

PURCHASING AND LICENSING COMMITTEE

10-0134R

RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF RANGE RESTAURANTS, LLC (GRIZZLY'S GRILL & SALOON), 1722 MILLER TRUNK HIGHWAY.

CITY PROPOSAL:

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

(a) On February 3, 2010, the alcohol, gambling and tobacco commission held a public hearing to consider whether disciplinary action should be taken against the intoxicating liquor license of Range Restaurants, LLC, d/b/a Grizzly's Grill & Saloon), 1722 Miller Trunk Highway, 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 March 22, 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 Range Restaurants, LLC, d/b/a Grizzly's Grill & Saloon), 1722 Miller Trunk Highway, 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 a \$500 civil penalty be imposed with the following conditions; that \$250 of the penalty be due and payable within 30 days of final council action, and that \$250 of the penalty be stayed for a period of one year from council action, and that the stay be

forgiven if no further violations of a similar nature occur for a period of one year from council action.

Approved as to form:

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Attorney

CLERK JJC:mao 3/12/2010

STATEMENT OF PURPOSE: The alcohol, gambling and tobacco commission (AGTC) held a hearing on February 3, 2010, regarding the on sale liquor license of Grizzly's Grill & Saloon. 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 is the first offense for the licensee within one year, and Section 8-9 provides that the presumptive penalty for a first offense is a \$500 penalty. The recommendation of the AGTC is to impose a civil penalty of \$500, with \$250 due and payable within 30 days of council action, and \$250 be stayed for one year from council action pending no further same or similar violations occur during that one year period of time.