

PURCHASING AND LICENSING COMMITTEE

10-0250R

RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF S&D ENTERPRISES, INC., D/B/A GOPHER BAR & GRILL, 402 NORTH CENTRAL AVENUE.

CITY PROPOSAL:

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

(a) On April 7, 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 S&D Enterprises, Inc., d/b/a Gopher Bar & Grill, 402 North Central 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 May 10, 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 S&D Enterprises, Inc., d/b/a Gopher Bar & Grill, 402 North Central 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 and that payment of \$250 of the penalty be stayed for a period of one year and be abated if no same or similar violations occur during

that one year period, and that payment of \$250 of the penalty be payable within 60 days of final council action.

Approved as to form:

Attorney

CLERK JJC:mao 4/30/2010

STATEMENT OF PURPOSE: The alcohol, gambling and tobacco commission (AGTC) held a hearing on April 7, 2010, regarding the liquor license of Gopher Bar & Grill. On July 16, 2010, 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, 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 of the penalty be payable within 60 days of council action, and \$250 stayed for one year and abated if no same or similar during the year.