

# City of Mendota Heights

1101 Victoria Curve \* Mendota Heights, Minnesota 55118 \* [www.mendota-heights.com](http://www.mendota-heights.com)  
Phone 651.452.1850 \* Fax 651.452.8940

## 2011 BEST PRACTICE APPLICATION

<b>Licensee to fill out</b>
<b>Licensee</b> _____
<b>Name of Business:</b> _____
<b>Address</b> _____
<b>Phone Number(s)</b> _____ <b>( Office)</b> _____ <b>(Cell)</b> _____
This application should be kept on the premise of the licensee and be available upon request for inspection and verification of Best Practices status.

This section will be checked off by staff as documentation is viewed.

<u>Required Activities</u>	<u>Optional Activities</u>
<input type="checkbox"/> Have records available for inspection.	Will do <b>at least</b> four (three if using integrated ID scanner) of the following:
<input type="checkbox"/> 75% of employees trained annually.	<input type="checkbox"/> Continuously have 75% of employees trained.
<input type="checkbox"/> Written internal training policy for new employees (attach copy and signature sheet).	<input type="checkbox"/> Internal employee reward/recognition program for catching underage buyers.
<input type="checkbox"/> Written policy requiring identification on anyone appearing to be 40 years old or younger.	<input type="checkbox"/> Run an approved internal compliance program.
	<input type="checkbox"/> Automated ID card scanner integrated into cash register.
	<input type="checkbox"/> Pre-arrange to meet with staff and prosecutor on violations.
	<input type="checkbox"/> Have a policy to check ID on every sale.
	<input type="checkbox"/> Have a policy to work with the Mendota Heights Police Department to prevent secondary resale of alcohol.
	<input type="checkbox"/> Have a minimum age of 21 for employees selling alcohol products.

This application was reviewed on \_\_\_\_\_, 20\_\_ by \_\_\_\_\_  
Date Employee

of the City of Mendota Heights. Each item checked was found to be in compliance at

this time.

\_\_\_\_\_  
Signature of Licensee

\_\_\_\_\_  
Date of Inspection

**Licensee will retain this form for a minimum of 36 months after any violation**

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## **POLICY FOR LIQUOR LICENSE VIOLATIONS**

Adopted by the City of Mendota Heights Resolution #06-69 on August 15, 2006

### **Statement of Purpose:**

It is the goal of the City of Mendota Heights to have liquor licensees comply with the law 100% of the time in relation to the ordinance regulating liquor. The City of Mendota Heights will maintain staff to complete annual compliance checks, periodically check establishments for compliance with hours and license conditions. The city will act as a resource to provide server training or to direct businesses to approved training on an annual basis. The city wishes to have all businesses choose to be a Best Practices liquor licensee.

### **Applicable Laws:**

City Code 3-1-20: Sanction for License Violations

Minnesota State Statute (MSS) §340A.415: License Revocation or Suspension, Civil Penalty

Minnesota State Statute §14.57 to §14.67: Administrative Procedures Act (sections relevant to license hearing)

### **Best Practices:**

Best Practices licensees will have the benefit of following the “Best Practices” violation matrix. The Best Practices program is voluntary and serves a cooperative venture between licensees and the city to meet the goals of the city laid out in the city code. Best Practices licensees will fill out an application from the City of Mendota Heights committing their establishment to working towards 100% compliance with the applicable ordinances and MSS.

### Required Activities:

Best Practices licensee will agree to keep records of Best Practices activities and to have them available for inspection. The Best Practices licensee will have 75% of all alcohol selling staff trained by the Mendota Heights Police Department, Dakota County Safe Communities Coalition, the Minnesota Department of Alcohol and Gambling Enforcement or Minnesota Hospitality on an annual basis. Best Practices licensees will have a written internal training program for new employees and a written policy requiring identification on anyone appearing to be 40 years old or younger.

### Optional Activities:

Best Practices licensees will do four (three if they do integrated ID scanner on register) of the following: continuously certify 75% of all employees who sell alcohol and are trained, internal employee reward/recognition program for employees who catch underage customers,

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## **POLICY FOR LIQUOR LICENSE VIOLATIONS**

an approved internal compliance check system; automated identification card scanner integrated into cash register, pre-arrange to meet with staff and prosecuting attorney on violations, have a policy to require identification on all alcohol purchases, have a policy pre-arranged to work with the Mendota Heights Police Department to prevent secondary resale of alcohol, and have minimum age of 21 for employees selling alcohol products.

### **Uniform Penalties:**

The purpose of this section is to establish a standard by which the city determines the length of a license suspension, revocation and/or civil penalty. This policy shall apply to all on-sale and off-sale license holders. These penalties are deemed to be appropriate for all violations. The city council may choose to deviate from the prescribed penalty if there are extenuating circumstances. Should the city council deviate from the adopted policy, they must take official action and document the reasons for the deviation.

The city council may only consider the penalty portion of the action. Should the licensee wish to appeal the facts of a violation, they must request a due process hearing.

### **Licensee Informed:**

- All licensees shall be informed of the adoption of this policy at the time of adoption and again at the time of license renewal.
- Licensee shall have all fines paid or have requested a hearing before thirty (30) days have elapsed from the violation.
- Licensees shall be informed that this policy applies only to the LICENSE SANCTIONS and does not apply to the CRIMINAL CHARGES against the person who actually violates the law.
- Licensees may join the Best Practices group at any time. Best Practices group participation is completely voluntary.
- The policy and application shall be posted on the Mendota Heights city website and shall be given to the licensee at the time of application.
- Hearing will be conducted in accordance with MSS and Minnesota Rules. Penalty appeals will be made to the city council.

### **Penalties:**

Revocation on a first violation:

- Commission of a felony related to the licensed activity
- Sale of alcoholic beverage while a license is under suspension
- Sale of intoxicating liquor where only a 3.2% license has been issued

Violation grid for all other violations:

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## POLICY FOR LIQUOR LICENSE VIOLATIONS

These violations include: failure during compliance checks, sale to an underage person (resulting in a conviction), after hours violations, sales to an obviously intoxicated person, refusal to allow inspection by the city or the Mendota Heights Police Department, illegal gambling on site, or failure to renew license before expiration.

<b>VIOLATION</b>	<b>BEST PRACTICES LICENSEE</b>	<b>NON-BEST PRACTICES LICENSEE</b>
First Violation	\$500.00 fine	\$1,000.00 fine and three (3) day suspension of license
Second Violation	\$750.00 fine and three (3) day suspension of license	\$1,500.00 fine and six (6) day suspension within two years of license
Third Violation within two Years	\$1,000.00 fine and six (6) day suspension of license	\$2,000.00 fine and a nine (9) day suspension of license
Fourth Violation within two years	Revocation; minimum of one year from the revocation date	Revocation; minimum of one year from the revocation date

“Best Practices” applies only to license holders who are enrolled in the program at the time of the violations.

Time frame: violations are from the date of violation for a two year rolling time period.

Subsequent violations: each violation will be treated separately unless the city clerk and the licensee agree in writing to hear all active violations at a single hearing.

Other penalties: nothing in this policy shall restrict the city council from imposing the maximum penalty allowed by Mendota Heights City Ordinance 3-1-20. A hearing will be held pursuant to MSS governing administrative hearing. License suspension will impact only the licensed activity.