

**MINUTES OF THE REGULAR MEETING OF THE
ALCOHOL, GAMBLING & TOBACCO COMMISSION**

April 6, 2016

The regular meeting of the Alcohol, Gambling & Tobacco Commission was held on Wednesday, April 6, 2016, at 4:45 p.m., in the City Council Chambers, 3rd Floor, City Hall.

ROLL CALL: Present - Dennis Birchland, Chris Pekkala, Ryan Stauber, Adam Wisocki
President Jeff Rosenthal
Absent: Bjorn Braaten

The minutes of the March 2, 2016, minutes of the Alcohol, Gambling and Tobacco Commission were unanimously approved.

COMMUNICATIONS:

CITY ATTORNEY SUBMITTING NOTICE OF HEARING TO DECIDE WHAT, IF ANY DISCIPLINARY ACTION SHOULD BE TAKEN REGARDING THE ON-SALE INTOXICATING LIQUOR LICENSE FOR HOSPITALITY ASSOCIATES OF DULUTH LLC, OPERATING AS ACES ON FIRST, 113 W 1ST STREET.

LAWFUL GAMBLING:

NORTHERN LIGHTS FOUNDATION PO BOX 16689, DULUTH, MINNESOTA, 55816: REQUEST FOR A 60 DAY WAIVER – RAFFLE EXEMPTION FOR MAY 6, 2016 WITH DR. KEN LARSON, CEO.

Dr. Larson was not present on behalf of the application. Assistant Clerk Pirkola explained that this is an annual event, and that there have been no issues. She continued to say that the drawing will be held on May 6, 2016 at Greysolon Ballroom, 231 East Superior Street. President Stauber asked the Clerk to send a letter to Dr. Larson reminding him that his presence is required at the AGT meeting. There being no further discussion, Mr. Wisocki moved that THE 60 DAY WAIVER REQUEST FOR A RAFFLE PERMIT BE APPROVED AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Birchland seconded the motion, and was unanimously approved.

NEW BUSINESS:

GRANDMA'S MARATHON - DULUTH, INC, CANAL PARK DRIVE AND BUCHANAN ST - APPLICATION FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE AND TEMPORARY ON SALE DANCING LICENSE FOR JUNE 17-19, 2016, WITH LINDA HANSON, MANAGER.

Linda Hanson was present on behalf of the application. Ms. Hanson stated that this event will mirror last year's event. Ms. Hanson also included the "RACE WEEKEND MIDWAY HOURS' PROTOCOL and ENTERTAINMENT SCHEDULE. Officer Vang wrote that he has been in contact with them. There being no further discussion, Mr. Stauber moved that THE APPLICATION OF GRANDMA'S MARATHON – DULUTH, INC, CANAL PARK DRIVE AND BUCHANAN STREET FOR A TEMPORARY ON SALE INTOXICATING LIQUOR LICENSE AND TEMPORARY ON SALE DANCING LICENSE FOR JUNE 17-19, 2016, WITH LINDA HANSON, MANAGER BE APPROVED , AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Birchland seconded the motion, and it was unanimously approved.

SAMMYS PIZZA OF DULUTH INC, (SAMMYS PIZZA AND RESTAURANT - APPLICATION FOR AN ON SALE WINE LICENSE, 103 W 1ST STREET, DULUTH, MINNESOTA 55802. TERRY PERRELLA, MANAGER

Mr. Perrella phoned late afternoon before the meeting and asked that his application be tabled until the May 4, 2016 meeting as he was not yet ready to move forward. Mr. Stauber moved that this be tabled until the May 4, 2016 meeting and Mr. Wisoki seconded the motion. This application will be added to the May 4, 2016 agenda.

BENT PADDLE BREWING CO. 1912 WEST MICHIGAN STREET - APPLICATION FOR TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE FOR MAY 14, 2016 LAURA MULLEN, MANAGER/OWNER

Laura Mullen was present on behalf of the application. Ms. Mullen stated to the board that she had contacted Officer Vang on 2-24-2016 and that there is a security plan in place. Ms. Mullen stated that the annual event will mirror last year's event and that security will be provided by the DPD. There were no further questions. Mr. Birchland moved that THE APPLICATION FOR TEMPORARY EXPANSION OF THE ON SALE INTOXICATING LIQUOR LICENSE FOR BENT PADDLE BREWING CO.1912 WEST MICHIGAN STREET ON MAY 14, 2016, WITH LAURA MULLEN, MANAGER/OWNER BE APPROVED, AND THE SAME BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Pekkala seconded the motion, and it was unanimously approved.

BIG BOTTLE SHOP OFF SALE LIQUOR TRANSFER – APPLICATION FOR TRANSFER OF STOCK OF THE OFF SALE INTOXICATING LIQUOR FOR THE PERIOD ENDING AUGUST 31, 2016, WITH STOCK TRANSFER FROM BRITTANY MALLOW 100% TO RANDOLPH MALLOW 100%.

Randolph Mallow was present on behalf of the application. Mr. Mallow explained that as a stock holder in the company the family, due to a death in the family, the remaining stock holders (Brittany Mallow) chose to transfer the shares to Mr. Mallow. To questioning from the commission, Mr. Mallow explained that he has been a liquor store owner and manager for over 30 years and has always been in compliance. There being no further discussion, Mr. Birchland moved that THE APPLICATION FOR TRANSFER OF STOCK OF THE OFF SALE INTOXICATING LIQUOR FOR THE PERIOD ENDING AUGUST 31, 2016, WITH STOCK TRANSFER FROM BRITTANY MALLOW 100% TO RANDOLPH MALLOW 100% BE

RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Pekkala seconded the motion, and it was unanimously approved.

RED HERRING, LLC (THE RED HERRING LOUNGE), 208 E 1ST STREET –
APPLICATION FOR TEMPORARY EXPANSION OF THE LICENSED PREMISES OF
THEIR ON SALE INTOXICATING LIQUOR LICENSE FOR SEPTEMBER 3, 2016.

No one was present on behalf of the application. The commission moved to table this application until the next meeting on May 4, 2016.

DULUTH SUPERIOR GLBTAQI PRIDE (PO Box 3198, 55802) - APPLICATION FOR
TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR “SPRING GAYLA” APRIL
30TH, 2016, TO BE HELD AT MINNESOTA BALLET 301 W. FIRST STREET, SUITE #800,
DULUTH, MN 55802 WITH ALEXANDRE CAMPANINI-PAPE AND NATHAN WESTERBERG,
CO-MANAGERS.

Alexandre Campanini-Pape and Nathan Westerberg were present on behalf of the application. Mr. Westerberg explained that the Spring Gayla will be held at the Minnesota Ballet, with Mr. Harvey Plasch, President of the Minnesota Ballet Board will serve as manager on the premises. He also stated that they are expecting approximately 125 people. There being no further discussion, Mr. Wisocki moved that THE APPLICATION FOR TEMPORARY ON-SALE INTOXICATING LIQUOR LICENSE FOR “SPRING GAYLA” APRIL 30TH, 2016, TO BE HELD AT MINNESOTA BALLET 301 W. FIRST STREET, SUITE #800, DULUTH, MN 55802 WITH ALEXANDRE CAMPANINI-PAPE AND NATHAN WESTERBERG, CO-MANAGERS, BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Stauber seconded the motion, and it was unanimously approved.

GANNUCCI'S ITALIAN MARKET & RESTAURANT LLC, 301 CENTRAL AVENUE -
APPLICATION TO TRANSFER ON SALE WINE LIQUOR LICENSE FOR THE PERIOD
ENDING AUGUST 31, 2016, WITH WILLIAM KALLIGHER AND JOSHUA KALLIGHER, CO-
MANAGERS. CHANGING TO AN LLC.

Joshua Kalligher was present on behalf of the application. Mr. Kalligher explained that the ownership will remain the same, but that they were changing to an LLC. Clerk Pirkola informed the board that the only license they were required to reapply for was the wine liquor license transfer, as the on sale 3.2 percent malt liquor license was up for renewal April 30. There being no further discussion, Mr. Stauber moved that THE APPLICATION TO TRANSFER ON SALE WINE LIQUOR LICENSE FOR THE PERIOD ENDING AUGUST 31, 2016, WITH WILLIAM KALLIGHER AND JOSHUA KALLIGHER, CO-MANAGERS. CHANGING TO AN LLC., BE RECOMMENDED TO THE CITY COUNCIL FOR APPROVAL. Mr. Birchland seconded the motion, and it was unanimously approved.

**HEARING TO DECIDE WHAT, IF ANY, DISCIPLINARY ACTION SHOULD BE TAKEN
REGARDING THE ON SALE INTOXICATING LIQUOR LICENSE OF HOSPITALITY
ASSOCIATES OF DULUTH, LLC d/b/a ACES ON FIRST, 220 WEST SUPERIOR
STREET, DULUTH, MINNESOTA 55802.**

Stipulation to Facts agreement between the City of Duluth and Hospitality Associates of Duluth, LLC, d/b/a Aces on First (“Licensee”) The Licensee admits the allegations of fact set

forth in the Notice of Hearing and waves the right to a hearing but does not waive it's right to address the Commission on the issue of penalty. Mr. Patronas spoke to the board explaining that he had paid his money owed to the state but because it was a holiday weekend (Labor Day) the notice from the State of Minnesota, notifying the city that Mr. Patronas was in compliance did not arrive in time, or was not seen due to offices being closed. Mr. Patronas believed he was in compliance and felt he was able to open his establishment and that the charge, sale of alcohol without a liquor license, was false. After discussion, the board agreed there were mitigating circumstances. The board consulted Attorney Terri Lehr about what the standards are for a second offense.

There being no further business to bring before the commission, the meeting was declared adjourned at 6:27 p.m.