

PURCHASING AND LICENSING COMMITTEE

10-0552R

AS AMENDED

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 August 4, 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 J&J Jauss, Inc., d/b/a 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 November 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., d/b/a 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: payment of a \$750 penalty payable within 30 days of final council action; ~~with \$250 of said fine stayed for a period of one year and abated if licensee has no same or similar violations from the violation date of March 4, 2010;~~ and a one day suspension of the licensee's liquor license, ~~said one day stayed for a period of one year and abated if the licensee has no same or similar violations for a period of one year~~

~~from the violation date of March 4, 2010~~ to occur on the second Monday following council passage.

AGTC/CLK JJC/MAO:mao 10/22/2010

STATEMENT OF PURPOSE: The alcohol, gambling and tobacco commission (AGTC) held a hearing on August 4, 2010, regarding the liquor license of Gary Liquors. On March 4, 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 the 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, and Section 8-9 provides that the presumptive penalty for a second offense is a \$750 penalty and a one day suspension. The recommendation of the AGTC is to impose a civil penalty of \$750 payable in 30 days, with \$250 stayed for one year with no same or similar in one year, and a one day suspension, said one day stayed for one year with no same or similar.