## REQUEST FOR COUNCIL ACTION

Date: February 13, 2023 Item No.: 7.d

Department Approval

City Manager Approval

Item Description: Presumptive Penalty Approval – 2022 Alcohol Compliance Checks,

Speedway

#### BACKGROUND

2 In 2022, all businesses with a city liquor license were mailed a letter announcing two citywide

- alcohol compliance checks to be conducted before the end of the calendar year (Attachment A). The
- 4 letter included information on the Roseville City Ordinance regarding the mandatory liquor licensee
- training program and penalties for noncompliance. A copy of the letter was also e-mailed to all
- 6 license holders. The following is related to the second round of alcohol compliance checks, which
- 7 occurred in December of 2022.
- 8 On Saturday, December 17, 2022, a 19-year-old underage compliance checker, entered
- 9 establishments holding a liquor license in the city of Roseville, Minnesota, to conduct compliance
- 10 checks. Upon conclusion of the checks, multiple businesses failed (Attachment B).
- Speedway (CN 22036927) The underage checker ordered a pack of Swisher Sweet Cigars and a
- six pack of Michelob Ultra. The employee then telephoned a manager and received information on
- how to unlock the secured alcohol cabinet. After locating the key, the employee retrieved the beer.
- Without asking for identification or inquiring as to the checkers age, the employee sold the checker
- the cigars and beer. To date, the employee has not paid the administrative fine.
- Officers met with the business in-person and advised them of the Roseville City Council hearing
- date. This notification was also provided in writing (Attachment C).

#### 18 POLICY OBJECTIVE

- The Roseville Police Department seeks Council approval to issue and administer the presumptive
- 20 penalty pursuant to City Code Section 302.15, for off-sale liquor license holders for the first

violation within thirty-six (36) months. The mandatory minimum penalty shall be a one thousand dollar (\$1,000.00) fine.

#### BUDGET IMPLICATIONS

- Pursuant to City Code Section 302.15, the financial impact shall be a mandatory penalty of a one
- 25 thousand dollar (\$1,000.00) fine issued to the license holder for the first off-sale violation within
- thirty-six (36) months.

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#### RACIAL EQUITY IMPACT SUMMARY

- Upon review of any potential racial equity impacts, staff notes that this hearing pertains to a business
- with multiple locations. The compliance checks, subsequent fines, and suspensions are uniform and
- written into city code. At this time, staff have not identified a disproportionate racial equity impact.

#### STAFF RECOMMENDATION

- 32 Staff recommends Council approval to issue and administer the presumptive penalty pursuant to City
- Code Section 302.15, for off-sale license holders.

#### REQUESTED COUNCIL ACTION

- 35 The Roseville Police Department seeks Council approval to issue and administer the presumptive
- penalty pursuant to City Code Section 302.15, for off-sale license holders for the first violation
- within thirty-six (36) months. The mandatory minimum penalty shall be a one thousand dollar
- 38 (\$1,000.00) fine.

Prepared by: Joe Adams, Deputy Chief of Police

Attachments: A: Letter announcing compliance checks

B: 2022 Police Report: Speedway (CN 22036928)

C: Letter announcing Council Meeting

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**ROSEVILLE POLICE DEPARTMENT** 

### **Alcohol Compliance Checks**

July 8, 2022



#### 2022 Alcohol Compliance Checks

The Roseville Police Department conducts a minimum of two citywide alcohol compliance checks each year. The police department conducts compliance checks to ensure Roseville alcoholic beverage license holders are complying with state law and city code. When Roseville began alcohol compliance checks in 1997, the compliance rate was only 70%. Our goal is to achieve 100% compliance.

#### Required Training

Roseville city code requires all licensees, managers, and employees who serve alcohol to complete a city-approved or city-provided training program.

- > The required training shall be completed prior to an employee serving or selling alcohol.
- > The training must be completed on an annual basis for all employees who serve or sell alcohol.
- More information on the manager and server training can be found on the police department's website.

#### **Documentation of Training**

Your business must maintain documentation you have properly trained every employee who sells or serves alcohol. Per city code, this documentation must be provided to a police officer or designated city employee when requested. Additional penalties may be assessed if you are unable to provide documentation or it is determined an employee did not undergo the required training.

#### Penalty for Noncompliance

In addition to any criminal penalties, the City Council may suspend a liquor license for up to 60 days, revoke a license, and/or may impose a civil fine on a licensee. The mandatory minimum penalty for the sale of alcoholic beverages to underage individuals is a \$1,000 fine for the license holder and a one day suspension for on-sale establishments. Additional administrative penalties will be imposed when there is a history of violations.

#### Additional Information

Any questions regarding compliance checks, training, city code, or state laws can be directed to Deputy Chief Joe Adams at 651-792-7275 or joe.adams@cityofroseville.com. Additional information can be found at:

- https://www.cityofroseville.com/2365/Alcohol-Compliance
- https://www.cityofroseville.com/836/Liquor-Licenses
- https://www.cityofroseville.com/DocumentCenter/View/27294/Title-3-Business-Regulations 181231
- https://www.mlba.com/
- https://www.revisor.mn.gov/statutes/cite/340A.503

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Erika Scheider Chief of Police

**Roseville Police Department** 2660 Civic Center Drive Roseville, MN 55113

Incident Report Page 1 of 2



#### ROSEVILLE POLICE DEPARTMENT INCIDENT REPORT

ICR# 22036928 AGENCY ORI# MN0620800 JUVENILE:

Reported: 12-17-2022 1327 First Assigned:1327 First Arrived:1327 Last Cleared:1327

Committed Start: Committed End:

Title: Compliance Checks-Alcohol How Received: Phone

Summary:

Alcohol Compliance Check - Failure.

Location(s)

Speedway Address: 2295 Rice St N City: Roseville State: MN **Zip:** 55113 Country: US

Officer Assigned: Vang, Haivy Badge No: 224 Primary: No

Officer Assigned: Cook, Dennis Badge No: 247 Primary: Yes

Involvement: Subject DOB: 02-25-2004 Name: Spraggins, Taniyah Lynette

**Age:** 18

Address: (Residence) 6988 Ashwood Rd APT 210 City: Saint Paul State: MN Zip: 55125 Country:

Phone: (Cell) (651)279-7097

**Involvement:** Mentioned

Name: Allen, Darren William **DOB**: 05-10-1966

Age: 56

Address: (Work) 2295 Rice St N City: Roseville State: MN **Zip:** 55113 Country:

Phone: (Cell) (612)940-3738

**Involvement:** Mentioned Name: Speedway

Address: (Business) 2295 Rice St N City: Roseville State: MN **Zip:** 55113 Country:

Offense: (340A.503.2(1)) Liquor-Purchase/Sell/Barter/Furnish/Give to u

Supplemental Report

ICR: 22036928 Last Modified: 12-17-2022 1505

Title: Alcohol Compliance Check - Failure Created By: Dennis Cook

On Saturday December 17th 2022 I, Officer Cook (#247), assisted with conducting tobacco and alcohol compliance checks at various businesses within the City of Roseville.

I was operating an unmarked police vehicle in plain clothes and was responsible for the safety/wellbeing of the underage checker, XXXXX XXXXXXXX XXX 01/05/2003. During the detail XXX was in possession of one government issued identification card which clearly indicated he was under the age of 21 until 01/05/2004. XXX was also in possession of one twenty dollar bearing serial #BG52399040C. A photograph of XXX, XXXXX identification, and the bill were uploaded to

Incident Report Page 2 of 2

evidence.com under case file number 22036894.

XXX entered the Speedway convenience store located at 2295 Rice St N where he purchased a pack of Swisher Sweets cigars and a six pack of Michelob Ultra Infusions beer from the sole employee working at the business. XXX stated the employee phoned a manger and had to ask where the key for the secured alcohol cabinet was located. Once the employee was directed to the location of the key, the employee opened the alcohol cabinet and retrieved the beer for XXX. XXX stated the employee did not ask XXXXX age nor did she request any form of identification from XXX. XXX exited the store and provided me with both the tobacco and alcohol product which he had purchased from within the business.

I made contact with the sole employee working the business who I positively identified via Minnesota photo identification card as Taniyah Lynette Spraggins 02/25/2004. Spraggins confirmed she was the sole employee working at the time of the sale. Spraggins did not provide a reason as to why she did not verify XXXXX age prior to selling him the tobacco and alcohol products. I obtained current contact information for Spraggins and advised her that future correspondence from the City would occur through the mail at a later date. I also obtained contact information for the manager of the business from Spraggins.

I made phone contact with the manager of the business who I verbally identified as Darren William Allen 05/10/1966. I advised Allen of the compliance check failures and advised him that future correspondence would come from the City at a later date.

The tobacco and alcohol products were returned to the store and the pre-recorded twenty dollars was returned to me.

I took a photograph of the tobacco and alcohol products which I uploaded to <u>evidence.com</u> under the case file number.

My body worn camera was active while speaking with Spraggins.

After clearing from the scene I received a request to contact Spraggins mother via phone. I spoke to Spraggins mother who was upset that her daughter was left alone at the business and believed the responsibility of the failed compliance checks should be directed to the manager of the business. I advised Spraggins mother that I would document her concerns and recommended she speak with Speedway corporate management if she had issues with the businesses practices.

Nothing further.

#### **Supplemental Report**

ICR: 22036928 Last Modified: 12-20-2022 1431

Title: Individual Fine Letter Created By: Haivy Vang

On 12/20/2022, I issued SPRAGGINS a Roseville Police Department administrative citation letter for the violation of Selling/Serving Alcohol to an underage individual (city ordinance 302.15).

I sent SPRAGGINS' administrative citation via USPS certified mail to the address listed on her driver's license where she confirmed she currently receives mail.

Nothing further.

# ROSEVILLE POLICE DEPARTMENT 2022 Alcohol Compliance Check January 20, 2023



January 20, 2023

Speedway 2295 Rice Street Roseville, MN 55113

Dear Speedway Manager,

On Monday, February 13, 2023, the Roseville City Council will discuss the December 17, 2022 alcohol compliance failure at Speedway. Staff has recommended Council impose the presumptive penalty of a \$1000.00 fine for the first off-sale liquor violation in 36 months.

Council discussion of this violation will occur during the "Business Actions" segment of the meeting. A representative from your establishment may appear at the time of the council discussion to offer any information you deem relevant as to whether the Council should deviate from the presumptive penalties set forth in the Roseville City Code. If you choose not to appear at this meeting, the City Council will act without any input from your business. Please note, due to the pandemic, the September city council meetings are being held in —person and virtually. Information on providing input can be found on the city's website at <a href="http://cityofroseville.com/3458/Attend-a-Virtual-Meeting">http://cityofroseville.com/3458/Attend-a-Virtual-Meeting</a>.

Summary of Violation:

December 17, 2022: An employee sold a 19-year old underage compliance buyer beer without asking for identification. This violation was confirmed by a plain clothing police officer (ref Police Incident 22036928).

Please be advised if another violation should occur, further penalties will be invoked. Also, I will need copies of your training records. Please email the records to <u>joe.adams@cityofroseville.com</u>. If you have any questions, you can reach me at 651-792-7275.

Sincerely,

Joe Adams
Deputy Chief of Police