



Memorandum

To: Mayor Nelson and Members of the City Council
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: January 4, 2024
Subject: Liquor Ordinance Violations

On December 30, 2023, the Spring Lake Park Police Department completed compliance checks of our licensed liquor establishments. Three licensed establishments failed their compliance check.

Taco Lindo, 8188 Hwy 65 NE	1 st violation within any three year period
Sunset Grill, 8466 Hwy 65 NW	2 nd violation within any three year period (last violation was 11/30/21)
Hy-Vee Wine & Spirits, 8155 Hwy 65 NE	2 nd violation within any three year period (last violation was 11/30/21)

SLPC 11.08.010(V) provides minimum periods of suspension or revocation for violations of the City's liquor ordinance or M.S. Ch. 340A, as they may be amended from time to time:

1. Felony violation - revocation
2. Other violations:
 - a. First violation within a three-year period, at least 1 day suspension in addition to any criminal or civil penalties which may be imposed.
 - b. Second violation within a three-year period, at least 3 consecutive days suspension in addition to any criminal or civil penalties which may be imposed.
 - c. Third violation within a three-year period, at least 7 consecutive days suspension in addition to any criminal or civil penalties which may be imposed.
 - d. Fourth violation within a three-year period, the license shall be revoked.

SLPC 11.08.010(W) also imposes a civil penalty of up to \$2,000 for each violation of M.S. Ch. 340A and SLPC 11.08.010, according to the following schedule.

1. First violation within any three year period: \$500
2. Second violation within any three year period: \$1,000
3. Third and subsequent violations within any three year period: \$2,000

SLPC 11.08.101(V)(4) provides the City Council with flexibility to impose the administrative penalty in addition to or in lieu of any suspension or revocation under this section.

Staff recommends that Taco Lindo's 1-day suspension be waived in lieu of payment of the \$500 civil penalty. This is consistent with how the City has treated first time violators.

Staff is seeking direction on how to handle Sunset Grill and Hy-Vee Wine & Spirits' violations. Does the City Council wish to impose a 3 consecutive day license suspension in addition to the civil penalty? Or is the City Council satisfied with issuing a \$1,000 civil penalty?

If the City Council wishes to impose the license suspension along with the civil penalty, the Council will need to conduct a hearing pursuant to the Administrative Procedures Act (M.S. §§ 14.57 to 14.70, as may be amended from time to time) prior to imposing the suspension and civil penalty.

If the City Council wishes to only impose the civil penalty, staff will send out a letter imposing the penalty, providing an opportunity for the licensee to be heard at a hearing held pursuant to the Administrative Procedures Act. The licensee is able to simply pay the penalty and waive their right to the hearing prior to the hearing date.

If you have any questions, please do not hesitate to contact me at 763-784-6491.