

PURCHASING AND LICENSING COMMITTEE

10-0162R

RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF SHOTZ BAR, INC. (SHOTZ BAR), 1321 COMMONWEALTH AVENUE.

CITY PROPOSAL:

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

(a) On March 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 Shotz Bar, Inc., d/b/a Shotz Bar, 1321 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 April 12, 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 on sale intoxicating liquor license of Shotz Bar, Inc. d/b/a Shotz Bar, 1321 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 \$1,000 civil penalty and a one day liquor suspension with the following conditions: payment of \$1,000 be due and payable within 60 days of council action; \$250 represents a previously stayed fine that was violated and \$750 represents a new civil penalty for the current offense; that the one day liquor

suspension be stayed for a period of one year and be abated if no same or similar violations occur during that one year period from council action.

Approved as to form:

Attorney

CLERK JJC:mao 3/29/2010

STATEMENT OF PURPOSE: The alcohol, gambling and tobacco commission (AGTC) held a hearing on March 3, 2010, regarding the liquor license of Shotz Bar. On June 23, 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 second offense for the licensee in one year. The licensee was previously disciplined on September 27, 2009, as a result of a violation that occurring on December 24, 2008. The licensee allowed consumption of alcohol on that date and time which was not authorized by City Code. As a result of that violation, a \$250 penalty was imposed and stayed for a period of one year from the date of council action. Section 8-9 of City Code provides that the presumptive penalty for a second offense is a \$750 fine and a one day liquor suspension. The recommendation of the AGTC is to impose a civil penalty of \$1,000; \$250 from the previously stayed fine and \$750 represents the new civil penalty for the current offense payable within 60 days of council action, and the one day suspension be stayed for one year and abated if no same or similar.