

PURCHASING AND LICENSING COMMITTEE

10-0070R

RESOLUTION IN THE MATTER OF THE OFF SALE INTOXICATING LIQUOR LICENSE OF J&J JAUSS, INC. (GARY LIQUORS), 1431 COMMONWEALTH AVENUE.

CITY PROPOSAL:

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

(a) On December 2, 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 J&J Jauss, Inc. (Gary Liquors), 1431 Commonwealth Avenue, 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 February 8, 2010, 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 J&J Jauss, Inc. (Gary Liquors), 1431 Commonwealth Avenue, 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 city council impose a \$500 civil penalty payable within 60 days of final council action with no portion of which shall be stayed.

Approved as to form:

\_\_\_\_\_  
Attorney

CLERK JJC:mao 1/27/2010

STATEMENT OF PURPOSE: The alcohol, gambling and tobacco commission (AGTC) held a hearing on December 2, 2009, regarding the liquor license of Gary Liquors. On May 4, 2009, the police department conducted a alcohol compliance check and an employee of the licensee sold intoxicating liquor to a person under the age of 21 which is in violation of City Code and state law. Section 8-34 of City Code provides that the licensee is responsible for the conduct of its place of business. This licensee was previously disciplined on November 13, 2007, as a result of a similar violation in 2006. The AGTC is recommending a \$500 fine payable in 60 days with no portion of the fine stayed.