

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

In the Matter of Los Mestizos, Inc.
DBA: El Meson
3450 Lyndale Avenue South
Ward: 8
License: Wine, Class E W/Strong Beer
L246-50009

**Findings of Fact,
Conclusions and
Recommendations**

This matter came before a License Settlement Conference on Tuesday, March 10, 2009. Appearing were the licensees, Erin Ungerman and Loreto Luis-Sanchez. Appearing for the Department were Ricardo Cervantes, Deputy Director of Licenses & Consumer Services, Lieutenant Travis Glampe, Commander of Police Licensing, George Pridmore, License Inspector, Pat Hilden, License Supervisor, and Sergeant Rolf Markstrom, Liquor Inspector. Based on the evidence presented at the hearing, the department makes the following findings of fact:

FINDINGS OF FACT

The Minneapolis Police Department Licensing Division conducts Youth Alcohol Compliance checks in an effort to ensure retail alcohol license holders are not serving alcohol to persons under the age of 21 years.

On September 25, 2007, Minneapolis Police Officers conducted a Youth Alcohol Compliance check at El Meson. Without checking for identification the El Meson employee served the underage police shopper wine. An Administrative Citation for sale of alcohol to a minor was issued to El Meson in the amount of \$500. This citation has been paid.

On January 27, 2009, Minneapolis Police Officers conducted a Youth Alcohol Compliance check at El Meson. Without first checking for identification or verifying the underage police shopper's age, the El Meson employee served the underage shopper beer. This is the same employee that made service of alcohol to a minor at El Meson on September 25, 2007. An administrative citation for sale

of alcohol to a minor-2nd violation was issued to El Meson in the amount of \$1,000. This citation has not been paid and is due upon ratification of this agreement.

CONCLUSIONS

1. On two separate occasions, an employee of El Meson 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 twenty four months.

RECOMMENDATIONS

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

1. That Los Mestizos, Inc. pay a sanction of \$3000, \$1500 of which will be stayed for a period of two years provided there are no same or similar violations. Sanction shall be paid at time of signing.
2. That all current service staff undergo alcohol server training from a Department approved trainer on an annual basis, and that all new service staff undergo alcohol server training prior to serving alcohol.
3. That Los Mestizos, Inc. within two weeks of the date of agreement shall provide the Department of License and Consumer Services a written policy regarding the elimination of alcohol service to minors in their establishment, and that the policy be approved by the Department of Licenses and Consumer Services, and that Los Mestizos, Inc. implement and maintain this policy.
4. "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.

I have read the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. This agreement shall not preclude any other adverse license action, including but not limited to suspension or revocation, for

subsequent violations of this agreement, or of any federal, state or local laws, ordinances, or regulations. 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:

For Los Mestizos, Inc.
d/b/a El Meson:

By: [Signature]

Owner/Licensee

Dated: April 9th, 2009.

For the City of Minneapolis:

By: [Signature]
Ricardo Cervantes, Deputy Director
Licenses & Consumer Services

Dated: June 23, 2009.