

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: September 12, 2022
Item No.: 7.f

Department Approval



City Manager Approval



Item Description: Consider Presumptive Penalty Approval for Red Lobster as part of the 2022 Alcohol Compliance Checks

1 **BACKGROUND**

2 In 2022, 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 following is related to the first round of alcohol compliance checks, which occurred in July of
7 2022.

8 On Friday, July 15, 2022, an 18-year-old underage compliance checker, entered establishments holding
9 a liquor license in the city of Roseville, Minnesota, to conduct compliance checks. Upon conclusion of
10 the checks, multiple businesses failed (Attachment B).

11 **Red Lobster (CN 22019148)** - The underage checker ordered a Coors Light beer. The server then
12 checked ID and provided the beer to the underage checker. When later asked by the officer, the server
13 recalled checking the identification however, stated they had done the math incorrectly.

14 The server was issued administrative citation, which has since been paid.

15 Officers met with each business in-person and advised them of the Roseville City Council hearing date.
16 This notification was also provided in writing (Attachment C). Red Lobster later provided the required
17 training documentation for their staff. This is Red Lobster's first violation within a 36-month period.

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.

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.

Prepared by: Joe Adams, Deputy Chief of Police

Attachments: A: Letter announcing compliance checks
B: 2022 Police Reports: Red Lobster (CN 22019148)
C: Letter announcing Council Meeting

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>

Erika Scheider
Chief of Police

A photo of the alcoholic beverage served to HER was uploaded to evidence.com.

PRS activated.

Supplemental Report

ICR: 22019148

Last Modified: 08-08-2022 2055

Title: Business Admin Letter

Created By: Haivy Vang

On 8/8/2022, at the request of Deputy Chief Adams, I delivered Red Lobster their business administrative letter.

I explained to the on duty manager two very important items mentioned in the letter:

- a city council meeting is set to take place on 9/12/2022 discussing their failed alcohol compliance
- to send all copies of their alcohol training records to Deputy Chief Adams via his email which was provided in the letter prior to the city council meeting on 9/12/2022.

The manager stated they understood the information and would inform the owner/s of the business.

PRS activated.

Nothing further.

ROSEVILLE POLICE DEPARTMENT
2022 Alcohol Compliance Check
August 8, 2022



August 8, 2022

Red Lobster
2330 Prior Avenue
Roseville, MN 55113

Dear Red Lobster Manager,

On Monday, September 12, 2022, the Roseville City Council will discuss the July 15, 2022 alcohol compliance failure at Red Lobster. 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:

July 15, 2022: An employee sold an 18-year old underage compliance buyer a beer without asking for identification. This violation was confirmed by a plain clothing police officer (ref Police Incident 22019160).

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