

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. L196 50051 KEYS AT THE FOSHAY BAR & GRILL
for LIQ ON-SALE E W/SS SERIES 2000

Held by:
**KEYS AT THE FOSHAY
821 MARQUETTE AVE
MINNEAPOLIS, MN 55402**

11-0875515

This matter came before the Division of Licenses and Consumer Services at a License Settlement Conference on Wednesday, October 12, 2011 at 10:00 AM in Room 1C, Minneapolis City Hall. Appearing on behalf of the licensee were Carol Hunn-Gregory, owner of Keys at the Foshay Bar & Grill and Joe Schlarbaum, General Manager of Keys at the Foshay Bar & Grill. Appearing for the City of Minneapolis were Grant Wilson, Manager of Licenses and Consumer Services, Craig Eliason, License Inspector, Lt. Chris Hildreth, Commander of the Minneapolis Police License Investigative Division and Sergeant Rolf Markstrom, 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. 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 July 9, 2010 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at Keys at the

Foshay Bar & Grill, located at 114 9th St S, in the City of Minneapolis. A 20 year old female shopper and a 19 year old male shopper were sent into the business in an attempt to purchase alcohol. The shoppers entered the establishment and sat at the bar. The bar tender approached the shoppers and asked the shoppers for their orders. Each of the shoppers ordered a beer. The server asked for ID from each of the shoppers. After checking the IDs, the server refused to serve the 19 year old male shopper, but she served a bottle of beer to the 20 year old female shopper. 2 plain clothes Minneapolis Police Officers were standing approximately 20 feet away from the shoppers and observed the above transaction. The 20 year old female shopper picked up the bottle of beer and handed it 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 Keys at the Foshay Bar & Grill in the amount of \$500.00, as detailed in a City Council Resolution. Keys at the Foshay Bar & Grill has paid the \$500.00 administrative fine.

3. On August 11, 2010 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance recheck at Keys at the Foshay Bar & Grill, pursuant to the above compliance check failure. 2 underage shoppers were sent into Keys at the Foshay Bar & Grill in an attempt to purchase alcohol. The underage shoppers were carded and refused service. The business passed the compliance recheck.
4. On September 6, 2011 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at Keys at the Foshay Bar & Grill 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 took a seat at the bar. The bar tender approached the shopper and asked him for his order. The shopper ordered a tap beer. The bar tender asked the shopper for ID. After checking the ID, the bar tender served the shopper glass of tap beer. 2 plain clothes Minneapolis Police Officers were situated approximately 15 feet away from the shopper 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 Keys at the Foshay Bar & Grill. As a result of the second compliance check failure, an administrative citation was issued to Keys at the Foshay Bar & Grill in the amount of \$1000.00, as detailed in a City Council Resolution. Keys at the Foshay Bar & Grill has paid the \$1000.00 administrative fine.
5. From the first compliance check failure on July 9, 2010, the bar tender was charged with Furnishing Alcohol to a Person Under 21, and the bar tender was convicted of said charge. Criminal charges against the bar tender are pending as a result of the September 6, 2011 compliance check failure.

CONCLUSIONS

1. On two separate occasions, employees of Keys at the Foshay Bar & Grill 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

1. Keys at the Foshay Bar & Grill will require all staff serving liquor to attend alcohol server training annually, with all new staff required to attend within 7 days of hire.
2. Keys at the Foshay Bar & Grill agrees to conduct their own youth alcohol compliance checks on a quarterly basis and keep a record of the results.
3. Keys at the Foshay Bar & Grill agrees to post the "legal age date" near the cash registers and on each serving tray for staff use.
4. Keys at the Foshay Bar & Grill agrees to pay a \$1,500 sanction in lieu of suspension for failing a second youth alcohol compliance check. \$1,000 of the sanction is stayed pending no further youth alcohol compliance check failures for a period of one year from the signing of this agreement. \$500 shall be paid at the time of signing this agreement.

Carol Hunn-Gregory, on behalf of Keys at the Foshay, 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:

Keys at the Foshay

By: 

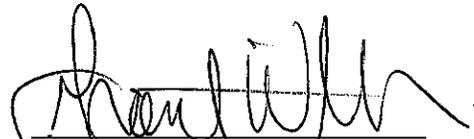
(signature)

Its: President

(title)

Dated: 10-21, 2011

For the City of Minneapolis:



Grant J. Wilson, Manager
Licenses & Consumer Services

Dated: 10-24, 2011 //