

**CITY OF DULUTH**  
**ALCOHOL, GAMBLING AND TOBACCO COMMISSION**

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**NOTICE OF HEARING**

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**TO: Super One Liquor, LLC d/b/a Super One Liquor, 5065 Miller Trunk Highway, Hermantown, MN 55811**

PLEASE BE ADVISED that on **August 5, 2020 at 4:45p.m.** in the Council - Chambers at City Hall in the City of Duluth, the Duluth Alcohol, Gambling and Tobacco Commission will hold a hearing, pursuant to Minnesota Statutes §340A.415 and Section 8-9 of the Duluth City Code, to consider what, if any, disciplinary action, including suspension or revocation or a civil fine of not to exceed \$2,000, will be recommended to the Duluth City Council with respect to your intoxicating liquor license.

If you do not appear at said hearing, the Alcohol, Gambling and Tobacco Commission may, in your absence, recommend that the Duluth City Council consider the allegations contained herein to be true.

At the above-mentioned hearing, you may, at your option, be represented by legal counsel.

The Rules for Contested Case Hearings Minnesota Rules Chapter 1400, Part 5550, et. seq, to the extent applicable, and Minnesota Statutes §14.57 thru §14.69 govern. Copies of these laws and rules may be obtained at the Duluth Public Library or online from the official web site of the State of Minnesota.

The City will present its case, and then you will have an opportunity to present your case. At the time of the hearing, you should be prepared to produce any evidence and arguments you feel are relevant to the issues raised. You or your attorney will be allowed to cross-examine all adverse witnesses. If needed, subpoenas are available (Minnesota Rules 1400.7000).

You must advise the Commission if you seek to admit evidence that is classified not public. If data that is not public is admitted, it may become public. Relief is available under Minnesota Statutes §14.60, subd. 2. If an interpreter is needed, you must inform the Commission and one will be appointed.

A notice of appearance must be filed with the City Clerk within 20 days of the date of service of the notice of hearing if you intend to appear at the hearing.

**The person representing the City, who you should contact to discuss settlement or other concerns is Steven B. Hanke, Deputy City Attorney.**

The hearing will be open to the public.

The following facts give rise to the inquiry and hearing mentioned above:

1. Licensee is licensed by the City of Duluth for "on-sale/off-sale" Intoxicating Liquor at its premises located at 210 North Central Avenue, Duluth, Minnesota.
2. On or about February 18, 2020, Patrick Raymond Lowry, an employee of Licensee, sold intoxicating beverages to an underage person at Licensee's business establishment known as Super One Liquor, LLC. Patrick Raymond Lowry was cited for the violation and issued a \$200 fine. *See City Doc. Nos.1-2 (Duluth Police Report ICR No. 20-026817, City of Duluth Ordinance Violation Citation No. LP11 003467*

3. Licensee was cited under Duluth City Code Section 8-35 for the illegal sale. Licensee was cited for the violation and issued a \$200 fine. *See City Docs. No. 1-2 (Duluth Police Report ICR No. 20-026817, City of Duluth Ordinance Violation Citation No. LP11 003467).*
4. Pursuant to City Code Sections 8-9(a) and (b)(1) the Alcohol, Tobacco and Gambling Commission will consider whether the violation alleged is good cause for suspension or revocation of the liquor license or for the imposition of a civil penalty.
5. This is the Licensee's first offense for purposes of the presumptive penalty schedule provided for in Duluth City Code Section 8-9.
6. Licensee's last offense was on March 21, 2011. On September 7, 2011, the Alcohol, Tobacco and Gambling Commission determined that the Licensee sold intoxicating liquor to a person under the age of 21 in violation of Duluth City Code section 8-2. Licensee was fined \$250.
7. Pursuant to Duluth City Code Section 8-9, absent aggravating or mitigating circumstances, the presumptive penalty for a first offense is a \$500.00 civil penalty.
8. Section 8-9(c) provides that "No portion of the payment of a civil penalty or period of suspension may be stayed or excused. All civil penalties are due and payable within 30 days of council action. The council shall determine the dates any suspension shall be served, but in no event may the suspension period commence earlier than ten days after council action."

(Records supporting this Notice are attached as City Doc. Nos. 1-2)

Dated: February 28, 2020

IAN JOHNSON, Secretary  
Alcohol, Gambling and Tobacco  
Commission

and

A handwritten signature in black ink, appearing to read "S.B. HANKE", written over a horizontal line.

STEVEN B. HANKE, (0387429)  
Deputy City Attorney  
Attorney for the  
Alcohol, Gambling and Tobacco  
Commission

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**Duluth Police Department**  
**Main Office**

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Reported Date: 02/18/2020 Time: 10:01 Case No.: 20026817  
Code: DU8.28 Crime: DPD-LIQUOR-SALES TO MINORS PROHIBITED  
Class: M4199 Occurrence Date:  
Location: 210 N CENTRAL AVE, DU, DULUTH, MN, , 55807; SUPER ONE LIQUOR DU

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===== NARRATIVE =====

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Synopsis

This report will detail my involvement in conducting alcohol compliance check at 210 N Central Ave, Super One Liquor, in which PATRICK LOWRY sold alcoholic beverages to S[REDACTED] who is under the age of 21 years old. LOWRY was cited per ticket LP11003467 for Sale to Minor. A different citation LP11003469 was written out to Super One Liquor LLC for Licensee Liable 8-35 and was sent by mail to the licensee.

Narrative

On 02/18/2020, I, Officer C. Vang was conducting compliance checks throughout the day and at 0959 hours I dropped off S[REDACTED] to go into the Super One Liquor at 210 N Central Ave in an attempt to buy alcoholic beverages from this establishment. S[REDACTED] went in and approximately 5 minutes later came out with a 6-pack of 12 ounce bottles of Coors Light. S[REDACTED] said that he paid \$7.79 for the 6-pack. S[REDACTED] told me that the person who sold him the alcohol beverages was an older male.

S[REDACTED] and I walked into the store and noticed an older male behind the checkout area. S[REDACTED] told me that that was not the person who sold him the alcoholic beverages. I asked this male who was at the checkout counter earlier and he said that it was PATRICK. I asked him to have PATRICK come and talk to me. As I was standing by the checkout area, a male was walking towards me from the side of the store, who was later identified as PATRICK LOWRY. S[REDACTED] identified LOWRY as the person who sold him the alcoholic beverages. As LOWRY was walking towards me he asked "did I get stung?" LOWRY informed me that he did check S[REDACTED]'s ID and noticed the year 1999. I asked LOWRY if he looked at the month and day. LOWRY said that he did not.

It should be noted that today is 02/18/2020 and the birth month for S[REDACTED] is in November.

I asked LOWRY for his ID. A MN driver's license which positively identified LOWRY as PATRICK RAYMOND LOWRY DOB [REDACTED].

I asked if there was a manger around and a younger male said that he was a manager. This male verbally identified himself as JACE LEE ROMANO DOB [REDACTED]. I asked if there was an area we could go and discuss the compliance check and I was escorted to the back of the store where LOWRY originally walked from. While in the backroom of the store I wrote citation LP11003467 to LOWRY for Sale to Minor and

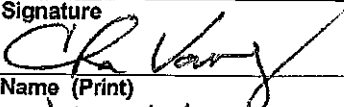
gave him a copy. I told LOWRY that he could either pay the fine or appeal this citation. I told LOWRY that whatever he decides to do he should follow the instructions on the back of the citation. I also told ROMANO that the licensee is also liable for the unauthorized sale of alcoholic beverages to a minor and that when I get back to the office I will mail the citation and letter to whatever address was on the licensee page for the alcohol license application forms.

While back at the office I asked for and received the licensee page for Super One Liquor and after receiving it, I wrote a citation out to Super One Liquor LLC on LP11006469 for Licensee Liable 8-35. That citation was mailed, along with a letter explaining the compliance check. The 6-pack of Coors Light was photographed and was then uploaded for Evidence. The 6-pack of beer was destroyed.

**CITY OF DULUTH  
CITY ORDINANCE VIOLATION**

This Citation charges you with a violation  
of a Duluth City Ordinance.

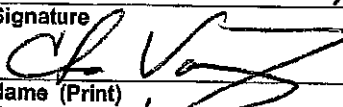
For more information, see the reverse side of this ticket.

ICR Number <b>20-026817</b>		Date/Time issued <b>2/18/2020 @ 1524</b>	
Alleged Violator's Name <b>Super One Liquor, LLC</b>			
Address <b>210 N. Central Ave Duluth, MN. 55807</b>		City State Zip Code	
DOB		Phone Number	
Vehicle Information			
License No.	State	Reg. Expires	
Vehicle Make	Model	Color	
Violation Information			
Date of Violation <b>2/18/2020</b>		Time of Violation <b>0959</b>	
Location <b>210 N. Central Ave</b>			
Charge <b>Licensee liable</b>		Ordinance No. <b>8-35</b>	
Description <b>clerk sold alcoholic beverage to a person under the age of 21. licensee liable for sale.</b>			
Officer Signature 			
Officer Name (Print) <b>Cha Vang</b>		Badge No. <b>375</b>	
Served: In person <input type="checkbox"/> By mail <input checked="" type="checkbox"/>		Positively Identified <input type="checkbox"/>	
Date Due: <b>3-2-2020</b>		Minimum Fine Amount Due: <input type="checkbox"/> \$50.00 <input checked="" type="checkbox"/> \$200.00 <input type="checkbox"/> \$400.00	
Ticket Number: <b>LP11 003469</b>			

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For more information, see the reverse side of this ticket.

ICR Number <b>20-026817</b>		Date/Time issued <b>2/18/2020 @ 0959</b>	
Alleged Violator's Name <b>Patrick Raymond Lowry</b>			
Address <b>6872 Highway 194 Saginaw, MN. 55777</b>		City State Zip Code	
DOB <b>09/05/1962</b>		Phone Number <b>318-390-9663</b>	
Vehicle Information			
License No.	State	Reg. Expires	
Vehicle Make	Model	Color	
Violation Information			
Date of Violation <b>2/18/2020</b>		Time of Violation <b>0959</b>	
Location <b>210 N. Central Ave</b>			
Charge <b>Sale to Minor</b>		Ordinance No. <b>8-28</b>	
Description <b>Sale of Alc. bev. to person under 21 yoa</b>			
Officer Signature 			
Officer Name (Print) <b>Cha Vang</b>		Badge No. <b>375</b>	
Served: In person <input checked="" type="checkbox"/> By mail <input type="checkbox"/>		Positively Identified <input checked="" type="checkbox"/>	
Date Due: <b>2-28-2020</b>		Minimum Fine Amount Due: <input type="checkbox"/> \$50.00 <input checked="" type="checkbox"/> \$200.00 <input type="checkbox"/> \$400.00	
Ticket Number: <b>LP11 003467</b>			