

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

Date: Nov 14, 2011  
Item No.: 12.a

Department Approval



City Manager Approval



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Item Description:      **PRESUMPTIVE PENALTY APPROVAL—GOOD EARTH RESTAURANT ALCOHOL COMPLIANCE FAILURE**

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1  
2      **Background**

3      On March 28<sup>th</sup>, 2011, 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 Tuesday, September 27, 2011, a plain clothes Roseville Police Officer, along with an underage buyer, entered the  
13      Good Earth Restaurant, 1901 Hwy 36 West, Roseville, MN to conduct an alcohol compliance check. The underage  
14      buyer and the plain clothes police officer entered the restaurant and were seated at a table. When asked by the  
15      waitress for beverages, the underage buyer requested a Leinenkugel's Red Lager beer and the officer asked for  
16      water. The waitress never asked the underage buyer for identification. The waitress returned a short time later,  
17      poured the bottle of beer into a glass and set it in front of the underage buyer. The waitress was administratively  
18      cited for the violation and released. On October 5, 2011, the Good Earth restaurant was mailed a letter requesting  
19      documentation of a City of Roseville approved liquor licensee training program. This documentation was to be  
20      received by the Police Department no later than October 14, 2011. Lt. Rosand received correspondence from the  
21      Good Earth Restaurant management on October 11, 2011, which documented the employee in question had last  
22      completed a City of Roseville approved liquor license training program on March 24, 2011. This is the Good Earth  
23      Restaurant'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      **Penalty For Noncompliance:** In addition to any criminal penalties which may be imposed by a court of law, the  
31      City Council may suspend a license for up to 60 days, may revoke a license and/or may impose a civil fine on a  
32      licensee not to exceed \$2,000.00 for each violation on a finding that the license holder or its employee has failed to  
33      comply with a statute, rule or ordinance relating to alcoholic beverages, non-intoxicating malt liquor or wine.

34  
35      **Council should also be aware of the following:**

36      **Minnesota Statute 340A.402 PERSONS ELIGIBLE.**

37      No retail license may be issued to:

- 38      (1) a person under 21 years of age;  
39      (2) a person who has had an intoxicating liquor or 3.2 percent malt liquor license revoked

40 within five years of the license application, or to any person who at the time of the violation owns  
41 any interest, whether as a holder of more than five percent of the capital stock of a corporation  
42 licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a  
43 corporation, partnership, association, enterprise, business, or firm in which any such person is  
44 in any manner interested;

45 (3) a person not of good moral character and repute; or

46 (4) a person who has a direct or indirect interest in a manufacturer, brewer, or wholesaler.

47 In addition, no new retail license may be issued to, and the governing body of a municipality  
48 may refuse to renew the license of, a person who, within five years of the license application,  
49 has been convicted of a felony or a willful violation of a federal or state law or local ordinance  
50 governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic  
51 beverage. The Alcohol and Gambling Enforcement Division or licensing authority may require  
52 that fingerprints be taken and forwarded to the Federal Bureau of Investigation for purposes  
53 of a criminal history check.

54

### 55 **Council Action Requested**

56 Allow the Roseville Police Department to issue and administer the presumptive penalty as set forth in Section  
57 302.15, of the Roseville City Code or other action as determined by the Roseville City Council.

58

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

Attachments:

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

60



## ROSEVILLE POLICE DEPARTMENT

### INCIDENT REPORT

<b>ICR#</b> 11027924	<b>AGENCY ORI#</b> MN0620800	<b>JUVENILE:</b>
<b>INCIDENT</b>	<b>Reported:</b> 09-27-2011 1943 <b>Committed Start: Committed End:</b> <b>Title:</b> Alcohol Violations <b>How Received:</b> None Selected <b>Short Description:</b> Failed alcohol compliance check <b>Location(s)</b> Good Earth <b>Address:</b> 1901 W Hwy 36 <b>City:</b> Roseville <b>State:</b> MN <b>Zip:</b> 55113	
<b>OFFICERS</b>	<b>Officer Assigned:</b> Brake, Matthew <b>Badge No:</b> 193 <b>Primary:</b> Yes <b>Dt/tm Assigned:</b> -- <b>Time Arrived:</b> <b>Time Cleared:</b>	
<b>MOC</b>	<b>MOC:</b> M4102 <b>Literal:</b> LIQUOR - SELLING <b>Statute:</b> 340A-401 <b>UCR:</b> 22	
<b>NAMES</b>	<b>Involvement:</b> Cited <b>Name:</b> Begin, Margaret Ann <b>DOB:</b> <b>Age:</b> <b>Sex:</b> <b>Race:</b> <b>Height:</b> <b>Weight:</b> <b>Address:</b> 1675 Hillview Rd <b>City:</b> SHOREVIEW <b>State:</b> MN <b>Zip:</b> 55126 <b>Phone:</b> (Cell) (763)234-2294 <b>ID Number(s)</b> <b>ID Type:</b> DL / ID Number <b>ID #:</b> <b>State:</b> <b>Year:</b> <b>Class:</b>	
	<b>Involvement:</b> Mentioned <b>Name:</b> Wandzel, Cynthia Ann <b>DOB:</b> <b>Age:</b> <b>Sex:</b> <b>Race:</b> <b>Height:</b> <b>Weight:</b> <b>Address:</b> 1427 Arden View Dr <b>City:</b> ARDEN HILLS <b>State:</b> MN <b>Zip:</b> 55112 <b>ID Number(s)</b> <b>ID Type:</b> DL / ID Number <b>ID #</b> <b>State:</b> <b>Year:</b> <b>Class:</b>	
	<b>PRIVATE Involvement:</b> Other <b>Name:</b> <b>DOB:</b> XXXXX-1991 XXXXXXXXXXXX XXXXXXXXXXX XXXXXX <b>Age:</b> 20 <b>Sex:</b> <b>Race:</b> <b>Height:</b> XXX <b>Weight:</b> XXX <b>Address:</b> XXXX XXXXX XX <b>City:</b> XXXXXXXXXXX <b>State:</b> XX <b>Zip:</b> XXXXX <b>ID Number(s)</b> <b>ID Type:</b> DL / ID Number <b>ID #:</b> XXXXXXXXXXXXXXX <b>State:</b> <b>Year:</b> <b>Class:</b>	
	<b>Involvement:</b> Mentioned <b>Name:</b> Welder-Schultz, Karen <b>DOB:</b> -- <b>Age:</b> <b>Sex:</b> <b>Race:</b> <b>Height:</b> 0 <b>Weight:</b> 0 <b>Address:</b> 1901 Hwy. 36 West <b>City:</b> Roseville <b>State:</b> MN <b>Zip:</b> 55113 <b>Phone:</b> (Business) (651)636-0956 <b>Phone:</b> (Fax) (651)636-4335 <b>Email:</b>	

#### Supplemental Report

ICR: 11027924

09-28-2011 1138

Title: Alcohol Compliance Check

Created By: Matthew Brake

On 09/27/2011 I conducted alcohol compliance checks in the city of Roseville. My under 21 buyer was XXXXXXXX XXXXXX XXXXXXXXXXXXX (XXXXXX/1991). Both XXXXXXXXXXXXX and myself were in plain clothes.

We entered Good Earth restaurant at approximately 1930 hours and were sat at a table. Our waitress, later identified via MN DL as MARGARET ANN BEGIN (11/10/1950), approached us and asked us if we would like anything to drink other than water. I advised BEGIN water was fine for me. XXXXXXXXXXXXX requested a bottle Leinenkugel's Red Lager beer. BEGIN never asked to see any form of identification for XXXXXXXXXXXXX.

BEGIN came back a short time later and poured the bottle of beer into a glass and set it down in front of XXXXXXXXXXXXX. BEGIN stated she would give us a few more minutes to look at the menu and left the beer in front of XXXXXXXXXXXXX to consume.

I identified myself as a Roseville Police Officer and made my department issued badge available to see. I asked BEGIN to check XXXXXXXXXXXXX's ID which she did. BEGIN advised me XXXXXXXXXXXXX's MN DL clearly showed he was under 21 years of age. I asked BEGIN if I could speak to her manager.

Manager CYNTHIA ANN WANDZEL presented herself and I advised her of the situation.

BEGIN was issued administrative citation #22494 for selling on sale alcohol to a person under 21 years of age. BEGIN was released on scene.

A copy of XXXXXXXXXXXXX's MN DL was placed in the paperwork portion of the report.

A photo of the beer provided to XXXXXXXXXXXXX by BEGIN was taken with a copy being placed in the media portion of the report.

Nothing Further.

#### Supplemental Report

ICR: 11027924

09-30-2011 1126

Title: Supplement Report

Created By: Lorne Rosand

On Friday, September 30, 2011 at approximately 1130 hours, I spoke with Begin via telephone.

Begin called asking for additional time to pay her administrative citation based on a financial hardship.

I asked Begin if she would be able to make payment in full (\$250.00) by Monday, October 31, 2011 by 1500 hours. Begin said she could make payment in full by that date.

Begin thanked me for the additional time to make good on her administrative citation.

Report is for informational purposes.

#### Supplemental Report

ICR: 11027924

10-13-2011 1519

Title: Hearing Request

Created By: Lorne Rosand

On Thursday, October 13, 2011, I received the attached letter from Margaret Begin. In Begin's letter she requested a formal hearing specific to administrative cite 22494.

I responded to Begin's request by calling and leaving her a voice mail message to contact me.

At approximately 1445 hours on the same date, Begin called me back. I recorded this conversation and it has been attached to the media file.

In summary, Begin acknowledged her guilt but wanted a reduction in the \$250.00 fine/penalty.

I told Begin I was the appointed hearing officer and asked if the fine was the only issue? Begin said she recently had some financial hardships and asked for a reduction in the penalty. I reminded Begin I had given her an extension to pay the fine with a deadline of Monday, October 31st. Begin said she appreciated the extension but wanted a reduction even if the amount was \$50.00. Again, I told Begin her penalty was \$250.00.

Begin said she would pay her penalty in full by it's due date. Prior to ending my conversation with Begin, I told her if she failed to pay her penalty in full by the due date, she would be criminally charged with the alcohol violation. Begin understood.

Report is for informational purposes.

#### Supplemental Report

**ICR:** 11027924

10-13-2011 1540

**Title:** Manager and Server Documentation

**Created By:** Lorne Rosand

On Tuesday, October 11, 2011, I received a certified letter from the Good Earth Restaurant.

Inside the letter was photo copied documentation of manger and server training of Good Earth employees on March 24, 2011. Upon review of the documentation, I noted Begin received alcohol sales training on March 24, 2011 with a restaurant manager signing off on the training and attendance.

All documentation provided indicates Begin had received alcohol sales training.

See attached documentation.

Report is for informational purposes.

#### Supplemental Report

**ICR:** 11027924

10-27-2011 0921

**Title:** Administrative Cite Paid

**Created By:** Lorne Rosand

On Tuesday, October 25, 2011, I learned Begin had paid her administrative fine of \$250.00 for the offense of serving alcohol to a minor.

I photocopied the paper receipt and electronically placed it in the case file media file.

#### Supplemental Report

**ICR:** 11027924

10-28-2011 1615

**Title:** GM Information

**Created By:** Lorne Rosand

The Good Earth Restaurant General Manger is Karen Welder-Schultz. Welder-Schultz name information was added to the "name" section of this case file.



March 28, 2011

Applebee's Neighborhood Grill  
ATTN: MANAGER  
1893 West Highway 36  
Roseville, MN 55113

*- Sample -  
This letter was sent to  
all businesses.*

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. The Roseville Police Department does 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 a Liquor Control Ordinance. It is Chapter 302 of the Roseville City Code. The Roseville Police Department encourages you to become familiar with the Liquor Control Ordinance of Roseville. It can be obtained at the Roseville City Hall. It can also be reviewed and downloaded by going to the City of Roseville website, [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. There are presumptive penalties 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.

March 28, 2011

Page 2

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 provided liquor licensee training program. Free training packets are available from the City. You can obtain information regarding the program by contacting Kelly Roberto of the Roseville Police Department, at [kelly.roberto@ci.roseville.mn.us](mailto:kelly.roberto@ci.roseville.mn.us).

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.

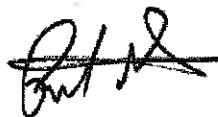
**The mandatory minimum penalty for the sale of alcoholic beverages to underage individuals is a \$1,000 fine and a one day suspension.**

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 do two compliance checks in 2011 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



October 5, 2011

Cynthia Wandzel  
Good Earth Restaurant  
1901 Hwy. 36 West  
Roseville Minnesota 55113

Cynthia Wandzel and/or General Manager:

As you know, 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 September 27, 2011, a Good Earth employee named Margaret Begin 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 Margaret Begin has completed a city approved or provided liquor license training program. **I must receive a copy of Begin's training certification from you by Friday, October 14<sup>th</sup>. Failure to provide this training certification may result in additional penalties because of non compliance.**

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,

A handwritten signature in blue ink, appearing to read "Lorne R. Rosand".

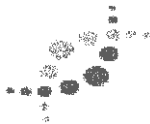
Lorne R. Rosand  
Lieutenant  
Roseville Police Department

Enclosure

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



Best Beverage ~ 221 West 33<sup>rd</sup> Street ~ Minneapolis, MN 55408~ (952) 470-9025



# BEST BEVERAGE 2011 MASTER VERIFICATION FORM

Licensed Establishment/Contact Person:

The Good Earth-Roseville  
Ms. Amber Helman  
1901 Highway 36 West  
Roseville, Minnesota 55113  
(651) 636-0956

The above-referenced licensed establishment and its alcohol serving staff have completed the "BEST" Beverage Server Training class for the calendar year 2011 on the date indicated below. Our participation in this class is part of our overall commitment to improve workplace and public safety by ensuring the responsible and legal sale of alcohol in our establishment. We have followed all instructions for documenting individual participation, including having each employee sign an Individual Employee Verification form along with the Attendance List. We assume sole responsibility for setting and maintaining policies consistent with responsible alcohol service and sales, and we will continue on an on-going basis to train new employees to serve and sell alcohol responsibly.

Presented at the following location: THE GOOD EARTH - ROSEVILLE

On this Date: MARCH 24, 2011

At this Time: 9:30 PM - 11:00 PM

A total of 29 employees have attended. Individual Employee Verification forms are on file with the establishment.

This number totals 95 percent of the total employees authorized to serve and sell alcohol.

These statements are correct:  Date: 3-24-11  
MANAGEMENT SIGNATURE

The undersigned trainer attests that he/she has conducted the referenced training

class at the date and time above:  Date: 3-24-2011

CERTIFIED TRAINER  
CERTIFICATION NUMBER: MN13A02

Note: Most insurance providers and some cities or municipalities require the use of an "outside" certified trainer such as that provided by Best Beverage in addition to having a certain percentage of employee participation as well. Check with your insurance agent and appropriate licensing authority to ensure that all proper training requirements are met.



# BEST BEVERAGE

221 West 33<sup>rd</sup> Street ~ Minneapolis, MN 55408  
(952) 470-9025 ~ info@bestcompliance.net

Good Earth - Roseville  
March 24, 2011

## Employee Course Completion and Attendance List All "Best" Program Participants Must Sign

Trainer: Ben Gisselman

An Individual Employee Verification Certificate is on File for Each Employee Listed Below:

- |  |                                |
|--|--------------------------------|
| 1. RYAN TOWNSEND                             | 13. Matt Landby                |
| 2. Edison Garcia                             | 14. Nancy ROBINSON             |
| 3. Ruben Gahona.                             | 15. Bill Oken                  |
| 4. Trish Wilson                              | 16. David Tidman               |
| 5. Clint Cochran                             | 17. Carmen Marg-Patton         |
| 6. Kirsten Butterfield <sup>Pitt.</sup> Blue | 18. CHARITTE THIELKE           |
| 7. Brendon Markest <sup>Pitt.</sup> Blue     | 19. Nicholas Caliendo          |
| 8. Quilly Murphy <sup>Pitt</sup> Blue        | 20. Megan Edgington            |
| 9. Kimee Olson <sup>Pitt</sup> Blue          | 21. Lara Capentharer           |
| 10. Kelly Kobideau <sup>Pitt</sup> Blue      | 22. Stephanie Tomczyk          |
| 11. Leslie Torala <sup>Pitt</sup> Blue       | 23. Lauren Van Gompel          |
| 12. Carol O'Malley                           | 24. Erin McLaughlin            |
| 25. Farheen Asif                             | 26. Leley Davidson (Mozza Mia) |



Marissa Klein  
Maggie Begin  
Margaret M. Cummings

Rob Erstad - Pittsburgh Blue

Ekaterina Woods

Alison Raprecht

Golf. Wasawoot.

Nancy Gipple

Brianna M Braun

Alex Heller

Cynthia Wardzel



221 West 33<sup>rd</sup> Street ~ Minneapolis, MN 55408 ~ (952) 470-9025

**BEST PRACTICES PROGRAM  
Alcohol Sales Training**

**INDIVIDUAL EMPLOYEE VERIFICATION OF ATTENDANCE**

**This form documents this employee has attended this class session and should be retained by the licensee to certify employee's name on the attendance roster.**

Employee Name: Maggie Begin  
Bar/Restaurant: Good Earth

**Because my work duties include serving and selling alcoholic beverages to those who may legally drink alcoholic beverages, I have been required by my employer to participate in today's Alcohol Sales Training Program. As a condition of my continued employment:**

- 1. I agree to make every effort to serve and sell alcohol legally, and I will not knowingly serve or sell alcohol to minors and obviously intoxicated persons.**
- 2. I will use due diligence in checking the identification of suspected minors to determine their legal age.**
- 3. I will not serve or sell alcohol to a suspected minor who does not have valid identification.**
- 4. I agree to report any suspected obviously intoxicated person to my manager.**
- 5. I will not serve or sell alcohol to any person whom I reasonably believe to be obviously intoxicated.**

Employee Signature: Maggie Begin Date: 3/24/11

Management Signature: Cynthia Wardzel

Date: 3/24/11

**This document to be kept on file by restaurant/bar management.**



# ROSEVILLE

October 5, 2011

Cynthia Wandzel  
Good Earth Restaurant  
1901 Hwy. 36 West  
Roseville Minnesota 55113

Cynthia Wandzel and/or General Manager:

As you know, 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 September 27, 2011, a Good Earth employee named Margaret Begin 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 Margaret Begin has completed a city approved or provided liquor license training program. I must receive a copy of Begin's training certification from you by Friday, October 14<sup>th</sup>. Failure to provide this training certification may result in additional penalties because of non compliance.

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



October 28, 2011

Karen Welder-Schultz  
General Manager  
Good Earth Restaurant  
1901 Highway 36 West  
Roseville Minnesota 55113

Ms. Karen Welder-Schultz;

Reference: September 27, 2011 Good Earth Restaurant Alcohol Compliance Failure.

On Monday, November 14, 2011, the Roseville City Council will discuss the September 27, 2011 alcohol compliance failure at Good Earth Restaurant. Staff has recommend Council impose the presumptive penalty of a \$1,000.00 fine and one (1) day liquor suspension.

A representative of your establishment may appear at the time of 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 28, 2011:** All businesses with a liquor license in the City of Roseville were mailed a letter from Roseville Police Department announcing two alcohol compliance checks would be conducted before the end of the year.
- September 27, 2011:** A Good Earth Restaurant employee serves an underage compliance buyer an alcoholic beverage. The Good Earth Restaurant employee server **NEVER** asked the underage compliance buyer for his driver's license to verify his age. This violation was witnessed by a plain clothing poice officer. The employee server is administratively cited for the violation.
- October 14, 2011:** The Good Earth Restaurant provides server training documentation showing the offending server last received alcohol server training on or about March 24, 2011.
- October 25, 2011:** The Good Earth Restaurant 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, November 14, 2011**. 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 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