

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

In the Matter of the On-Sale Wine Liquor License,
Held by Coreyxo, LLC
dba Nicollet Island Inn

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

This matter came on for a Technical Advisory Committee (“TAC”) meeting on Friday February 10, 2006 at 10:30 a.m. in Room 1 of City Hall, 350 South Fifth Street, Minneapolis, MN 55415. The TAC meeting was held to discuss issues related to the operation of Coreyxo, LLC, dba Nicollet Island Inn, located at 95 Merriam Street, Minneapolis, Minnesota 55402 pursuant to a Notice to Appear, dated January 23rd, 2006. Present at the TAC meeting were the following representatives of the Nicollet Island Inn: Lawrence Abdo (Owner), Jodie Kraemer (General Manager) and Timothy Welch (Attorney for Nicollet Island Inn). Also present were the following representatives of the City of Minneapolis: Ricardo Cervantes (Deputy Director of Licenses and Consumer Services), Sergeant Travis Glampe (Minneapolis Police License Investigation Division), and Joel Fussy (Assistant City Attorney).

Based upon the agreement between the parties and all files and records contained herein, the Committee makes the following recommendation:

FINDINGS OF FACT

1. The Minneapolis Police Department License Investigation Division conducts youth alcohol compliance checks in an effort to assure liquor license holders are not serving alcohol to persons under the age of 21.

2. On May 12, 2005 the Minneapolis Police License Investigation Division conducted a youth alcohol compliance check at the Nicollet Island Inn. A 19 year old male decoy and 20 year old female decoy were sent into the business where they sat themselves at the bar. The decoys ordered beers from a Nicollet Island Inn employee. The employee asked for the decoys' identification. The decoys produced their Minnesota Driver's Licenses which showed them to be 19 and 20 years of age respectively. The employee then served the decoys the beers they requested. This constituted the Nicollet Island Inn's first alcohol compliance check failure. An administrative citation was issued to the Nicollet Island Inn in the amount of \$500.00 as detailed in a City Council resolution. The Nicollet Island Inn paid this fine on August 17, 2005.

3. On January 19, 2006 the Minneapolis Police License Investigation Division conducted a youth alcohol compliance check at the Nicollet Island Inn. A 19 year old female decoy and a 19 year old male decoy were sent into the business where they were escorted to the bar by the host. An employee of the Nicollet Island Inn came to their table and the decoys ordered two bottles of beer. Without asking for the decoys identification, the employee served the decoys the requested beer. This constituted the Nicollet Island Inn's second alcohol compliance failure. As a result of the failure, an administrative citation was issued to the Nicollet Island Inn in the amount of \$1000.00 as

detailed in a City Council resolution. The Nicollet Island Inn paid this fine on January 27, 2006.

4. . The two alcohol compliance violations have resulted in a criminal conviction of one of the applicable Nicollet Island Inn servers. Criminal charges are pending as a result of the January 19, 2006 failure.

CONCLUSIONS

1. On two separate occasions employees of the Nicollet Island Inn provided 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 nine months.

RECOMMENDATIONS

That the On-Sale Liquor License, issued to the Nicollet Island Inn shall be subject to adverse license action up to and including revocation, with the commencement of such adverse license action stayed through and including May 12, 2007 subject to full compliance with the following conditions:

1. It is strongly suggested that the Nicollet Island Inn require all customers who purchase alcohol to produce identification as listed in Minnesota Statute Section 340A.503, subdivision 6. The Nicollet Island Inn has full knowledge of the consequences regarding any future incidents involving the sale of alcohol to minors and understands that such incidents could lead to a revocation of their On Sale Liquor License. The Nicollet Island Inn agrees to take any necessary steps to

assure persons under the age of 21 are properly identified when alcohol purchases are made.

2. The Nicollet Island Inn will pay \$3,000 in cost recovery to the City. This payment must be received in the offices of the Minneapolis Police Department License Investigation Division, room 1 City Hall, 350 South Fifth Street, Minneapolis, Minnesota 55415. This must be received by 1:00 p.m. on Wednesday February 22, 2006.
3. The On-Sale Liquor License of the Nicollet Island Inn is suspended for a period of 30 days. Imposition of 27 days of suspension will be stayed and 3 days will be imposed. The dates of this suspension have been chosen by the Nicollet Island Inn and will include May 28, 2006, May 29, 2006 and May 30, 2006. Should the licensee violate any provision of this Agreement while it is in effect it shall be subject to additional adverse license action, including but not limited to the imposition of the stayed license suspension period as well as the potential commencement of license revocation proceedings. This suspension shall include only the restaurant and bar area of the Nicollet Island Inn. The Nicollet Island Inn will still be able to provide alcohol and food service to its guests in the individual rented rooms during the above dates.
4. All Nicollet Island Inn employees will attend professionally-presented alcohol server training. This training shall occur on a yearly basis. This training program must be approved by the City of Minneapolis Office of Licenses and Consumer Services. All managers and owners who participate in the day-to-day operations of the business will attend a retail alcohol management course. This training

program must be approved by the City of Minneapolis Office of Licenses and Consumer Services. This training must be completed within 30 days of the date of the effective date of this Agreement. All employees, managers or owners hired or brought into the business after this initial training must attend an approved training class within thirty days of hire or approval as business owner.

5. A properly trained manager or owner must be on-site during business hours at all times.
6. This Agreement does not alter or preclude any previously imposed license conditions that may exist.
7. The licensee is aware that it will be subject to additional compliance checks during the term of this Agreement. As is the policy of the City of Minneapolis, the decoys will at all times respond truthfully to any questions asked of them by employees or sales clerks of the licensee and, if asked, will present their actual duly-issued age identification.
8. This Agreement shall not preclude any other adverse license action, including but not limited to suspension or revocation, for subsequent violations of this Agreement, or for subsequent violations or subsequently-discovered violations of any federal, state or local laws, ordinances, or regulations.
9. Term of Agreement. This Agreement shall remain in effect through and including May 12, 2007. It is understood between the parties that this Agreement shall bind only the present licensee and will not bind any subsequent, unrelated person or persons should the business be sold and a new license approved.

10. "Date of Agreement" shall be defined as the date that the licensee signs or otherwise executes this Agreement. This Agreement is subject to approval by the Minneapolis City Council, however should such approval be obtained after the execution of this Agreement the approval shall be retroactive to the date of execution.

Nicollet Island Inn

By: _____
Mr. Lawrence Abdo
Owner

Date: February 14, 2006

Minneapolis Police Department

By: _____
Lt. Robert Skomra
Commander, License Division

Date: February 14, 2006

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

By: _____
Ricardo Cervantes
Deputy Director of Consumer
Services

Date: February 14, 2006