

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5TH STREET, ROOM 1-C, CITY HALL
MINNEAPOLIS, MN 55415

In the Matter of License No. L155-50652 METRO PETRO
for FOOD GROCERY; L022-50372 for TOBACCO;
L028-50091 for BEER OFF SALE; L054-50033 for
GASOLINE FILLING STATION; L149-50678 for
FOOD MANUFACTURER

**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

Held by:
**LAMBERT AND LAMBERT ENTERPRISES
CLAY LAMBERT
2700 UNIVERSITY AVENUE SOUTHEAST
MINNEAPOLIS, MN 55414**

10-0778361

This matter came before the Division of Licenses and Consumer Services at a License Settlement Conference meeting on Thursday, July 1, 2010 in Room 1C, Minneapolis City Hall. Appearing on behalf of the Licensee were Clay Lambert; owner, and Matt Lindl; manager. Appearing for the City were Linda Roberts; District Supervisor, Michele Olds; License Inspector, Officer John Hokanson; 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. 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.
2. On June 23, 2009 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at Metro Petro, located at 2700 University Ave SE, in the City of Minneapolis. Two 18 year old male shoppers were sent into the business in an attempt to purchase alcohol. The shoppers went to the beer cooler, and one of the shoppers picked out a six pack of Rolling Rock beer. The shopper presented the six pack of beer to the clerk at the register. The clerk asked the shopper for his ID. The shopper presented the clerk his ID. After looking at the shopper's ID, the clerk rang up the sale. The shopper paid for the six pack of Rolling Rock Beer. The clerk gave the shopper his change. The shopper then took possession of the six pack of beer. Two plain clothes Minneapolis Police Officers were situated approximately 10 feet away from the shoppers and observed the above transaction. The shopper handed the six pack of beer 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 Metro Petro in the amount of \$500.00 as detailed in a City Council Resolution. Metro Petro paid the \$500.00 administrative fine.

3. On July 23, 2009 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance re-check at Metro Petro pursuant to the above compliance check failure. 2 underage shoppers were sent into Metro Petro in an attempt to purchase alcohol. The underage shoppers were carded and refused service. The business passed the compliance re-check.
4. On May 27, 2010 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at Metro Petro for the calendar year of 2010. A 19 year old male and a 19 year old female were sent into the business in an attempt to purchase alcohol. The shoppers went to the beer cooler. The male shopper picked out a six pack of Michelob Beer, took the six pack of beer to the check out counter and presented it to the clerk. The clerk asked the male shopper for his ID. The male shopper presented his ID to the clerk. After checking the ID, the clerk rang up the sale and gave the male shopper his change. The male shopper took possession of the six pack of beer. Two plain clothes Minneapolis Police Officers were situated approximately 15-20 feet away from the shoppers and observed the transaction. The male shopper handed the six pack of beer to the officers. The sale was completed and the business was considered to have failed the compliance check. This constituted Metro Petro'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 Metro Petro in the amount of \$1000.00 as detailed in a City Council Resolution. The \$1000.00 administrative fine has not been paid.
5. From the first sale on June 23, 2009, the clerk was charged with Furnishing Alcohol to a Person Under 21 and convicted of said charge. Criminal charges against the clerk are pending as a result of the May 27, 2010 failure.
6. Metro Petro invested approximately \$1000 in an identification card reader and software and implemented a \$200 incentive for employees passing a check, after the June, 2009 youth alcohol compliance check failure.
7. Metro Petro has reduced their alcohol inventory by half since the latest failure.

CONCLUSIONS

1. On two separate occasions, employees of Metro Petro 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 not paid the \$1000.00 administrative fine related to the second above stated compliance check failure.
3. Metro Petro is taking youth alcohol compliance very seriously and is working to prevent future youth alcohol compliance check failures.

RECOMMENDATIONS

That the Off-Sale Beer License issued to Metro Petro shall be subject to the following conditions and adverse license action:

1. Provide a written alcohol service policy to Licensing **due at the time of signing this agreement** to include the following:
 - A. Policy and procedure given to employees regarding alcohol sales which includes rewards for not serving minors and consequences for serving minors.
 - B. Whenever a staff meeting is held, alcohol service and proof of age policies will be a standing agenda item.
 - C. All new employees shall receive alcohol server training within thirty (30) days of hire.
 - D. A plan on removal/refusal of obviously intoxicated customers.
 - E. A plan for requesting assistance of a manager if one is not on-site.
2. Provide documentation of alcohol server training that staff has had within the last six (6) months **due at the time of signing this agreement**.
3. Post signs that identify Metro Petro's alcohol service policy to customers and staff. This would include posters that promote the legal age for purchasing alcohol.
4. Employ a youth alcohol self-check program with decoys three (3) 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, and in light of the improvements and purchases that Metro Petro has already implemented, the City shall impose a \$2000 sanction. \$1500 shall be stayed for a period of two (2) years from the date of the City Council approval of these recommendations, if no same or similar violation occurs in that time period. The licensee shall pay \$500 **due at the time of signing this agreement**.
6. Metro Petro shall pay the \$1000 administrative fine for the May 27, 2010 failure **due at the time of signing this agreement**.

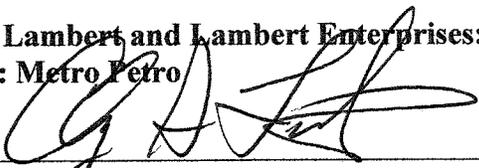
Lambert and Lambert Enterprises understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility, and, as such, it is understood that there is a minimum standard that shall be met in order to hold such a license. Furthermore, it is understood that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances and regulations. As such, 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.

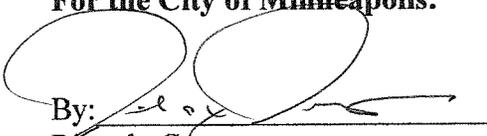
Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

For Lambert and Lambert Enterprises:
dba: Metro Petro

By: 
Clay Lambert
Managing Director

Date July 19, 2010

For the City of Minneapolis:

By: 
Ricardo Cervantes
Deputy Director
Licenses and Consumer Services

Date July 21, 2010