

**ROSEVILLE**  
**REQUEST FOR COUNCIL ACTION**

Date: Oct. 22, 2012  
Item No.: 12.f

Department Approval



City Manager Approval



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Item Description:      **Approve Presumptive Penalty — Love From Minnesota Compliance Failure**

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1  
2      **Background**

3      On March 26<sup>th</sup>, 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 Friday, August 31, 2012, an 18-year old underage alcohol compliance checker entered the Love from Minnesota  
13      off-sale liquor establishment located at 2465 Fairview Avenue, Roseville, Minnesota to conduct an alcohol  
14      compliance check. The underage checker entered the liquor store, picked up a six pack of Bud Light Beer from a  
15      display and went to the checkout counter. At the checkout counter, the cashier asked the compliance checker for  
16      her identification and it was provided. The cashier looked at the photo identification and eventually returned it to the  
17      compliance checker. The cashier was having difficulty ringing up the sale and contacted the manager to assist. The  
18      manager never asked the compliance checker for her identification and completed the sale. The compliance checker  
19      paid for the purchase with two \$5.00 currency notes and received change. A plain clothing police officer then  
20      administratively cited the seller for the violation and released him. As the administrative citation was being written,  
21      the seller acknowledged he realized he had made a “mistake” moments after the compliance checker exited the  
22      business. On September 4, 2012, Love from Minnesota was mailed a letter requesting documentation of a City of  
23      Roseville approved liquor license training program. This documentation was to be received by the police  
24      department no later than September 18, 2012. On September 6, 2012, Love from Minnesota owner – Steven  
25      Chinander provided Lt. Lorne Rosand with employee alcohol server training records indicating all of his employees  
26      assigned to the liquor store were current with their alcohol server training. This is Love from Minnesota’s first  
27      liquor compliance failure/violation in the last thirty six (36) months.

28  
29      **Staff Recommendation**

30      Issue and administer the presumptive penalty pursuant to City Code Section 302.15, for off-sale license holders for  
31      the first violation within thirty-six (36) months. The mandatory minimum penalty shall be a one thousand dollar  
32      (\$1,000.00) fine and a zero (0) day suspension.

33  
34      **Council Action Requested**

35      Allow the Roseville Police Department to issue and administer the presumptive penalty as set forth in Section  
36      302.15, of the Roseville City Code or other action as determined by the Roseville City Council.

37  
**Prepared by:** Lt. Lorne Rosand

Attachments:

- A: Police Report
- B: Letter announcing compliance checks
- C: Notification of failure and investigation
- D: Letter announcing Council Meeting



## ROSEVILLE POLICE DEPARTMENT

### INCIDENT REPORT

<b>ICR#</b> 12023570	<b>AGENCY ORI#</b> MN0620800	<b>JUVENILE:</b>																																																												
<b>INCIDENT</b>	<b>Reported:</b> 08-31-2012 1444 <b>Committed Start: Committed End:</b> <b>Title:</b> Alcohol Compliance Failure <b>How Received:</b> None Selected <b>Short Description:</b> Sale to under age 21 person during cokpliance check. <b>Summary:</b> Alcohol compliance failure. <b>Location(s)</b> Love From Minnesota <b>Address:</b> 2465 FAIRVIEW AVE N <b>City:</b> Roseville <b>State:</b> MN <b>Zip:</b> 55113 <b>Country:</b> USA																																																													
<b>OFFICERS</b>	<b>Officer Assigned:</b> Rosand, Lorne (Administrative Action) <b>Badge No:</b> 3 <b>Primary:</b> No																																																													
<b>NAMES</b>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><b>Involvement:</b> Mentioned</td> <td style="width: 30%;"><b>Name:</b> Schaeppi, Kimberly Lynn</td> <td style="width: 20%;"><b>DOB:</b></td> <td style="width: 20%;"></td> </tr> <tr> <td><b>Age:</b> 6</td> <td><b>Sex:</b></td> <td><b>Race:</b></td> <td><b>Height:</b></td> </tr> <tr> <td><b>Address:</b></td> <td><b>City:</b> Oakdale</td> <td><b>State:</b> MN</td> <td><b>Zip:</b> 55128</td> </tr> <tr> <td><b>Phone:</b> (Business) (621)236-7224</td> <td></td> <td></td> <td><b>Country:</b> USA</td> </tr> </table> <hr/> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><b>Involvement:</b> Suspect</td> <td style="width: 30%;"><b>Name:</b> Hueller, Thomas Charles</td> <td style="width: 20%;"><b>DOB:</b> 02-27-1949</td> <td style="width: 20%;"></td> </tr> <tr> <td><b>Age:</b></td> <td><b>Sex:</b></td> <td><b>Race:</b></td> <td><b>Height:</b></td> </tr> <tr> <td><b>Address:</b></td> <td><b>City:</b> ST PAUL</td> <td><b>State:</b> MN</td> <td><b>Zip:</b> 55117</td> </tr> <tr> <td><b>Phone:</b> (Home) 3</td> <td></td> <td></td> <td><b>Country:</b></td> </tr> </table> <hr/> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><b>Involvement:</b> Mentioned</td> <td style="width: 30%;"><b>Name:</b> Love from Minnesota</td> <td style="width: 20%;"></td> <td style="width: 20%;"></td> </tr> <tr> <td><b>Address:</b> 2465 Fairview Avenue North</td> <td><b>City:</b> Roseville</td> <td><b>State:</b> MN</td> <td><b>Zip:</b> 55113</td> </tr> <tr> <td><b>Phone:</b> (Business) (651)697-7007</td> <td></td> <td></td> <td><b>Country:</b> USA</td> </tr> </table> <hr/> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"><b>Involvement:</b> Owner</td> <td style="width: 30%;"><b>Name:</b> Chinander, Steven James</td> <td style="width: 20%;"><b>DOB:</b> 1</td> <td style="width: 20%;"></td> </tr> <tr> <td><b>Age:</b></td> <td><b>Sex:</b></td> <td><b>Race:</b></td> <td><b>Height:</b></td> </tr> <tr> <td><b>Address:</b> 110 Bank Street 109</td> <td><b>City:</b> Minneapolis</td> <td><b>State:</b> MN</td> <td><b>Zip:</b> 55414</td> </tr> <tr> <td><b>Phone:</b> (Cell) (651)592-8699</td> <td><b>Phone:</b> (Work) (651)639-1413</td> <td><b>Email:</b> (Work)schinander@lovefrommn.com</td> <td><b>Country:</b> USA</td> </tr> </table>		<b>Involvement:</b> Mentioned	<b>Name:</b> Schaeppi, Kimberly Lynn	<b>DOB:</b>		<b>Age:</b> 6	<b>Sex:</b>	<b>Race:</b>	<b>Height:</b>	<b>Address:</b>	<b>City:</b> Oakdale	<b>State:</b> MN	<b>Zip:</b> 55128	<b>Phone:</b> (Business) (621)236-7224			<b>Country:</b> USA	<b>Involvement:</b> Suspect	<b>Name:</b> Hueller, Thomas Charles	<b>DOB:</b> 02-27-1949		<b>Age:</b>	<b>Sex:</b>	<b>Race:</b>	<b>Height:</b>	<b>Address:</b>	<b>City:</b> ST PAUL	<b>State:</b> MN	<b>Zip:</b> 55117	<b>Phone:</b> (Home) 3			<b>Country:</b>	<b>Involvement:</b> Mentioned	<b>Name:</b> Love from Minnesota			<b>Address:</b> 2465 Fairview Avenue North	<b>City:</b> Roseville	<b>State:</b> MN	<b>Zip:</b> 55113	<b>Phone:</b> (Business) (651)697-7007			<b>Country:</b> USA	<b>Involvement:</b> Owner	<b>Name:</b> Chinander, Steven James	<b>DOB:</b> 1		<b>Age:</b>	<b>Sex:</b>	<b>Race:</b>	<b>Height:</b>	<b>Address:</b> 110 Bank Street 109	<b>City:</b> Minneapolis	<b>State:</b> MN	<b>Zip:</b> 55414	<b>Phone:</b> (Cell) (651)592-8699	<b>Phone:</b> (Work) (651)639-1413	<b>Email:</b> (Work)schinander@lovefrommn.com	<b>Country:</b> USA
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<b>EVIDENCE</b>	<b>BarCode:</b> 12-10425 <b>Item Type:</b> Alcohol <b>Bin:</b> A34 <b>Value:</b> <b>Description:</b> Six pack of bottle beer Bud light <b>Location</b> <b>Address:</b> 2465 FAIRVIEW AVE N <b>City:</b> Roseville <b>State:</b> MN <b>Zip:</b> 55113 <b>Country:</b> USA																																																													

#### Supplemental Report

ICR: 12023570

09-04-2012 0853

Title: Alcohol Compliance Check

Created By: Greg Levendoski

On 08-31-2012 XXXXX XXXXX acted as my underage alcohol buyer. XXXXX viewed the underage video prior to beginning of the compliance checks. I had Officer Reski search and take a photograph of XXXXX and I photo copied her Driver License which are attached with this report.

At approx. 1330 hours XXXXX Walked into the business of Love from Minnesota and grabbed a six pack of

Bud Light and walked up to the check out area of the store and placed the beer on the counter. The clerk later Id as (Thomas Charles HUELLER dob ). asked XXXXX for her drivers license. XXXXX handed him her MN photo DL. XXXXX told me Hueller looked at it and did not know how to run the beer through so then he called up the manager to help him. XXXXX said the manager did not look at her driver license just rang the sale through. XXXXX paid with two five dollar bills and then waved to me to come into the store and pointed out the clerk to me. I identified myself as a Roseville police officer and told him he just sold alcohol to underage person 18 year of age. Hueller told me "I only work part time and knew I made a mistake after she walked out of the store". I showed Hueller XXXXX's Driver license showing him the under 21 in red at the top of the picture on the DL. and showed him what an adult 21 and over looks like. I had Hueller call up his manager and I explained everything to her also.

I verbally ID the store manager as: Kimberly Lynn Schaeppi  
Phone

mn 55128

I cited Hueller with an administrative citation # 22121 for selling alcohol to an underage person.

I propertied one six pack of Bud light bottles PL #11.

Nothing further.

#### Supplemental Report

**ICR:** 12023570

09-05-2012 1503

**Title:** Training Records Request

**Created By:** Lorne Rosand

On Tuesday, September 4, 2012, I sent the attached letter to Love from Minnesota Store Manager Kimberly Schaeppi.

In this letter, I request Schaeppi to provide me with alcohol server training records for Thomas Hueller as well as all employees authorized to sell liquor at this establishment. Schaeppi was given until Tuesday, September 18, 2012 to provide me with all alcohol server training records.

Report is for informational purposes.

#### Supplemental Report

**ICR:** 12023570

09-05-2012 1501

**Title:** Administrative Citation Paid

**Created By:** Lorne Rosand

On Wednesday, September 5, 2012, I received notification that Thomas Hueller had paid his administrative citation (22121) fine of \$250.00.

Report is for informational purposes.

#### Supplemental Report

**ICR:** 12023570

09-06-2012 1350

**Title:** Supplement Report

**Created By:** Lorne Rosand

On Thursday, September 6, 2012 at approximately 1335 hours, I received a telephone call from a man who identified himself as Steven Chinander. Chinander said he was the owner of Love from Minnesota and was calling in reference to the letter his manager had received from me reference the sale of alcohol to a underage person on August 31, 2012.

Chinander requested a copy of the city's MANAGER SERVER TRAINING PROGRAM mentioned in my letter. I e-mailed Chinander a copy of the manager server training program as a PDF.

When I asked Chinander specifically about his employee(s) receiving some type of city approved alcohol server training, Chinander seemed unaware the city required annual alcohol server training.

Report is for informational purposes.

**Supplemental Report**

**ICR:** 12023570

09-13-2012 1147

**Title:** Training Records Received

**Created By:** Lorne Rosand

On or about September 11, 2012, I received employee server training records from Love from Minnesota business owner Steven Chinander.

I reviewed all nine of the server training record documents and found all nine of his server employees are current with their training to include Thomas Hueller. Hueller is the employee who sold to a underage compliance check on August 31, 2012.

Report is 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](http://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](mailto: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.

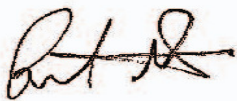
**The mandatory minimum penalty for the sale of alcoholic beverages to underage individuals is a \$1,000 fine and a one day suspension.**

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



September 4, 2012

Kimberly Schaeppi  
Love from Minnesota  
2465 Fairview Avenue North  
Roseville Minnesota 55113

Kimberly Schaeppi - 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 August 31, 2012, a Love from Minnesota employee named Thomas Hueller 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 Thomas Hueller has completed a city approved liquor license training program. **I must receive a copy of Hueller's training certification from you by Tuesday, September 18, 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/sell liquor at your establishment. These server training documents are also due by Tuesday, September 18, 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





September 17, 2012

Steven Chinander - Owner  
Love from Minnesota  
2465 Fairview Avenue  
Roseville Minnesota 55113

Steven Chinander;

Reference Roseville PD Case File 12-023570: August 31, 2012 Love from Minnesota Alcohol Compliance Failure.

On Monday, October 22, 2012, the Roseville City Council will discuss the August 31, 2012 alcohol compliance failure at Love from Minnesota. Staff has recommended Council impose the presumptive penalty of a \$1000.00 fine and zero (0) 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.
- August 31, 2012: A Love from Minnesota employee sold an underage compliance buyer a six pack of Bud Light Beer. The Love from Minnesota employee seller looked at the compliance checker's drivers license and sold her a six pack of beer. The employee server was administratively cited for the violation.
- September 5, 2012: The Love from Minnesota seller/violator pays a \$250.00 administrative fine to the City of Roseville for violating city code.
- September 6, 2012: Love from Minnesota provides server training documentation showing the offending seller and all employees authorized to sell alcohol are current with their alcohol employee server training.

Roseville City Council will consider staff recommendation specific to this violation at its regular meeting scheduled for Monday, October 22, 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