

PURCHASING AND LICENSING COMMITTEE

10-0291R

RESOLUTION IN THE MATTER OF THE ON SALE INTOXICATING LIQUOR LICENSE OF LUCKY BREAK, INC. (HORSESHOE BILLIARDS), 2415 WEST 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 5, 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 Lucky Break, Inc. (Horseshoe Billiards), 2415 West 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 June 14, 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 Lucky Break, Inc. (Horseshoe Billiards), 2415 West 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: 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 from council action 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 5/19/2010

STATEMENT OF PURPOSE: The alcohol, gambling and tobacco commission (AGTC) held a hearing on May 5, 2010, regarding the liquor license of Horseshoe Billiards. 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, 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 violations occur during the year.