

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: Jun 11, 2012

Item No.: 12 . a

Department Approval



City Manager Approval



Item Description: **PRESUMPTIVE PENALTY APPROVAL — B-DALE CLUB
ALCOHOL COMPLIANCE FAILURE**

1
2 **Background**

3 On March 26th, 2012, all businesses with a liquor license in the City of Roseville were mailed a letter from the
4 Roseville Police Department announcing two alcohol compliance checks would be conducted before the end of the
5 year. The letter included notice of recent changes to Roseville City Ordinances regarding mandatory liquor licensee
6 training programs and penalties for noncompliance. Also in the letter were instructions for the City of Roseville
7 mandatory liquor licensee training program and the name of a police contact should a business need additional
8 information on the licensee program. Training was to be completed by every employee prior to the employee selling
9 or serving alcohol and documentation of this training was to be completed and kept on file by the business.

10
11 **Compliance Failure**

12 On Saturday, April 14, 2012, a plain clothes Roseville Police Officer, along with an underage buyer, entered the B-
13 Dale Club, 2100 North Dale Street, Roseville, MN to conduct an alcohol compliance check. The underage buyer
14 and the plain clothes police officer entered the Club. The underage buyer went directly to the bar and ordered a
15 Miller Lite Beer while the plain clothing officer watched from a distance. The bartender returned to the bar with the
16 Miller Lite Beer, asked for buyer's driver's license which was provided. The bartender looked at the license,
17 returned it to the buyer and handed him a beer. The buyer provided the bartender a \$20.00 bill for the \$2.75 beer
18 and was provided change. The bartender was administratively cited for the violation and released. On May 3, 2012,
19 the B-Dale Club was mailed a letter requesting documentation of a City of Roseville approved liquor licensee
20 training program. This documentation was to be received by the Police Department no later than May 11, 2012. Lt.
21 Rosand received correspondence from the B-Dale Club's management on May 10, 2012, which documented the
22 employee in question had last completed a City of Roseville approved liquor license training program on June 3,
23 2011. This is the B-Dale Club's first liquor compliance failure/violation in the last thirty six (36) months.

24
25 **Staff Recommendation**

26 Issue and administer the presumptive penalty pursuant to City Code Section 302.15, for on-sale license holders for
27 the first violation within thirty-six (36) months. The mandatory minimum penalty shall be a one thousand dollar
28 (\$1,000.00) fine and a one (1) day suspension.

29
30 **Council Action Requested**

31 Allow the Roseville Police Department to issue and administer the presumptive penalty as set forth in Section
32 302.15, of the Roseville City Code or other action as determined by the Roseville City Council.

Prepared by: Lt. Lorne Rosand

Attachments:

- A: Police Report
- B: Letter announcing compliance checks
- C: Notifications of failure and investigation
- D: Documentation from the B-Dale Club regarding training
- E: Letter announcing Council Meeting



ROSEVILLE POLICE DEPARTMENT

INCIDENT REPORT

ICR# 12009907	AGENCY ORI# MN0620800	JUVENILE:
INCIDENT	Reported: 04-14-2012 1125 First Assigned: 1120 First Arrived: 1120 Last Cleared: 1154 Committed Start: 04-14-2012 1136 Committed End: 04-14-2012 1154 Title: Alcohol Compliance Failure How Received: In Person Short Description: Sale to underage 21 person. Summary: Sale to under age 21 person during compliance check. Location(s) B-DALE CLUB Address: 2100 DALE ST N City: Roseville State: MN Zip: 55113 Country: USA	
OFFICERS	Officer Assigned: Johnson, Sean Badge No: S-19 Primary: Yes Officer Assigned: Rosand, Lorne (Administrative Action) Badge No: 3 Primary: No	
NAMES	Involvement: Mentioned Name: Kinsel, Gloria Ann DOB: Age: Sex: F Race: Height: Weight: Address: 847 W CALIFORNIA AVE City: ST PAUL State: MN Zip: 55117 Country: USA Phone: (Work) (651)489-5386 Phone: Email: (F) Eye Color: BLU Hair Color: <hr/> Involvement: Cited Name: Mondry, Michael Patrick DOB: C Age: 6 Sex: Race: Height: Weight: Address: 1169 VIRGINIA ST City: ST PAUL State: MN Zip: 55117 Country: Phone: (Home) (651)488-3094 Phone: (Work) (651)489- Eye Color: GRN Hair Color: <hr/> Involvement: Subject Name: B Dale Club Address: 2100 Dale Street N City: Roseville State: MN Zip: 55113 Country: Phone: (Business) (651)489-5386	
EVIDENCE	BarCode: 12-08286 Item Type: Alcohol Container, empty Bin: A44 Value: \$2.75 Description: 1 Miller Lite Beer Can Location Address: 2100 DALE ST N City: Roseville State: MN Zip: 55113 Country: USA	

Supplemental Report

ICR: 12009907

05-03-2012 0926

Title: Supplement Report

Created By: Lorne Rosand

On Thursday, April 12, 2012, a woman identified as Gloria Kinsel stopped at the Roseville Police Department and requested a copy of the "City of Roseville Manager and Server Training Approved Training Program".

Being I oversee city's alcohol compliance checks, I invited Kinsel back to my office. Kinsel said she was the B-Dale Club's Bar Manager and had recently received the Chief's letter advising of upcoming alcohol compliance checks. Kinsel was in possession of the Chief's March 2012 letter during our visit.

After speaking with Kinsel, I provided her a paper as well as electronic copy of the city's server training program.

It was during the afternoon hours of Saturday, April 14, 2012, I received a telephone call from Sgt. Sean Johnson. Sgt. Johnson informed me the B-Dale Club had failed it's alcohol compliance check.

Report is for informational purposes.

Supplemental Report

ICR: 12009907

04-17-2012 1926

Title: Failed Alcohol Compliance Check

Created By: Sean Johnson

On 04-14-2012, XXXXX XXXX (XXXXXXXXXXXX) acted as my underage alcohol buyer. XXXX viewed the underage buyer instructional video prior to beginning compliance checks. I searched XXXX and noted he only had one Valid ID (a MN photo DL, which clearly stated he was underage 21. I took a digital photograph of XXXX, and made a photocopy of his drivers license.

At appx 1125 hours, XXXX and I walked into the B Dale Club (2100 Dale St) and I monitored XXXX who went to the bar. XXXX requested a Miller Lite bottle. Michael Mondry (MN photo DL) brought the bottle to the bar, and requested identification from XXXX. XXXX provided him with his license. Mondry handed the beer to XXXX. XXXX was initially charged \$ 2.75 for the beer and handed \$20.00 to Mondry which was later retrieved by management and returned to me.

I identified myself as a Roseville police officer and advised Mondry that he served alcohol to an 18 year old. I advised store manager Gloria Kinsel of the incident and that police department would be following up with the business.

I proprieted the Miller Lite bottle and placed it as evidence in PL#9.

I cited Mondry with administrative citation #22115 for selling alcohol to an underage person.

Nothing further.

Supplemental Report

ICR: 12009907

04-30-2012 1309

Title: Adminstrative Fine Extension

Created By: Lorne Rosand

On Monday, April 30, 2012 at approximately 1300 hours, I spoke with Gail Mondry who called stating she was speaking on her husband's behalf, Michael Mondry. Gail asked if she could have a 30-day extension on the due date of the \$250.00 administrative fine her husband is required to pay for serving alcohol to a minor.

I granted the 30-day fine payment extension and advised Gail the \$250.00 fine is due by twelve - noon on Monday, May 14th. If the fine isn't received by the due date/time, the case would be forwarded to the Roseville City Attorney's office for formal charging. Gail assured me the city would receive the administrative fine by May 14th.

This report is for informational purposes.

Supplemental Report

ICR: 12009907

05-03-2012 0927

Title: Server Training Records

Created By: Lorne Rosand

On Thursday, May 3, 2012, the letter titled 05-03-2012 B-Dale Letter (see Media file) was sent to Gloria Kinsel (bar manager) requesting server training records for Michael Mondry as well as all employees authorized to serve alcohol at the B-Dale Club.

All training records are due by Friday, May 11, 2012.

Supplemental Report

ICR: 12009907

05-11-2012 1204

Title: Server Training Records

Created By: Lorne Rosand

On Thursday, May 10, 2012, I received a manila envelope from Gloria Kinsel who is the Vice President / General Manager of B-Dale Club.

Inside the envelope, I noted a cover letter authored by Kinsel and seven (7) photo copies of signed manager/server training certifications. I recognized the training certificates as the same certificates our agency provides in our agency's Alcohol Server/Manager Training packet.

Upon inspection of the server trainer documents, I noted Michael Mondry (individual cited for serving alcohol to a minor) received his annual alcohol server training on June 3, 2011.

Of the remaining six (6) server documents, I noted four servers received alcohol server training also on June 3, 2011 and the remaining two servers received training on January 5, 2012.

I have scanned and attached all documents provided by Kinsel to the case file in the Media folder.

Report is for informational purposes.

Supplemental Report

ICR: 12009907

05-15-2012 0902

Title: Cite Paid

Created By: Lorne Rosand

On Monday, May 14, 2012 at 1106 hours, Michael Mondry paid his \$250.00 administrative citation for serving alcohol to a minor (Admit cite #22115). I consider Mondry's portion of this case file closed.

I scanned the receipt for Mondry's payment into the Media section of case file.

Report for informational purposes.



Date

Business
Address
Roseville, MN 55113

ATTN: MANAGER

Please thoroughly review the following information as it pertains to alcohol compliance checks conducted by the Roseville Police Department, relative to your establishment.

The City of Roseville began alcohol compliance checks on licensed alcoholic beverage sellers in 1997. At that time, the compliance rate was only 70%. Nearly 30% of our licensees failed those compliance checks. Our goal is to achieve 100% compliance. We need your cooperation to make that happen.

The Roseville Police Department conducts yearly compliance checks to insure licensed alcoholic beverage sellers in the City of Roseville are complying with State law and Roseville Code Provisions relating to the selling of alcoholic beverages.

Please review the following relating to sales of alcohol to underage persons:

Minnesota Statute Chapter 340A.503 PERSONS UNDER 21; ILLEGAL ACTS.

Subdivision 1. Consumption.

(a) It is unlawful for any:

(1) retail intoxicating liquor or 3.2 percent malt liquor licensee, municipal liquor store, or bottle club permit holder under section 340A.414, to permit any person under the age of 21 years to drink alcoholic beverages on the licensed premises or within the municipal liquor store;

Subdivision 2. Purchasing. It is unlawful for any person:

(1) to sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age;

The City of Roseville has passed Chapter 302, Roseville's Liquor Control Ordinance. The Roseville Police Department encourages you to become familiar with the Liquor Control Ordinance. It can be obtained at the Roseville City Hall or in the city code at www.ci.roseville.mn.us.

The civil penalties for underage alcoholic beverage sales are set forth in the Roseville City Code. Presumptive penalties are set forth in § 302.15 of the Code. These penalties vary depending upon whether it is a first time violation, a second time violation, a third time violation, etc.

The Roseville Police Department has worked with City alcoholic beverage licensees to promote training for both servers and managers to prevent sales of alcohol to underage persons, and to prevent other violations of the Liquor Control Ordinance. All licensees and their managers, and all employees or agents employed by the licensee that sell or serve alcohol, must complete a city approved or city provided liquor licensee training program. Free training packets are available from the City. Contact Kelly Roberto of the Roseville Police Department at kelly.roberto@ci.roseville.mn.us to receive a packet or the names of approved trainers.

Both the City's approval and the required training shall be completed:

1. Prior to licensure or renewal for licensees and managers, or
2. Prior to serving or selling for any employee or agent, and
3. Every year thereafter.

Your business must maintain documentation that you have properly trained every employee that sells or serves alcohol, and produce such documentation upon reasonable request made by a peace officer, health officer or properly designated officer or employee of the city. The City will not maintain these records for you. Additional penalties may be assessed if you are unable to provide documentation or it is determined the employee did not under-go the required training.

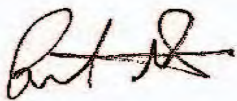
The mandatory minimum penalty for the sale of alcoholic beverages to underage individuals is a \$1,000 fine and a one day suspension.

These penalties are civil in nature. Please be aware criminal penalties may also be imposed for violations of the Liquor Control Ordinance.

The Roseville Police Department will conduct two compliance checks in 2012 beginning this spring. Please remind your employees of their legal and moral responsibility not to sell or serve alcoholic beverages to anyone under the age of 21.

Once again, we encourage you to review Roseville City Code, Chapter 302, to insure that you have familiarized yourself with the local regulations applicable to your establishment. If you have any questions, please contact Lt. Lorne Rosand at 651-792-7211.

Sincerely,



Rick Mathwig
Chief of Police



May 3, 2012

Gloria A. Kinsel
B-Dale Club
2100 North Dale Street
Roseville Minnesota 55113

Gloria A. Kinsel and/or General Manager:

The City of Roseville has an ordinance prohibiting the sale of any alcoholic beverage to persons under the age of 21 years. A copy of Roseville Code 302 has been enclosed for your review. Please note Section 302.15 of code where minimum penalties are stipulated.

On April 14, 2012, a B-Dale Club employee named Michael Mondry sold an alcoholic beverage to a minor in violation of the attached code. Our records indicate that this is your first violation in the previous thirty-six (36) months. Therefore, pursuant to Section 302.15 of Roseville City Code, the presumptive penalty for a first violation for sale of an alcoholic beverage to a person under the age of twenty-one is a minimum penalty of a \$1,000.00 fine and a one (1) day suspension.

This incident is currently under investigation by the Roseville Police Department. You are being asked to provide a training certificate documenting Michael Mondry has completed a city approved or provided liquor license training program. **I must receive a copy of Mondry's training certification from you by Friday, May 11, 2012. Failure to provide this training certification may result in additional penalties because of non compliance. You are also being mandated to provide server training records for all employees who are authorized to serve liquor at your establishment. These server training documents are also due by Friday, May 11, 2012.**

When a violation occurs, the police department provides information to the City Council, which either will assess the presumptive penalty set forth above or depart upward or downward based on extenuating or aggravating circumstances. The information set forth in this letter regarding the failed compliance check will be passed on to the City Council, as well as information regarding your participation in the manager and server training program and the history of compliance checks at your establishment. Once the date of the Council meeting is established, I will send you notice.

A representative of your establishment may appear at the Council meeting to offer any information that you deem relevant as to whether the Council should deviate from the presumptive penalties set forth in the Roseville City Code. If you fail to appear at that meeting, the City Council will act without any input from your establishment.

Finally, please be advised that if another violation should occur, further penalties will be invoked. If you have any questions, you can reach me during normal business hours at my desk telephone number of 651-792-7211.

Sincerely,

Lorne R. Rosand
Lieutenant
Roseville Police Department

Enclosure

Cc: Rick Mathwig – Chief of Police
Bill Malinen – City Manager

2100 NORTH DALE STREET



ROSEVILLE, MINNESOTA 55113

May 10, 2012

" Sponsor of Community Activities"

489-5386

Lorne R. Rosand

Lieutenant

Roseville Police Department

Dear Lieutenant Rosand:

Enclosed are copies of Michael Mondry's training certification and the six other employee/servers training certificate records

We realize our responsibility to stay in compliance with Section 302.15 and have planned a training session for all our employees serving alcoholic beverages. As mentioned before , no establishment wants anything like this to happen , but it has made big impact on our servers and the responsibility that goes with serving alcoholic beverages.

We will be attending the City Council meeting and speak on our behalf.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Gloria Kinsel".

Gloria Kinsel, Vice President/General Manager

RESPONSIBLE MANAGER/SERVER TRAINING CERTIFICATION

B-Dale Club 2100 N. Dale St. Royal 55113

Establishment & Address

I acknowledge that I have been taught and understand the attached training material on responsible alcohol beverage serving and I have been given the opportunity to ask questions about any portion I do not understand. I have been given a copy of the training material to keep and review. I acknowledge, as a condition of employment, that I am responsible for compliance with the attached training material and I will manage my behavior to attain zero errors in performance.

Michael Monday
Signature

6-3-11
Date

MICHAEL Monday
Printed name

6-3-11
Date of Hire

[Signature]
Manager's Signature

6-3-11
Date of Training

JENNIFER FLINNET
Manager's Printed Name

RESPONSIBLE MANAGER/SERVER TRAINING CERTIFICATION

B-Dale Club 2100 N. Dale St Roseville
Establishment & Address

I acknowledge that I have been taught and understand the attached training material on responsible alcohol beverage serving and I have been given the opportunity to ask questions about any portion I do not understand. I have been given a copy of the training material to keep and review. I acknowledge, as a condition of employment, that I am responsible for compliance with the attached training material and I will manage my behavior to attain zero errors in performance.

Kate Wendt
Signature

6-3-11
Date

KATE WENDT
Printed name

10-89
Date of Hire

Gloria Kinsel
Manager's Signature

6-3-11
Date of Training

GLORIA KINSEL
Manager's Printed Name

RESPONSIBLE MANAGER/SERVER TRAINING CERTIFICATION

B-Dale Club - 2100 N. Dale St. 55113
Establishment & Address

I acknowledge that I have been taught and understand the attached training material on responsible alcohol beverage serving and I have been given the opportunity to ask questions about any portion I do not understand. I have been given a copy of the training material to keep and review. I acknowledge, as a condition of employment, that I am responsible for compliance with the attached training material and I will manage my behavior to attain zero errors in performance.

Mardel Hogen
Signature

6/22/11
Date

Mardel Hogen
Printed name

6/22/11
Date of Hire

Jennifer Flint
Manager's Signature

6/22/11
Date of Training

JENNIFER FLINT
Manager's Printed Name

RESPONSIBLE MANAGER/SERVER TRAINING CERTIFICATION

B-Dale Club: 2100 Dale St. N. 55113
Establishment & Address

I acknowledge that I have been taught and understand the attached training material on responsible alcohol beverage serving and I have been given the opportunity to ask questions about any portion I do not understand. I have been given a copy of the training material to keep and review. I acknowledge, as a condition of employment, that I am responsible for compliance with the attached training material and I will manage my behavior to attain zero errors in performance.

Raquel L. Norey
Signature

6/22/11
Date

Raquel L. Norey
Printed name

6/22/11
Date of Hire

Jennifer Flint
Manager's Signature

6/22/11
Date of Training

JENNIFER FLINT
Manager's Printed Name

RESPONSIBLE MANAGER/SERVER TRAINING CERTIFICATION

B-Dale Club 2100 N. Dale St. Roseville MN 55117
Establishment & Address

I acknowledge that I have been taught and understand the attached training material on responsible alcohol beverage serving and I have been given the opportunity to ask questions about any portion I do not understand. I have been given a copy of the training material to keep and review. I acknowledge, as a condition of employment, that I am responsible for compliance with the attached training material and I will manage my behavior to attain zero errors in performance.

Shelley Cristello
Signature

6/3/11
Date

Shelley Cristello
Printed name

8/20/00
Date of Hire

Tim Wollen
Manager's Signature

6/3/11
Date of Training

Tim Wollen
Manager's Printed Name

RESPONSIBLE MANAGER/SERVER TRAINING CERTIFICATION

Boate Club 2100 North Dale, Roseville, MN 55113
Establishment & Address

I acknowledge that I have been taught and understand the attached training material on responsible alcohol beverage serving and I have been given the opportunity to ask questions about any portion I do not understand. I have been given a copy of the training material to keep and review. I acknowledge, as a condition of employment, that I am responsible for compliance with the attached training material and I will manage my behavior to attain zero errors in performance.

[Signature]
Signature

2-1-12
Date

Christina Weldon
Printed name

02/12
Date of Hire

[Signature]
Manager's Signature

2-1-12
Date of Training

Gloria Kinzel
Manager's Printed Name

RESPONSIBLE MANAGER/SERVER TRAINING CERTIFICATION

B-Dale Club; 2100 N. Dale St. Roseville, MN 55113
Establishment & Address

I acknowledge that I have been taught and understand the attached training material on responsible alcohol beverage serving and I have been given the opportunity to ask questions about any portion I do not understand. I have been given a copy of the training material to keep and review. I acknowledge, as a condition of employment, that I am responsible for compliance with the attached training material and I will manage my behavior to attain zero errors in performance.

[Handwritten Signature]
Signature

1-5-12
Date

HERBERT E. IVERSON
Printed name

12-19-11
Date of Hire

Gloria Kinsel
Manager's Signature

1/5/12
Date of Training

GLORIA KINSEL
Manager's Printed Name



May 18, 2012

Gloria A. Kinsel
General Manager
B-Dale Club
2100 North Dale Street
Roseville Minnesota 55113

Gloria A. Kinsel;

Reference Roseville PD Case File 12-009907: April 14, 2012 B-Dale Club Alcohol Compliance Failure.

On Monday, June 11, 2012, the Roseville City Council will discuss the April 14, 2012 alcohol compliance failure at the B-Dale Club. Staff has recommended Council impose the presumptive penalty of a \$1000.00 fine and one (1) day liquor license suspension.

A representative of your establishment may appear at the time of the council discussion to offer any information that you deem relevant as to whether the Council should deviate from the presumptive penalties set forth in the Roseville City Code. If you fail to appear at this meeting, the City Council will act without any input from your establishment.

Summary of Violation:

- March 26, 2012: All businesses with a liquor license in the City of Roseville were mailed a letter from the Roseville Police Department announcing two alcohol compliance checks would be conducted before the end of the year.
- April 14, 2012: A B-Dale Club employee serves a underage compliance buyer an alcoholic beverage. The B-Dale Club employee server looked at the compliance checker's driver's license and then sold him a Miller Lite Beer. This violation was witnessed by a plain clothing police officer. The employee server is administratively cited for the violation.
- May 10, 2012: The B-Dale Club provides server training documentation showing the offending server last received alcohol server training on June 3, 2011.
- May 14, 2012: The B-Dale Club server/violator pays a \$250.00 administrative fine to the City of Roseville for violating city code.

Roseville City Council will consider staff recommendation specific to this violation at its regular meeting scheduled for **Monday, June 11, 2012.** Council discussion of this violation will occur during the "Business Actions" segment of the meeting.

Finally, please be advised if another violation should occur, further penalties will be invoked. If you have any questions, you can reach me at my desk telephone number of 651-792-7211 during normal business hours.

Sincerely,

Lorne Rosand
Lieutenant

Cc: Rick Mathwig -- Chief of Police
Bill Malinen -- City Manager
Roseville City Council