

It is the finding of the Committee that there is evidence to support the allegation that between May and November of 2007, the license was in violation. It is also the finding of the Committee that the alcohol beverage license be suspended for three full business days as stated in the Stipulation. However, The Committee finds that the time period recommended in the Stipulation is insufficient to address and remedy the violation. Therefore, the Committee finds that the period of suspension should be imposed from 2:30 AM on Thursday, July 17, 2008 through 2:30 AM on Sunday, July 20, 2008.

Respondent also presented data showing gross receipts subsequent to the May - November 2007 time frame purporting to show that the definition of a restaurant was adhered to subsequent to the May - November 2007 time frame. The data, however, had not been verified by an independent audit. Respondent has agreed as part of its Stipulation to permit City staff to audit the May - November 2007 data. The Committee rejects any notion or suggestion that its power to conduct audits is somehow restricted by the terms of the parties Stipulation and the Committee therefore expressly reserves the right to order and conduct an audit of the Respondent at any time the Committee should deem appropriate.

While the Committee is free to ignore the belated stipulation of the parties and reach, perhaps, another decision, the Committee finds that the terms of the Stipulation as amended or modified by the terms of this Order are fair, just and equitable. The Committee also finds that Respondent has no prior violations, has never received a point letter, has not been prosecuted for any violations in municipal court, has never been presented with a Chief's security plan and has never received a formal expression of concern. In short, the Committee finds that the Stipulation reached by the parties, as modified by the terms of this Order, are consistent with the notion of progressive discipline.

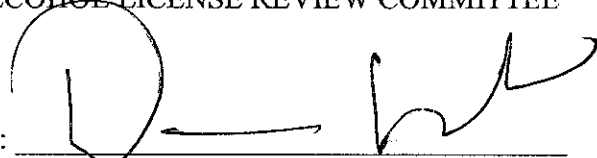
CONCLUSION

The Committee recommends to the Common Council that it approve the parties' Stipulation as modified by the terms of this Order (as to the dates of the suspensions and the Committee's right to audit the Respondent) The Committee recommends that the Common Council order that the Respondent be prohibited from selling alcohol beverages from 2:30 a.m. on Thursday, July 17, 2008 through 2:30 AM on Sunday, July 20, 2008.

6-26-08
Date

ALCOHOL LICENSE REVIEW COMMITTEE

By:



David A. Hart, Chairperson