CITY OF MINNEAPOLIS
CITY COUNCIL
PUBLIC SAFETY & REGULATORY SERVICE COMMITTEE

In the Matter of the On-Sale Liquor License, Held by Taco Morelos, Inc. Dba: Morelos Mex Grill	**FINDINGS OF FACT** **CONCLUSION AND** **RECOMMENDATIONS**

This matter came on for a License Settlement Conference ("LSC") meeting on Thursday, June 14th, 2007 at 11:00 a.m. in Room 1 of City Hall, 350 South Fifth Street, Minneapolis, MN 55415. The LSC meeting was held to discuss issues related to the operation of Morelos Mex Grill, located at 14 West 26th Street. Minneapolis, Minnesota 55047 pursuant to a Notice to Appear, dated May 10th, 2007. Present at the LSC meeting was the following representative of Taco Morelos, Inc.: Gasper Perez, President, Lucila Perez, Vice President, Luis Caire, consultant. Also present were the following representatives of the City of Minneapolis: Deputy Director of Licenses and Consumer Services Ricardo Cervantes, Lieutenant Steven Kincaid, Commander of the Minneapolis Police License Investigation Division, Sergeant Kent B. Warnberg of the Minneapolis Police License Investigation Division, and liquor inspector, George Pridmore.

Based upon the agreement between the parties and all files and records contained herein, the Committee makes the following recommendation:

FINDINGS OF FACT

1. The Minneapolis Police Department License Investigation 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.

2. On April 29th, 2006 the Minneapolis Police License Investigation Division conducted a youth alcohol compliance check at Morelos Mex Grill. A 19 year old female was sent into the business along with an 18 year old male. The shoppers ordered two bottles of beer from the server, and the server asked them for their identification, and the

shoppers both presented their Minnesota Drivers License. The server looked at both of their drivers license, which showed that the actual age of the shoppers were 19 years old, and 18 years old. The server then served the 19 year old female one open bottle of beer. The sale was completed and the business was considered to have failed the compliance check. As a result of the compliance failure, an administrative citation was issued to Taco Morales, Inc. in the amount of $500 as detailed in a City Council resolution. Taco Morales, Inc. then paid the $500 administrative fine.

3. On April 27th, 2007 the Minneapolis Police License Investigation Division conducted a youth alcohol compliance check at Morelos Mex Grill. Two females were sent into the business. One female was 19 years old, and the other was 20 years old. Both of the shoppers sat at a table, and were waited on by a female server. They each ordered a beer, and the server asked to see their identification. They each produced their MN driver's license. The server looked at both of the driver's license, and refused service to one of the shoppers The server then served one of the shoppers a bottle of Bud Light beer. This constituted Morelos Mex Grill's second youth alcohol compliance failure. As a result of the compliance failure, an administrative citation was issued to Morelos Mex Grill in the amount of $1,000 as detailed in a City Council resolution. Taco Morales Inc. paid the $1,000 administrative fine.

4. From the first alcohol sales, the server was charged out with Sales of Alcohol to a Minor. Criminal charges are pending as a result of the April 27th, 2007 failure.

5. Since April of 2006, Morelos Mex Grill failed on the compliance check on 04-29-06, passed the re-check on 06-21-06, failed on 04-27-07 and passed the re-check on 06-14-07.

6. Taco Morelos, Inc. has had a Minneapolis liquor license since May, 2003.

CONCLUSIONS

1. On two separate occasions, employees of Taco Morelos, Inc. sold alcohol to a person 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 both occurred in a period of less than twenty four (24) months.

RECOMMENDATIONS

1. That Taco Morelos, Inc. pay a fine of $3000, $2000 of which be stayed until April 27, 2009, provided there be no same or similar violations and that $1000 is payable upon the date of this agreement. The stayed fine is discharged on April 28, 2009, if there are not any same or similar violations.

2. That all current service staff undergo an annual refresher alcohol server training, that all new service staff undergo alcohol server training prior to serving alcohol, and that Taco Morelos, Inc, shall use the services of an alcohol serving trainer that is approved by its liquor liability insurance company, with the exception of Miles B. Canning/Present the Best.

3. That Taco Morelos, Inc. provide the Department of License and Consumer Services a written policy regarding the elimination of alcohol service to minors in their establishments, that such policy be approved by the Department of Licenses and Consumer Services, and that Taco Morelos, Inc. implement and maintain this policy.

4. That Taco Morelos, Inc. purchase and deploy in their Minneapolis location two (2) devices with which to automatically scan drivers licenses and other identification cards for the purpose of determining customers age and eligibility to purchase alcohol, and that such devices be deployed with thirty (30) days of this agreement.

5. "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:

Taco Morelos, Inc

By: _____
Gasper Perez
Owner
Date: 6-21-07

Gasper Perez signed before me this 21st day of June, 2007.

LUIS HUMBERTO TONARELLI CAIRE
NOTARY PUBLIC
MINNESOTA
MY COMMISSION EXPIRES JAN. 31, 2012

Luis Caire notary

Minneapolis Police

By: _____
Lt. Steven Kincaid
Commander, License Division
Date: 6/27/2007

City of Minneapolis Office of Licenses and Consumer Services

By: _____
Ricardo Cervantes
Deputy Director of Consumer Services

Date: June 27, 2007