

CITY OF DULUTH
ALCOHOL, GAMBLING AND TOBACCO COMMISSION

NOTICE OF HEARING

**TO: Shanty Bottle Shop 2.0 Inc. d/b/a Shanty Bottle Shop, 1231 E 4th Street
Duluth, MN 55805**

PLEASE BE ADVISED that on **August 5, 2020, at 4:45 p.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 1231 E 4th Street, Duluth, Minnesota 55805.
2. On or about February 21, 2020, Beau Bryan Betlock, an employee of Licensee, sold intoxicating beverages to an underage person at Licensee’s business establishment known as Shanty Bottle Shop. Betlock was cited for the violation and issued a \$200 fine. *See City Doc. Nos.1-2 (Duluth Police Report ICR No. 20-028682, City of Duluth Ordinance Violation Citation No. LP11 003472.)*
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. LP11003474.)*
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.

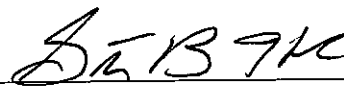
5. This is the Licensee's first offense for purposes of the presumptive penalty schedule provided for in Duluth City Code Section 8-9.
6. Pursuant to Duluth City Code Section 8-9, absent aggravating or mitigating circumstances, the presumptive penalty for a first offense is a \$500.00 civil penalty.
7. 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



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

Duluth Police Department
Main Office

Reported Date: 02/21/2020 **Time:** 13:31 **Case No.:** 20028682
Code: DU8.28 **Crime:** DPD-LIQUOR-SALES TO MINORS PROHIBITED
Class: M4199 **Occurrence Date:** 02/21/2020
Location: 1231 E 4TH ST, DU, DULUTH, MN, , 55805; SHANTY BOTTLE SHOP

NARRATIVE

SYNOPSIS:

This report will detail my involvement in conducting alcohol compliance check at the Shanty Bottle Shop, 1231 East 4th Street. The clerk, identified as BEAU BRYAN BETLOCK, sold a bottle of Amsterdam apple flavored Vodka to BIERMAN and KASPSZAK. Both B [REDACTED] and K [REDACTED] are not 21 years of age, in violation of Duluth City Ordinance 8-28. BETLOCK was cited under citation LP11003472.

NARRATIVE:

On 02/21/2020, I, Officer Vang, along with B [REDACTED] and K [REDACTED] were conducting alcohol compliance checks, and at 1328 hours, B [REDACTED] and K [REDACTED] were dropped off at the Shanty Bottle Shop to conduct the alcohol compliance check.

B [REDACTED] and K [REDACTED] walked into the Shanty Bottle Shop and approximately five to six minutes later walked out with a bottle of Amsterdam apple flavored Vodka. I walked back into the store with B [REDACTED] and K [REDACTED] and both identified the clerk, who was later identified by Minnesota identification as BEAU BRYAN BETLOCK. I asked BETLOCK if he sold alcohol to B [REDACTED] and K [REDACTED] and he said that he did. I asked BETLOCK if he checked their identification and he said that he thought that he did. I informed BETLOCK that he did not check their identification and both are under 21 years of age.

I asked for and received BETLOCK's photo identification. I ask if the owner was around, BETLOCK went to the back area, and walked out with the owner. I told BETLOCK and the owner that this was a compliance check and that BETLOCK had sold alcohol to B [REDACTED] and K [REDACTED], neither one are 21 years of age.

After completing the citation, I gave BETLOCK his copy and informed him that he could either pay the fine or appeal this citation. Either way, the instructions are on the back of his citation. I also informed the owner that once I get back to Headquarters I would send him a citation for licensee liable for the unauthorized sale.

After I asked both BETLOCK and the owner if they had any questions, and they said they did not, at this point I left the establishment.

Back at Headquarters, I wrote out citation LP11003474 to the Shanty Bottle Shop, for licensee liable for the unauthorized sale, 8-35. That citation along with a letter explaining the alcohol compliance check was mailed to the Shanty Bottle Shop, 1231 East 4th Street.

A photograph of the Amsterdam apple flavored Vodka was taken and uploaded for evidence. The actual alcohol product was destroyed.

End of report.

**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 20028682	Date/Time Issued 2/21/20 @ 1516
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Alleged Violator's Name Shanty Bottle Shop 2.0, Inc			
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Address 1231 E 4th St Duluth, MN. 55805	City Duluth	State MN	Zip Code 55805
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DOB _____	Phone Number _____
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License No.	State	Reg. Expires
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Vehicle Make	Model	Color
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Date of Violation 2/21/2020	Time of Violation 1328
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Location 1231 E 4th St

Charge Licensee liable	Ordinance No. 8-35
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Description Clerk sold Alc. to person under 21 yoa. Licensee liable for unauth sale

Officer Signature 
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Officer Name (Print) Cha Vang	Badge No. 375
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Served: In person <input type="checkbox"/>	Positively Identified <input type="checkbox"/>
By mail <input checked="" type="checkbox"/>	

Date Due: 3-5-2020	Minimum Fine Amount Due: <input type="checkbox"/> \$50.00 <input checked="" type="checkbox"/> \$200.00 <input type="checkbox"/> \$400.00
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Ticket Number: **LP11 003474**

**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 20028682	Date/Time Issued 2/21/20 @ 1328
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Alleged Violator's Name Beau Bryan Betlock			
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Address 602 E 5th St #504 Duluth, MN 55812	City Duluth	State MN	Zip Code 55812
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DOB 1027-1977	Phone Number _____
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License No.	State	Reg. Expires
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Vehicle Make	Model	Color
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Date of Violation 2/21/2020	Time of Violation 1328
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Location 1231 E 4th St

Charge Sale to Minor	Ordinance No. 8-28
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Description Sale of Alcohol to person under 21 yoa.

Officer Signature 

Officer Name (Print) Cha Vang	Badge No. 375
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Served: In person <input checked="" type="checkbox"/>	Positively Identified <input checked="" type="checkbox"/>
By mail <input type="checkbox"/>	

Date Due: 3-5-2020	Minimum Fine Amount Due: <input type="checkbox"/> \$50.00 <input checked="" type="checkbox"/> \$200.00 <input type="checkbox"/> \$400.00
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Ticket Number: **LP11 003472**