

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

In the Matter of the Off-Sale Beer License,
Held by Totem Foods Inc.
dba Super Stop 2

**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

This matter came on for a Technical Advisory Committee (“TAC”) meeting on Wednesday May 10, 2006 at 9:00 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 Totem Foods Inc, dba Super Stop 2, located at 2951 Central Avenue Northeast, Minneapolis, Minnesota 55418 pursuant to a Notice to Appear, dated April 28, 2006. Present at the TAC meeting was the following representative of Super Stop 2: Sikander Dar. Also present were the following representatives of the City of Minneapolis: Lieutenant Robert Skomra (Commander-Minneapolis License Investigation Division), Ricardo Cervatnes (Deputy Director-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 retail-alcohol license holders are not serving alcohol to persons under the age of 21.

2. On May 26, 2005 the Minneapolis Police License Investigation Division conducted a youth alcohol compliance check at Super Stop 2. A 20 year old female decoy and 19 year old male decoy were sent into the business. The decoys presented a 12 pack of Budweiser beer for purchase to an employee working behind the counter. Without checking the identification of either decoy, the employee rang up the beer and accepted payment from the male decoy. The sale was completed and the business was considered to have failed the compliance check. This was Super Stop 2's first alcohol compliance failure. As a result of the compliance failure, an administrative citation was issued to Super Stop 2 for sale of alcohol to a minor-1st offense in the amount of \$500 as detailed in a City Council resolution. As of 05-10-2006 this citation is still unpaid.

3. On April 11, 2006 the Minneapolis Police License Investigation Division conducted a youth alcohol compliance check at the Super Stop 2. A 19 year old female decoy and 18 year old male decoy were sent into the business. The decoys presented a 6 pack of Miller Lite beer for purchase to an employee behind the front counter. The employee asked for the male decoy's identification. The decoy presented his actual driver's license which showed him to be 18 years old. The employee then completed the transaction, selling the beer to the decoys. This constituted Super Stop 2's second youth alcohol compliance failure. As a result of the compliance failure, an administrative

citation was issued to Super Stop 2 for sale of alcohol to a minor-2nd offense in the amount of \$1,000 as detailed in a City Council resolution. As of May 10, 2006 this payment is outstanding.

4. The two alcohol compliance violations have resulted in a criminal conviction of one of the applicable Super Stop 2 employees. The guilty plea entered was for the sale of alcoholic beverages to an underage person. Criminal charges are pending as a result of the April 11, 2006 failure.

CONCLUSIONS

1. On two separate occasions, employees of Super Stop 2 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 thirteen months.

RECOMMENDATIONS

That the Off-Sale Beer License, issued to Super Stop 2 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 26, 2007 subject to full compliance with the following conditions:

1. Super Stop 2 will surrender its Off-Sale Beer License and withdraw its application for the license in person at room 1 of City Hall, 350 Fifth Street South, Minneapolis, Minnesota. This surrender and withdrawal will take effect at 12:00 noon on May 17, 2006. No beer sales may be made after this time and date.
2. Super Stop 2 will not reapply for an Off-Sale Beer License until May 26, 2007.

3. Super Stop 2 will pay the outstanding \$1,650 in administrative fines from the failed youth alcohol compliance checks. This includes a 10% late penalty for failing to resolve the outstanding citations from the April 11, 2006 and May 26, 2005 failed youth alcohol compliance checks within 20 days of service of the citation.
4. Super Stop 2 will pay \$1,000 in financial sanctions to the City.
5. Super Stop 2 owes a total \$2650 in fines and financial sanctions to the City. Super Stop 2 will satisfy this outstanding balance by making two payments of \$1325.00. These payments must be received in the offices of the Minneapolis Police License Investigation Division, Room 1 City Hall, 350 South Fifth Street, Minneapolis, Minnesota 55415. A payment of \$1325.00 must be received by 1:00 pm on the following dates:
 - A. Monday June 12, 2006
 - B. Monday July 10, 2006
6. This Agreement does not alter or preclude any previously imposed license conditions that may exist.
7. The licensee 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 26, 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.
11. This document shall remain open for consideration until Wednesday May 17, 2006 at 12:00 p.m. At that time if the terms of this document have not been agreed to, the City of Minneapolis may deem the document null and void and Super Stop 2's off sale beer license will be presented to the City Council for consideration of action.

Totem Foods Inc.

By: _____

Date: _____

Minneapolis Police Department

By: _____

Lt. Robert Skomra
Commander, License Division

Date: _____

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

By: _____

Ricardo Cervantes
Deputy Director of Consumer
Services

Date: _____