

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. L028 38705 BOBBY & STEVE'S AUTOWORLD
for BEER OFF-SALE

Held by:

**BOBBY AND STEVES AUTO WORLD II LLP
JARED SCHEEVER, MGR
1221 WASHINGTON AVE S
MINNEAPOLIS, MN 55415**

11-0881004

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 May 17, 2011 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance check at Bobby & Steve's Auto World, located at 1221 Washington Av S, in the City of Minneapolis. A 20 year old male and an 18 year old male were sent into the business in an attempt to purchase alcohol. The shoppers went to the beer cooler, and the 20 year old shopper picked out a six pack of Bud Light Lime beer. The shoppers brought the six pack of beer to the register, and the 20 year old shopper set the six pack of beer down on the counter. The cashier did not ask either shopper for ID. The cashier rang up the sale, and the 20 year old shopper paid for the six pack of beer. Two plain clothes Minneapolis Police Officers were standing approximately 15 feet away from the shoppers and observed the above transaction. The 20 year old shopper picked up the six pack of beer and handed it 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 Bobby & Steve's Auto World in the amount of \$500.00 as detailed in a City Council Resolution. Bobby & Steve's Auto World has paid the \$500.00 administrative fine.
3. On June 21, 2011 the Minneapolis Police Department License Investigative Division conducted a youth alcohol compliance re-check at Bobby & Steve's Auto World, pursuant to the above compliance check failure. A 20 year old female and a 20 year old male were sent into the business in an attempt to purchase alcohol. The shoppers went to the beer cooler, and the female shopper picked out a six pack of Miller Genuine Draft

beer. The shoppers brought the six pack of beer to the register and the female shopper set the six pack of beer down on the counter. The cashier asked the female shopper for ID. After looking at the female shopper's ID and showing the ID to another store employee, the cashier rang up the sale. The female shopper paid for the six pack of beer. 2 plain clothes Minneapolis Police Officers were standing in line directly behind the shopper and observed the transaction. The female shopper picked up the six pack of beer and handed it off to the officers. The transaction was completed, and the business was considered to have failed the compliance re-check. This constituted the second youth alcohol compliance check failure for Bobby & Steve's Auto World within a 24 month period. As a result of the second compliance check failure, an administrative citation was issued to Bobby & Steve's Auto World in the amount of \$1000.00 as detailed in a City Council Resolution. Bobby & Steve's Auto World has paid the \$1000.00 administrative fine.

4. From the first compliance check failure on May 17, 2011, criminal charges against the cashier, for Furnishing Alcohol to a Person Under 21, are pending. Criminal charges against the cashier are also pending as a result of the June 21, 2011 compliance re-check failure.

Conclusions

1. On two separate occasions, employees of Bobby & Steve's Auto World 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 paid the \$500.00 administrative fine related to the first above stated compliance check failure. The licensee has also paid the \$1000.00 administrative fine related to the second above stated compliance check failure.

Recommendations

Based on the evidence presented at the hearing, the Department recommends the Off Sale Beer license issued to Bobby and Steve's shall be subject to the following conditions and adverse license actions:

1. In lieu of a suspension of the on sale liquor license, the City shall impose a \$1,500.00 sanction. \$1,000.00 will be stayed for a period of one year and \$500.00 will be due 30 days from the day the full City Council approves of this agreement.

Bobby and Steve's 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

Bobby & Steve's Auto World

By: MADALINA Fizzaria
(signature)

Its: Proprietor
(title)

Dated: November 14th, 2011

For the City of Minneapolis:

Grant J. Wilson
Grant J. Wilson
Manager

Dated: 11-15, 2011