

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: Oct. 26, 2015

Item No.: 14.b

Department Approval



City Manager Approval



Item Description: Approve Presumptive Penalty for D'Amico & Sons Alcohol Compliance Failure

BACKGROUND

On or about March 11st, 2015, all businesses with a city liquor license were mailed a packet from the Roseville Police Department announcing two city wide alcohol compliance checks to be conducted before the end of the calendar year. On the front of the packet envelope stamped in 3/8" letters were the words "ALCOHOL COMPLIANCE!" The 3/8" stamped words were intentionally placed on the front of the envelope to ensure the mailing would be directed to the business owner/manager/alcohol compliance employee. The envelope packet included notice of recent changes to Roseville City Ordinances regarding mandatory liquor licensee training programs and penalties for noncompliance. Also in the letter was a complete copy of the City of Roseville Manager and Server Training Program and the name and telephone number of a police contact should a business have any questions/concerns relating to alcohol compliance.

COMPLIANCE FAILURE

On Thursday, October 8, 2015, at 4:50 p.m., a plain clothes Roseville police officer, along with an 18-year old underage buyer, entered D'Amico & Sons Restaurant located at 1490 County Road B, Roseville Minnesota, to conduct an alcohol compliance check. The underage alcohol compliance checker and plain clothing police officer entered the restaurant and were seated. The underage compliance checker ordered a Fulton Sweet Child of Vine beer and the plain clothing officer didn't order any beverage. The restaurant's waitress asked the compliance checker for her identification. The checker provided her Minnesota photo driver's license which displays her date of birth of 09-07-1997 to the waitress. The waitress looked at it and then provided the underage compliance checker the alcoholic beverage she had requested. The plain clothing officer identified himself as a police officer to the waitress and asked why she sold alcohol to an underage person? The cashier said she looked at the patron's identification where it displayed "Under 21" and thought that it meant she was 21 years old. The waitress was administratively cited for the violation. On Saturday, October 10, 2015, the D'Amico & Sons Director of Operations and Marketing provided the police department with paper copies of their restaurant employee manager / server alcohol training records. Upon inspection of these pre-violation employee training documents, I was able to determine all of the restaurant's employees were current with their alcohol manager/server training documents. This is D'Amico & Sons first compliance failure/violation in the last thirty six (36) months.

33 **STAFF RECOMMENDATION**

34 Issue and administer the presumptive penalty pursuant to City Code Section 302.15, for on-sale
35 license holders for the first violation within thirty-six (36) months. The mandatory minimum
36 penalty shall be a one thousand dollar (\$1,000.00) fine and a one (1) day suspension.
37

38 **REQUESTED COUNCIL ACTION**

39 Allow the Roseville Police Department to issue and administer the presumptive penalty as set
40 forth in Section 302.15, of the Roseville City Code or other action as determined by the
41 Roseville City Council.
42

43 **Prepared by:** Lt. Lorne Rosand

Attachments:

- A: Police Report CN/15025702
- B: Letter announcing compliance checks and enclosures
- C: Letter announcing Council Meeting
- D: Molly Dougherty Manager / Server Alcohol Training Document