



Request for City Council Committee Action from the Department of

Date: April 14, 2010

To: Council Member Elizabeth Glidden
Referral to: Regulatory, Energy and Environment Committee

Subject: Findings of Fact, Conclusions and Recommendations from the Office of Administrative Hearings on Midwest Latino Entertainment & Talent, Inc, dba El Nuevo Rodeo, 2709 East Lake Street.

Recommendation: Adopt Findings of Fact, Conclusions and Recommendations from the Office of Administrative Hearings on Midwest Latino Entertainment & Talent, Inc, dba El Nuevo Rodeo, 2709 Lake Street. In accord with the ALJ's recommendations, (1) impose a new condition requiring that no fewer than 353 seats be made available in the licensed premise when the main floor is in use, (2) impose a new condition that temporary or mobile bars cannot be utilized, (3) maintain the conditions approved by the City Council in September 2008, and (4) impose a sanction of \$1000 for using temporary bars.

Department Information

Prepared by: Julie Casey, Lead Inspector and Ricardo Cervantes, Deputy Director

Approved by: _____
Ricardo Cervantes, Deputy Director

Burt Osborne, Director of Licenses

Rocco Forte, Assistant City Coordinator

Presenters in Committee: Joel Fussy, Assistant City Attorney and Ricardo Cervantes, Deputy Director of Licenses

Financial Impact *(delete all lines not applicable to your request)*

- No financial impact

Supporting Information

In March 2009, Licenses and Consumer Services requested a hearing before the Office of Administrative Hearings to determine if good cause existed for adverse license action against Midwest Latino Entertainment & Talent, Inc, dba El Nuevo Rodeo for continuing violations of Minneapolis City Ordinance including violations of alcohol-related ordinances. Those alleged violations included: 1) Allowing alcohol to be removed from the licensed premises, 2) Allowing entertainment to continue after 2 a.m., 3) Allowing alcohol to remain on the premises after 2:30 a.m. 4) allowing an excessive bar area in a restaurant with 60%

alcohol and 40% food requirements, and 5) past history of failing to comply with city ordinances as specified in previous settlement agreements. Detailed information on the alleged violations is listed and discussed in the report from the Office of Administrative Hearings.

After a contested case hearing which took place from January 25-29, 2010, Chief Administrative Law Judge Raymond Krause of the Office of Administrative Hearings issued his report and recommendation to the City Council on March 17, 2010. The staff concurs with the recommendations from the ALJ, which consist of the following:

- 1) The City Council should impose a condition that the licensee must discontinue the use of temporary bars.
- 2) The City Council should impose a condition that the licensee must provide no fewer than 353 seats in the licensed premises when the 2nd floor is in use.
- 3) The City Council affirms that the license settlement conditions, approved by the City Council in September 2008, remain in effect.
- 4) The City Council should impose a fine against the licensee for using temporary bars in violation of Minneapolis ordinance and the licensee's submitted business plan. The ALJ did not recommend a specific fine amount for this violation but staff recommends that a fine of \$1,000 be imposed. In September 2008, Midwest Latino Entertainment & Talent, Inc paid a \$500 sanction for violations of Minneapolis City Ordinances and the evidence at hearing established that the temporary or mobile bars were utilized repeatedly by the licensee.

The staff requests the Council adopt the Findings of Fact, Conclusions, and Recommendations of Chief ALJ Raymond Krause of the Office of Administrative Hearings, maintain the business license operating conditions from September 2008, impose the new conditions enumerated above and assess a sanction in the amount of \$1000.