

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

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

Department Approval



City Manager Approval



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Item Description:     **Approve Presumptive Penalty — Cedarholm Golf Course Alcohol Compliance Failure**

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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.

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11     **Compliance Failure**

12     On Thursday, August 30, 2012, an 18-year old underage alcohol compliance checker entered the Cedarholm Golf  
13     Course Clubhouse located at 2323 North Hamline Avenue, Roseville, Minnesota to conduct an alcohol compliance  
14     check. The underage checker entered the clubhouse and asked an employee for a Budweiser Beer. The clubhouse  
15     employee sold the compliance checker a single can of Budweiser Beer for \$3.00. The clubhouse employee never  
16     asked for identification from the compliance checker, accepted the checker's \$5.00 currency note and provided \$2.00  
17     change. A plain clothing police officer then administratively cited the seller for the violation and released him. On  
18     September 4, 2012, Cedarholm Golf Course was mailed a letter requesting documentation of a City of Roseville  
19     approved liquor licensee training program. This documentation was to be received by the police department no later  
20     than September 18, 2012. On September 10, 2012, Cedarholm Golf Course Clubhouse Manager – Roxann Maxey  
21     informed Lt. Rosand she was unable to produce any employee alcohol server training records. This is Cedarholm  
22     Golf Course first liquor compliance failure/violation in the last thirty six (36) months.

23  
24     **Staff Recommendation**

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

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29     **Council Action Requested**

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

32  
33     Discuss violation of City Code Section 302.08, *Manager and Server Training*. Failure to comply with this provision  
34     in its entirety is sufficient grounds for denial or nonrenewal of a requested license in 2013.

35  
36     At a December 12, 2011 Council Meeting, Council fined Smash Burger Restaurant an additional \$1000.00 beyond  
37     the presumptive civil penalty for selling alcoholic beverage to a person under the age of 21-years. The additional  
38     \$1000.00 fine was for failing to provide current *Manager and Server Training* to its employee(s).

**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> 12023466	<b>AGENCY ORI#</b> MN0620800	<b>JUVENILE:</b>
<b>INCIDENT</b>	<b>Reported:</b> 08-30-2012 1548 <b>Committed Start:</b> 09-03-2012 1000 <b>Committed End:</b> 09-03-2012 <b>Title:</b> Alcohol Compliance Failure <b>How Received:</b> None Selected <b>Short Description:</b> Sale to under age 21 person compliance check <b>Summary:</b> Alcohol Compliance Check Failure. <b>Location(s)</b> Cedarholm Golf Course <b>Address:</b> 2323 HAMLIN AV 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>	<b>Involvement:</b> Mentioned <b>Name:</b> McDonagh, Sean Harkin <b>DOB:</b> <b>Age:</b> <b>Sex:</b> <b>Race:</b> <b>Height:</b> <b>Weight:</b> <b>Address:</b> <b>City:</b> ARDEN HILLS <b>State:</b> MN <b>Zip:</b> 55112 <b>Country:</b> <b>Phone:</b> (Home) _____ <hr/> <b>Involvement:</b> Suspect <b>Name:</b> Moren, Jakob John <b>DOB:</b> <b>Age:</b> <b>Sex:</b> <b>Race:</b> <b>Height:</b> 0 <b>Weight:</b> 0 <b>Address:</b> <b>City:</b> Maple Grove <b>State:</b> <b>Zip:</b> 55369 <b>Country:</b> <hr/> <b>Involvement:</b> Mentioned <b>Name:</b> Cedarholm Golf Course <b>Address:</b> 2323 Hamline Avenue North <b>City:</b> Roseville <b>State:</b> MN <b>Zip:</b> 55113 <b>Country:</b> USA <b>Phone:</b> (Business) (651)633-8337 <hr/> <b>Involvement:</b> Mentioned <b>Name:</b> Anfang, Jennifer Ann <b>DOB:</b> <b>Age:</b> <b>Sex:</b> <b>Race:</b> <b>Height:</b> <b>Weight:</b> <b>Address:</b> <b>City:</b> MAPLE GROVE <b>State:</b> MN <b>Zip:</b> 55369 <b>Country:</b> USA <hr/> <b>Involvement:</b> Mentioned <b>Name:</b> Maxey, Roxann Lynn <b>DOB:</b> 04-10-1977 <b>Age:</b> <b>Sex:</b> <b>Race:</b> <b>Height:</b> <b>Weight:</b> <b>Address:</b> <b>City:</b> BROOKLYN PARK <b>State:</b> MN <b>Zip:</b> 55428 <b>Country:</b> USA	
<b>EVIDENCE</b>	<b>BarCode:</b> 12-10423 <b>Item Type:</b> Alcohol <b>Bin:</b> A42 <b>Value:</b> <b>Description:</b> One can of Budweiser Beer <b>Location</b> <b>Address:</b> <b>City:</b> <b>State:</b> <b>Zip:</b> <b>Country:</b>	

#### Supplemental Report

ICR: 12023466

09-03-2012 1229

Title: Alcohol Compliance Check

Created By: Greg Levendoski

On 08-30-12 XXXXXXXXXXX XXXXX (XXXXXXXXXXXX) acted as my underage alcohol buyer. XXXXX viewed the the underage buyer instructional video prior to beginning checks. I searched XXXXX and noted he only had one valid MN photo ID. which stated he was under 21 years of age. I took a photograph of XXXXX,



I then provided Maxey with a paper copy of the **City of Roseville Manager and Server Approved Training Program**.

I instructed both McDonagh and Maxey that any Cedarholm Golf Clubhouse employee/manager who serves alcohol needs to at a minimum review and sign off on the city approved training to become compliant with city code. Maxey said she would have all employees who serve/sell alcohol to complete this mandatory training soon.

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.

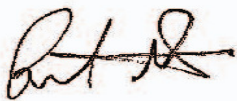
**The mandatory minimum penalty for the sale of alcoholic beverages to underage individuals is a \$1,000 fine and a one day suspension.**

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

Roxann Maxey  
Cedarholm Golf Course  
2323 North Hamline Avenue  
Roseville Minnesota 55113

Roxann Maxey 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 August 30, 2012, a Cedarholm Golf Course employee named Jakob Moren 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 Jakob Moren has completed a city approved liquor license training program. **I must receive a copy of Moren'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 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

Roxann Maxey – Clubhouse Manager  
Cedarholm Golf Course  
2323 North Hamline Avenue  
Roseville Minnesota 55113

Roxann Maxey;

Reference Roseville PD Case File 12-023466: August 30, 2012 Cedarholm Golf Course Alcohol Compliance Failure.

On Monday, October 22, 2012, the Roseville City Council will discuss the August 30, 2012 alcohol compliance failure at Cedarholm Golf Course. 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.
- August 30, 2012: A Cedarholm Golf Course employee sells an underage compliance buyer an alcoholic beverage. The Cedarholm Golf Course employee server never requested the compliance checker's drivers license and sold him a Budweiser Beer. The employee seller/server was administratively cited for the violation.
- September 10, 2012: Cedarholm Golf Course Clubhouse management is unable to provide police alcohol server training documentation.

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