

PURCHASING AND LICENSING COMMITTEE

08-0736R

RESOLUTION IN THE MATTER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF DA FITZPATRICK, INC. (LAKE AIRE BOTTLE SHOPPE), 2530 LONDON ROAD.

CITY PROPOSAL:

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

(a) On October 1, 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 DA Fitzpatrick, Inc., d/b/a Lake Aire Bottle Shoppe, 2530 London Road, 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 December 15, 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 off sale intoxicating liquor license of DA Fitzpatrick, Inc., d/b/a Lake Aire Bottle Shoppe, 2530 London Road, are adopted.

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

The offense occurring on June 19, 2008, is a first offense and a civil penalty of \$250 is imposed. Such fine payable within 30 days of council action.

Approved as to form:

Attorney

AGTC/CLK JJC:mao 11/20/2008

Alcohol, gambling and tobacco commission discussion: the police department conducted alcohol compliance checks on June 19, 2008, at several on and off sale intoxicating liquor license establishments. 17 establishments were written tickets for selling alcohol to an underage individual. The alcohol, gambling and tobacco commission (AGTC) held a hearing on October 1, 2008, regarding the off sale intoxicating liquor license of DA Fitzpatrick, Inc. (Lake Aire Bottle Shoppe), 2530 London Road. This was the first offense for Lake Aire Bottle Shoppe and the AGTC fined the licensee \$250 which is in accordance with the guidelines set forth in Section 8-9 of the City Code.