

ROSEVILLE
REQUEST FOR COUNCIL ACTION

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

Department Approval



City Manager Approval



Item Description: Consider Presumptive Penalty Approval—2021 Alcohol Compliance Checks – India Palace

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 India Palace (Attachment B).

11 **India Palace (CN 21034713)** - The underage checker ordered a Corona beer. 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 was moved from February 28th to March 7th. Officers met with each business in-person
16 and advised them of the new hearing date. India Palace was out of compliance at the time of the check.
17 India Palace has since trained their staff and provided the appropriate documentation to the Roseville
18 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 India Palace.

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 on-sale license holders.

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 India Palace.

Prepared by: Joe Adams, Deputy Chief of Police
Attachments: A: Letter announcing compliance checks
B: 2021 Police Reports:
India Palace CN 21034713
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# 21034713	AGENCY ORI# MN0620800	JUVENILE:
Reported: 12-28-2021 1411 First Assigned: 1411 First Arrived: 1411 Last Cleared: 1422 Committed Start: Committed End: Title: Alcohol Violations How Received: Phone Location(s) India Palace Address: 2570 Cleveland Ave 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: Gaonkar, Sanganath Harichandra DOB: 05-14-1994 Age: 27 Address: (Residence) 2550 Cleveland Ave N RM 328 City: Roseville State: MN Zip: 55113 Country:		
Involvement: Mentioned Name: India Palace Address: (Business) 2570 Cleveland City: Roseville State: MN Zip: 55113 Country:		
Offense: (340A.503.2(1)) Liquor-Purchase/Sell/Barter/Furnish/Give to u		

Supplemental Report	
ICR: 21034713	Last Modified: 12-28-2021 1829
Title: Failed Checks	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 1411 hours, XXX entered India Palace with CAT Officer Anderson (wearing plain clothes). Both were seated at a table. XXX placed an order for a Corona beer and nothing else. The waiter, later identified by his India National ID as Sanganath Harichandra Gaonkar date of birth 5/14/1994, did not ask for any identification. Bottler served XXX a Corona beer and made no additional attempts to check his ID.</p> <p>Upon failing the compliance check, Officer Anderson and I spoke with Gaonkar. I was wearing my full RPD CAT police uniform and he was advised of the offense. Gaonkar could not articulate an answer as to why he did not ask for any ID's prior to serving the alcoholic drink.</p> <p>Gaonkar was issued Roseville Administrative citation #18131 for underage liquor sale.</p> <p>Gaonkar was provided instructions on how to address the administrative citation.</p> <p>PRS activated.</p>	

Supplemental Report**ICR:** 21034713**Last Modified:** 02-10-2022 1946**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

India Palace
2570 Cleveland Avenue
Roseville, MN 55113

Dear India Palace Manager,

On Monday, February 28, 2022, the Roseville City Council will discuss the December 28, 2021 alcohol compliance failure at India Palace. 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 21034713).

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