



# Memorandum

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**To:** Mayor Nelson and Members of the City Council  
**From:** Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer  
**Date:** August 1, 2022  
**Subject:** Dala Liquor License Violation

Officers observed a violation of City Code provision SLPC 11.08.010(R)(2) at Dala Thai Restaurant on July 3, 2022. Officers were providing security for a Hmong Freedom Festival event due to concerns by ownership about possible issues with out of town attendees at the events. While walking around the premises, Officers observed patrons with entire bottles of alcohol pouring the alcohol into each other's mouths. Officers approached the manager about overserving and an employee stated that they provide bottle service and that she was not concerned about overserving.

At the end of the evening, Officers observed patrons so intoxicated that they needed to be carried out by other patrons. In addition, Officers also stopped several people from driving that night due to their intoxicated state.

I have attached Chief Antoine's report and officer supplemental reports for your review.

SLPC 11.08.010(R)(2) states:

“Every licensee is responsible for the conduct of the place of business and the conditions of sobriety and order in it. The act of any employee on the licensed premises is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this section and the law equally with the employee.”

In consultation with the City Attorney, Staff believes that the obvious state of intoxication of several patrons, along with the fact that officers prevented several patrons from driving due to their intoxicated state is evidence of overserving by employees. This would be a violation of 11.08.010(R)(2).

Dala has had two previous violations of the liquor ordinance over the past three years, one involved with overserving and the second involved with serving a minor (12/21/19 and 12/22/19).

For a third violation, the City Code proscribes a minimum license suspension of 7 consecutive days and a civil penalty of \$2,000. The City Council has the authority to have their license suspended for more days at their discretion.

Staff believes a seven consecutive day suspension is appropriate. The licensee did the right thing by discussing security concerns with officers and working with the Police Department to hire officers to work the event. Officers, when working an event like this, are still empowered to document potential ordinance and law violations, and take action as appropriate. That is what happened in this case.

In addition to the seven consecutive day license suspension and \$2,000 fine, staff would recommend the City Council require all employees to go through alcohol server training within the next two months.

It is important to note that a fourth violation within a three year period would result in automatic revocation of the liquor license. Staff will communicate this clearly to the licensee. The two previous violations will drop off by December 22, 2022.

Chief Antoine and I will be available at the work session to answer questions. Upon Council consensus on the punishment, staff will issue an administrative citation to the business.

If you have any questions, please don't hesitate to contact me at 763-784-6491.