

PURCHASING AND LICENSING COMMITTEE

09-0426R

RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE NORSHOR EXPERIENCE, INC. (NORSHOR EXPERIENCE), 211 EAST SUPERIOR STREET.

CITY PROPOSAL:

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

(a) On May 6, 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 Norshor Experience, Inc., d/b/a Norshor Experience, 211 East Superior 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 July 27, 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 on sale intoxicating liquor license of Norshor Experience, Inc., d/b/a Norshor Experience, 211 East Superior 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: the Commission recommends that the Licensee serve the presumptive penalty under Duluth City Code § 8-9(c) for a third offense within two years as follows: \$1,000 civil penalty and five day license suspension, plus an additional one day license suspension for its failure to comply with City Council Resolution 09-0012, for a total of six days license suspension. The commission further recommends that payment of

the fine be made within 30 days of council action and that the six day license suspension be served beginning the first Friday following council action.

Approved as to form:

Attorney

CLERK JJC:mao 7/1/2009

Alcohol, gambling and tobacco commission (AGTC) discussion: The alcohol, gambling and tobacco commission held a hearing on May 6, 2009, regarding the on sale intoxicating liquor license of Norshor Experience, 211 East Superior Street. The hearing was held because a patron purchased an alcoholic beverage from the licensee and consumed it in public, and on February 6, 2009, the licensee sold intoxicating liquor when its license was suspended pursuant to City Council Resolution 09-0012. The AGTC commission found that the licensee has had three liquor violations in a two year period of time and recommends that the Licensee serve the presumptive penalty under Duluth City Code § 8-9(c) for a third offense within two years as follows: \$1,000 civil penalty and five day license suspension, plus an additional one day license suspension for its failure to comply with City Council Resolution 09-0012, for a total of six days license suspension. The commission further recommends that payment of the fine be made within 30 days of council action and that the six day license suspension be served beginning the first Friday following council action.