LIQUOR CONTROL BOARD

Liquor Control Committee

Commissioner Dave Piepkorn

John Stibbe

Robert D Nelson

Scott Brekke

Tatiana Hackman

The Liquor Control Committee will be meeting on Wednesday September 13, 2023 at 2:00 p.m. in the City Commission Chambers at City Hall, 225 4th Street North

**Agenda items are:**

1. Review Liquor Applications
	1. Determine possible violations of liquor license requirements – District 64 – minors in a liquor establishment and serving alcohol to minors. Steve Sprague presented. Sprague stated all licensees within the City of Fargo are required to abide by the rules and regulations by the City in order to operate a liquor establishment. The license is a privilege, not a right and it is a duty and obligation of the Auditors Office to present possible violations to the Liquor Control Board. Parties involved have been properly served.

Tatiana Hackman stated there could be an appearance and impropriety, her husband works for District 64’s original attorney. She did not have personal knowledge or financial interest in the case. Motion to allow Tatiana to participate in the meeting.

Moved Brekke

Second Stibbe

Passed Unanimously

Chief Zibolski presented and discussed the scenario on the late evening hours of May 5, 2023 leading in to the midnight hour and early morning hours of May 6, 2023. Fargo PD were dispatched to District 64 at 64 Broadway North. An anonymous caller stated there were minors in the bar. Two officers responding and randomly began checking ids. There were six minors in the bar. Four of the minors were also drinking alcohol in the establishment. All six of the minors pled guilty to the violations.

May 19, 2023, approximately midnight, two officers were walking in front of District 64, 64 Broadway North, one of the officers observed two females, yelling from the balcony of District 64 down to other females walking on the sidewalk asking them to come inside because the females told them didn’t have to have ids. The two females inside continued to say it didn’t matter if they had identification. The officers went inside, found and identified the two individuals and found they were both underage, as well as two other underage individuals. All were cited for minor’s underage in a license premise and three of the four were also cited for being in possession of alcohol and all plead guilty.

Chief Zibolski stated on June 21, 2023, he had brought up concerns, at the Liquor Control meeting, about underage people inside District 64 and they would be following up with owner because they had prior meetings with the owners of District 64 in discussion similar issues and came to an understanding District 64 would scan on a regular basis. Chief met with District 64 and their attorney on June 27, 2023 and explained when the violations occurred and asked the owners to check their video of these incidents. They received a response letter after July 19, 2023 with an explanation he felt was insignificant and not substantial in any way as to why the minors were on premise and has no evidence to indicate other than these violations should have been identified and the establishment is in violation. Chief Zibolski recommended the board consider to take appropriate action.

Tim O’Keefe, attorney for District 64 presented. Voiced concerns about the minors continuing to use false or fake ids and finding better ways to enter the bars illegally. The quality of the fake ids are really good and the access has become very easy to obtain. O’Keefe discussed the District 64 having full-time security staff at the door, at all times. The security goes through server training and specialized training on how to identify fake ids and despite that, minors are still able to enter the establishment; the security also wear body cameras. District 64 also has a black list of people they have had to kick out or identified as minors. Since May they purchased a scanner that works on real ids, but works on fake ids as well. A February incident footage shows the security checking the id and verifying the individual was 21, based on the id. The individual confessed to Fargo PD they were underage.

Head of security at District 64, Novica, presented. He discussed server training and research done to spot fake ids. Commissioner Piepkorn asked about the scanner at the door and asked if the fake ids can get through the scanner, Novica says the fake ids will pull up all of their information and state they are 21, but they will still physically look at the ids. They only have on entrance in and out, manned, to ensure patrons are not sneaking into the establishment. Robert Nelson asked how the minors got into the bar, Novica says they were asked for their id. Nelson asked if two forms are ids should be asked, Novica said it would not work because their age is not listed. John Stibbe asked if you could look at Facebook for their date of birth, District 64 said no.

Elijah Shocker, District 64 security, presented. Stated they will confiscate the ids and the individuals are black listed. Commissioner Piepkorn asked if he remembered the incidents from May, Shocker could not recall.

Co-owners, Chuck and Reeno Illogu, presented. Reeno stated this issue did not start in May, but started in February when the police came through and found minors in District 64. Reeno stated he is always at the front door or in the office watching cameras. Reeno understood the license is a privilege and does not take the license for granted. They have too much invested and at stake. Chuck stated they do not want to lose the privilege and put up parameters in place and when patrons come in, there is law and order. They no longer have fights in the bar with the action they have taken. Reeno stated in February he told the police officer they checked the female’s id and the officer said they did not check the id of the female and asked why would the female lie about having a fake id, Reeno asked the police why he would lie. Reeno stated the female had two fake ids. He also said the seven police officers that came through their building was a routine walk through, there was not an incident called to District 64.

Reeno and Chuck played the video footage from February 18, 2023 to show the female’s id was checked. Commissioner Piepkorn asked if the ids are turned over to the police. Head of security contacted the minor and screenshots of their conversation was shown. Other video footage was shown of minors presenting their ids. Commissioner Piepkorn stated on his walkthrough there was not a scanner at the door. Chuck said after he was notified of the incident they are scanning everyone now. Commissioner Piepkorn was happy to hear they have a scanner at the door because he received a call from a judge saying District 64 needed to get things under control.

Chuck stated they use to turn in the ids, but there is no record of how many ids District 64 is turning in, so they have been keeping them. Reeno stated their liaison officer told them they turn in the most ids. Piepkorn stated having liaison officer is a good and positive thing. Scott Brekke stated it was difficult and challenging to figure out the fake id. Reeno said they have a handheld scanner they invested in. Stibbe stated they are going to have a lot more diligence going forward because of the past issues. Robert Nelson said the passion is very impressive and asked if the scanner was in place during the May violations, Chuck said no, but they were checking id’s, but the scanner is in place now.

Tim O’Keefe listed all of the items District 64 has in place and hopes the Board can see all of what they are doing to control minors on the property and absolve them from the allegations.

Tatiana Hackman asked if the citations were given in District 64 or were they taken out of the establishment. Chief Zibolski stated the officers take the minors out of the building and issue the citations. Hackman asked if the staff would be aware, Chief Zibolski stated they would have informed the staff they found minors in the establishment when they walked them out. Hackman asked District 64 about the citation dates and being notifications and asked why they did not save the footage. Reeno stated they did not feel they would have to back up the video.

Commissioner Piepkorn read the recommended motions from the staff. Recommended motion charges related to the May 5and May 6, 2023. First recommended motion be Commissioner Piepkorn move the liquor control board to find sufficient facts have been proven to determine that the liquor licensee, District 64, has violated Fargo Municipal Code 25-15.09b on May 5 and 6, 2023 and further recommend to the Board of the City Commissioners that this violation be deemed a first violation and that is $500.00 monetary penalty.

Commissioner Piepkorn stated there was clearly a violation and there is a positive side that District 64 is making the changes. Robert Nelson asked how the violation would affect the point system. City Attorney, Nancy Morris said there was not a change to the penalty structure at this time.

John Stibbe stated 25-15.09b no person shall be permitted to enter an establishment where alcoholic beverages are sold. Stibbe stated he didn’t know how the board could not fine that, but thinks District 64 has taken significant actions to stop any further violations.

John Stibbe made a motion to only move forward with recommended motion one and move forward with the first violation.

Second Hackman

Passed Unanimously

Meeting Adjourned at 2:09 pm.