

RESOLUTION NO. 20-10

A RESOLUTION LEVYING SANCTIONS ON DALA 1, INC.'S LIQUOR LICENSE FOR VIOLATIONS OF THE CITY'S LIQUOR ORDINANCE

WHEREAS, Dala 1, Inc, doing business as Dala Thai Restaurant and Banquet Hall, received a liquor license from the City of Spring Lake Park in 2018, which was subsequently renewed for 2019 and 2020; and

WHEREAS, after an investigation in the events that took place on December 21 and 22, the City found that Dala One, Inc. committed two violations of the City's liquor ordinance; and

WHEREAS, the first violation was of M.S. 340A.502, selling to an obviously intoxicated person, and the second violation was of M.S. 340A.503, permitting a person under the age of 21 years to consume alcohol on the premises; and

WHEREAS, the first violation results in a sanction of a one-day suspension and a \$500 civil penalty and the second violation results in a three-day suspension and a \$1,000 civil penalty; and

WHEREAS, a letter was served upon the ownership of Dala 1, Inc. on March 3, 2020 informing them of the City's determination and proposed sanctions and giving them ten days to request a hearing before the City Council prior to finalizing that determination and the corresponding sanctions in accordance with the Administrative Procedures Act (M.S. §§ 14.57 to 14.70, inclusive) to challenge the findings of the investigation and/or the proposed sanctions; and

WHEREAS, via written response dated March 6, 2020, Dala 1, Inc. informed the City that it did not desire a hearing to challenge the violations and agreed to accept the sanctions as outlined below; and

WHEREAS, due to Dala 1 Inc.'s cooperation with the investigation, their mitigation efforts immediately following the incidents, their willingness to work with the Police Department on security guidelines and vetting future events with the Police Department, the City Council has agreed to stay the suspension upon full and timely payment of all penalties and the applicant obtaining server training for all individuals who serve alcohol no later than June 5, 2020.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Spring Lake Park finds that Dala 1, Inc. has committed the violations set forth above and levies the following sanctions upon Dala 1, Inc:

- For the first violation, the imposition of a \$500 civil penalty and the suspension of the liquor license for June 20, 2020.
- For the second violation, the imposition of a \$1,000 civil penalty and the suspension of the liquor license for June 25, 26, and 27.

BE IT FURTHER RESOLVED that the City Council does hereby agree to waive the 1-day and 3-day license suspensions set forth above upon the following conditions:

- Dala 1, Inc. agrees to pay the \$1,500 in total civil penalties no later than April 6, 2020.
- Dala 1, Inc. must contract with the Minnesota Licensed Beverage Association (MLBA) to obtain alcohol server training for all staff, at the licensee's expense. The contract must be dated by April 6, 2020 with the training held no later than June 5, 2020. All servers hired after the training course must receive server training within 90 days of employment (pursuant to Section 111.18 of the City Code).

The foregoing Resolution was moved for adoption by Councilmember _____.

Upon Vote being taken thereon, the following voted in favor thereof _____.

And the following voted against the same: _____.

Whereupon the Mayor declared said Resolution duly passed and adopted this the _____ day of March, 2020.

Robert Nelson, Mayor

ATTEST:

Daniel Buchholtz, Administrator