

PURCHASING AND LICENSING COMMITTEE

08-0601R

RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF DAJER, INC. (LAKE SUPERIOR BOTTLE SHOP), 31 EAST FIRST STREET.

CITY PROPOSAL:

BE IT RESOLVED, that the city council of the city of Duluth makes the following findings of fact:

(a) On September 3, 2008, the alcohol, gambling and tobacco commission held a public hearing to consider whether disciplinary action should be taken against the intoxicating liquor license of Dajer, Inc. d/b/a Lake Superior Bottle Shop, 31 East First Street, and has submitted its report to the city council of the city of Duluth as Public Document No. _____;

(b) Pursuant to Duluth City Code Chapter 8, Section 9, clause (a), on October 13, 2008, the city council considered the records and evidence submitted;

(c) The finding of facts as set forth in Public Document No. _____ regarding any suspension, revocation and/or civil penalty relating to the on sale intoxicating liquor license of Dajer, Inc. d/b/a Lake Superior Bottle Shop, 31 East First Street, are adopted.

BE IT FURTHER RESOLVED, that the decision of the city council regarding any suspension, revocation and/or civil penalty is as follows:

(a) The offense occurring on April 3, 2008 is a first offense and a civil penalty of \$500 is imposed. Such fine payable within 30 days of council action;

(b) The offense occurring on June 19, 2008, is a second offense within a year and a civil penalty of \$750 and a one day license suspension is imposed.

The second offense penalty is stayed for a one year period and shall be reduced to no penalty if no further violations occur during the one year period.

Approved as to form:

Attorney

AGTC/CLK JJC:mao 9/24/2008

Alcohol, gambling and tobacco commission discussion: The alcohol, gambling and tobacco commission held a hearing on September 3, 2008, regarding the on sale intoxicating liquor license of Dajer, Inc. d/b/a Lake Superior Bottle Shop, 31 East First Street. The hearing was held regarding two violations of the city liquor code. On April 3, 2008, an employee of the licensee sold an alcoholic beverage to an obviously intoxicated person and was issued a criminal citation charging him with a violation of Duluth City Code Section 8-6. On June 19, 2008, an employee of the licensee sold an intoxicating beverage to a person under the age of 21 in violation of Duluth City Code Section 8-28. The alcohol, gambling and tobacco commission is recommending the following: The offense occurring on April 3, 2008, is a first offense and a civil penalty of \$500 is imposed. Such fine payable within 30 days of council action. The offense occurring on June 19, 2008, is a second offense within a year and a civil penalty of \$750 and a one day license suspension is imposed. The second offense penalty is stayed for a one year period and shall be reduced to no penalty if no further violations occur during the one year period.