

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: March 7, 2022
Item No.: 7.e

Department Approval



City Manager Approval



Item Description: Consider Presumptive Penalty Approval—2021 Alcohol Compliance Checks –Kyoto Sushi

1 **BACKGROUND**

2 In 2021, all businesses with a city liquor license were mailed a letter announcing two citywide alcohol
3 compliance checks to be conducted before the end of the calendar year (Attachment A). The letter
4 included information on the Roseville City Ordinance regarding the mandatory liquor licensee training
5 program and penalties for noncompliance. A copy of the letter was also e-mailed to all license holders.
6 The first round of alcohol compliance checks was completed in August of 2021 with no failures.

7 On Tuesday, December 28, 2021, a plain clothes Roseville police officer, along with an 18-year-old
8 underage compliance checker, entered all establishments holding a liquor license in the city of
9 Roseville, Minnesota, to conduct compliance checks. Upon conclusion of the checks, a total of five
10 businesses failed, including Kyoto Sushi (Attachment B).

11 **Kyoto Sushi (CN 21034693)** - The underage checker ordered a Coors Light. The beer was then served
12 to the checker with no identification being requested.

13 The server was issued an administrative citation which has since been paid.

14 Upon request, each establishment provided training records. Due to a delay in receiving some records,
15 the hearing for all five violations was moved from February 28th to March 7th. Officers met with each
16 business in-person and advised them of the new hearing date. Kyoto Sushi was out of compliance at
17 the time of the check. Kyoto Sushi has since trained their staff and provided the appropriate
18 documentation to the Roseville Police Department.

19 **POLICY OBJECTIVE**

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

22 thirty-six (36) months. The mandatory minimum penalty shall be a one thousand dollar (\$1,000.00)
23 fine and a one (1) day suspension. This presumptive penalty is being requested for Kyoto Sushi

24 **BUDGET IMPLICATIONS**

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

28 **STAFF RECOMMENDATION**

29 Staff recommends Council approval to issue and administer the presumptive penalty pursuant to City
30 Code Section 302.15, for Kyoto Sushi.

31 **REQUESTED COUNCIL ACTION**

32 The Roseville Police Department seeks Council approval to issue and administer the presumptive
33 penalty pursuant to City Code Section 302.15, for on-sale license holders for the first violation within
34 thirty-six (36) months. The mandatory minimum penalty shall be a one thousand dollar (\$1,000.00)
35 fine and a one (1) day suspension. This presumptive penalty is being requested for Kyoto Sushi.

Prepared by: Joe Adams, Deputy Chief of Police
Attachments: A: Letter announcing compliance checks
B: 2021 Police Reports:
Kyoto Sushi (CN 21034693)
C: Letter announcing Council Meeting

ROSEVILLE POLICE DEPARTMENT

Alcohol Compliance Checks

November 17, 2021



2021 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>

Erika Scheider
Chief of Police

Roseville Police Department
2660 Civic Center Drive
Roseville, MN 55113

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LIN was provided instructions on how to address the administrative citation.

PRS activated.

Supplemental Report

ICR: 21034693

Last Modified: 02-10-2022 1952

Title: Follow-up

Created By: Haivy Vang

On 2/10/2022 an administrative fine letter for the business was delivered. CAT Officers spoke with an employee. The employee stated there no manager on-duty tonight. The next available manager would be in on 2/11/2022 at 1600 hours. I provided the employee the business fine letter and advised them to place the letter in management's office. I explained to the employee management should reach out to Deputy Chief Adams with any questions and clarification.

Nothing further.

Supplemental Report

ICR: 21034693

Last Modified: 02-23-2022 1656

Title: Additional Follow-up

Created By: Haivy Vang

On 2/23/2022 at 1250 hours, CAT Officers Cook and I traveled to 2100 Snelling Ave N (Kyoto Sushi).

On scene, we spoke with the on duty manager. I informed the manager to send their alcohol training records to Deputy Chief Adams as indicated on the bottom of the administrative letter which was delivered on 2/10/2022. The manager did acknowledge receipt of the letter to me during our conversation.

PRS activated.

Nothing further.

ROSEVILLE POLICE DEPARTMENT
2021 Alcohol Compliance Check
February 7, 2022



February 7, 2022

Kyoto Sushi
2100 Snelling Avenue
Roseville, MN 55113

Dear Kyoto Sushi Manager,

On Monday, February 28, 2022, the Roseville City Council will discuss the December 28, 2021 alcohol compliance failure at Kyoto Sushi. Staff has recommended Council impose the presumptive penalty of a \$1000.00 fine and one (1) day liquor license suspension.

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 <http://cityofroseville.com/3458/Attend-a-Virtual-Meeting>.

Summary of Violation:

November 17, 2021: All businesses with a city liquor license were mailed a letter from the Roseville Police Department announcing two alcohol compliance checks would be conducted before the end of the year, as well as the training requirements.

December 28, 2021: An employee sold an 18-year old underage compliance buyer a beer without asking for identification. This violation was witnessed by a plain clothing police officer (ref Police Incident 21034693).

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 joe.adams@cityofroseville.com. If you have any questions, you can reach me at 651-792-7275.

Sincerely,

Joe Adams
Deputy Chief of Police