

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5TH STREET, ROOM 1-C, CITY HALL
MINNEAPOLIS, MN 55415

**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

In the Matter of License No. L235 29978 RUDOLPH'S BAR B-QUE
for LIQ ON-SALE C-1 W/SS SERIES 2000

Held by:

**RUDOLPH'S BAR B QUE INC
ATTN: KRISTIN LINDSKOG
2110 LYNDALE AVE S STE F
MINNEAPOLIS, MN 55405**

11-0870339

Findings of Fact

1. The Minneapolis Police Department License Investigative Division conducts youth alcohol compliance checks in an effort to assure retail-alcohol license holders are not serving alcohol to persons under the age of 21.
2. On July 29, 2010 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at Rudolph's, located at 1933 Lyndale Av S, in the City of Minneapolis. A 20 year old female and a 19 year old male were sent into the business in an attempt to purchase alcohol. The shoppers were greeted at the door by the bouncer, but the bouncer did not ID either shopper. The shoppers took a seat in a booth, and each shopper ordered a beer from the server. The server then provided each shopper with a bottle of beer. 2 plain clothes Minneapolis Police Officers were standing approximately 20 feet away from the shoppers and observed the transaction. The shoppers picked up their respective beers and handed them off to the officers. The transaction was completed, and the business was considered to have failed the compliance check. As a result of the compliance check failure, an administrative citation was issued to Rudolph's in the amount of \$500.00 as detailed in a City Council Resolution. Rudolph's has not paid the \$500.00 administrative fine.
3. On September 23, 2010 The Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance re-check at Rudolph's pursuant to the

above compliance check failure. Two underage shoppers were sent into the business in an attempt to purchase alcohol. The shoppers were carded, determined to be under 21 years of age and refused service. Rudolph's passed the youth alcohol compliance re-check.

4. On July 29, 2011 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at Rudolph's for the calendar year of 2011. Two 20 year old females were sent into the business in an attempt to purchase alcohol. The shoppers took a seat at the bar. Each shopper ordered a beer from the bar tender. The bar tender did not ask the shoppers for ID. The bar tender served each shopper a beer. The shoppers paid for the beers. 2 plain clothes Minneapolis Police Officers were standing approximately 20 feet away from the shoppers and observed the transaction. The shoppers picked up their respective beers and handed them off to the officers. The transaction was completed, and the business was considered to have failed the compliance check. This constituted the second youth alcohol compliance check failure for Rudolph's within a 24 month period. As a result of the second compliance check failure, an administrative citation was issued to Rudolph's in the amount of \$1000.00 as detailed in a City Council Resolution. Rudolph's has paid the \$1000.00 administrative fine.
5. From the first compliance check failure on July 29, 2010, the bouncer was charged with and convicted of Providing Alcohol to a Minor. Criminal charges against the bar tender are pending as a result of the July 29, 2011 compliance check failure.

Conclusions

1. On two separate occasions, employees of Rudolph's 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 all occurred in a period of less than 24 months.
2. The licensee has not paid the \$500.00 administrative fine related to the first above stated compliance check failure. The licensee has paid the \$1000.00 administrative fine related to the second above stated compliance check failure.

Recommendations

Based on the evidence presented at the license settlement conference, Licensing and Consumer Services makes the following recommendations:

1. The ownership of Rudolph's agrees to implement a policy of self-audits for staff in an effort to educate their employees to conduct proper identification checks of patrons who enter the premises to ensure they are of legal drinking age.
2. The ownership of Rudolph's agrees to maintain their alcohol awareness policy and conduct annual training of their staff.
3. The ownership of Rudolph's agrees to pay the \$500.00 fine for the violation from July.29, 2010 youth alcohol compliance check.
4. The ownership of Rudolph's agrees to pay a \$1,500.00 imposed fine as a result of these proceedings. If Rudolph's does not have any further violations within one year of the agreement \$1,000.00 of the imposed fine will be stayed.

Charles Theros 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.

I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

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

Business

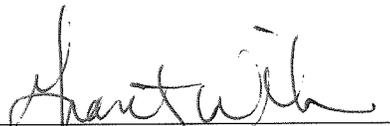
RUDOLPHS BAR-B-QUE INC

By: 
(signature)

Its: MANAGING PARTNER
(title)

Dated: 27 SEP, 2011

For the City of Minneapolis:


Grant J. Wilson
Manager

Dated: Sept. 27, 2011