

**In the Matter of
On-Sale Liquor
License Held by Midwest Latino
Entertainment & Talent Inc
DBA: El Nuevo Rodeo
Attn: Maya Lopez-Santamaria
Mail to: 2059 Pineoak Drive
Eagan, MN 55122**

**Findings of Fact,
Conclusions and
Recommendations**

**2709 East Lake Street
Minneapolis, MN 55406**

This matter came before the Department at a Licensing Settlement Conference hearing on Monday, December 11, 2006 in Room 1-C, Minneapolis City Hall. Appearing on behalf of the licensee was Maya Lopez-Santamaria, owner and her attorney Timothy Kelley. Appearing for the City were Joel Fussy; City Attorney, Mike Rumppe; Fire Department, Tom Hendrickson; Police, Travis Glampe; Police, Linda Roberts; Licensing, Burt Osborne; Director of Licensing. Based on the information presented at the hearing, the Department makes the following findings of fact, conclusions, and recommendations:

FINDINGS OF FACT

1. That on October 13, 2006, in the City's view, the licensee violated Minnesota Fire Code 1001.2 and 1003.1 exceeding maximum occupancy operating the establishment over its legal occupancy by 188 people. Customers were charged \$50 a person as a cover charge that evening for the entertainment.
2. That on October 13, 2006, in the City's view, the licensee violated Minneapolis Ordinance 362.395 that by operating the second floor as an excessive bar space and that there was little to no evidence of people in the entire establishment eating food, appearing like a nightclub.
3. That on at least October 17, 2006, the licensee violated Minneapolis Ordinance 109.70 Snipe Advertising Prohibited. Citation number 06-0540177 was issued.
4. That licensee violated Minneapolis Ordinance 307.30 Valet License required and has not maintained a legal valet license. The license was delinquent at the time of the hearing and but was current as of May 2, 2007.

CONCLUSIONS

1. That on October 13, 2006 the establishment did not meet minimum standard to maintain an On-Sale Liquor license by not maintaining minimum parking requirements with a current valet license which is a violation of Mpls Ord 307.30.
2. That on October 13, 2006 the establishment operated in a manner that does not meet the minimum standard of operating without an excessive bar area which is a violation of Mpls Ord 362.395.
3. That on October 13, 2006 the establishment exceeded its occupancy by 188 people which is a violation of Minnesota Fire Code 1001.2 and 1003.1.

RECOMMENDATIONS

1. This License Settlement Agreement may not be entered into evidence in any criminal proceeding and it may be utilized solely for administrative and civil licensing purposes.
2. Independent accountant submit food/liquor sales ratios to the department of licensing for a period of 12 months provided within 30 days of signing this agreement.
3. That a penalty of \$9,400.00 (calculated by the fee collected from customers over its occupancy \$50 times 188) be imposed. \$5,400 will be stayed and \$4000 must be paid for violating Minnesota Code 1001.2 and 1003.1 Fire Exceeding Legal Occupancy. This can be paid in installments. \$1000 due at signing, \$1000 due on the first of each following month for three months.
4. That the licensee continues to follow the business plan and premise drawing that was submitted with the original liquor license application on June 16, 2003 with slight modifications submitted within 30 days of signing this agreement in order to reflect the number of seats/tables currently available.
5. No more snipe advertising.
6. That a penalty of \$100 a day be paid starting the date of notice of delinquent license renewal December 22, 2006 for violating the valet license totally \$3,100.00. This fine will be stayed, providing no same or similar violation. Otherwise, fine will be reinstated.
7. That the licensee stop advertising and operating as a nightclub.

Midwest Latino Entertainment and Talent, Inc. 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, 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 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:

For Midwest Latino:

By: Maya Lopez-Santamaria
Maya Lopez-Santamaria
Owner/Licensee

Dated: 5-10-07, 2007

For the City of Minneapolis:

By: Ricardo Cervantes
Ricardo Cervantes
Deputy Director of Licenses

Dated: May 10-07, 2007