

Margaret Driscoll

From: Jeff [Jeff@AminoAcids.com]
Sent: Wednesday, April 06, 2011 1:26 PM
To: Bill Malinen
Cc: Margaret Driscoll; *RVCouncil
Subject: Off sale ordinance

Importance: High

Bill,

This is a formal request to have council discussion and consideration of adopting a two tier component into our existing alcohol sales ordinance.

It is my understanding that, having received this request on Wednesday, April 6, this item will be put on the agenda for Monday, April 18th.

Thank you.

Best Regards,



Jeff Johnson
Roseville City Councilmember
P 651-788-5200



Dear Ladies and Gentlemen of the Roseville City Council,







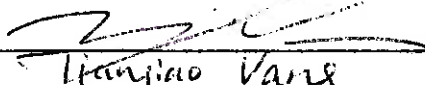


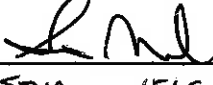
Last year there was an ordinance which was passed mandating greater fines and penalties for failing compliance checks for sales of alcohol to minors. On behalf of the off-premise liquor license holders in the city of Roseville, we would like to address the issue of the length of the suspensions for failure of a compliance check. As it is currently written, the penalties for on-premise and off-premise license holders are exactly the same. To review: following the 1st violation, there would be a 1 day suspension followed by 5 days for a second and 15 days for a 3rd violation with license revocation occurring after a 4th violation. We contend that while on-premise institutions would be able to continue to generate revenue through food and non-alcoholic beverage sales while not serving any alcohol, off-premise retailers would have to fully close their business during the period of the suspension causing total loss of income. As no revenue would be generated during that period, there is likelihood that the business would possibly be unable to survive such a potentially monumental loss of funds. As we are not open on Sundays, a second violation would mean that the establishment would be required to lock its doors for roughly a week (i.e. 5 out of 6 business days). Should there be a third failure, that business would be forced to lose income for 15 of the 24 days in a four week month! Obviously, once a store is not open for any significant period of time, customers will begin to shop elsewhere. This would add insult to injury as the establishment would suffer from the long term loss of revenue.

We are hopeful that the current penalty structure could become a two tier system wherein on-premise suspensions remain the same while off-premise suspensions are reduced to previous levels or reworked to a less detrimental period of time. Additionally, we feel that the increase in monetary fines which doubled or even quadrupled was somewhat excessive and should be reexamined. We are all very aware that those who are under-aged should not get their hands on any alcoholic beverages and we work diligently to make sure they do not. We are committed to the training and education of all staff. Unfortunately, cashiers make errors in judgment on occasion thus compliance failures happen. Nationally it has been concluded that 100% compliance rates will likely never occur, yet we here in Roseville will continue to strive for such a level. We agree that deterrents are necessary, but the current legislation has the potential of being overly injurious to the integrity of a business. Please consider reviewing and amending this ordinance. We sincerely appreciate your time and consideration on this matter.

-Rod Olson (store manager)

The Cellars Wines and Spirits, 2701 Lincoln Drive 651-636-4404

To show support for this proposal, below are signatures from Roseville off-premise liquor license holders or store managers:

1. Store name TOWER CUB LIQ. Signature 
Date 3-30-2011 Printed name MIKE PATEL.
2. Store name THE CUCUANS Signature 
Date 3/30/2011 Printed name RODERIC Ocasio
3. Store name HAMLIN LIQUORS INC. Signature 
Date 3/30/2011 Printed name (JDE) THANH-HOANG
4. Store name Network Liquors Signature 
Date 3/30/2011 Printed name Roderic A. RATHBURN
5. Store name FAIRVIEW W'S Signature 
Date 3/30/2011 Printed name STEPHEN J. BORWICK
6. Store name Wine Time Signature 
Date 3/30/2011 Printed name Steven J. Chinander
7. Store name Chuehao Liquor Signature 
Date 3/30/11 Printed name Tranjiao Vang
8. Store name Roseville Wine & Spirits Signature 
Date 3/30/2011 Printed name Brandon Valtinson
9. Store name MGM Wine & Spirits Signature 
Date 3/30/2011 Printed name Paul Serran
10. Store name RAINBOW WINE & SPIRITS Signature 
Date 3-31-11 Printed name STUART NELSON

Off-Sale Liquor Ordinance Comparative Analysis

Eagan	<u>1st Violation</u>	<u>2nd Violation</u> within 24 months	<u>3rd Violation</u> within 36 months	<u>4th Violation</u> within 36 months
Sale of alcoholic beverages to underage person.	\$500	\$1,000	\$1,500 Closed 7 days	\$2,000 Closed 30 days
St. Louis Park	1st Violation \$2,000	2nd Violation \$2,000 and 1 day suspension	3rd Violation \$2,000 and 3 days suspension	4th Violation Revocation
Woodbury	1st Violation \$500	2nd Violation \$1,000	3rd Violation Fines and suspensions are arbitrary	4th Violation
Blaine	1st Violation within any 2 years \$500.00 + 2 day suspension or \$1000.00 and no suspension at the option of licensee	2nd Violation within any 2 years \$1000.00 + 5 day suspension or \$2000.00 and no suspension at the option of the licensee	3rd Violation Mandatory 10 day suspension	4th Violation Revocation
Roseville				
<u>Sale of alcoholic beverage to a person under the age of 21</u>	<u>\$1,000 and one day suspension</u>	<u>\$2,000 and 5 day suspension</u>	<u>\$2,000 and 15 day suspension</u>	<u>Revocation</u>
<u>Sale of alcoholic beverage to an obviously intoxicated person</u>	<u>\$1,000 and one day suspension</u>	<u>\$2,000 and 5 day suspension</u>	<u>\$2,000 and 15 day suspension</u>	<u>Revocation</u>
<u>Failure of an on-sale licensee to take reasonable steps to prevent a person from leaving the premises with an alcoholic beverage (on-sale allowing off-sale)</u>	<u>\$1,000 and one day suspension</u>	<u>\$2,000 and 5 day suspension</u>	<u>\$2,000 and 15 day suspension</u>	<u>Revocation</u>

**Liquor Store Violations
Since 1998**

<u>Business Name</u>	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>4th</u>	<u>Total Violations (12 years)</u>	
Cellars Wines & Spirits	March-98				1998	4
Cost Plus World Market	June-04				1999	0
Fairview Wines & Spirits	July-07				2000	1
Hamline Liquors	March-98	December-05	June-10		2001	0
Love From Minnesota	August-05				2002	0
Network Liquors	July-07				2003	0
Roseville Liquor	March-98				2004	1
Snelling Liquors	June-10				2005	2
Tower Glen Liquor	May-00				2006	0
					2007	2
					2008	0
					2009	0
					2010	2
Total 12 year Restaurant:	89				Total:	12