties. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

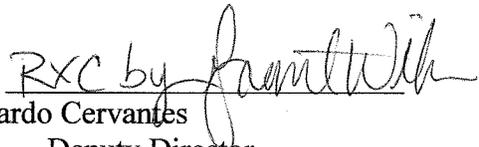
For Rail Minneapolis LLC:

d/b/a Brass Rail

By: 
Peter Hafiz
Managing Member

Date: 8/19/10

For the City of Minneapolis:

By: 
Ricardo Cervantes
Deputy Director
Licenses & Consumer Services

Date: 11-8-10