

ROSEVILLE
REQUEST FOR COUNCIL ACTION

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

Department Approval



City Manager Approval



Item Description: Consider Presumptive Penalty Approval for Chili's as part of the 2022 Alcohol Compliance Checks

BACKGROUND

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 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 license holders. The following is related to the first round of alcohol compliance checks, which occurred in July of 2022.

On Saturday, July 16, 2022, an 18-year-old underage compliance checker, entered establishments holding a liquor license in the city of Roseville, Minnesota, to conduct compliance checks. Upon conclusion of the checks, multiple businesses failed (Attachment B).

Chili's (CN 22019305) - The underage checker ordered a Coors Light beer. The server then checked ID and provided the beer to the underage checker. When later asked by the officer, the server recalled checking the identification however, stated they had done the math incorrectly.

The server was issued administrative citation however, it has not been paid. The server was ultimately terminated and officers have been unable to make contact with them.

Officers met with each business in-person and advised them of the Roseville City Council hearing date. This notification was also provided in writing (Attachment C). Though officers spoke directly with the manager and on the telephone with the district manager, Chili's has yet to provide any documentation related to their alcohol training. This is Chili's first violation within a 36 month period.

POLICY OBJECTIVE

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

23 thirty-six (36) months. The mandatory minimum penalty shall be a one thousand dollar (\$1,000.00)
24 fine and a one (1) day suspension.

25 **BUDGET IMPLICATIONS**

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

29 **STAFF RECOMMENDATION**

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

32 **REQUESTED COUNCIL ACTION**

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

Prepared by: Joe Adams, Deputy Chief of Police

Attachments: A: Letter announcing compliance checks
B: 2022 Police Report: Chili's (CN 22019305)
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

I entered the establishment after XXXXX alerted me she had been served an alcoholic beverage. I spoke with the employee whom was identified by her Minnesota driver's license as Valerie Rose PRASKA date of birth 11/18/1978. PRASKA stated she checked XXXXXXXX identification and thought she was 21 or older thus serving her with an alcoholic beverage. PRASKA stated she miscalculated XXXXXXXX birth date. I informed PRASKA OLSON was only 18 years of age. I further advised PRASKA any vertical orientated identification card in Minnesota indicates the individuals are either under 18 or 21 years of age.

PRASKA was clear of any active warrants.

I advised PRASKA I would be issuing her an administrative citation at a later date for the offense of selling alcoholic beverage to an underage person.

A photo of PRASKA's DL and alcoholic beverage were uploaded to evidence.com.

PRS activated.

Supplemental Report

ICR: 22019305

Last Modified: 07-31-2022 1828

Title: Admin Citation

Created By: Haivy Vang

On 7/31/2022, I mailed PRASKA a Roseville Police administrative citation for the alcohol sales/serve to an underage offense.

Supplemental Report

ICR: 22019305

Last Modified: 08-08-2022 2056

Title: Business Admin Letter

Created By: Haivy Vang

On 8/8/2022, at the request of Deputy Chief Adams, I delivered Chili's 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.

Supplemental Report

ICR: 22019305

Last Modified: 08-17-2022 1821

Title: Contact With Management

Created By: Dennis Cook

On Wednesday August 17th 2022 I, Officer Cook (#247), made contact with a manager at Chili's, 1840 County Road B2 W.

The manager stated the employee who had sold the alcoholic beverage (Valerie Praska) had been terminated. The manager also advised he was only a temporary manager while the General Manager was on vacation and he was unsure of which training records needed to be sent. The manager stated he would remind the General Manager to provide the training records to Deputy Chief Adams A.S.A.P.

I attempted phone contact with Praska regarding the payment of her fine, however, the cellular

telephone number listed for Praska was disconnected and no longer in service.

I notified Deputy Chief Adams via email.

My body worn camera was active.

Nothing further.

Supplemental Report

ICR: 22019305

Last Modified: 08-30-2022 2036

Title: Additional Follow-up

Created By: Haivy Vang

On 8/29/2022 I traveled to Chili's and spoke with the temporary general manager, verbally identified as SNODGRASS. SNODGRASS informed me he had already informed his district manager of the police department's request for employee alcohol training records. SNODGRASS provided me the district manager's name and phone number. SNODGRASS stated he would reiterate to his district manager regarding submitting training records.

On 8/30/2022, I called and spoke with the Chili's district manager verbally identified as KALTVED. KALTVED informed me he was already in the process of gathering training records for employees at the Roseville location. KALTVED stated he would send all alcohol training records of Roseville Chili's employees via email to Deputy Chief Adams as soon as possible.

After we hung up, I immediately sent DC Adam's work email address and desk phone number via text message to KALTVED.

All attempts to reach PRASKA were unsuccessful. Phone numbers for PRASKA located in TLO and Accurint were either disconnected or were no longer associated with her.

ROSEVILLE POLICE DEPARTMENT
2022 Alcohol Compliance Check
August 8, 2022



August 8, 2022

Chilis
1840 County Road B2
Roseville, MN 55113

Dear Chilis Manager,

On Monday, September 12, 2022, the Roseville City Council will discuss the July 16, 2022 alcohol compliance failure at Chilis. 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 16, 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 22019305).

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