



**Request for City Council Committee Action
From the Department of Regulatory Services
Licenses and Consumer Services Division**

Date January 27, 2004

To Council Member Dan Niziolek, Chair, Public Safety & Regulatory Services
Committee

Referral to

**Subject: Approval of Technical Advisory Committee (TAC) Findings of Fact and
Recommendations**

Recommendation: Recommend approval of TAC Findings of Fact and
Recommendations

Previous Directives

(any past Council actions or directions to staff)

Prepared or Submitted by: Ken Ziegler, Inspector, Licenses and Consumer Services

Approved by: James Moncur, Director, Licenses and Consumer Services

Presenters in Committee: Ken Ziegler

Financial Impact (Check those that apply)

No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)

Action requires an appropriation increase to the Capital Budget

Action requires an appropriation increase to the Operating Budget

Action provides increased revenue for appropriation increase

Action requires use of contingency or reserves

Other financial impact (Explain):

Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact (use any categories that apply)

Neighborhood Notification

City Goals

Comprehensive Plan

Zoning Code

Other

Background/Supporting Information Attached

A TAC hearing was held on January 19, 2004. The licensee, Empire Concepts, LLC, the holder of a Class B on-sale liquor with Sunday Sales license located at 319-1st Av. N. was properly noticed, but failed to appear. The TAC now recommends Council adoption of the attached Findings of Fact and Recommendations.

January 21, 2004

**In the Matter of the On-Sale
Liquor License Class B w/Sunday Sales
Of
Empire Concepts, LLC
319 First Avenue 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 January 21, 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, violations of the Minneapolis and Minnesota Building Codes and failure to file State of Minnesota Sales and Income tax returns.. Present at the TAC meeting were the following persons: James Moncur, Kenneth Ziegler, Phil Schliesman and Linda Roberts of the License Division; Assistant City Attorney Henry Reimer, Sgt. Kent Warnberg and Sgt. E.T Nelson of the Minneapolis Polices Department; and Allan Olson and Ken Staloch of the Inspections Division on behalf of the City of Minneapolis. Based upon the evidence presented at the TAC meeting, the committee makes the following:

FINDINGS OF FACT

- 1) That the licensee violated Minneapolis Ordinance 364.100 on December 14, 2003 in that numerous persons not in the employ of the licensee were in the licensed premise after 2:30 AM; and
- 2) That the licensee violated Minneapolis Ordinance 364.100 on January 1, 2004 in that numerous persons not in the employ of the licensee were in the licensed premise after 2:30 AM; and
- 3) That the licensee has failed to properly file State of Minnesota Sales and Withholding tax returns; and
- 4) That the licensee has conducted operations and excessive occupancy of the second floor of the licensed premise in violation of Section 109.1 of the 1997 Uniform Building Code and Section 85.20 of the Minneapolis Code of Ordinances; and
- 5) That the licensee has failed to properly complete construction work necessary to obtain a Certificate of Occupancy.

RECOMMENDATIONS

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

- 1) That this report be referred to the Minneapolis Standing Committee on Public Safety and Regulatory Services for action on a recommendation that the application for renewal of the on-sale liquor license be denied; and
- 2) That the licensee pay an administrative fine of \$500.00 for the violation of Minneapolis Ordinance 364.100 that occurred on December 14, 2003; and

- 3) That the licensee pay an administrative fine of \$1,000.00 for the violation of Minneapolis Ordinance 364.100 that occurred on January 1, 2004; and
- 4) That the licensee pay a False Burglar Alarm fee of \$550.00; and
- 5) 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.