

Luby's



LUBY'S CULINARY SERVICES.
CATERING • HEALTHCARE • EDUCATION • TRAINING



Luby's Fuddruckers Restaurants, LLC
13111 Northwest Freeway, Suite 600
Houston, TX 77040

RECEIVED
JAN 20 2015
Legal Dept.

New mailing address effective 2/1/2015
101 Massachusetts Avenue, Suite 101
North Andover, MA 01845

January 12, 2015

Ann Kaul
Associate City Attorney
City of Bloomington
1800 West Old Shakopee Road
Bloomington, MN 55431

RE: Fuddruckers #3043, Bloomington, Minnesota

Dear Attorney Kaul:

Pursuant to our conversation, attached is the original Stipulation executed on behalf of Luby's Fuddruckers Restaurants, LLC.

If you have any questions, please contact me at 978-682-2102 or by email at jane.blanchette@fuddruckers.com. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jane Blanchette".

Jane Blanchette
Legal Department

STIPULATION

IN THE MATTER OF:

**Alleged Alcoholic Beverage
License Violation
Luby's Fuddruckers Restaurants
800 Turnpike Street, Suite 300
North Andover, MA 01845**

CITY COUNCIL HEARING

The City of Bloomington, through its undersigned attorney, and Luby's Fuddruckers Restaurants, through its undersigned agent, hereby stipulate to the following facts:

1. Luby's Fuddruckers Restaurants is licensed under Chapter 13 of the Bloomington City Code to operate an on-sale intoxicating liquor establishment known as Fuddruckers, located at 3801 Minnesota Drive, in the City of Bloomington.

2. On December 17, 2014 at approximately 6:30 p.m., a Bloomington police operative, who was 19 years of age, entered Fuddruckers, located at 3801 Minnesota Drive, in the City of Bloomington, and sat on a bar stool at the far end of the bar. The operative then ordered a pint of draft beer from the bartender, subsequently identified as Amber Ann Biggar (d.o.b. 08/20/1958). Ms. Biggar requested the operative's identification, which the operative provided. The operative's identification clearly identifies the operative as being under 21 years of age. Ms. Biggar viewed the operative's identification, returned it to the operative, and proceeded to pour the ordered draft beer. Ms. Biggar then proceeded to ring up the transaction for the beverage and collected \$4.50 from the operative for the purchase. The operative presented Ms. Biggar with a \$20.00 bill and was given \$15.50 in change for the purchase.

3. At no time did the operative lie about his age. After the transaction, a Bloomington police officer identified herself to Ms. Biggar and advised Ms. Biggar that she had served a minor.

4. Based on the foregoing facts, Ms. Biggar was charged with a gross-misdemeanor offense of selling an alcoholic beverage to a person under 21 years of age, in violation of Minnesota Statutes, Section 340A.503, subd. 2(1), and in violation of Section 13.52 of the Bloomington City Code.

4. The parties agree that copies of the Bloomington Police Department records regarding this incident are incorporated into this stipulation by reference.

DATED: 1-20-15

THE CITY OF BLOOMINGTON

Ann Kaul
Ann Kaul (Atty. Id. #0268173)
Associate City Attorney
City of Bloomington
1800 West Old Shakopee Road
Bloomington, Minnesota 55431
(952) 563-4893

DATED: 1-12-2015

LUBY'S FUDDRUCKERS RESTAURANTS

J. T. Buchheit
LUBY'S FUDDRUCKERS RESTAURANTS
By Its: Manager

Incident Report

BLOOMINGTON POLICE DEPARTMENT
1800 W OLD SHAKOPEE RD
BLOOMINGTON, MINNESOTA 55431
(952) 563-4900

Incident Number: BP14-012961

Incident Summary

Incident Type: CRIMINAL OFFENSE(S) Report Type: LIQUOR COMPLIANCE
Inc Occurred Address: 3801 MINNESOTA DR, BLOOMINGTON, MINNESOTA 55435 Sector/Beat: 2/BP69
Inc Occurred Start: 12/17/2014 18:33 Inc Occurred End: 12/17/2014 18:33 Report Taken: 12/17/2014 18:30
Domestic: N Bias Motivation: Gang Related: N Substance: U
Contact Nature: IN PERSON Reported Date/Time: 12/17/2014 18:33
Reporting Officer: CLAUSON, KIM Primary Assigned Officer:
Case Status: Disposition: ADULT ARREST/FORMAL COMPLAINT Disposition Date: 12/17/2014 18:33

Offenses

Statute Code: 340A-503-2 Enhancers:
Statute Desc: LIQUOR-PURCHASE/SELL/BARTER/FURNISH TO UNDER AGE 21
Counts: 1 Statute Severity: GROSS MISDEMEANOR

Officers

Event Association	Emp#	Badge#	Name	Squad#
REPORTING OFFICER	223	223	CLAUSON, KIM	
SUPERVISOR	223	223	CLAUSON, KIM	

Associated Events

Association:	Event Type:	Event#:	Event Date (Start):	Event Date (End):	Agency:
ARREST TO INCIDENT	ARREST	BP14-012961	12/17/2014 18:33:00	12/17/2014 18:33:00	BP

Persons Involved

Person#: 0001 MNI: 58508437 Can ID Suspect: No
Event Association: DEFENDANT Contact Date/Time: 12/17/2014 18:29
Name: BIGGAR, AMBER ANN
SSN: DOB: 12/18/1989 Age: 24 - 24 Sex: FEMALE Race: WHITE
Height: 5' 6" - 5' 6" Weight: 115 - 115 lbs Eye Color: BROWN Hair Color: BROWN
Address: 11829 HARVEST LN, EDEN PRAIRIE, MINNESOTA 55347 Sector/Beat:
Phone Type 1: Phone# 1: Ext 1:
Phone Type 2: Phone# 2: Ext 2:
DL State: MINNESOTA DL#: G327064141512 DL Exp. Date:
Occupation: SERVER / BARTENDER Employer/School: FUDDRUCKERS

Characteristics

Characteristic Type:	Further Defined By:	Description:
		BUILD= SMALL

Person Offenses

Statute Code: 340A-503-2 Enhancers:
Statute Desc: LIQUOR-PURCHASE/SELL/BARTER/FURNISH TO UNDER AGE 21
Counts: 1

Businesses Involved

Business # 0001
Event Association: LOCATION
Business Name: FUDDRUCKERS Business Type: RESTAURANT/BAR/CLUB
Address: 3801 MINNESOTA DR, BLDG: FUDDRUCKERS, BLOOMINGTON, MINNESOTA Sector/Beat: 2/BP69
Phone Type 1: WORK Phone# 1: (952) 835-3833 Ext 1:
Phone Type 2: Phone# 2: Ext 2:

BLOOMINGTON POLICE DEPARTMENT
1800 W OLD SHAKOPEE RD
BLOOMINGTON, MINNESOTA 55431
(952) 563-4900

Incident Number: BP14-012961

Narratives

ENTERED DATE/TIME: 12/18/2014 07:53:00

NARRATIVE TYPE: SYNOPSIS

SUBJECT: SYNOPSIS

AUTHOR: CLAUSON, KIM

Sale of alcohol to person under 21 years of age.

ENTERED DATE/TIME: 12/18/2014 07:53:00

NARRATIVE TYPE: MAIN REPORT

SUBJECT: SALE ALCOHOL TO AN UNDERAGE PERSON

AUTHOR: CLAUSON, KIM

On 12-17-2014 at approximately 1830 hours, I was working as a plain clothes detective on a alcohol compliance check detail. I observed a 19 year old male operative enter Fuddruckers restaurant located at 3801 Minnesota Drive in the city of Bloomington. As I stood in the main entrance of the business I observed the operative, referred to as ADP, enter the building and proceed to the far end of the bar. Operative ADP sat on a bar stool. Operative ADP was the only person seated at the bar at this time. Operative ADP ordered a pint draft beer from the female bartender. The bartender, who was later identified as Amber Ann Biggar (12-18-1989) asked ADP for his identification. Operative ADP produced his valid Minnesota driver's license showing him to be 19 years of age. Biggar viewed then returned the Minnesota driver's license to ADP and proceeded to pour the ordered draft beer. Biggar rang up the transaction of the alcoholic beverage and collected \$4.50 from ADP for the purchase. ADP presented Biggar a \$20.00 bill and was given \$15.50 in change for the purchase. After the purchase was made ADP exited the bar.

I then approached Biggar and identified myself as a detective with the Bloomington Police Department. I informed Biggar the sale of the draft beer she had just completed was to a male under the age of 21 years. Biggar stated she had observed the identification presented by ADP and "I thought it said 1993". Biggar identified herself to me, then called her manager for assistance. I observed the Fuddruckers liquor license issued by the City of Bloomington to be license #33818. The \$4.50 given for the purchase of the alcohol was returned to me. I then gave Biggar and the on duty manager a police file number and left the restaurant.

/wlb

Bloomington
Disposition:

INCIDENT

Case Number: 14012961
Title: LIQUOR/TOBACCO COM

14012961

Charges/Offenses: 340A.503.2(1)

Incident Type:

Citation Issued: No

Investigation Needed: No

CAD #: LBP141217068853

Admin Review Needed: No

How Initiated: InPerson

OFFICER INFORMATION

Name	Agency	Badge	Type
Kimberly A Clauson	Bloomington	223	Supervisor

EVENT DATES

Reported	On Scene	Cleared
2014-12-17 18:29	2014-12-17 18:30	2014-12-17 18:35

INCIDENT DETAILS

Address: 3801 Minnesota Drive; Bloomington, MN; US

Location Type:

Location Description: FUDDRUCKERS

Start Date: 2014-12-17 18:33

End Date:

SYNOPSIS

Sale of alcohol to person under 21 years of age.

Parties Involved

PERSON 1

Role(s): Suspect

Last: Biggar	First: Amber	Middle: Ann	Suffix:
Date of Birth: 1989-12-18	Age: 25	Is Juvenile: No	
Residence: 11829 Harvest Lane; Eden Prairie, MN 55347; US			
Sex: Female	Height: 506	Weight: 115 lbs	Hair: Brown
Race: White	Ethnicity:	Build: Small	Complexion:
			Eyes: Brown

ASSIGNED ID INFORMATION

Type	Authority	ID
Drivers License	Minnesota	G327064141512

EMPLOYMENT INFORMATION

Name: Fuddruckers	Type:
Occupation: Server / Bartender	Shift:
Address: 3801 Minnesota Drive; Bloomington, MN 55431	
Address Type: RESTAURANT	

CHARGES/ORDINANCES

Type: Statute	Chapter: 340A	Section: 503	Subdivision: 2(1)	Citation #:
UOC: 4199		Level: Gross Misdemeanor		Enh. Factor:

Incident Report

Bloomington
Disposition:

INCIDENT

Case Number: 14012961
Title: LIQUOR/TOBACCO COM

14012961

Description: Liquor-Purchase/Sell/Barter/Furnish/Give to u/21yr

STATEMENT

On 12-17-2014 at approximately 1830 hours I was working as a plain clothes detective on a alcohol compliance check detail. I observed a 19 year old male operative enter Fuddruckers restaurant located at 3801 Minnesota Drive in the City of Bloomington. As I stood in the main entrance of the buisness I observed the operative, refered to as ADP enter the building and proceed to the far end of the bar. Operative ADP sat on a bar stool. Operative ADP was the only person seated at the bar at this time. Operative ADP ordered a pint draft beer from the female bartender. The bartender who was later identified as Amber Ann Biggar DOB 12-18-1989 asked ADP for his identification. Operative ADP produced his valid Minnesota drivers license showing him to be 19 years of age. Biggar viewed then returned the MN drivers license to ADP and proceeded to pour the ordered draft beer. Biggar rang up the transaction of the alcoholic beverage and collected \$4.50 from ADP for the purchase. ADP presented Baggar a \$20.00 bill and was given \$15.50 in change for the purchase. After the purchase was made ADP exited the bar. I then approached Biggar and identified myself as a detective with the Bloomington Police Department. I informed Biggar the sale of the draft beer she had just completed was to a male under the age of 21 years. Bigger stated she had observed the identification presented by ADP and "I thought it said 1993". Biggar identified herself to me, then called her manager for assistance. I observed the Fuddruckers liquor license issued by the City of Bloomington to be license # 33818. The \$4.50 given for the purchase of the alcohol was returned to me. I then gave Biggar, and the on duty manager a police file number and left the restuarant.

DOCUMENT APPROVAL HISTORY

Created By: Kimberly A Clauson

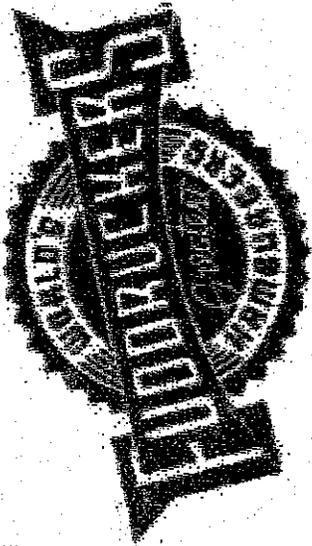
On: 2014-12-18 07:53:39

Approved By: Kimberly A Clauson

On: 2014-12-18 07:54:32

Incident Report

14-012961



Welcome

COPY ONLY

1	Shock Top	\$3.99
Subtotal		\$3.99
12.775% Alcohol Tax		\$0.51
Total Due		\$4.50

Cash		\$20.00
Change		\$15.50

Order type: Dine In
 Date: 12/17/2014 6:27:46 PM
 Clerk: Shawn
 Receipt No: 3265
 Tran Ref: 62744054
 Order No: Buzzer # 999
 Terminal: 3043term25 Bar (13649)

* Indicates tax free item(s)

TIP: _____

TOTAL: _____

SIGNATURE: _____



January 5, 2014

Luby's Fuddruckers Restaurants
800 Turnpike Street, Suite 300
North Andover, MA 01845

RE: Alleged Alcoholic Beverage License Violation at Fuddruckers #43

Dear Sir or Madam:

The City of Bloomington's records indicate that a sale of alcoholic beverages to a person under the age of 21 years was made by an employee of Fuddruckers located at 3801 Minnesota Drive, Bloomington, Minnesota, on December 17, 2014. Pursuant to Chapter 13 of the Bloomington City Code, the City Attorney's Office will be presenting the alleged alcoholic beverage license violation before the Bloomington City Council on **February 23, 2015, at 7:00 p.m.**

Section 13.55 of the Bloomington City Code provides that the City Council may revoke a license, suspend a license for up to sixty (60) days, impose a civil fine of up to \$2,000, or impose a combination of these sanctions for a violation of the City's alcoholic beverage control ordinance or a state law relating to alcoholic beverages.

In preparation for the public hearing on February 23, 2015, I am enclosing a copy of a proposed stipulation of facts regarding the sale to the minor that occurred at your establishment. Please contact me if you have any questions regarding this stipulation. If it meets with your approval, please sign it and return it to me along with copies of any documents you intend to present at the hearing on or before **February 2, 2015**. At the hearing, you will be able to present any arguments on your own behalf as to proper penalty, but the facts agreed to in this stipulation will govern the hearing.

Please contact me regarding this matter at your earliest convenience.

Very truly yours,

Ann Kaul
Associate City Attorney

Enclosures

cc: Doug Junker, City of Bloomington Licensing Department
Fuddruckers, Attn: General Manager, 3801 Minnesota Drive, Bloomington, MN 55435