

ROSEVILLE
REQUEST FOR COUNCIL ACTION

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

Department Approval



City Manager Approval



Item Description: Consider Presumptive Penalty Approval—2021 Alcohol Compliance Checks – Big Bowl

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, five total
10 businesses failed, including Big Bowl (Attachment B).

11 **Big Bowl (CN 21034702)** - The underage checker ordered a beer. The beer was then served to the
12 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 was moved from February 28th to March 7th. Officers met with each business in-person
16 and advised them of the new hearing date. Big Bowl was in compliance with the city's training
17 requirements.

18 **POLICY OBJECTIVE**

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

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

23 **BUDGET IMPLICATIONS**

24 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 and a one (1) day suspension issued to the on-sale license holder for
26 the first violation within thirty-six (36) months.

27 **STAFF RECOMMENDATION**

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

30 **REQUESTED COUNCIL ACTION**

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

Prepared by: Joe Adams, Deputy Chief of Police
Attachments: A: Letter announcing compliance checks
B: 2021 Police Reports:
Big Bowl (CN 21034702)
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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ROSEVILLE POLICE DEPARTMENT INCIDENT REPORT

ICR# 21034702	AGENCY ORI# MN0620800	JUVENILE:
Reported: 12-28-2021 1241 First Assigned: 1241 First Arrived: 1241 Last Cleared: 1255 Committed Start: Committed End: Title: Alcohol Violations How Received: Phone Summary: Failed alcohol compliance check. Location(s) Big Bowl Address: 1595 Highway 36 City: Roseville State: MN Zip: 55113 Country: US		
Officer Assigned: Anderson, Bryan Badge No: 195 Primary: No Officer Assigned: Vang, Haivy Badge No: 224 Primary: Yes		
Involvement: Cited Name: Merritt, Ivy Marie DOB: 02-16-1989 Age: 32 Address: (Residence) 701 110Th Ave Ne City: BLAINE State: MN Zip: 55434-2808 Country:		
Involvement: Mentioned Name: Big Bowl Address: (Business) 1705 Highway 36 City: Roseville State: MN Zip: 55113 Country:		
Offense: (340A.503.2(1)) Liquor-Purchase/Sell/Barter/Furnish/Give to u		

Supplemental Report	
ICR: 21034702	Last Modified: 12-28-2021 1634
Title: Failed Check	Created By: Haivy Vang
<p>On 12/28/2021, XXXXX XXX was the designated underage alcohol decoy for alcohol compliance checks. XXX was only in possession of one valid ID, which is issued by MN DVS containing his name, address, and date of birth. XXX was provided two \$10 bill for the checks (photographed see photos). XXXXX ID clearly displayed in white font and red banner underneath his photo- "UNDER 21 UNTIL XXXXX/2024".</p> <p>At approximately 1240 hours, XXX entered Big Bowl with CAT Officer Anderson (wearing plain clothes). Both went and sat at the bar. XXX placed an order a beer and nothing else. The waiter/bartender, later identified by her MN driver's license as Ivy MERRITT date of birth 2/16/1989, did not ask for any identification. MERRITT served XXX a beer and made no additional attempts to check his ID.</p> <p>Upon failing the compliance check, Officer Anderson and I spoke with MERRITT. I was wearing my full RPD CAT police uniform and she was advised of the offense. MERRITT could not articulate an answer as to why she did not ask for an ID prior to serving the alcoholic drink to XXX.</p> <p>MERRITT was issued Roseville Administrative citation #18129 for underage liquor sale.</p> <p>MERRITT was provided instructions on how to address the administrative citation.</p>	

PRS activated.

Supplemental Report

ICR: 21034702

Last Modified: 02-10-2022 1948

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 on-duty manager and advised them to provide the necessary employee training documents regarding alcohol compliance via email to Deputy Chief Joe Adams, whose business card was also attached to the letter. Management was advised to contact Dep. Chief Adams if any other questions arose.

Nothing further.

ROSEVILLE POLICE DEPARTMENT
2021 Alcohol Compliance Check
February 7, 2022



February 7, 2022

Big Bowl
1595 Highway 36
Roseville, MN 55113

Dear Big Bowl Manager,

On Monday, February 28, 2022, the Roseville City Council will discuss the December 28, 2021 alcohol compliance failure at Big Bowl. 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 21034702).

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