

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. L188 04121 22ND AVENUE STATION  
for LIQ ON-SALE A W/SS SERIES 2000; L022 50856 for TOBACCO

Held by:

**22ND AVE STATION INC  
GLEN PETERSON  
2121 UNIVERSITY NE  
MINNEAPOLIS, MN 55418**

---

10-0739853

---

This matter came before the Division of Licenses and Consumer Services at a Licensing Settlement Conference meeting on Tuesday, November 17, 2009 in Room 1C, Minneapolis City Hall. Appearing on behalf of the Licensee were Glen Peterson; Owner, Randall Tigue; Attorney. Appearing for the City were Ricardo Cervantes; Deputy Director, Joel Fussy; Assistant City Attorney, Michele Olds; License Inspector, Lt. Chris Hildreth; Police Licensing, 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. 22<sup>nd</sup> Avenue Station, Inc. has held an On-Sale Liquor with Sunday Sales, Class A License at this location since 1982.
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 June 9, 2008 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at the 22<sup>nd</sup> Avenue Station. A 20 year old male, a 19 year old female and an 18 year old female were sent into the business in an attempt to purchase alcohol. The shoppers went to the bar, and the bar tender asked all 3 shoppers for their IDs. The shoppers presented their IDs. The bar tender looked at the IDs and refused service to the 18 year old female and sent her from the bar. The bar tender then asked the two remaining shoppers for their orders. The 20 year old male ordered a bottle of Bud Light, and the 19 year old female ordered a bottle of Corona. The bar tender then served the two remaining shoppers their respective bottles of beer. The shoppers then paid for the beers. 3 plain clothes Minneapolis Police Officers were situated approximately 10 feet away from the shoppers and observed the above transaction. The shoppers handed the beers to the officers. The sale 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 22<sup>nd</sup> Avenue Station in the amount of \$500.00 as detailed in a City Council Resolution. The 22<sup>nd</sup> Avenue Station then paid the \$500.00 administrative fine.

4. On October 2, 2008 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance re-check at the 22<sup>nd</sup> Avenue Station pursuant to the above compliance check failure. 2 underage shoppers were sent into the 22<sup>nd</sup> Avenue Station in an attempt to purchase alcohol. The underage shoppers were carded and refused service. The business passed the compliance re-check.
5. On August 25, 2009 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at the 22<sup>nd</sup> Avenue Station for the calendar year of 2009. A 20 year old female and an 18 year old female were sent into the business in an attempt to purchase alcohol. The shoppers entered the establishment and sat down at the bar. The bar tender walked up to the shoppers and asked them for their orders. Each shopper asked for a bottle of Miller Lite. The bar tender asked the shoppers for their IDs. The shoppers presented their IDs to the bar tender. After looking at the IDs, the bar tender served each shopper a bottle of Miller Lite. The shoppers paid for the beers. 2 plain clothes Minneapolis Police Officers were situated approximately 10 feet away from the shoppers and observed the transaction. The shoppers picked up their beers and handed them off to the officers. The sale was completed and the business was considered to have failed the compliance check. This constituted the 22<sup>nd</sup> Avenue Station's second youth alcohol compliance check failure within a 24 month period. As a result of the second compliance check failure, an administrative citation was issued to the 22<sup>nd</sup> Avenue Station in the amount of \$1000.00 as detailed in a City Council Resolution. The \$1000.00 administrative fine has been paid.
6. From the first sale on June 9, 2008, the bar tender was charged with Furnishing Alcohol to a Person Under 21. The bar tender plead guilty to and was convicted said charge. Criminal charges against the bar tender are pending as a result of the August 25, 2009 failure.

### CONCLUSIONS

1. On two separate occasions, employees of the 22<sup>nd</sup> Avenue Station 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 24 months.
2. The licensee has paid the \$500.00 administrative fine related to the first above stated compliance check failure. The licensee has paid the \$1000.00 administrative fine related to the second above stated compliance check failure.

### RECOMMENDATIONS

That the On-Sale Liquor License issued to 22<sup>nd</sup> Avenue Station shall be subject to the following conditions and adverse license action:

1. Provide a written alcohol service policy to Licensing **due at time of signing this agreement** to include the following:

- A. Policy and procedure given to employees regarding alcohol sales which includes rewards and consequences for serving minors.
  - B. Use of an electronic card reader system that assists employees in determining the birth date required to make a legal sale of alcohol. **(Proof of purchase due at time of signing this agreement).**
  - C. Whenever a staff meeting is held, alcohol service and proof of age policies will be a standing agenda item.
  - D. A plan on removal/refusal of obviously intoxicated customers.
  - E. A trained manager shall be on site at all times the bar is open for business.
2. Provide refresher alcohol service training for all servers within thirty (30) days of this agreement being approved by full City Council.
  3. Post signs that identify 22<sup>nd</sup> Avenue Station's alcohol service policy to customers. This would include posters that promote the legal age for purchasing alcohol.
  4. Employ a youth alcohol self-check program with decoys four (4) 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 purchasing and implementing an electronic card reader. The licensee shall pay \$2000 **due at the time of signing this agreement.**

22<sup>nd</sup> Avenue Station, Inc. understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility. A minimum standard shall be met in order to hold such a license. One minimum standard is that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances, and regulations. 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.

**For 22<sup>nd</sup> Avenue Station, Inc.**

d/b/a 22<sup>nd</sup> Avenue Station

By: Glen Peterson

Glen Peterson

Owner

**For the City of Minneapolis:**

By: Ricardo Cervantes

Ricardo Cervantes

Deputy Director

Licenses & Consumer Services

Dated: 1/8/10, 2010

Dated: Jan 22, 2010