

September 28, 2004

**In the Matter of the On-Sale
Liquor License Class E w/Sunday Sales
Of
City Billiards, Inc.
25 Fourth Street North
Minneapolis, MN 55401**

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

This matter came before the Minneapolis Licenses and Consumer Services Division (LCS) on September 28, 2004 in a Technical Advisory Committee meeting (TAC) as a result of reports of violations of laws relating to the operation of a licensed beverage alcohol establishment. Present at the TAC meeting were the following persons: Mark Roitenberg from City Billiards, Inc.; Lt. Janee Harteau and Sgt. Kent Warnberg of the Minneapolis Police Department; James Moncur, Phil Schliesman, Angie Huguen and Linda Roberts of the License Division; and Scott Mueller of the State of Minnesota Department of Public Safety, Alcohol and Gambling Enforcement Division. Based upon the evidence presented at the TAC meeting, the committee makes the following:

FINDINGS OF FACT

- 1) That the licensee violated Minneapolis Ordinance 362.500 from on or about July 29th, 2004 to on or about September 16th, 2004 by purchasing beverage alcohol from other retail licensees for resale; and
- 2) That the licensee violated State of Minnesota Statutes 340A.415 and 7515.0520 from July 29th, 2004 to on or about September 16th, 2004 by purchasing beverage alcohol from other retail licensees for resale.

RECOMMENDATIONS

Based upon the recurring nature of the violations enumerated in these Findings, the TAC members recommend the following :

- 1) That the licensee pay an administrative fine of \$5000.00 for the violation of Minneapolis Ordinance 362.500 and Minnesota State Statues enumerated above that occurred between on or about July 29th, 2004 to on or about September 16, 2004, with this fine to be paid by November 1st, 2004; and
- 2) That the licensee pay an administrative fine of \$1,000.00 for the violation of Minnesota Statutes 340A.415 and 7515.0520 that occurred on July 29, 2004, with this fine to be paid by October 15th, 2004, payable to Scott Mueller of the State of Minnesota Department of Public Safety; and
- 3) That the licensee pay a False Burglar Alarm fee of \$700.00 to be included in the pending Liquor License renewal fees of which \$640.50 is to be paid by October 1st, 2004 and \$1640.50 is to be paid by October 8th, 2004; and
- 4) That the licensee is to stay current on any and all payments to vendors, wholesalers, and /or distributors; and

- 5) That the licensee is to stay current on all tax payments as required by the rules and regulations of the State of Minnesota Department of Revenue; and
- 6) That the licensee shall submit a copy of any purchase agreement for City Billiards, Inc. by October 15th, 2004, OR, by this date, the licensee is to notify the Department of Licenses and Consumer Services, in writing, if the possible pending purchase agreement did not come to fruition; and
- 7) That, should the application for renewal of the on-sale liquor license be denied, all administrative fines and False Burglar Alarm fees be deducted from any unused license fees that may have been paid.

By signing below, the Recommendations as stated above were mutually agreed upon at the TAC hearing on September, 28, 2004, and failure to comply with all or any of the above stated recommendations, the on sale liquor license held by City Billiards, Inc. will be revoked subject to a hearing before City Council.

Mark Roitenberg, Owner, City Billiards, Inc.

Date

Witness: Phil Schliesman, Inspector, Licenses and Consumer Services

Date