

PURCHASING AND LICENSING COMMITTEE

13-0154R

RESOLUTION IN THE MATTER OF THE OFF SALE 3.2 PERCENT
MALT LIQUOR LICENSE OF MINER'S, INC. (SUPER ONE FOODS
#457), 15 SOUTH 13TH AVENUE EAST.

CITY PROPOSAL:

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

(a) On March 6, 2013, the alcohol, gambling and tobacco commission held a public hearing to consider whether disciplinary action should be taken against the 3.2 percent malt liquor license of Miner's, Inc. (Super One Foods #457), 15 South 13th Avenue East, and has submitted its report to the city council of the city of Duluth as Public Document No. _____;

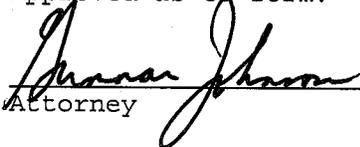
(b) Pursuant to Duluth City Code Chapter 8, Section 9, clause (a), on April 1, 2013, the city council considered the records and evidence submitted;

(c) The finding of facts as set forth in Public Document No. _____ regarding any suspension, revocation and/or civil penalty relating to the 3.2 percent malt liquor license of Miner's, Inc. (Super One Foods #457), 15 South 13th Avenue East, are adopted.

BE IT FURTHER RESOLVED, that the decision of the city council regarding any suspension, revocation and/or civil penalty is as follows: due to the mitigating circumstance that the alcohol, gambling and tobacco commission was unable to meet

for three consecutive months, the Duluth City Council reduce the presumptive \$500 penalty and fine the licensee \$100 payable within 30 days of final city action.

Approved as to form:


Attorney

AGTC/CLK JJC:mao 3/18/2013

Alcohol, gambling and tobacco commission discussion of 3/6/13: The alcohol, gambling and tobacco commission (AGTC) held a hearing on March 6, 2013, regarding the off sale 3.2 percent malt liquor license of Super One Foods #457. The police department conducted alcohol compliance checks on July 18, 2012, and the clerk was issued a ticket for selling alcohol to an underage individual. According to City Code, the licensee is responsible for the actions of the employees, and the licensee was issued a ticket for an illegal sale. This was the first offense for the licensee at this location. The AGTC found that a mitigating circumstance existed due to the fact the AGTC canceled the hearing three months in a row and reduced the presumptive penalty of \$500 to \$100 payable in 30 days after final council action.

CITY OF DULUTH

ALCOHOL, GAMBLING AND TOBACCO COMMISSION

REPORT TO THE CITY COUNCIL

IN THE MATTER OF: **MINER'S, INC., d/b/a Super One Foods #457**, 15 So. 13th Ave. East, Duluth, Minnesota 55802.

The above-entitled matter came on for hearing before the Duluth Alcohol, Gambling and Tobacco Commission on March 6, 2013, in the City Council Chambers in Duluth, Minnesota. The hearing record closed on March 6, 2013 upon completion of the hearing.

Terri L. Lehr, Assistant City Attorney, City of Duluth, Office of the City Attorney, 410 City Hall, Duluth, Minnesota, 55802, appeared on behalf of the City licensing staff. Bruce Anderson, General Counsel, and Dan Heikkinen, Store Manager and authorized agent, appeared on behalf of the Licensee.

This Report is a recommendation, not a final decision. The Duluth City Council will make the final decision after a review of the record which may adopt, reject or modify the Findings of Fact, Conclusions and Recommendations contained herein. Pursuant to Minn.Stat. §14.61, the final decision of the Council shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by the Report to file exceptions and present argument to the City Council. Parties should contact the City Clerk to ascertain the procedure for filing exceptions or presenting argument.

FINDINGS OF FACT

The commission makes the following findings of fact.

1. Licensee is licensed by the City of Duluth to sell "off-sale beer" at its premises located at 15 So. 13th Ave. East, Duluth, Minnesota.
2. On July 18, 2012, an employee of Licensee was issued a citation for sale of a six-pack of beer to a person under the age of 21 in violation of Duluth City Code section 8-28. The employee was convicted of the violation on August 23, 2012.

3. The Licensee was also issued a citation under Duluth City Code section 8-35 for the illegal sale and convicted of this offense on August 23, 2012.
4. The Commission then issued its Notice of and Order for Hearing and set a hearing date of January 2, 2013. The hearing was rescheduled two times due to a lack of a quorum of the Commission and finally held on March 6, 2013.
5. This is the Licensee's first violation for purposes of the presumptive penalty schedule provided for in Duluth City Code section 8-9.

CONCLUSIONS

Based upon these facts, the commission makes the following conclusions:

1. Section 8-9(b)(1) of the Duluth City Code provides that the violation of any law relating to the operation of a liquor establishment shall be deemed to be good cause for disciplinary action up to and including imposition of a civil penalty, license suspension or license revocation.
2. Section 8-35 of the Duluth City Code provides that the licensee shall be responsible for the conduct of its place of business and any violation of Chapter 8 of the Duluth City Code committed on the licensed premises by an employee of the licensee shall be deemed the act of the licensee as well as the employee.
3. The Licensee is liable for the violation occurring on its licensed premises on July 18, 2012.
4. Section 8-9(c) of the Duluth City Code provides that the presumptive penalty for the current violation is a \$500 civil penalty. Mitigating circumstances exist as follows: The Licensee prepared for and made arrangements to attend and/or attended three separate monthly meetings of the AGT Commission, and due to a lack of quorum of the Commission members at each of the previously-scheduled meetings, this matter was not heard until March 6, 2013.

RECOMMENDATION

It is the recommendation of the Duluth Alcohol, Gambling and Tobacco Commission that the Duluth City Council impose a civil penalty as follows:

1. Payment of a \$100 penalty; and
2. That payment of the \$100 penalty be made within 30 days of final council action.

Dated: _____

DULUTH ALCOHOL, GAMBLING
AND TOBACCO COMMISSION

By: _____
Chris Pekkala, Vice-President

CITY OF DULUTH
ALCOHOL, GAMBLING AND TOBACCO COMMISSION

NOTICE OF AND ORDER FOR HEARING

TO: Miner's Inc., d/b/a Super One Foods, Attention: Mark Heehn, 15 So. 13th Ave. E., Duluth, MN 55802.

PLEASE BE ADVISED that on **January 2, 2013**, at 4:45 p.m. in the Council Chambers at City Hall in the City of Duluth, the Duluth Alcohol, Gambling and Tobacco Commission will hold a hearing, pursuant to Minnesota Statutes §340A.415 and Section 8-9 of the Duluth City Code, to consider what, if any, disciplinary action, including suspension or revocation or a civil fine of not to exceed \$2,000, will be recommended to the Duluth City Council with respect to your intoxicating liquor license.

If you do not appear at said hearing, the Alcohol, Gambling and Tobacco Commission may, in your absence, recommend that the Duluth City Council consider the allegations contained herein to be true.

At the above-mentioned hearing, you may, at your option, be represented by legal counsel.

The Rules for Contested Case Hearings Minnesota Rules Chapter 1400, Part 5550, et.seq, to the extent applicable, and Minnesota Statutes §14.57 through §14.69 govern. Copies of these laws and rules may be obtained at the Duluth Public Library or online from the official web site of the State of Minnesota.

The City will present its case, and then you will have an opportunity to present your case. At the time of the hearing, you should be prepared to produce any evidence and arguments you feel are relevant to the issues raised. You or your attorney will be allowed to cross-examine all adverse witnesses. If needed, subpoenas are available (Minnesota Rules 1400.7000).

You must advise the Commission if you seek to admit evidence that is classified not public. If data that is not public is admitted, it may become public. Relief is available under Minnesota Statutes §14.60, subd. 2. If an interpreter is needed, you must inform the Commission and one will be appointed.

A notice of appearance must be filed with the City Clerk within 20 days of the date of service of the notice of hearing if you intend to appear at the hearing.

The person representing the City, who you should contact to discuss settlement or other concerns is Terri L. Lehr, Assistant City Attorney.

The hearing will be open to the public.

The following facts give rise to the inquiry and hearing mentioned above:

1. Licensee is licensed by the City of Duluth for "off-sale beer" at its premises located at 15 So. 13th Avenue East, Duluth, Minnesota.
2. On or about July 18, 2012, Andrew M. Bjorklund, an employee of Licensee, sold a six-pack of beer to an underage person at Licensee's business establishment known as Super One Foods. Bjorklund was cited for the violation, convicted on August 23, 2012 and paid a fine of \$62.50. *See City Docs. No. 1-3 (Duluth Police Department Report ICR# 12-135517; City of Duluth City Ordinance Violation Ticket No. LP10003970; and Proof of Payment).*
3. Licensee was cited under Duluth City Code section 8-35 for the illegal sale, convicted of this offense on August 23, 2012 and paid a fine of \$250.00. *See City Docs. No. 4-5 (City of Duluth Ordinance Violation Ticket No. LP10004067; and Proof of Payment).*
4. Pursuant to City Code Sections 8-9(a) and (b)(1) the Alcohol, Tobacco and Gambling Commission will consider whether the violation alleged is good cause for suspension or revocation of the liquor license or for the imposition of a civil penalty.
5. This is the Licensee's first offense for purposes of the presumptive penalty schedule provided for in Duluth City Code section 8-9.

6. Pursuant to Duluth City Code section 8-9, absent aggravating or mitigating circumstances, the presumptive penalty for a first offense is a \$500.00 civil penalty.
7. Section 8-9(c) provides that "No portion of the payment of a civil penalty or period of suspension may be stayed or excused. All civil penalties are due and payable within 30 days of council action. The council shall determine the dates any suspension shall be served, but in no event may the suspension period commence earlier than ten days after council action."

(Records Supporting This Notice Are Attached As City Documents Nos. 1-5).

Dated: 11/29/12

JEFFREY J. COX, Secretary
Alcohol, Gambling and Tobacco
Commission

and



TERRI L. LEHR (0191668)
Assistant City Attorney

Gunnar B. Johnson, City Attorney
Attorneys for the Alcohol, Gambling and
Tobacco Commission

STIPULATION

Parties to this Stipulation are the City of Duluth and Miner's Inc., d/b/a Super One Foods #457 ("Licensee").

Parties stipulate as follows:

1. Licensee is the holder of an off-sale beer license issued by the City of Duluth.
2. The Duluth Alcohol, Gambling and Tobacco Commission has jurisdiction over a license and enforcement issue involving an alleged violation occurring on July 18, 2012, at the Licensee's licensed premises known as Super One Foods, located at 15 So. 13th Avenue East, Duluth, Minnesota.
3. The Notice of and Order for Hearing was served on the Licensee by United States Mail on November 29, 2012. In addition, Licensee was furnished with reports of the incident. Licensee waives any defects in service.
4. Licensee waives the right to a hearing regarding the violation but does not waive its right to address the Commission on the issue of penalty. Licensee admits the allegations of fact set forth in the Notice of and Order for Hearing.
5. The Commission will determine what, if any, action it will take.

Dated: 12/27/12

CITY OF DULUTH

By: *Terry S. Selu*
Assistant City Attorney

MINER'S INC., d/b/a Super One Foods
#457 Licensee

By: *[Signature]*
Its *General Counsel*
Printed Name *Bruce M. Anderson*

Duluth Police Department
Main Office

Reported Date: 07/18/2012 Time: 20:35 Case No.: 12135517
Code: DU8.28 Crime: DPD-LIQUOR-SALES TO MINORS PROHIBITED
Class: M4199 Occurrence Date:
Location: 15 S 13 AVE E, IDU, , ,

===== NARRATIVE =====

SYNOPSIS

The below report will detail my investigation into alcohol compliance check that occurred at 15 South 13th Avenue East. The employee, ANDREW MICHAEL BJORKLUND, DOB/08/21/91, had failed the alcohol compliance check and was issued a citation.

NARRATIVE

On 07/18/12, at approximately 2035 hours, I, Officer Sewell (Squad 84), along with Officer Greenwalt (Squad 89), was completing alcohol compliance checks to numerous locations on the east side of Duluth. Prior to starting the compliance checks, we had a 20-year-old decoy, JESSE JAMES SCHILLING, DOB/05/15/92, fill out the Duluth Police Department Cooperating Individual Agreement form. Prior to doing the Alcohol Compliance check, we briefed SCHILLING on the process and what we were asking him to do. We advised SCHILLING that if he was asked for his identification while attempting to buy alcohol, he was to inform them that he did not have it with him and then leave the store.

I told SCHILLING we are not here to trick the businesses or the bartenders, but we just wanted to make sure they are in compliance.

As mentioned at 2035 hours, we responded to Super One Plaza, 15 South 13th Avenue East, where SCHILLING went into the business. This occurred at approximately 2020 hours, as the call was created after the fact he had been given alcohol.

After a short time, SCHILLING had walked out of the establishment with a six-pack of Bud Light.

SCHILLING informed me he had purchased the Bud Light bottles and had purchased it from CHUCK in Aisle #7 and described the male clerk as being in his early 20s, with blonde hair. SCHILLING also gave me receipt which showed that the male checking him out was named ANDREW. I went into Super One and identified myself as Duluth Police Department to the male clerk and asked him if he was ANDREW. The male said he was and I then informed him that he had failed an alcohol compliance check and I would need to speak with him privately. I also spoke to a manager, who stood by with ANDREW while I spoke with him.

ANDREW was fully identified as ANDREW MICHAEL BJORKLUND, DOB/08/28/91. I asked BJORKLUND if he remembered selling alcohol to our decoy and he remembered selling it, but said he did not have a reason as to why he did not ask for identification or age. BJORKLUND was issued Administrative Citation LP10003970, for Selling Alcohol to a Minor, City Ordinance 8-28.

I also spoke briefly with management and informed them that Officer Van would be following up with the owner, concerning the issue and other finds and no further action taken by this officer .

**CITY OF DULUTH
CITY ORDINANCE VIOLATION**

This Citation charges you with a violation
of a Duluth City Ordinance.

For more information, see the reverse side of this ticket.

ICR Number 12135517	Date/Time Issued 7-18-12
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Alleged Violator's Name
Andrew Michael Bjorklund

Address City State Zip Code
1019 N 6th Ave E Duluth MN 55801

DOB Phone Number
8-28-91 612-247-7135

Vehicle Information

License No. State Reg. Expires

Vehicle Make Model Color

Violation Information

Date of Violation Time of Violation
7-18-12 2030

Location
15 S 13th Ave E

Charge Ordinance No.
Sale to minor - alcohol 8-28

Description
**#7
6 Bud light - clunk near asted**

Officer Signature
T.P. Sewell

Officer Name (Print) Badge No.
T.P. Sewell 492

Served: In person Positively Identified
By mail

Date Due: Minimum Fine Amount Due:
~~7-18-12~~ 7-28-12 \$50.00 \$200.00
 \$400.00

Ticket Number: **LP10 003970**

 Sign Out
 Sign Off
 Skip

Main Formats
 Query
 Other

-  Permit Maintenance
-  Officer Maintenance
-  Daily Ticket Report
-  Increase Fine
-  Decrease Fine
-  Ticket Notes
-  Plate Notes
-  Alternate Name
-  Reprint HH Ticket
-  Vehicle Tow Format
-  Local Ordinance
-  Web Payment Format
-  Letters
-  Totals
-  Dispositions
-  Not Bulky/Hold
-  Ticket Books
-  Ticket Prints

Local Ordinance Ticket Inquiry 2 Version 1.0.4

Ticket Info

Ticket Number:
 Issue Date:
 Issue Time:

Defendant Info

Drivers Lic./State/DOB:
 Name Last/First/MI:
 Street Address:
 City/State/Zip:

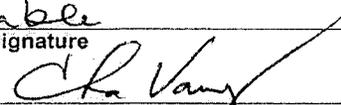
Ticket Detail

Fine Amount:	<input type="text" value="50.00"/>	Paym. Entered:	<input type="text" value="08/23/2012"/>
Penalty:	<input type="text" value="12.50"/>	Return Date:	<input type="text" value=""/>
Miscellaneous:	<input type="text" value="00.00"/>	Notice1 Date:	<input type="text" value="08/10/2012"/>
Bad Check Fee:	<input type="text" value="00.00"/>	Notice2 Date:	<input type="text" value=""/>
Paid Amount:	<input type="text" value="62.50"/>	Notice3 Date:	<input type="text" value=""/>
Dismissed:	<input type="text" value="00.00"/>	Notice4 Date:	<input type="text" value=""/>
Amount Due:	<input type="text" value="00.00"/>	Partial Notice:	<input type="text" value=""/>
Disposition:	<input type="text" value="PF"/>	Collection Letter:	<input type="text" value=""/>
Disp.Date:	<input type="text" value="08/23/2012"/>	Ticket Type:	<input type="text" value="Manual"/>
Tkt. Entered:	<input type="text" value="08/02/2012"/>	Ticket Status:	<input type="text" value="PAID"/>

**CITY OF DULUTH
CITY ORDINANCE VIOLATION**

This Citation charges you with a violation
of a Duluth City Ordinance.

For more information, see the reverse side of this ticket.

ICR Number 12-135517		Date/Time Issued 7-30-12 @ 0940	
Alleged Violator's Name Mixer's Inc, DBA Superone Foods #457			
Address 15 S. 13th Av. E. Duluth, MN, 55802		City	State Zip Code
DOB _____	Phone Number 218-724-6427		
Vehicle Information			
License No.	State	Reg. Expires	
Vehicle Make	Model	Color	
Violation Information			
Date of Violation 7-18-12		Time of Violation 2035	
Location 15 S. 13th Ave E			
Charge licensee liable		Ordinance No. 8-35	
Description Employee sold alcoholic beverage to underage person, licensee liable			
Officer Signature 			
Officer Name (Print) Cha Vang		Badge No. 375	
Served: In person <input type="checkbox"/>	Positively Identified <input type="checkbox"/>		
By mail <input checked="" type="checkbox"/>			
Date Due: Aug 9, 2012	Minimum Fine Amount Due: <input type="checkbox"/> \$50.00 <input checked="" type="checkbox"/> \$200.00 <input type="checkbox"/> \$400.00		
Ticket Number:		LP10 004067	

 Sign On
 Sign Off

Main Formats
 Query
 Other

 Permit Maintenance

 Officer Maintenance

 Daily Ticket Report

 Increase Fine

 Decrease Fine

 Ticket Notes

 Plate Notes

 Alternate Name

 Reprint HH Ticket

 Vehicle Tow Format

 Local Ordinance

 Web Payment Format

 Letters

 Totals

 Dispositions
 Not Guilty/Hold
 Ticket Books
 User Controls

Local Ordinance Ticket Inquiry 2.0 Version 1.0.4

Ticket Info

Ticket Number: LPT0004067
 Issue Date: 07/19/2012
 Issue Time: 20:35

Defendant Info

Drivers Lic/State/DOB: [] [] []
 Name Last/First/Mi: MINERS INC. ISUPERONE []
 Street Address: 15 S. 13TH AVE. E.
 City/State/Zip: DULUTH MN 55802

Ticket Detail

Fine Amount:	200.00	Paym. Entered:	08/23/2012
Penalty:	60.00	Return Date:	
Miscellaneous:	.00	Notice1 Date:	08/07/2012
Bad Check Fee:	.00	Notice2 Date:	08/22/2012
Paid Amount:	260.00	Notice3 Date:	
Dismissed:	.00	Notice4 Date:	
Amount Due:	.00	Partial Notice:	
Disposition:	PF	Collection Letter:	
Disp.Date:	08/23/2012	Ticket Type:	Manual
Tkt. Entered:	07/31/2012	Ticket Status:	PAID

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
COUNTY OF ST. LOUIS) ss.

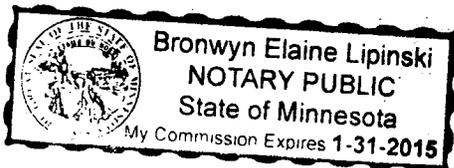
Dawn M. Anderson, being first duly sworn, on oath, deposes and says that on the 29 day of November, 2012, at the City of Duluth, St. Louis County, Minnesota, she served the attached Notice of and Order for Hearing, by depositing a copy in the United States Mail, in an envelope pre-stamped and addressed to:

Miner's Inc.
d/b/a Super One Foods
Attn: Mark Heehn
15 South 13th Avenue East
Duluth, MN 55802

Dawn M. Anderson
Dawn M. Anderson

Subscribed and sworn to before
me a notary public this 29 day
of November, 2012.

Bronwyn Lipinski
Notary Public



Alcohol, Gambling, and Tobacco Hearing
March 6, 2013
Miner's Inc. (Super One Foods), 15 South 13th Avenue East

Attorney Lehr: Thank you. This matter is like the previous two. We have a stipulation as to the facts signed by myself and licensee wherein the licensee acknowledges that the violation occurred but wishes to be heard with regard to the penalty. Do all the commissioners have a copy of the stipulation? This is a violation that occurred on July 18th of 2012. It also involved a sale to a minor. It is a first offense and the presumptive penalty is again the \$500 civil fine.

Anderson: Bruce Anderson, General Counsel for Miner's Incorporated

Heikkinen: Dan Heikkinen, Store Manager.

Anderson: Commissioners, I do have some information here that I'd like to share with you if I can. What I've just handed you and highlighted on the first page is a copy of our employee handbook and this talks about the restricted sale of products, both tobacco and alcohol at our Super One stores. We've put all employees on notice that if they violate the law and commit an illegal sale there's going to be serious discipline. If you go to the second page you'll see our Minnesota store policy on the sale of alcoholic beverages. I've highlighted what the end result generally is. If an employee commits such an offense, a violation of this policy will result absent substantial mitigating circumstances, termination of employment. The individual that was involved with this was a young man named Andy Bjorklund. He was a UMD student. He was a short time employee at Super One. He started the first week in June and this incident happened, I believe, the middle of June, so he was there for about six weeks. He did sign an acknowledgement that he received the handbook. He also signed an acknowledgement that he understood the policy and he understood that if he committed this infraction that his employment with Super One would be terminated. If you go to page 5, what you're looking at there, this is the actual cash register transaction. What I want to point out to you is what's interesting here. Our cash register systems are set up so that they require a birthdate on restricted sales of all alcohol beverages. Again, we only sell 3.2 beer. There you'll see that the undercover agent purchased a bottle of Bud Light for \$5.69. The register seized up, stopped the transaction, said give me a birthdate. The date that Mr. Bjorklund put in was 8/28/88. 8/28 is his birthday. He was born in 1991. He wasn't 21 yet, so he put in 88. So, he put in a birthdate, but it wasn't the customer's birthdate. When this came to light, the end result was Mr. Bjorklund's employment with Super One was terminated. Since that time, we've modified our policy. I'd like to share this with you too. We've updated our policies. We've added language that says that each store cash register is programmed to require that a birthdate be keyed

into the system to process the sale of alcoholic beverages. In bold: Store employees must enter the customer's birthdate as printed on a valid ID – not the employee's birthdate, another person's birthdate, or some fictitious birthdate to process the transaction. And I do have these, I won't hand these out to you. If you go through the Super One store and you find the beer section you'll now find these cards posted by the beer. It says "Valid ID required to purchase alcohol". They're all very young. If your parents come in to Super One and want to buy a six pack of Bud Light they're going to be asked for their ID because that's the birthdate that going to go into the cash register system. We take this type of infraction very, very seriously. It's important to us that we comply with this area of the law. The liquor business is important to all of the Super One organization so this is something that we don't fool around with. The store manager who was in charge at the time that this incident took place last July is still with the company but he is no longer the store manager there. Mr. Heikkinen took over. Dan's been with the company for 20 some years, I think. He was most recently the store manager in Two Harbors. He's got a lot of experience with the company so I have great faith in what he can do. If you have any questions we'd be happy to answer them.

Pekkala: How has the new policy gone as far as carding everybody and making sure that the correct birthdate is inputted?

Heikkinen: Since it's been implemented there really hasn't been too many problems. I kinda anticipated there might be some push back on it, but so far it's been pretty well accepted.

Anderson: One of our concerns obviously was, you're going to get older people, my age, that would say "why do you need to card me?" We're training our front end staff to say "We have a zero tolerance when it comes to violating the liquor laws. Our process and our front end systems require that an appropriate birthdate be put into the cash register and that's why we're doing it. Basically, we'd like you to be part of the solution.

Pekkala: Any questions?

Birchland: Were you here in January?

Anderson: We were.

Stauber: I make a similar motion to the previous that we reduce the civil fine to \$100 under the circumstances that the defendant here did show up at the January meeting and probably prepared for the February meeting which was subsequently cancelled.

Rosenthal: Second.

Pekkala: All in favor? Motion passes unanimously.

SUPER ONE POLICY STATEMENT
SALE OF ALCOHOLIC BEVERAGES

Minnesota Grocery Stores

(To be inserted in the employee's personnel file with Super One Foods after signature)

Super One Foods is licensed to sell certain alcoholic beverages, generally 3.2% beer and other malted alcoholic beverages, in its Minnesota stores. The sale of any alcoholic beverage to a person under the age of 21 is illegal in Minnesota. In addition, Minnesota law and local city ordinance also prohibits the sale of alcoholic beverages to certain times of the day. Each store cash register is programmed to limit alcohol sale transactions to times that it is lawful to sell alcoholic beverages. Violation of Minnesota's alcoholic beverage laws may subject both Super One Foods and the employee selling the alcohol to civil and/or criminal penalties. Note that Minnesota driver's licenses for minor residents clearly state "UNDER 21" on the face of the license.

Super One Foods' policy is to comply with all laws, rules, and regulations concerning sale of alcoholic beverages, including the ban on sale to minors. To avoid fines and other penalties and to comply with the alcoholic beverage regulations, it is Super One Foods' policy that every employee must be sure that the customer is of legal age before selling alcoholic beverages to that individual. **Therefore, Super One Food's policy for our Minnesota stores is to "card" every customer purchasing alcohol (beer/wine).**

Each store cash register is programmed to require that a birthdate be keyed into the system to process the sale of alcoholic beverages. **Store employees must enter the customer's birthdate as printed on a valid ID (not the employee's birthdate, another person's birthdate, or some fictitious birthdate) to process the transaction.**

VIOLATION OF SUPER ONE'S ALCOHOL SALES POLICY WILL, ABSENT SUBSTANTIAL MITIGATING CIRCUMSTANCES, RESULT IN IMMEDIATE TERMINATION OF EMPLOYMENT WITH SUPER ONE FOODS.

KNOW BEFORE YOU SELL!

EMPLOYEE ACKNOWLEDGMENT

I have read and understand Super One Foods' Alcohol Sales Policy Statement. I also understand that if I am found to have sold alcohol to a minor my employment with Super One Foods is subject to immediate termination.

Date: _____

Print Name

Signature



5. Failure to follow the above policies will result in disciplinary action up to and including immediate dismissal.

O. Sale of Restricted Products (Tobacco Products, Alcoholic Beverages)

Depending on store location, Super One Foods may sell restricted products such tobacco, beer, wine, and liquor. The Company takes very seriously its responsibility to ensure that all sales of these restricted products are lawfully made to customers who meet the legal requirements to purchase these products. Failure to follow Company policy on restricted product sales will result in employee discipline, which in most circumstances will mean termination of employment. Company policy requires that each employee responsible for making restricted product sales sign an acknowledgement that the employee knows the rules applicable to restricted sales and understands the consequences of any violation.

For details regarding Company policies and rules on restricted product sales see Super One Foods store "sale of tobacco products" and "sale of alcoholic products" policies."

P. Receiving of Store Merchandise

If you have been designated to receive store merchandise, the following policies must be followed:

1. All store merchandise is to be inspected for quality at the time of arrival. We will not accept out-dated, damaged, or wrong products.
2. Check all store merchandise against the invoice for those products and make sure we have received the ordered quantity at the correct price.
3. DO NOT sign the invoice until you are sure we have received what we ordered.
4. DO NOT leave the delivery doors open or unattended.
5. Store merchandise is to be received only at times authorized by the store manager.

Q. Telephone Calls and Messages

The telephone is intended for business use **ONLY**. Personal phone calls tie up the lines for business use. If you must make a call, get permission from the store manager. Make the call during a break and keep it brief. **Incoming calls will be allowed for emergencies only**; otherwise a message for a number will be taken and you may return the call **during your rest period or lunch period**. Cell phone use for phone calls and text messages while on duty is prohibited.

For details regarding the possession and use of cell phones on store property Super One Foods store policy entitled "Personal Cell Phones in the Workplace."

R. Safety Policy

1. All employees are expected to do their share to ensure the success of our accident prevention program. It is the responsibility of **every** employee to work and act in a safe manner. The day-to-day actions of each one of our employees decide whether our business will operate as safely as possible. Keeping paper and other debris picked up in the store and storing things in their proper place are important daily activities. Disregard of these responsibilities will not be tolerated and will be a basis for disciplinary action.
2. Our customers have the right to expect that they will suffer no personal loss as a result of shopping in our store. Avoiding customer slips and falls is a high priority for the Company. Every employee should constantly observe store conditions and be on a sharp lookout for safety hazards such as curled rugs or water, liquid or substances on the floor. If an item does not belong on the floor pick it up. Continuously watch for potential tripping hazards and take immediate steps to correct the problem. We all must do our part to protect our customers while they are using our facilities.
3. Should there be either a customer or employee accident, immediately notify a department or store manager so that medical aid and/or ambulance attention may be given. If you are injured in any manner, inform the

SUPER ONE POLICY STATEMENT
SALE OF ALCOHOLIC BEVERAGES

Minnesota Stores

(To be inserted in the employee's personnel file with Super One Foods after signature)

Super One Foods is licensed to sell certain alcoholic beverages, generally 3.2% beer and other malted alcoholic beverages, in its Minnesota stores. The sale of any alcoholic beverage to a person under the age of 21 is illegal in Minnesota. Minnesota law also prohibits the sale of alcoholic beverages between the hours of 1:00 a.m. and 8:00 a.m. Monday through Saturday and between the hours of 1:00 a.m. and 12:00 noon on Sunday. Violation of Minnesota's alcoholic beverage laws may subject both Super One Foods and the employee selling the alcohol to civil and/or criminal penalties. Note that Minnesota driver's licenses for minor residents clearly state "UNDER 21" on the face of the license.

Super One Foods' policy is to comply with all laws, rules, and regulations concerning sale of alcoholic beverages, including the ban on sale to minors. To avoid fines and other penalties and to comply with the alcoholic beverage regulations, it is Super One Foods' policy that every employee must be sure that the customer is of legal age before selling alcoholic beverages to that individual. Therefore, Super One Food's policy for our Minnesota stores is to "card" every customer purchasing alcohol (beer/wine).

VIOLATION OF SUPER ONE'S ALCOHOL SALES POLICY WILL, ABSENT SUBSTANTIAL MITIGATING CIRCUMSTANCES, RESULT IN IMMEDIATE TERMINATION OF EMPLOYMENT.

KNOW BEFORE YOU SELL!

.....
EMPLOYEE ACKNOWLEDGMENT

I have read and understand Super One Foods' Alcohol Sales Policy Statement. I also understand that if I am found to have sold alcohol to a minor my employment with Super One Foods may be terminated.

Date: _____

Print Name

Signature



Dear Employee:

Attached to this letter is an Employee Handbook for your Super One Foods. You should read and understand the Acknowledgment Receipt, sign it, date it, and return it to your store manager. You should keep your copy of the Employee Handbook and refer to it often. This Handbook sets forth Super One Foods' expectations of its store employees. Changes from prior version of this Handbook are revised as of June 1, 2010.

ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge receipt of the Company Handbook, revised effective January 1, 2009. I understand that the purpose of this handbook is to give me a general understanding of Company policies, which the Company may freely revise or revoke at any time, and that it is not to be interpreted to create any binding contractual rights.

I also acknowledge receipt of various Company supplied work-related items (such as name badge, aprons or smocks, scan badges). I agree to pay \$25 to be deducted from my final paycheck should I fail to return these items upon my termination of employment with Super One Foods.

I sign this form of my own free will.

Andrew Binner

Signature

6/4/12

Date

Revised 11/04

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Date: 6/4/12

Andrew Bjorklund
Print Name
Andrew Bjorklund
Signature



Store:457
 Cashier: Andrew B
 07/18/12 20:31:55
 Alcohol
 BUD LIGHT BOTTLE 5.69 T
 BIRTHDATE: 08/28/88
 SUBTOTAL 5.69
 TOTAL TAX .45
 TOTAL 6.14
 CASH TENDER 7.00
 CASH CHANGE .86
 NUMBER OF ITEMS 1
 Trx:356 Term:7 Store:457 20:32:05

Thank you for Shopping at
 Plaza Super One Foods
www.SuperOneFoods.com