

PURCHASING AND LICENSING COMMITTEE

09-0272R

RESOLUTION IN THE MATTER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF RED CARPET BOTTLE HOUSE, INC. (SHANTY BOTTLE SHOP), 1231 EAST FOURTH STREET.

CITY PROPOSAL:

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

(a) On April 1, 2009, the alcohol, gambling and tobacco commission held a public hearing to consider whether disciplinary action should be taken against the intoxicating liquor license of Red Carpet Bottle House, Inc., d/b/a Shanty Bottle Shop, 1231 East Fourth 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 May 11, 2009, 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 Red Carpet Bottle House, Inc., d/b/a Shanty Bottle Shop, 1231 East Fourth 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: that the Duluth City Council fine the licensee \$500 for the offense, however that \$250 of the fine be due and payable within 30 days of final council action. The remaining fine amount to be stayed for a period of one year following final council action and be abated if no same or similar violations occur during that one year period.

Approved as to form:

Attorney

CLERK JJC:mao 4/15/2009

Alcohol, gambling and tobacco commission discussion: The alcohol, gambling and tobacco commission (AGTC) held a hearing on April 1, 2009, regarding the off sale intoxicating liquor license of Red Carpet Bottle House, Inc., d/b/a Shanty Bottle Shop, 1231 East Fourth Street. The police department conducted alcohol compliance checks on November 13, 2008, at several on and off sale intoxicating liquor license establishments. Shanty Bottle Shop was written a ticket for selling alcohol to an underage individual. Shanty Bottle Shop had a previous violation two years ago, but according to City Code, this is to be presumed a first offense for Shanty Bottle Shop. The AGTC fined the licensee \$500, but stayed \$250 of the fine if no same or similar violations occur during a one year period which is in accordance with the guidelines set forth in Section 8-9 of the City Code, with the remaining \$250 penalty payable in 30 days from final council action.