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**FINDINGS OF FACT  
 CONCLUSIONS, AND  
 RECOMMENDATIONS**

In the Matter of License No. L247-50198 BE'WICHED DELI  
 for WINE E W/STRONG BEER

Held by:

**BE'WICHED DELI INC  
 MICHAEL RYAN  
 800 WASHINGTON AVE N #101  
 MINNEAPOLIS, MN 55401**

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15-1106006

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This matter came before the Division of Licenses and Consumer Services at a Licensing Settlement Conference meeting on Wednesday, March 11, 2015 in Room 107, Minneapolis City Hall. Appearing on behalf of the Licensee was Michael Ryan; Owner. Appearing for the City were Grant Wilson; Manager, Lt. Amelia Huffman; Police Licensing, Officer Chris Leum; Police Licensing and Michele Harvet; License Inspector. Based on information presented at the meeting, the Division makes the following findings of fact, conclusions, and recommendations:

**FINDINGS OF FACT**

1. Be'Wiched has held an On-Sale Wine and Strong Beer, Class E License, at this location since July, 2007.
2. The Minneapolis Police Department License Investigative Division conducts alcohol compliance checks in an effort to verify that retail-alcohol license holders are not serving alcohol to persons under the age of 21.

3. On July 23<sup>rd</sup>, 2013 the MPD conducted an alcohol compliance check at the Be'Wiched Deli. A 20 year old female shopper was sent into the business in an attempt to purchase alcohol. The shopper ordered a bottle of Fulton Beer. The server asked for the shopper's ID, looked at it, and then served the shopper a bottle of beer. The beer was paid for and the transaction was considered complete. As a result of the alcohol compliance failure, an Administrative citation was issued to Be'Wiched Deli in the amount of \$500.00. Be'Wiched has paid the \$500.00 administrative fee.
4. On Oct. 24<sup>th</sup>, 2013 the MPD conducted a youth alcohol compliance re-check at Be'Wiched Deli. Be'Wiched passed the alcohol compliance check.
5. On Dec. 29<sup>th</sup>, 2014 the MPD conducted an alcohol compliance check at Be'Wiched Deli using two 20 year old female shoppers. The shoppers ordered two cans of Surly Coffee Bender beer. In this case, the server did not ask for the shoppers ID's. The beer was served to the shoppers and paid for. As a result of this alcohol compliance failure, an Administrative citation was issued to Be'Wiched in the amount of \$1000.00 for failing two checks in 24 months.
6. From the first compliance check failure on July 23<sup>rd</sup>, 2013 a Gross Misdemeanor warrant has been issued for the server. For the second failure on Dec. 29<sup>th</sup>, 2014, the case has been submitted to the Minneapolis City Attorney for charging consideration.

### CONCLUSIONS

1. On two separate occasions, employees of Be'Wiched Deli sold alcohol to persons under the age of 21, in violation of Minneapolis City Ordinance 370.10, Minnesota Statute 340A.503 subd.2(1), and the established compliance check policy and procedures of the City of Minneapolis. These compliance failures both occurred in a period of less than 24 months.
2. The licensee has paid the \$500.00 and \$1000.00 administrative fines related to the first and second above stated compliance check failures.

### RECOMMENDATIONS

That the On-Sale Wine and Strong Beer, Class E License issued to Be'Wiched Deli shall be subject to the following conditions and adverse license action:

1. Be'Wiched Deli shall post, on a daily basis, a notice on their alcohol cooler that states the birthdate a person needs to be born by in order to be served alcohol and the penalties for serving alcohol to a minor.
2. Be'Wiched Deli shall perform four (4) self audits for serving alcohol to persons under twenty-one (21) in the twelve (12) months following the approval of this agreement by City Council. Documentation of these self audits shall be made available to Licenses and Consumer Services upon request.

3. Be-Wiched Deli shall complete one alcohol server training with an approved alcohol server training provider, within six (6) months following the approval of this agreement by City Council.
4. In lieu of a three day suspension, the City shall impose a \$2000 sanction. \$1500 shall be stayed for a period of one year from the signing of this agreement. The licensee shall pay \$500 of this sanction due at the time of signing this agreement.

Be'Wiched Deli, Inc. understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility. A minimum standard shall be met in order to hold such a license. One minimum standard is that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances, and regulations. It is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any stayed penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to hold a license and that failure to comply with any of these conditions may result in additional adverse license action.

**Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:**

Be'Wiched Deli, Inc.

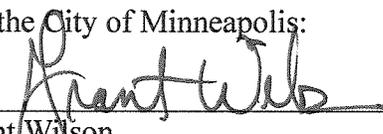
d/b/a Be'Wiched Deli

By:   
Michael Ryan  
Owner

Date:

4/27/15

For the City of Minneapolis:

By:   
Grant Wilson  
Manager  
Licenses & Consumer Services

Date:

5-5-15