

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5TH STREET, ROOM 1-C, CITY HALL
MINNEAPOLIS, MN 55415

**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

In the Matter of License No. L190 50063-AQUA NIGHTCLUB
for LIQ ON-SALE B W/SS SERIES 2000

Held by:
TWIN CITIES ENTERTAINMENT INC
ATTN: STEVE HARK
2724 EDINBROOK TERR N
BROOKLYN PARK, MN 55443

11-0865538

This matter came before the Division of Licenses and Consumer Services at a License Settlement Conference on Thursday, August 18, 2011 at 1:30 PM in Room 1C, Minneapolis City Hall. Appearing on behalf of the licensee were Steve Hark, representative of Aqua and Michael Norton, legal counsel for Aqua. Appearing for the City of Minneapolis were Grant Wilson, Manager of Licenses and Consumer Services, Craig Eliason, License Inspector, Kris Arneson, Inspector of the Minneapolis Police Department 1st Precinct, Lt. Chris Hildreth, Commander of the Minneapolis Police License Investigative Division. Based on information presented at the hearing, the Division makes the following findings of fact, conclusions, and recommendations:

FINDINGS OF FACT

1. Twin Cities Entertainment, Inc. has held an On-Sale Liquor with Sunday Sales, Class B license at this location since 2006.
2. On June 3, 2011 an alleged assault occurred inside Aqua involving a glass bottle.
3. On June 17, 2011 an alleged assault occurred inside Aqua.
4. On June 12, 2011 representatives of the City of Minneapolis Licenses and Consumer Services Division conducted an inspection at Aqua and spoke to the owner to determine whether or not food was available for patrons. After determining that food was not being prepared on-site, a violation order was issued.

CONCLUSIONS

1. Based upon the alleged incidents on June 3, 2011 and June 17, 2011, the Minneapolis Police Department and Licenses Division staff were concerned that the alleged incidents raised questions regarding security at Aqua, which may be a violation of Minneapolis Code of Ordinances 259.250(4).
2. On June 12, 2011 Aqua was found to be in violation of Minneapolis Code of Ordinances 364.80(c) and MN Statute 340A.504 requiring establishments selling intoxicating liquor on Sunday to also sell food.

RECOMMENDATIONS

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

1. Aqua agreed to undergo a security review with a representative of the Minneapolis Police Department and submit a written security plan within 30 days of signing this agreement.
2. Aqua agreed to reopen its kitchen, offer a full menu to its patrons during all hours of operation and submit the menu to the Licenses Division within 30 days of signing this agreement.

Steve Hark, on behalf of Twin Cities Entertainment, Inc., understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility. A minimum standard shall be met in order to hold such a license. One minimum standard is that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances, and regulations. It is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any 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 and understand 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:

Business: Aqua

By: Stephan Hark
(signature)

Its: Operations Manager
(title)

Dated: 10/18/, 2011

For the City of Minneapolis:

Grant J. Wilson
Grant J. Wilson, Manager

Dated: 10-19, 2011