

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. L192 50026 EL PARAISO RESTAURANT
for LIQ ON-SALE C-2 W/SS SERIES 2000

Held by:
**EL PARAISO RESTAURANT INC
EPIGMENIO GADEA PLIEGO
3501 NICOLLET AVE
MINNEAPOLIS, MN 55408**

11-0881490

Findings of Facts

This matter came before a License Settlement Conference meeting on November 8, 2011. Appearing for the licensee was Epigmenio Gadea-Pliego, owner of El Paraiso and Mary Daub, Mr. Gadea-Pliego's partner. Appearing for the Licenses and Consumer services were Manager Grant Wilson, and License Inspector Greg Buenning. Appearing for Police Licensing was Lt. Chris Hildreth and Sgt. Rolf Markstrom. Based on the evidence presented at the hearing, the department makes the following findings of fact:

1. The Minneapolis Police Department License Investigative 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 June 7, 2010 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at El Paraiso Restaurant, located at 3501 Nicollet Ave S, in the City of Minneapolis. A 19 year old male shopper and an 18 year old female shopper were sent into the business in an attempt to purchase alcohol. The shoppers entered the establishment and sat at a table. The server walked up to the table and asked the shoppers for their orders. Each of the shoppers ordered a bottle of

beer. The server did not ask for ID from either shopper. The server then walked away from the table and returned with two opened bottles of beer. The server set the bottles of beer on the table in front of the shoppers and walked away from the table. 2 plain clothes Minneapolis Police Officers were seated approximately 15-20 feet away from the shoppers and observed the above transaction. The shoppers picked up their respective beers and handed them off to the officers. The transaction was completed, and the business was considered to have failed the compliance check. As a result of the compliance check failure, an administrative citation was issued to El Paraiso in the amount of \$500.00, as detailed in a City Council Resolution. El Paraiso has paid the \$500.00 administrative fine.

3. On July 26, 2010 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance re-check at El Paraiso, pursuant to the above compliance check failure. 2 underage shoppers were sent into El Paraiso in an attempt to purchase alcohol. The underage shoppers were carded and refused service. The business passed the compliance re-check.
4. On September 22, 2011 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at El Paraiso Restaurant for the calendar year of 2011. A 20 year old male shopper was sent into the business in an attempt to purchase alcohol. The shopper entered the business and walked up to the counter. The shopper ordered a beer from the server. The shopper then took a beer out of the cooler which was located near the counter. The shopper set the beer on the counter. The shopper then paid the server for the beer. The server took the bottle of beer, opened up the beer, and put a lime in it. The server then brought the beer to the shopper, who had sat down at a table. The server set the beer down on the table and walked away. The server did not ask the shopper for ID. 2 plain clothes Minneapolis Police Officers were standing in the entry way of the business and observed the transaction. The shopper picked up the beer and handed it off to the officers. The transaction was completed, and the business was considered to have failed the compliance check. This constituted the second youth alcohol compliance check failure within a 24 month period for El Paraiso Restaurant. As a result of the second compliance check failure, an administrative citation was issued to El Paraiso in the amount of \$1000.00, as detailed in a City Council Resolution. El Paraiso has paid the \$1000.00 administrative fine.
5. From the first compliance check failure on June 7, 2010, the server was charged with Furnishing Alcohol to a Person Under 21, and the server was convicted of said charge. Criminal charges against the server are pending as a result of the September 22, 2011 compliance check failure.

Conclusions

1. On two separate occasions, employees of El Paraiso Restaurant 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 24 months.
2. The licensee has paid the \$500.00 administrative fine related to the first above stated compliance check failure. The licensee has also paid the \$1000.00 administrative fine related to the second above stated compliance check failure.

Recommendations

Based on the evidence presented at the license settlement conference, Licensing and Consumer Services makes the following recommendations:

1. The ownership of El Paraiso post a sign for their employees which tells them the correct age of consumption for patrons who order alcoholic beverages.
2. The ownership of El Paraiso continues to implement a policy of putting dates of birth on meal tickets of those who order alcoholic beverages.
3. The ownership of El Paraiso agrees to have an on-duty manager at all times.
4. The ownership of El Paraiso agrees to implement a policy of checking for proper identification from patrons who appear to be under 40 years of age and order alcoholic beverages.
5. The ownership of El Paraiso agrees to conduct self-audits with their staff to ensure that checking of identifications of patrons is done properly.
6. The ownership of El Paraiso agrees to pay a \$1,500.00 imposed fine of which \$1,000.00 will be stayed provided there are no same or similar violations within a one year period starting on the effective date of this agreement.

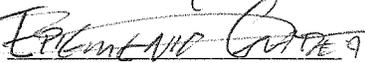
El Paraiso understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility. A minimum standard shall be met in order to hold such a license. One minimum standard is that a license holder is responsible to ensure that its business operates 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

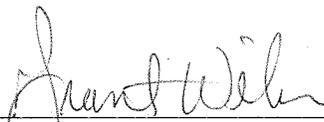
El Paraiso Restaurant, Inc

By: 
(signature)

Its: President
(title)

Dated: 11-16, 20 11

For the City of Minneapolis:


Grant J. Wilson
Manager

Dated: 11-16, 20 11