



**Minneapolis**  
City of Lakes

**Regulatory Services  
Department**

**Licenses &  
Consumer Services  
Division**

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November 16, 2006

**In the Matter of the On-Sale  
Liquor License Class E w/Sunday Sales  
Of  
RW, Inc.  
2519-21 Central Avenue NE  
Minneapolis, MN 55401**

**Findings of Fact,  
Conclusions of Law, and  
Recommendation**

This matter came before the Minneapolis Licenses and Consumer Services Division (LCS) on November 14<sup>th</sup>, 2006 in a License Settlement Conference (LSC) as a result of violations of law relating to the operation of a licensed beverage alcohol establishment. Present at the TAC meeting were the following persons: Ricardo Cervantes and Dan Niziolek of the License Division; Richard Waulters from RW, Inc.; Dennis Johnson, Esq., attorney for RW, Inc.; Lt. Travis Glampe from Minneapolis Police Licensing; Inspector Robert Skomra - Commander of the 2<sup>nd</sup> Police Precinct; Ellen Hoyt from Minneapolis Environmental Health; Michael Raeker from Minneapolis Fire Department; and Monte Miller from the Hennepin County Attorney's Office. Based upon the evidence presented at the TAC meeting, the committee makes the following:

#### **FINDINGS OF FACT**

- 1) That the licensee violated Minneapolis Ordinance 364.80 (c) on or about September 17<sup>th</sup>, 2006 in that intoxicating liquor was served to patrons not in conjunction with the serving of food; and
- 2) That the licensee violated Minneapolis Ordinance 362.390 on or about September 17<sup>th</sup>, 2006 in that no food service occurred during normal noon and evening meal hours; and
- 3) That the licensee violated Minneapolis Ordinance 362.500 on or about October 1<sup>st</sup>, 2006, October 22<sup>nd</sup>, 2006 and October 29<sup>th</sup>, 2006, in that the establishment operated after 1:00am without a Minnesota State 2:00am Liquor License; and
- 4) That the licensee is in violation of Minneapolis Ordinance 259.250, in that the establishment inadequate staffing and establishment policies and practices have contributed to the repeated occurrences criminal activity, including multiple of incidents of narcotics activity; and
- 5) That the licensee is in violation of Minneapolis Ordinance 362.20, in that the applicant continues to sell liquor after diminishing the premises without making application for diminishing the premises.

#### **CONCLUSIONS**

1. The licensee failed to know a number of ordinance requirements as they pertain to the operating of a liquor license in the City of Minneapolis.
2. The licensee failed to implement a comprehensive management plan to prevent criminal activity from occurring on the premise.

3. That this agreement is honored by all parties, and if there is not compliance that the Licensing department will forward a recommendation to revoke the license.

## RECOMMENDATIONS

The Department has demonstrated that the licensee does not meet minimum standards for the license. Due to the expressed willingness of the licensee to cease operating in the next 45 days, the Department makes the following recommendations:

1. That the owner/licensee will surrender the on sale liquor application no later than January 31<sup>st</sup>, 2007. A withdrawal form must be submitted with this signed agreement.
2. That the owner will receive full reimbursement for the last 2 months of the unused liquor license.
3. The City of Minneapolis will dismiss all remaining citations and fees.
4. The licensee will manage the establishment in a responsible manner such that the actions of staff and management will effectively address criminal activity on the premise.

RW, 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, 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 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 RW, Inc.

By: Richard Waulters

Richard Waulters (signature)

Owner/Licensee

Its: \_\_\_\_\_

(Title)

Dated: 12/22, 2006.

For the City of Minneapolis:

Ricardo Cervantes

Ricardo Cervantes

Deputy Director of Licenses

Dated: 12-27-, 2006