

**CITY OF MINNEAPOLIS
CITY COUNCIL
PUBLIC SAFETY & REGULATORY SERVICE COMMITTEE**

In the Matter of the On-Sale Liquor License,
Held by Mango Entertainment LLC
Dbas: Visage
404 3rd Avenue North, #100
Minneapolis, MN 55401

**FINDINGS OF FACT
CONCLUSION AND
RECOMMENDATIONS**

This matter came on for a License Settlement Conference (“LSC”) meeting on Friday August 17th, 2007 at 1:00 p.m. in Room 1 of City Hall, 350 South 5th Street, Minneapolis, MN 55415. The LSC meeting was held to discuss issues related to the operation of Visage, located at 404 3rd Avenue North, #100, Minneapolis, Minnesota 55401, pursuant to a Notice to Appear, dated July 12th, 2007. Present at the LSC meeting was the following representative of Visage, Brian Zimmerman, General Manager. Also present were the following representatives of the City of Minneapolis: Deputy Director of Licenses and Consumer Services Ricardo Cervantes, Sergeant Kent Warnberg of the Minneapolis Police License Investigation Division, and License Inspector, Michele Harvet.

Based on the evidence presented at the hearing, the department makes the following findings of fact:

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 December 21st, 2006 the Minneapolis Police License Investigation Division conducted a youth alcohol compliance check at Visage. A 19 year old female and a 19 year old male were sent into the business in an attempt to purchase alcohol. The shoppers were both identified at the front door as being underage, and were both given red wristbands, which meant that they are underage. The shoppers then walked to the bar and each ordered a drink. The bartender then served them both an alcohol drink, without checking their id's or asked their age. Both of the shoppers were wearing their red wristbands. Two plainclothes undercover officers were standing directly behind the shoppers, and observed the transaction. The shoppers then turned around and handed the Officers the open containers of alcohol. 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 Visage in the amount of \$500 as detailed in a City Council resolution. Visage then paid the \$500 administrative fine.

3. On April 12^h, 2007 the Minneapolis Police License Investigation Division conducted a youth alcohol re-check at Visage. A twenty year old female was sent into the business. The shopper walked into the club with no one stopping her or asking her for any identification. The Shopper then walked to the bar, and ordered a beer. The bartender did not ask for any identification or her age. The bartender then sold the shopper one open bottle of Corona beer. This constituted Visage's second youth alcohol compliance failure. As a result of the compliance failure, an administrative citation was issued to Visage in the amount of \$1,000 as detailed in a City Council resolution. Visage paid the \$1,000 administrative fine.

4. From the first alcohol sales on December 21st, 2006, the server was charged and the court case is pending. Criminal charges are pending as a result of the April 12th, 2007 failure.

CONCLUSIONS

1. On two separate occasions, employees of Visage 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 twenty four months.

2. The licensee has paid both administrative citations relating to the above stated compliance failures.

RECOMMENDATIONS

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

1. The Minneapolis Licenses and Consumer Services Division will impose a \$3000.00 sanction; \$1000.00 due within 30 days of signing this agreement and \$2,000.00 prior to January 15, 2009.
2. Create a youth alcohol compliance policy that addresses the following, but not limited to: a higher level of communication at staff meetings; employee consequences, self-checking procedure; everyone must get "carded" regardless of the circumstances; secondary "carding;" new employees receive alcohol server training within 30 days of hire; refresher alcohol server training annually; clarify use of disposable cups; use of off-duty police officers and communication with 1st Precinct regarding "problem nights." This youth alcohol policy must be adhered to as part of this agreement and is due at time of signing this agreement.
3. Detailed policy on control of mixed age events due at time of signing. Manager must contact Downtown command 10 days prior to each new event.
4. Purchase electronic identification scanner within 30 days of signing this agreement. This device shall be purchased and utilized within 30 days of the

signing of this agreement. Follow proper legal procedure for confiscated I.D. cards and submit to MPD.

5. Do not allow promoters to have control of licensed premises or have proceeds from alcohol sales go to promoters.
6. Submit a new business plan for Sports Bar concept prior to September 2009.
7. Will maintain adequate security as to control customers and will maintain a security presence outside in front of business to address loitering and disturbances at closing.

I have read the above report and recommendations. I agree with the report, and I agree with the above recommendations. I understand that failure on my part of the part of my business to adhere to this agreement with the Department may lead to further action against my 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 my license in jeopardy.

Visage Representative

By: _____

Anas Abukhadra
Owner

**City of Minneapolis Office of Licenses
and Consumer Services**

By: _____

Ricardo Cervantes
Deputy Director of Consumer Services

Date: _____

9/26/08

Date _____

Sept 26, 2008