

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

**FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS**

In the Matter of License No. L216-40158 - LIQ ON-SALE E W/SS SERIES 4000.

Held by:

**TROY ERKENBRACK**  
**GEN. MGR. - RESIDENCE INN BY MARRIOT**  
**45 8TH ST S**  
**MINNEAPOLIS, MN 55402**

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09-0680777

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This matter came before a License Settlement Conference hearing on Thursday, February 12, 2009. Appearing for the licensee were Shawn Nayyar, Vice President of Hotel Operations for Graves Hospitality Corporation and Troy Erkenbrack, General Manager of Downtown Residence Inn. Appearing for the City of Minneapolis were Ricardo Cervantes, Deputy Director of Licenses & Consumer Services, Craig Eliason, Inspector for Licenses & Consumer Services, Lieutenant Travis Glampe, Commander of the Minneapolis Police License Investigative Division and Sergeant Rolf Markstrom, MPD Liquor Inspector. Based on the evidence presented at the hearing, the following findings of fact are asserted:

**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 June 9, 2008, officers from the Minneapolis Police Licenses Investigation Division conducted a youth alcohol compliance check at the Downtown Residence Inn using three underage shoppers. The underage shoppers went to the bar area of the establishment. The underage shoppers were followed in by plain clothes Minneapolis Police Officers who sat near the shoppers. The bartender asked all three shoppers for their orders. Each shopper ordered a bottled beer. The bartender asked for identification of each shopper. The bartender then opened up three bottles of beer and gave one to each shopper. The shoppers then took possession of the bottles of beer and turned them over to the plain clothes officers. The transaction was completed and the business was considered to have failed the compliance check. As a result of this

failure, an administrative citation in the amount of \$500 was issued to Downtown Residence Inn. The business paid the \$500 administrative fine.

3. On December 22, 2008 officers from the Minneapolis Police License Investigative Division conducted a youth alcohol compliance recheck at the Downtown Residence Inn. For this recheck, two underage shoppers were utilized. The two underage shoppers entered the bar area of the establishment. Plain clothes Minneapolis Police Officers maintained observation on the shoppers from outside via the windows looking into the bar area. The officers observed the shoppers sit down at the bar. The officers observed the shoppers speaking with the bartender. The bartender then opened up two bottles of beer and gave one to each of the shoppers. The shoppers then paid for the beers with controlled buy money, which the officers had earlier provided to the shoppers. The bartender then gave the shoppers their change. The bartender did not check the identification of either shopper. The shoppers waited with their bottles of beer. The officers then entered the bar and the shoppers turned their respective bottles of beer and the change over to the officers. The officers returned the change to the bartender and the bartender returned the buy money to the officers. The business was considered to have failed the compliance recheck. This constituted the second compliance check failure within a 24 month period for the Downtown Residence Inn. As a result of the second failure, the Downtown Residence Inn was issued an administrative citation in the amount of \$1000. The Downtown Residence Inn paid the \$1000 administrative fine.
4. For both of the above mentioned checks, the bartenders were charged with Furnishing alcohol to Persons under 21. Both court cases are still pending.
5. It should also be noted that the Downtown Residence Inn also failed two youth alcohol compliance checks in the year 2004. These failures occurred on April 15, 2004 and on September 16, 2004. These failures occurred outside of the most recent 24 month time frame and are mentioned as information only.

### **CONCLUSIONS**

1. On two separate occasions, employees of Downtown Residence Inn 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 24 months.
2. The licensee has paid both administrative citation fines relating to the above stated compliance failures.

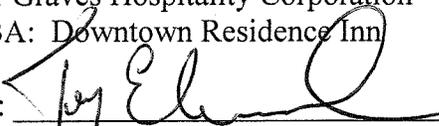
## RECOMMENDATIONS

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

1. Downtown Residence Inn agrees to pay a \$3000 sanction for failing two youth alcohol compliance checks. \$1000 of the sanction is stayed pending no further youth alcohol compliance check failures for a period of two years from the signing of this agreement. \$2000 will be paid upon signing this agreement, payable to the Minneapolis Finance Department, and delivered to the office of Licenses & Consumer Services.
2. Downtown Residence Inn agrees to a suspension of its On Sale Liquor License for a period of three days. The bar area will be closed on a Tuesday, Wednesday and Thursday within the same week.
3. Downtown Residence Inn agrees that a manager will be present at all times of alcohol sales.
4. Downtown Residence Inn agrees to conduct their own youth alcohol compliance checks four times per year for a period of two years and reward those employees passing the checks.
5. Downtown Residence Inn will require all staff serving liquor to attend alcohol server training annually, with all new staff required to attend within 30 days of hire.
6. Downtown Residence Inn agrees to address alcohol service at regularly scheduled staff meetings.
7. No one under the age of 21 is allowed in the bar area unless accompanied by an adult.
8. Downtown Residence Inn agrees to prominently post signs in the bar area outlining their carding policy.

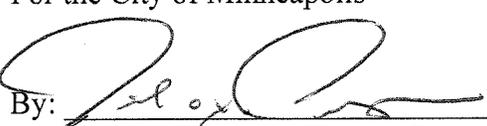
**I have read the above report and recommendations. I agree with the report and recommendations. I understand that failure on my part or on the part of the business to adhere to this agreement may lead to further action against the license. I understand that this report must be accepted by the Minneapolis City Council and signed by the Mayor. I understand that future violations may put the license in jeopardy.**

For Graves Hospitality Corporation  
DBA: Downtown Residence Inn

By:   
Tony Erkenbrack  
General Manager

Date: 4/6/2009

For the City of Minneapolis

By:   
Ricardo Cervantes, Deputy Director  
Licenses & Consumer Services

Date: 4/6/09