

MAY 02 2016

Stearns County Sheriff's Office

John Sanner, Sheriff • Bruce Bechtold, Chief Deputy



LAW ENFORCEMENT CENTER

807 Courthouse Square
P.O. Box 217
St. Cloud, MN 56302-0217

April 27, 2016

Martin Bode
Rockville City Clerk
229 East Broadway Street
PO Box 93
Rockville, MN 56369

Dear Martin:

Enclosed please find a copy of a report that was generated on April 3, 2016 as a result of a failed liquor compliance check at The Hideaway Bar in Rockville.

I can be reached at 320-259-3730 with any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Mary Lieser'.

Mary Lieser
Office Services Supervisor

Enclosure

**INCIDENT/ARREST REPORT
STEARNS COUNTY SHERIFFS OFFICE**



REPORT NUMBER: * 16026773 *

ORI# MN0730000

DATE FROM: 04-02-2016 TIME: 06:40 PM

DATE TO: 04-02-2016 TIME: 07:16 PM

REPORT DATE: 04-02-2016 Sat TIME: 06:40 PM

ADMIN	LOCATION: 201 BROADWAY ST E ROCKVILLE MN 56369			TYPE OF INCIDENT ALCOHOL COMPLIANCE CHECK			OFFENSE TRACT			
	CASE STATUS: ARREST OF ADULT/ADULT AND			DISPOSITION INACTIVE			EXCEPTIONAL CLEARANCE CODE			
	HOW RECEIVED: RADIO		TIME ASSIGNED 1840		TIME ARRIVED 1840		TIME CLEARED 1916		RELATED TO OCA	
	REPORTING OFFICER 21809 BOHLIG, BRIAN D				ASSISTING OFFICER 22291 LAHR, CHESTER R				REVIEWING OFFICER	

OFFENSE	ISN	STATUTE	OFFENSE DESCRIPTION LIQUOR-PROCURING LIQUOR FOR A MINOR				UCR/IBR M4106	STATUS ARREST OF		COUNTS 1	DEGREE	
	BIAS MOTIVATION					PREMISE TYPE			ATTEMPTED	ALCOHOL	DRUGS	COMPUTER
	FORCED ENTRY	UNITS ENTERED	CRIMINAL ACTIVITY									
	1.	2.	3.	1.			2.			3.		
	IMPLEMENT USED			TYPE ENTRY			METHOD OF ENTRY			TYPE EXIT		

ROUTING: -RECORDS -STEARNS COUNTY ATTORNEY

SUSPECT	NAME WELLE, JOSEPH ANDREW						HOME 320-333-7740		CELL 320-333-7740		
	ADDRESS 201 BROADWAY ST E ROCKVILLE MN 56369						WORK		EMAIL		
	DOB 8/10/1960	AGE 55	TO AGE	Juvenile <input type="checkbox"/>	RACE W	SEX M	RESIDENT		ETHNICITY		
	HEIGHT 502	WEIGHT 205	EYE COLOR BROWN		HAIR COLOR GRAY OR		HAIR LENGTH		HAIR STYLE		
	CLOTHING				AFFILIATION				DLN Z136254160710		STATE MN
	SMTS										
	EMPLOYER THE HIDEAWAY BAR					EMPLOYER ADDRESS					
	RELATED OFFENSES:										

ARREST	SUSPECT ARRESTED <input checked="" type="checkbox"/>	ARREST DATE/TIME 4/2/2016 6:40:00 PM	DISPOSITION RELEASED ON BAIL OR OWN				JUVENILE DISPOSITION				
	LOCATION SAME AS INCIDENT <input checked="" type="checkbox"/>	ARREST LOCATION 201 BROADWAY ST E ROCKVILLE MN 56369				COUNTY		AREA			
	LOCATION NAME		CHARGES								
	ARRESTING OFFICER 21809 BOHLIG, BRIAN D		1. M4106		2.		3.		4.		5.

ASSISTING OFFICER 22291 LAHR, CHESTER R					6.					7.					8.				
--	--	--	--	--	----	--	--	--	--	----	--	--	--	--	----	--	--	--	--

PROPERTY/VEHICLE/DRUGS						REPORT NUMBER:	16026773
STEARNS COUNTY SHERIFFS OFFICE						ORI#	MN0730000
PROPERTY	UCR/IBR	STATUS	CLASS	PROPERTY DESCRIPTION	QTY	VALUE	
	M4106	Evidence	ANY NOT FITTING IN	PLASTIC COLLECTION BOTTLE	1		
	MAKE	MODEL	SERIAL	OAN	TAG	DATE RECOVERED	
	16026773UNK	UNK	UNK		SD3367		
	RELATED TO	PROPERTY RECOVERY CODE	DAMAGE DESCRIPTION	PROPERTY LOCATION			
	SUSPECT 1 WELLE,JOSEPH						
PROPERTY	UCR/IBR	STATUS	CLASS	PROPERTY DESCRIPTION	QTY	VALUE	
	MAKE	MODEL	SERIAL	OAN	TAG	DATE RECOVERED	
	RELATED TO	PROPERTY RECOVERY CODE	DAMAGE DESCRIPTION	PROPERTY LOCATION			
PROPERTY	UCR/IBR	STATUS	CLASS	PROPERTY DESCRIPTION	QTY	VALUE	
	MAKE	MODEL	SERIAL	OAN	TAG	DATE RECOVERED	
	RELATED TO	PROPERTY RECOVERY CODE	DAMAGE DESCRIPTION	PROPERTY LOCATION			
PROPERTY	UCR/IBR	STATUS	CLASS	PROPERTY DESCRIPTION	QTY	VALUE	
	MAKE	MODEL	SERIAL	OAN	TAG	DATE RECOVERED	
	RELATED TO	PROPERTY RECOVERY CODE	DAMAGE DESCRIPTION	PROPERTY LOCATION			
PROPERTY	UCR/IBR	STATUS	CLASS	PROPERTY DESCRIPTION	QTY	VALUE	
	MAKE	MODEL	SERIAL	OAN	TAG	DATE RECOVERED	
	RELATED TO	PROPERTY RECOVERY CODE	DAMAGE DESCRIPTION	PROPERTY LOCATION			
VEHICLE	LICENSE PLATE	STATE	TYPE	MAKE	MODEL	VIN	
	YEAR	STYLE	COLOR	SERIAL	TAB	TAB YEAR	STATUS
	OWNER	OWNER ADDRESS	VALUE	RELATED TO			
VEHICLE	LICENSE PLATE	STATE	TYPE	MAKE	MODEL	VIN	
	YEAR	STYLE	COLOR	SERIAL	TAB	TAB YEAR	STATUS
	OWNER	OWNER ADDRESS	VALUE	RELATED TO			
DRUG	DRUG CODE	DESCRIPTION	STATUS	QTY	MEASURE		
	DRUG ACTIVITY A	DRUG ACTIVITY B	DRUG ACTIVITY C				
DRUG	DRUG CODE	DESCRIPTION	STATUS	QTY	MEASURE		
	DRUG ACTIVITY A	DRUG ACTIVITY B	DRUG ACTIVITY C				
DRUG	DRUG CODE	DESCRIPTION	STATUS	QTY	MEASURE		
	DRUG ACTIVITY A	DRUG ACTIVITY B	DRUG ACTIVITY C				
DRUG	DRUG CODE	DESCRIPTION	STATUS	QTY	MEASURE		
	DRUG ACTIVITY A	DRUG ACTIVITY B	DRUG ACTIVITY C				
DRUG	DRUG CODE	DESCRIPTION	STATUS	QTY	MEASURE		
	DRUG ACTIVITY A	DRUG ACTIVITY B	DRUG ACTIVITY C				

ADDITIONAL PERSONS											REPORT NUMBER: 16026773	
STEARNS COUNTY SHERIFFS OFFICE											OR# MN0730000	
PERSON	INVOLVEMENT TYPE			NAME					HOME		CELL	
	MENTIONED			WELLE, PATRICIA MARIE							320-333-7741	
	ADDRESS							WORK		EMAIL		
	201 BROADWAY ST E ROCKVILLE MN 56369											
	DOB		AGE	TO AGE	RACE		SEX	RESIDENT		ETHNICITY		SSN
	8/1/1962		53		W		F					
EYE COLOR			HAIR COLOR		HEIGHT	WEIGHT	HAIR LENGTH		HAIR STYLE		DLN	STATE
GREEN			BROWN		501	145					M653130388314	MN
EMPLOYER						EMPLOYER ADDRESS						
THE HIDEAWAY BAR												
PERSON	INVOLVEMENT TYPE			NAME					HOME		CELL	
	ADDRESS							WORK		EMAIL		
	DOB		AGE	TO AGE	RACE		SEX	RESIDENT		ETHNICITY		SSN
EYE COLOR			HAIR COLOR		HEIGHT	WEIGHT	HAIR LENGTH		HAIR STYLE		DLN	STATE
EMPLOYER						EMPLOYER ADDRESS						
PERSON	INVOLVEMENT TYPE			NAME					HOME		CELL	
	ADDRESS							WORK		EMAIL		
	DOB		AGE	TO AGE	RACE		SEX	RESIDENT		ETHNICITY		SSN
EYE COLOR			HAIR COLOR		HEIGHT	WEIGHT	HAIR LENGTH		HAIR STYLE		DLN	STATE
EMPLOYER						EMPLOYER ADDRESS						
PERSON	INVOLVEMENT TYPE			NAME					HOME		CELL	
	ADDRESS							WORK		EMAIL		
	DOB		AGE	TO AGE	RACE		SEX	RESIDENT		ETHNICITY		SSN
EYE COLOR			HAIR COLOR		HEIGHT	WEIGHT	HAIR LENGTH		HAIR STYLE		DLN	STATE
EMPLOYER						EMPLOYER ADDRESS						
PERSON	INVOLVEMENT TYPE			NAME					HOME		CELL	
	ADDRESS							WORK		EMAIL		
	DOB		AGE	TO AGE	RACE		SEX	RESIDENT		ETHNICITY		SSN
EYE COLOR			HAIR COLOR		HEIGHT	WEIGHT	HAIR LENGTH		HAIR STYLE		DLN	STATE
EMPLOYER						EMPLOYER ADDRESS						

ADDITIONAL/CONTINUATION NARRATIVE

REPORT NUMBER: 16026773

STEARNS COUNTY SHERIFFS OFFICE

ORI# MN0730000

NARRATIVE TITLE

Narrative From CAD

Complaint Type: ALCC - ALCOHOL COMPLIANCE CHECK

Caller Name:

Officers:

Officer Id: AESTRUFF Officer Name: STRUFFERT, ANDREW

Officer Id: BDBOHLIG Officer Name: BOHLIG, BRIAN

Officer Id: CRLAHR Officer Name: LAHR, CHESTER

[04/02/2016 19:12:43 : MOB : 2546]

STRUFFERT

- STOOD BY FOR OFFICER SAFETY IN THE BAR AND BRIEFLY SPOKE WITH OWNER
- NO REPORT ON MY BEHALF

[04/02/2016 19:03:44 : MOB : 2572]

SUSPECT: JOSEPH WELLE, PHONE 320-333-7740

[04/02/2016 19:00:14 : MOB : 2572]

PATRICIA'S PHONE: 320-333-7741

[04/02/2016 18:58:27 : MOB : 2572]

BOHLIG

- BOUGHT TWO 12 GLASS BOTTLES OF BUD LIGHT BEER
- FAILED CHECK
- TOOK SAMPLE FOR EVIDENCE
- SEE REPORT

NARRATIVE

Stearns County Sheriff's Office

Narrative Report

ICR # 16026773

Deputy Brian Bohlig:

On 04/02/2016 at approximately 1840 hours, I conducted an alcohol compliance check on The Hideaway Bar, 201 Broadway Street East, Rockville. My underage buyer was [REDACTED], DOB: [REDACTED]. A photo of [REDACTED] was taken and a copy of her driver's license was also made. Both of those items are attached to this report. Deputy Lahr also administered a preliminary breath test to [REDACTED] prior to going out and she registered a .000.

[REDACTED] and I went in and sat at the bar. The bartender, who I later identified as Joseph Andrew Welle, dob: 08/10/1960, 201 Broadway Street East, Rockville, MN 56369, cell phone: 320-333-7740, asked us if we wanted anything to drink. [REDACTED] and I both ordered a 12 ounce bottle of Bud Light. Joseph Welle removed the caps from the bottles and placed them in front of us. The bottle was held by [REDACTED] and Joseph Welle offered us a food menu as well. [REDACTED] paid for the beers, which were a cost of \$3.50 each for a total of \$7 cash. Joseph Welle never asked to see our ID's.

After the sale was completed I made contact with the bar owner, Patricia Marie Welle, DOB: 08/01/1962, 201 Broadway Street East, Rockville, MN 56369, cell phone: 320-333-7741. I identified myself as a sheriff's deputy to Patricia Welle and went into the kitchen to speak with her. I explained to her that her husband, Joseph Welle, had sold a beer to an underage female. I took a sample bottle and poured some of the beer from [REDACTED] bottle into it for evidence. I later submitted that sample into evidence using tag number SD3367.

Deputies Lahr and Struffert were also there and we explained to the Welle's that they would be receiving a court summons in the mail for serving alcohol to an underage person. I asked Patricia Welle if she had any questions and she told me no.

This report will be forwarded to the Stearns County Attorney's Office for charging Joseph Welle for the charge of selling alcohol to a minor, MSS 304A.503.2(1).

Tb:ml/BB

Rinke-Noonan

Attorneys at Law
300 US Bank Plaza Building
1015 West St. Germain St. P.O. Box 1497
St. Cloud, MN 56302-1497
320 251-6700
E-mail Jmagenta@Rnoon.com
Web Page: <http://www.rnoon.com>

Office Memorandum

COPIED TO: CC X
DATE 10-1 PC _____
STATE X
P&A _____
FINE _____

To: Rena Weber
From: James A. Mogen
Direct Dial: 656-3520
Re: Tobacco Enforcement
Our File: 16642.001
Date: September 19, 2008

The City of Rockville recently obtained a report from the Stearns County Sheriff notifying the City that B's Liquor failed a Tobacco Compliance Check performed on July 30, 2008. The City Council tabled consideration of the penalty, and inquired as to the City's ability to stay a fine or to alter the statutory fine.

ISSUES

Is the City obligated to issue a fine against the licensee?

YES

Is the City obligated to issue a fine against the individual clerk/employee?

YES

May the City stay the imposition of the fine?

NO

The statute and ordinance governing tobacco compliance violations for sales to a minor differs from that of the liquor law. While the liquor law, and the City's ordinance implementing the licensing regulations, require that a penalty "up to \$2000" be imposed for a violation, the tobacco law is more specific.

Minn. Stat. §461.12, subd. 2 states:

"If a licensee or employee of a licensee sells tobacco to a person under the age of 18 years, or violates any other provision of this chapter, the licensee **shall** be charged an administrative penalty of \$75." (Emphasis added)

This section continues with specific enhancements for further violations. There is no options to the licensing authority provided under the statute. Similarly, Minn. Stat. §461.12, subd. 3 includes mandatory penalties for individuals (instead of licensee businesses) who violate the law.

The City's tobacco licensing ordinance is also specific as to the penalty. Rockville Ordinance

§115.99 reads: “Any licensee found to have violated this chapter, or whose employee shall have violated this chapter, **shall** be charged an administrative fine of \$75 for a first violation of this chapter” and “Other individuals, other than minors regulated by division (B)(3) of this section, found to be in violation of this chapter **shall** be charged an administrative fee of \$50.”
(Emphasis added)

Unlike the liquor statute and ordinance, which does not mandate a specific penalty (but does mandate some penalty), the tobacco laws don't appear to provide any leeway in imposing a less severe penalty. While the law would allow the City to impose stiffer penalty (through the adoption of a new ordinance), the law does not allow the City to lower the fine, or to stay the fine. *See* Minn. Stat. §461.19.



Stearns County Sheriff's Office

John Sanner, Sheriff • Bruce Bechtold, Chief Deputy

LAW ENFORCEMENT CENTER

807 Courthouse Square
P.O. Box 217
St. Cloud, MN 56302-0217

COPIED TO: CC X

DATE 7-15 PC _____

STAFF _____

P&R _____

FIRE _____

JUN 19 2015

June 12, 2015

City of Rockville
P.O. Box 93
Rockville, MN 56369

RE: Alcohol Compliance Check conducted at Bugs & Buddy's Grub and Pub
ICR #15039038

Dear Mayor/Clerk:

Enclosed is a police report in reference to a liquor compliance check we conducted in your city on 5/22/15. The above mentioned liquor establishment failed their compliance check. The case has been forwarded to the Stearns County Attorney's Office for criminal charges against the bartender. I am forwarding our report to you in order to impose any civil penalties you desire.

If you should have any questions please do not hesitate to contact me.

Sincerely,

Chief Deputy Bruce Bechtold
Stearns County Sheriff's Office

Enclosure
BB/bjm

cc: Stearns County Attorney's Office

Stearns County Sheriff's Office
Narrative Report
ICR # 15039038

Deputy Peggy Engler:

On 05-22-2015 at 1946 hours, I was doing alcohol compliance checks at Bugs & Buddy Grub and Pub at 201 Broadway Street East in Rockville. They failed compliance checks. I took a recorded statement from [REDACTED], DOB [REDACTED], address [REDACTED], phone number [REDACTED]. [REDACTED] indicated that she went into Bugs and Buddy and ordered a Bud Light bottle. She said she paid \$3.50 from the only bartender in the premises. She took it to the bathroom and poured a sample into her container that I had given to her earlier and then left with the sample. She said there were two other people in the bar, one that appeared to be questioning whether she was old enough to be served.

I went into the bar and spoke with the male who identified himself as Joseph Andrew Welle, DOB [REDACTED], address 4554 40th Street South, St. Cloud, MN 56310, phone number [REDACTED]. He admitted to serving the minor and admitted to not checking her ID. This admission was on covert recording as Welle did not want to give a statement. The sample was placed in evidence under tag number SD27388 and will be placed in evidence at a later time. No further action.

TB:ejjs

Nick Waldbillig reported that he was present when Mr. Werner was pumping the well and at that point he could not just quit pumping. The water was too brown.

Member Willenbring stated that he has a problem with it too. He suggested that we pay the face value \$3930 and have him come back to the city to discuss.

Mayor Hagen asked if there were provisions in the contract for unforeseen conditions. Check the bid proposal.

Member Tallman questioned the quarterly expense reports where under Water Administration – wages show that \$14,855 has been spent out of a budget that has \$19,502 in it. The same is true of the Sewer Administration.

Rena Weber stated that the water rate has been costing the water fund more than usual.

Member Willenbring stated that a portion should be against the water department, but should some be proportioned against the unaccounted water usage. He asked staff to look at how many total hours have been spent on this.

Mayor Hagen stated that the detail should be reviewed by the Finance Committee and brought forth.

AYES: Hagen, Simon, Tallman & Willenbring
Motion passed on a 4 to 0 vote.

BOARD/STAFF REPORTS

POLICE – Sgt. Lentz reported that 38 contract hours were spent during the month of May. Five citations were issued along with one failed alcohol compliance check against Bugs & Buddy Pub & Grub.

Member Tallman asked what is the standard time frame for a vehicle that is not registered and needs to be.

Sgt. Lentz reported that when the vehicle is on private property there is no time frame, but it can't be taken on the road then you have the nine days past the due date to purchase renewals.

Member Tallman stated that was not the case a few years ago when vehicles were cited that were by his apartment complex.

EMS – Mike Hofmann reported that on May 30th he, fire fighters & Red Cross volunteers did a home preparedness campaign where they went to 53 homes, installed 38 batteries, 149 smoke detectors, and talked to 53 people about home fire safety. Mike gave thanks to the Fire Department, donations from various sources, and the Red Cross volunteers. If someone would still like one they should contact Mike.

The Pleasant Lake electrical panel which serves the siren, pavilion and pump was hit by lightning. This is a federal pacific panel and he requested approval to bring it up to current standards. He would like to make sure it is safe. He received an \$1800 estimate from Ralph Walz. This is an electrical situation and needs to be fixed.

Motion by Member Willenbring, second by Member Tallman, to go ahead and obtain two bids in addition to drafting a scope of work.

AYES: Hagen, Simon, Tallman & Willenbring
Motion passed on a 4 to 0 vote.

PUBLIC WORKS –

Sanitary Survey Report - Kim Anding Larsen P.E. – MN Department of Health was present to go over the Sanitary Survey Report dated 6/1/15. Ms. Larsen indicated that the wells are inspected every 18 months. This report is public information and must be kept on file for 10 years. She also presented copies of a Board Member Guidance Manual that was developed by MDH and the MN Rural Water Association.

Member Tallman questioned Well 2 where it states the well is active and he knows it is under repair right now. Ms. Larsen stated that it is active for the system.

Member Tallman also noted the casing diameter is 18" and he is quite certain that it is 12". Ms. Larsen explained the outer casing diameter is 18".

Member Tallman also questioned if any cities are using hydrogen peroxide to treat water instead of chlorine. Ms. Larsen said that St. Cloud is considering using it for surface water treatment.

Member Tallman was pretty sure that Wadena uses it. It just seems to be a healthier option. Ms. Larsen indicated that you can't just use hydrogen peroxide alone – you need a disinfectant.

7-15-15

NEW BUSINESS

ROCKVILLE LION'S CLUB REQUEST - Rosie Steil – President of Rockville Lion's Club thanked the council for allowing them to serve the city. The club is looking to establish a memorial for all veteran's since there really is none in the city. They were looking at different sites: City Hall, a city park and the Fire Hall.

They are recommending the Fire Hall site as there are lighted flags there already. The memorial project has been talked about in the last months. The Club is having someone to meet and work with them from the beginning to the end of this project. This will be a joint project involving the citizens, Sportsman Club, Lion's Club, Council and the Fire Fighters.

Member Palmer asked if the club had any idea what it might look like in size or shape.

Rosie Steil indicated they are not sure what the size or shape may be. They have looked at 27 different sites. They know they want it to be maintenance free.

Member Willenbring stated that he has been a member since 1977. He is all for it, but as a city council member he feels we need to have a maintenance agreement. He knows of cities where the vets started off with a project and then it got bigger and bigger. Long term maintenance is his concern and wants to know who is going to maintain the memorial which would be in an agreement.

Rosie wants somebody on the committee from the city.

Mayor Hagen stated that he completely trusts the Lions, but this still need city final approval. He too feels somebody should volunteer from the city so the city keeps some control.

Member Willenbring indicated that he will serve as a Lion member and council member.

Motion by Member Palmer, second by Member Willenbring, to approve the plan in concept, however, the Lion's Club should bring something back for final approval in regards to design and placement.

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote.

Member Tallman asked Rosie Steil to send pictures to Rena to be sent out to the council.

Rosie Steil asked that if this is permitted then what stipulations are there. Also will they need a building permit? Yes.

+

MARK SCHNEIDER – BUGS & BUDDY LIQUOR CITATION – Rena Weber reported that Mark no longer owns the bar, but is still responsible for the people that worked for him and will have to appear before the council on the recent liquor violation. In the past the city has "stayed the fine" (\$500) as long as there is no further occurrence within a year. If it happens again, then you assess the bar owner the \$500 plus the \$1000 civil penalty.

Rena also added that the MN Basic Code calls for each bartender serving alcohol to have taken the liquor sales training offered by the County.

Motion by Member Willenbring, second by Member Simon, to approve action to stay the fine for Bug's and Buddy pending there are no further violations in the next 12 months.

AYES: Hagen, Palmer, Simon, Tallman & Willenbring

Motion passed on a 5 to 0 vote.

UNFINISHED BUSINESS

VOIGT BROTHERS ASSESSMENT CANCELLATION – Rena Weber explained that this document is the final piece of our negotiation process with the Voigt family.

Member Willenbring voiced concern with deletion of legal fees and the blue 911 sign. He is not suggesting that we change anything.

Member Tallman introduced the following resolution and moved for its adoption:

RESOLUTION NO. 2015 - 13

RESOLUTION TO CANCEL ASSESSMENTS, PENALTIES AND ACCURED INTEREST DUE UNDER THE ASSESSMENT AGREEMENT DATED JANUARY 6, 2004 IN ACCORDANCE WITH THE SETTLEMENT AGREEMENT BETWEEN JAMES AND JACQUELINE VOIGT, MICHAEL AND CANDICE VOIGT, LON AND JULIANNE VOIGT (COLLECTIVELY "VOIGT") AND THE CITY OF ROCKVILLE, MINNESOTA DATED APRIL 6, 2015

RECITALS

From: Adam Ripple <ARipple@rinkenoonan.com>
Sent: Monday, May 02, 2016 3:22 PM
To: mbode@rockvillecity.org
Subject: 16642-0001 City of Rockville: General File: liquor violation

Marty-

Jim's old memo is still accurate. The City's ordinance is pretty black and white: for the first violation, there must be at least 1 day of license suspension and at least \$500 fine. The ordinance does not do a great job of fleshing out the hearing process though. Here's what the ordinance says:

Section 112.36 (B) states:

The license shall be suspended by the Council after a finding under division (A) that the licensee has failed to comply with any applicable statute, rule, or provision of this chapter for at least the minimum periods as follows:

(a) For the first violation within any three-year period, at least one day suspension in addition to any criminal or civil penalties which may be imposed.

Section 112.99 states:

(A) Any person violating the provisions of this chapter or M.S. Ch. 340A as it may be amended from time to time or any rules promulgated under that chapter as they may be amended from time to time is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

(B) The Council shall impose a civil penalty of up to \$2,000 for each violation of M.S. Ch. 340A, as it may be amended from time to time, and of this chapter. Conviction of a violation in a court of law is not required in order for the Council to impose the civil penalty. A hearing under the Administrative Procedures Act, M.S. 14.57 to 14.70, as it may be amended from time to time, is not required before the penalty is imposed, but the Council shall hold a hearing on the proposed violation and the proposed penalty and hear any person who wishes to speak. Non-payment of the penalty is grounds for suspension or revocation of the license. The following is the minimum schedule of presumptive civil penalties which must be imposed in addition to any suspension unless the licenses is revoked:

(1) For the first violation within any three-year period, \$500.

Have you spoken to the mayor or anyone else on the council about how they wish to proceed? I don't think there's any way to skip the public hearing, even if the owner agrees to a suspension and fine ahead of time.

Adam A. Ripple
Attorney

RINKE NOONAN
Suite 300, US Bank Plaza
P.O. Box 1497
St. Cloud, MN 56302
(320) 251-6700 General
(320) 257-3868 Direct
(320) 656-3500 Fax

[website](#) | [email](#) | [bio](#) | [map](#)



For prompt assistance, please contact my paralegal,