



TO: Mayor Ross
Members of the City Council

FROM: Stefanie Stalheim, City Attorney

DATE: May 20, 2024

SUBJECT: PUBLIC HEARING: LIQUOR LICENSE NO. BL24-0322 (DUCKPOND VENTURES, LLC)

I. RECOMMENDED ACTION

It is recommended City Council hold a hearing on this matter, and staff recommends to suspend license no. BL24-0322 for 45 days if the Council agrees that the licensee violated Sec. 5-40 on six different occasions since October 19, 2023.

II. DEPARTMENT CONTACT PERSONS

Corbin Dickerson, Asst. City Attorney, 701-857-4175
Stefanie Stalheim, City Attorney, 701-857-4190

III. DESCRIPTION

A. Background

City staff received information leading it to believe Duckpond Ventures, LLC operated their premises at a premise other than the licensed premise to which their city liquor license relates without obtaining a permit pursuant to Minot City Ordinance Sec. 5-40 on six different occasions since October 19, 2023.

B. Proposed Project

City staff recommends suspending this license for 45 days if the Council agrees that the licensee violated Sec. 5-40 on six different occasions since October 19, 2023.

C. Recommendation Detail

The City Clerk has provided the licensee with written notice of the date, time, and place of this hearing in regard to the suspension of this license. Pursuant to City Ordinance Sec. 5-32, the City Council has the power to suspend or revoke any license issued under the authority of this chapter if the licensee violates any of the provisions of Chapter 5 of the City of Minot's Code of Ordinances.

Sec. 5-32(f) of the City's Ordinances provides the following in regard to penalties for by alcohol licensees for violation of any provision or state or local

law:

(f)

The Minot Police Department will be responsible for conducting compliance checks to determine whether the licensees are in compliance with the provisions of subsection (a)(1). If (1) the licensee admits a violation, (2) fails to appear at the scheduled hearing relating to the alleged violation, or (3) the city council determines a violation under subsection (a)(1) occurred after a hearing, the licensee is subject to the following penalties, in addition to any other civil or criminal penalties a licensee may be subject to for violation of any provision of state or local law:

First violation: Letter of warning

Second violation: Business closed for three (3) consecutive days

Third violation: Business closed for seven (7) consecutive days

Fourth violation: Business closed for thirty (30) consecutive days

Fifth violation: Business liquor license recommended to be revoked.

The penalties described above shall be for violations that occur within a period of twenty-four (24) months. The twenty-four-month time period commences to run and is calculated from the first offense by the licensee.

IV. IMPACT

A. Aspirations

Holding this hearing to ensure compliance with the City's ordinances aligns with the 'Resilient and Prepared' and 'Safe and Welcoming' aspirations.

B. Service/Delivery Impact:

Holding a hearing on this matter and making a decision on whether or not to suspend this license for noncompliance with the City's ordinances will not have an impact on City services.

C. Fiscal Impact

This project is being funded using existing City staff and staff salaries.

Project Costs

City staff involved include members of the City Attorneys Office, Police Department and City Clerk's Office.

Project Funding

Funding to facilitate this matter includes general salary and office supplies from the City Attorney's Office, Police Department, and City Clerk's Office.

VI. ALTERNATIVES

1. If after the hearing, the City Council does not believe Duckpond Ventures, LLC violated city ordinances, it should dismiss the complaint.
2. If after the hearing, the City Council finds Duckpond Ventures, LLC violated city ordinances, but recommends a different disposition, the City Council should state a rational basis for the alternate disposition, keeping in mind the guidance in Minot City Ordinance 5-32(f).
3. If the licensee does not appear at the hearing, or does not dispute the allegations, Minot City Ordinance Sec. 5-32(c) states the factual allegations in the complaint shall be deemed to be admitted.
4. If the licensee requests that the originally scheduled hearing date be continued, the City Council shall grant a continuance to a time mutually convenient to the licensee and the City Council, but the Council has the discretion to suspend the license from the date for which the hearing was originally scheduled to the date of the continued hearing. See Minot City Ordinance Sec. 5-32(d).