

Date: April 10, 2018
ATTENTION: American Legion Alcoholic Beverage Licensee
From: Chief of Police Phil Hatcher and Commissioner Mike Bishop
RE: Commission Disposition for Alcohol Ordinance Violation

DISPOSITION FOR ALCOHOL ORDINANCE VIOLATION

The City Commission held a special commission meeting on April 10, 2018 at 7:00 a.m. At the hearing the commissioners found that your admission of the violation was knowingly and voluntarily made and that it was sufficient to find that a violation of our alcohol ordinance occurred. The commissioners then voted on the following disposition:

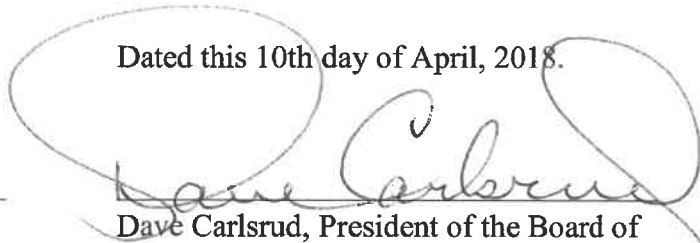
1. The American Legion Licensee will select seven days from April 10, 2018 to October 10, 2018. The Licensee will notify the Chief of Police by 5:00 p.m. on Thursday, April 19, 2018 which days are selected. On those days from the time the American Legion normally opens, until 2:00 a.m. the following morning no alcohol can be served or consumed on the premises.
2. The American Legion will be placed on thirty-six months of probation, as set authorized by Valley City Municipal Code section 4-01-11(5), commencing on March 4, 2018. The following are additional conditions of this probation:
 - a. The licensee must obtain an identification scanner authorized by the Chief of Police within three months of today's date.
 - b. In addition to the provisions set forth in Valley City Municipal Code section 4-01-05(7), all employees regularly involved in the selling, serving, or pouring of alcohol must attend server training within three months of today's date.
3. The Licensee will be assessed a \$300 administrative penalty.

Dated this 10th day of April, 2018.



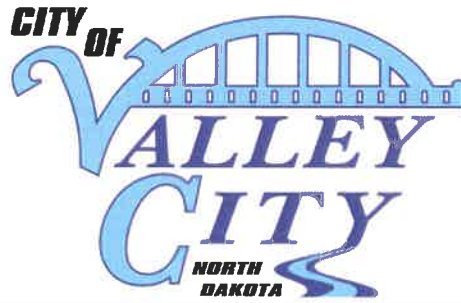
Phil Hatcher, Chief of Police
City of Valley City,
Barnes County, North Dakota

Dated this 10th day of April, 2018.



Dave Carlsrud, President of the Board of
City Commissioners of the City of Valley City,
Barnes County, North Dakota

City Hall
254 2nd Ave NE
PO Box 390
Valley City, ND 58072-0390



Phone: 701-845-1700
Fax: 701-845-4588
www.valleycity.us

Date: April 10, 2018
To: American Legion Alcoholic Beverage Licensee
From: City Attorney Lilie Schoenack
Re: Warning of start of probation

**WRITTEN WARNING NOTIFYING LICENSEE OF START OF PROBATION AS OF
MARCH 4, 2018**

On April 10, 2018, the City Commission held a special commission meeting where the commissioners accepted your admission of an alcoholic beverages ordinance violation. As part of the final disposition, the American Legion was placed on probation for thirty-six months as authorized by Valley City Municipal Code section 4-01-11(5).

Valley City Municipal Code section 4-01-11(5) provides as follows:

If a violation related to the sale of alcoholic beverages occurs by a licensee or licensee's employee, the following administrative fines, suspensions or revocations will be imposed:

- a. For a first violation, the licensee will receive a three hundred dollar (\$300) administrative penalty, in addition to any criminal penalties. The licensee will receive a written warning and the Probationary Period will begin as of the date of the offense. The City Commission also in its discretion [may] suspend the license.
- b. For a second violation within the Probationary Period, the licensee will receive a five hundred dollar (\$500) administrative penalty, in addition to any criminal penalty.
- c. For a third violation within the Probationary Period, the licensee will receive a \$1000 administrative penalty, in addition to any criminal penalty, and the alcohol license will be suspended for a period of one week or seven business days, whichever is longer.
- d. For a fourth violation within the Probationary Period, the licensee will receive a \$3000 administrative penalty, in addition to any criminal penalty, and the alcohol license will be revoked.

Therefore, as required by 4-01-11(5), YOU ARE HEREBY given written warning that the American Legion's probation period of thirty-six (36) months is in full effect commencing from the date of the violation (March 4, 2018).

Dated this 10th day of April, 2018

A handwritten signature in black ink, appearing to read "Lilie Schoenack".

Lilie Schoenack, City Attorney
City of Valley City, Barnes County, North Dakota