

CITY OF MINNEAPOLIS
LICENSES AND CONSUMER SERVICES
350 SOUTH 5TH STREET, ROOM 1-C, CITY HALL
MINNEAPOLIS, MN 55415

**FINDINGS OF FACT
CONCLUSIONS, AND
RECOMMENDATIONS**

In the Matter of License No's. L200 50094 and L161 50389 WANDERERS WONDROUS AZIAN KITCHEN for LIQ ON-SALE B W/SS SERIES 3000 and SIDEWALK CAFE

Held by:
WANDERERS FOOD & COCKTAIL INC
ATTN: THOMAS PHAM
533 HENNEPIN AVE
MINNEAPOLIS, MN 55402

11-0865623

This matter came before the Division of Licenses and Consumer Services at a License Settlement Conference on Friday, August 26, 2011 at 9:30 AM in Room 1C, Minneapolis City Hall. Appearing on behalf of the licensee were Tom Pham, owner of Wanderers Wondrous Azian Kitchen and Michael Stebnitz, consultant for Wanderers Wondrous Azian Kitchen. Appearing for the City of Minneapolis were Grant Wilson, Manager of Licenses and Consumer Services, Craig Eliason, License Inspector and Lt. Chris Hildreth, Commander of the Minneapolis Police License Investigative Division. Based on information presented at the hearing, the Division makes the following findings of fact, conclusions, and recommendations:

FINDINGS OF FACT

1. Wanderers Food & Cocktail Inc. has held an On-Sale Liquor with Sunday Sales, Class B and sidewalk café licenses at this location since July, 2010.
2. An area of the premises that was not part of the originally approved licensed premises is being operated and advertised as the Caterpillar Lounge.
3. Liquor is being served and entertainment is being offered in the unlicensed portion of the premises.
4. The sidewalk café is operating outside of the boundaries of the approved plan.

CONCLUSIONS

1. Mr. Pham received the Notice to Appear at a License Settlement Conference.
2. Mr. Pham has a history of noncompliance with city ordinances at a previously licensed business, Azia, located at 2550 Nicollet Avenue.
3. On April 7, 2011 Wanderers Wondrous Azian Kitchen was found to be in violation of Minneapolis Code of Ordinances 360.15 requiring liquor establishments to operate as a single business entity.
4. On April 7, 2011 and June 11, 2011 Wanderers Wondrous Azian Kitchen was found to be in violation of Minneapolis Code of Ordinances 362.20 requiring licensees to only sell liquor and offer entertainment in the designated premises.
5. On August 3, 2011 Wanderers Wondrous Azian Kitchen was found to be in violation of Minneapolis Code of Ordinances 265.290 requiring licensees to operate a sidewalk café in accordance with an approved plan.
6. Wanderers Wondrous Azian Kitchen owes \$1,870 in unpaid administrative citation fines to Business Licenses.
7. Wanderers Wondrous Azian Kitchen owes \$1,320 in unpaid administrative citation fines to Environmental Health.

RECOMMENDATIONS

Based on evidence presented at the hearing, the Division makes the following recommendations:

1. Wanderers Wondrous Azian Kitchen will immediately cease operating in the area known as the Caterpillar Lounge.
2. Wanderers Wondrous Azian Kitchen will immediately bring the sidewalk café into compliance.
3. Wanderers Wondrous Azian Kitchen will pay all outstanding fines in the amount of \$3,190 by August 30, 2011 at 3:00 PM.

Thomas Pham understands that the holding of a business or liquor license in the City of Minneapolis is both a privilege and a responsibility. A minimum standard shall be met in order to hold such a license. One minimum standard is that a license holder is responsible to ensure that its business operates in compliance with all applicable laws, ordinances, and regulations. It is understood and agreed that any violation of the above Recommendations shall constitute just and proper cause for the immediate imposition of any stayed penalties. It is further understood that compliance with the above Recommendations is a requirement for continuing to hold a license and that failure to comply with any of these conditions may result in additional adverse license action.

I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

Business

Wanderers Food and Cocktail Inc

By: [Signature]

(signature)

Its: President

(title)

Dated: September 07, 2011

For the City of Minneapolis:

[Signature]
Grant J. Wilson
Manager

Dated: 9-8, 2011