

THE
MUNICIPAL
LIQUOR STORE

Volume 71, Number 2, 2012

OFFICIAL PUBLICATION OF THE
MINNESOTA BEVERAGE ASSOCIATION
www.municipalbev.com



**2012 Brings a
Change in
MMBA Leadership**

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Official publication of the Minnesota Municipal Beverage Association. Published six times annually: September/October, November/December, January/February, March/April, May/June, July/August. For advertising and editorial inquiry contact Paul Kaspszak, Editor, Box 32966, Fridley, MN 55432. Phone 763-572-0222 or 866-938-3925. Advertising rates available upon request. Change of address: List both old and new address.

ON THE COVER

2012 brings a change in MMBA leadership. Lara Smetana from Pine City is the new MMBA President and Michael Friesen from Hawley is the new Vice President. Brian Hachey from Stacy remains Secretary / Treasurer.

New board members are Karissa Kurth from Buffalo Lake and Brenda Visnovec from Lakeville.

On the cover president Lara Smetana presents outgoing president Tom Agnes a plaque in recognition of his service.

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MMBA President's Message



Lara Smetana
President

I would like to introduce myself. I am Lara Smetana, your new MMBA President. I have been in the business for almost 12 years. My operation has grown to 1.7 million annual in sales with a gross profit of 27%. Things are going pretty well right now.

That has not always been the case. Over the past years, I have gone from one downtown location, that at the time I thought was doing very well, to adding a second freeway location. The second location was only in existence for 2 years and then the political tide turned and we closed that location, leaving the operation with a lease payment for an empty building for 3 years because it was a five year contract.

When the freeway location closed, we did a small remodel to our downtown location and I was forced to deal with space and employee issues. Now I had more employees than I needed. This was my next learning experience. My employees at the time were in the union, so I had to follow certain procedures for reorganizing my staff. Since then my employees have decertified and are no longer in the union.

After that turmoil settled down was about the time Wine in Grocery (WIG) was going strong. I became more active in the MMBA and gained more knowledge as to how I could help. In my community we adopted an ordinance that the city would no longer approve 3.2 licenses to any c-store, grocery store, or big box stores. This was one

way of stopping the snow ball from continuing if WIG was passed at the state level.

I am involved with my community and Chamber of Commerce. I work closely with the local sheriff's department and schools. I believe it is important to have strong relationships. Lately, I have been speaking with different groups about the new kid flavored beverages that are monopolizing the market. I have made presentations to the PTO, teachers, probation officers, and the sheriff.

My store transfers \$100,000 into the general fund annually. When I started, we did not transfer anything into the general fund. My city continues to ask for more since they need the transfer to continue some Parks and Rec programs and supplement the general fund to help maintain property taxes.

I have the philosophy that I will manage my operations as if it were my own. Through the changes I continue to work on growing the business, I am closely involved with the day to day workings of the operations. I will be honest, I have not filled the beer cooler in a really long time, but I do go in there to make sure everything is in its place. I look over inventory and pricing weekly. I am responsible for the bottom line each month, so I watch it very closely. I am always looking for ways to maximize profits and minimize expenses.

We have a great MMBA board that is here for our membership. We have representation from large off sale operations with multiple locations to the small on sale. In my eyes each one of us has something to offer our membership and is equally important. I know all of us have offered to help in any way we can.

Sometimes, I know it can be difficult to

admit you have a question or need help. Put all of that aside and just ask. I know I don't have all the answers, but I sure can find someone who does. Our industry is changing, and if we do not change with it we will be left behind.

I am very motivated about the coming year, I want all of you to know I am working for the betterment of our industry and will do what I can to make a difference. I will be out in the state visiting and I am always available to our membership. Let's toast to a great year ahead.

Profile of a Leader in Trouble

- *Has a poor understanding of people*
- *Lacks imagination*
- *Passes the buck*
- *Feels secure and satisfied*
- *Is not organized*
- *Flies into rages*
- *Will not take a risk*
- *Is insecure and defensive*
- *Stays inflexible*
- *Has no team spirit*
- *Fights change*



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2012 Omnibus Liquor Bill Summary

Section 1 – Bulk Wine. This section allows farm wineries to purchase and use bulk wine in the farm winery’s annual production with certain restraints.

Section 2 - Farm Wineries. The bills adds language to the definition of farm wineries to clarify that a farm winery license must be issued for operation of a farm winery on agricultural land. Previously, there was not requirement that a farm winery be in an agricultural area.

Sections 3 and 11 – TCF Stadium. The bill authorizes the Board of Regents of the University of Minnesota to permit alcohol sales at the TCF Gopher football stadium. The bill allows alcohol sales in the luxury suites, provided it is also available to the general public in a designated area. The bill also requires at least one Minnesota produced beer be available for sale. The provisions of this section expire on July 1, 2014.

Section 4 – Wine Festival. This section allows for the off-sale of six bottles of wine per customer at an annual farm winery festival.

Section 5 – Wine Educator License. The bill creates a “wine educator” license with various conditions. A person seeking a wine educator license must purchase the wine for classes at the retail level, must take advance registration for all classes, must complete server training, must have dram shop insurance, and may not take orders or sell for off-sale consumption.

Section 6 – Clothing Sales. The bill allows an exclusive liquor store to sell clothing marked with the specific name, brand, or identifying logo of the liquor store and bearing no other name, brand, or identifying logo.

Section 7 – Tastings. The bill allows an exclusive liquor store to conduct

classes for a fee and allow tastings at the classes.

Section 8 – Winnebago Craft Brewing Festival. The bill provides an exemption for an out-of-state brewer to beer for a one day festival in the city of Winnebago. The brewer must pay the brand registration fee. This exemption is valid for one year only.

Section 9 – Moorhead License. This section allows the city of Moorhead to issue an on-sale liquor license to the

Bluestem Center for the Arts.

Section 10 – Broadway Liquor Outlet. The bill creates a special provision for Broadway Liquor Outlet in the city of Minneapolis. The current location of Broadway Liquor was destroyed by a tornado in May, 2011. The plans are for the liquor store to locate in a temporary location as a new, permanent building is built. The bill allows the temporary and permanent location of Broadway Liquor without going through the traditional city zoning process.

Top Signs Urgency is Needed in an Organization:

- Employees miss meetings
- Meetings are all discussion, no action items
- No (or few) decisions being made
- No action items are completed since the last meeting
- People blame others for things not getting done
- Specific assignments are regularly not finished on time
- Meetings end with no decisions made
- Schedules are too full to attend important meetings

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Customers Order “Off the Roof” in Eagle Bend

by Marlo Benning, Todd County Independent News

You can now order drinks off the roof at the city-owned muni in Eagle Bend.

Well, not literally “off the roof” such as where the shingles are, but from what may be described as the roof of the bar area where the drinks are prepared and served.

A new look has been slowly taking form inside the bar over the past few months including this area above the bar that used to be shingled. It has now been redone and will list a variety of drinks for order “off the roof”.

If you’ve frequented the store lately, you would have seen that two new big screen TVs grace the walls and a change of decor and new paint schemes have transformed the bar area into a more modern look. Some of the shelving has also been replaced in the store.

“Barb Hess [Kevin’s wife] has been instrumental with new ideas and creativity,” said Deputy City Clerk Twila Pierce, who also noted that a lot of the elbow grease came in the form of volunteer help.

Last summer, the exterior was given a facelift as windows were repaired or replaced and tuck pointing was done to the brickwork. New entrance doors are next on the docket to be installed.

“We are trying to spruce it up. It can be hard with an older building, but you have to work with what you have,” said Pierce, who has been handling many of the day-to-day operations at the bar since previous Liquor Store Manager Steve Maland left the position in mid-September. Maland was not replaced due to the city’s budget, but



the cost savings has helped to fund some of the upgrades in the bar.

Pierce works in the city office with City Administrator Kevin Hess. Together they handle the duties at the liquor store. The financial part of it fell naturally into Hess’ hands, while Pierce takes care of the inventory and scheduling.

Pierce noted that the store employees have been really good about filling in when they can and taking on additional responsibilities.

“Even a couple of the council members have been willing to fill in. It is good because they learn more about the

operation,” said Pierce.

They’ve been putting on some special events as well to bring in more customers such as wine and lager tasting sessions. They now also offer birthday packages with three different options. A ten percent off table is also present in the off-sale area.

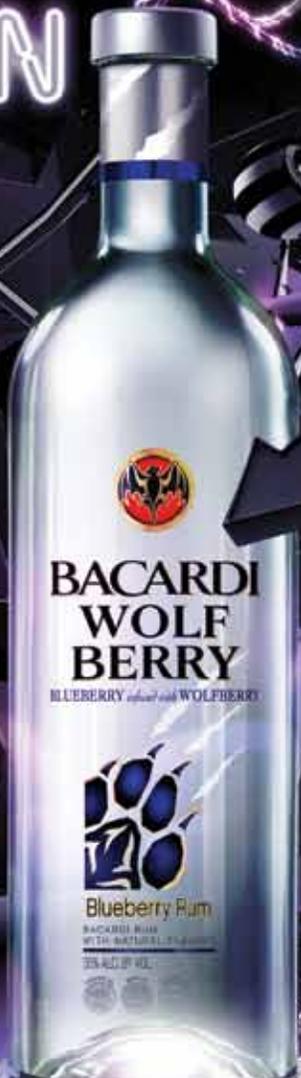
Pierce feels that the new paint colors have brightened up the bar. Old pictures from the museum were blown up and placed on the walls and more may be added in time.

“It makes it feel more like community I guess, too,” concluded Pierce.

Basics for a Positive Customer Shopping Experience

- Clean Environment
- Orderly Set-Up
- Friendly, Well Groomed, Knowledgeable Staff
- A Greeting & Welcome Into the Facility
- Clear Signage
- Efficient Check Out
- Perceived Value of Merchandise & Service

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Q & A: Electronic Pull-Tabs & Linked Bingo

ELECTRONIC DEVICES

What is an electronic pull-tab device?

It is a small, portable hand-held electronic device used to play electronic pull-tab games. The device cannot accept any coin or currency but allows the player to play “credits” from previous winning tickets. The electronic pull-tab game follows the same play-style as paper pull-tabs including the activation (sale) from a central sales location. Electronic pull-tabs are not linked to other sites.

What is an electronic “linked” bingo device?

It is a small, portable hand-held device used to play linked electronic bingo games. The device cannot accept any coin or currency but allows the player to play “credits” from previous winning bingo play. The linked bingo device follows the same play-style as regular bingo and is activated for the player from a central sales location. The new electronic bingo devices will be used to play a linked electronic bingo game with other players at other sites in Minnesota.

Can these games be played on my own laptop or smart phone?

No. The security of the game system and device will be designed to prevent use of a personal laptop or smart phone.

What if someone steals the device?

These devices are classified as “gambling equipment”. Unauthorized possession of the devices would be considered a misdemeanor. The security features in the devices will alert the central system if removed from the site and will become inoperable if removed from the site.

How much more work will there be with the electronic devices?

We anticipate that the work will be simplified and reduced. Internal controls and tracking of game receipts, tickets, and reports will be automated too. Gambling receipts from electronic games are recorded on a daily basis [electronically]. The receipts for electronic games must be promptly deposited into the gambling bank account within two business days.

How many electronic devices can there be in a bar?

It depends on the size of the premises. The number of electronic pull-tab devices is limited to:

- no more than 6 devices in play for permitted premises with 200 seats or less;
- no more than 12 devices in play for permitted premises with 201 seats or more; and
- no more than 50 devices in play for permitted premises where bingo is the primary business.

Seating capacity is determined as specified under the local fire code.

Electronic bingo devices used for linked electronic bingo games are also limited to the same number as electronic pull-tab devices.

If we want to conduct both electronic pull-tab and linked electronic bingo games, will we have to use separate devices for each game?

Legislation allows the devices to be used for both pull-tab and linked bingo games. For instance, at a site with 200 seats or less [small bar], you could have 12 “combo” devices available at the site but at any given time only 6 could be in play for electronic pull-tab games

and only 6 could be in play for linked electronic bingo games.

When can the electronic games be played?

It depends on the business hours for each establishment but law allows the games to be played between the hours of 8:00 a.m. and 2:00 a.m.

LINKED BINGO

What is linked bingo?

It is a bingo game that is played simultaneously with other sites and players in Minnesota. The number of players and the number of bingo faces played for each game will determine the prize amount to be awarded. Players will be given a time period to determine how many bingo faces to play and once the sale period has ended, the prize amount will be announced prior to drawing any bingo numbers. Major prize winners will be given a voucher for their prize winnings and receive a check within 3 business days. Consolation prize winners may be paid on the spot.

If we conduct electronic linked bingo can we still do regular bar bingo?

Yes. The games are separate in terms of ball calling and records but both types of games can be played at charitable gambling sites.

Keep in mind that rent may be paid for linked electronic bingo games conducted in a bar but rent may not be paid for regular bar bingo.

PREMISES PERMIT and LEASES

Does our organization need a special premises permit to conduct electronic games?

No. If you have a premises permit for a

site, you will be able to conduct electronic games there...if the site meets the following requirements:

- the premises is licensed for on-sale or off-sale of intoxicating liquor or 3.2 percent malt beverages [but not allowed at general food store or drug store permitted to sell alcoholic beverages under Minn. Stat. 340A.405, Subd. 1],
- or
- the premises is where bingo is conducted as the primary business and has a seating capacity of at least 100 [bingo hall].

To obtain a permit for a new site, use the LG214 Premises Permit Application.

Are all charitable gaming sites required to offer electronic devices?

No. The use of the electronic devices and games is optional. However, if electronic pull-tab devices are used, the organization must also offer paper pull-tabs for sale at the premises.

Will we need a new agreement to conduct electronic games?

Yes. Use the LG215 Lease for Lawful Gambling Activity that was revised May 2012 and available at www.gcb.state.mn.us under Forms for Licensed Organizations. If you won't be conducting electronic games, your existing lease is still valid.

Do we need special local (city) approval for these games?

No. The method for premises permits and license application remains the same. Local approval is required before the Gambling Control Board will issue any new premises permit.

MISCELLANEOUS

Are sports boards now legal?

Not yet. A federal law exists that governs gambling on sporting events. The Board is pursuing legal clarification regarding how the state law is impacted by the federal law.

What are the new tax rates?

The Department of Revenue will be sending out notices of the tax changes. You can also go to www.gcb.state.mn.us and view the 2012 Legislative Summary, page 15, for more information on taxes.

Where does the money go from these games?

The distribution of the net proceeds (after prizes paid) will be distributed by the licensed charity to the following categories: taxes (paid to the state); expenses related to salaries, rent to bar owners and game cost; and lawful (charitable) expenditures. (A portion of the taxes paid to the state will be used to pay the bond costs associated with the construction of the Viking Stadium.) Additionally, cities with local ordinances requiring a percentage of proceeds will also see an increase in funding.

When will the Board start a rules process?

To allow an expedited implementation of the electronic games and minimize rulemaking, the legislation included detailed specifications normally clarified in rule.

I'm interested in selling electronic pull-tab and electronic linked bingo devices. What do I need to do?

It depends.

- A manufacturer of electronic devices and games must obtain a manufacturer's license from the Gambling Control Board [Board].

The manufacturer may only sell or lease gambling equipment to a licensed distributor. For linked bingo game providers, however, the manufacturer may provide the linked bingo game provider with electronic bingo devices for linked electronic bingo games.

- A distributor is an entity that obtains the devices and games from a licensed manufacturer, and then in turn sells or leases gambling equip-

ment to organizations licensed by the Board. The distributor must obtain a distributor's license from the Board.

- A linked bingo game provider [LBGP] may provide electronic bingo devices for linked electronic bingo games to licensed organizations, but must contract with licensed distributors for linked bingo game services that include solicitation of agreements with licensed organizations and installation, repair, or maintenance of the game system. They are also required to obtain a linked bingo game provider license.

License application forms are available online at www.gcb.state.mn.us for manufacturers, distributors, and linked bingo game providers.

Ask
Open-Ended
Questions

An open-ended question is one that cannot be answered with a simple yes, no, or one-word response. An open-ended question let's customers express their ideas.

Here are some common questions heard every day in businesses, that can be easily changed to open-ended:

Instead of: How was everything?
Ask: What else can I do for you?

Instead of: Can I get you something else?
Ask: What else can I get for you?

Instead of: Did you find everything you need?
Ask: What else can I help you find?

Instead of: Will that be all?
Ask: What else can I do for you?

Instead of: Was everything satisfactory?
Ask: What else could we do to better serve you?

Instead of: Did we meet your needs?
Ask: How else can we be of help?

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Rapids Spirits Keeps Taxes Low for Residents

By: Anna Erickson, Park Rapids Enterprise

Park Rapids relies on its municipal liquor store to help purchase items and keep taxes lower for residents.

Since 1996, when Rapids Spirits opened on Highway 34, transfers of \$3,645,567 have been made for city purchases. The airport has received \$1,077,282 of that money.

“The operation supports itself, from the equipment to the building,” said Rapids Spirits manager Scott Olson.

It’s important for taxpayers to know that it is self-sustaining and no tax dollars are used for the operation, he said. Nothing is owed on the building.

He also makes sure the liquor store has a measure of control on alcohol. “That’s the purpose of having a municipal liquor operation,” said city administrator Bill Smith.

Olson has training for all his employees to make sure alcohol stays out of the hands of minors. He also works on non-alcohol post prom events.

“We work very closely with the police department,” he said.

Exterior cameras are used at the facility to monitor purchases.

“Just last week we turned someone in who bought for minors waiting in a car outside,” Olson said.

Smith credits Olson with running a finely tuned machine.

“He’s very knowledgeable in this business and has really become a resource in the area for other liquor stores as well,” Smith said.

The more than \$3.5 million in revenue generated by the liquor store has gone to fund equipment purchases, such as trucks and plows. It has also helped with projects such as the Downtown Revitalization Plan and Kaywood Trail. The playground equipment at Depot Park, along with paving and sidewalks, were funded with liquor store reserves as well.

“We’d like more floor space, of course, but we’re working on other projects

first,” Smith said. “We’ve got a number of water/sewer projects, the Fire Department needs more space, the library needs more space. It’s in the queue.”

One of the objects the liquor store has had is to have a variety and selection of products.

“I think it’s the variety of people we get here as a tourist destination, we carry a wide variety of products,” Olson said.

The store carries 629 different beers, 1,574 different wines, 246 products for mixing drinks and 1,518 different spirits.

“That’s almost 4,000 line items and we’re always trying new products as they become available,” he said.

Olson refers back to the two main objectives he has for the liquor store: Making money and keeping alcohol out of the hands of minors.

“What they do is provide revenues to the city to take care of parks, keep the airport running and keep things nice for the citizens,” Smith said.

Home Distilling

By Alcohol and Tobacco Tax and Trade Bureau

The production of distilled spirits at home for personal use is prohibited.

There are criminal penalties associated with the unlawful production of distilled spirits, which may include fines and/or imprisonment.

If a person intends to produce, store, or process distilled spirits, that person must meet qualification requirements, which may include a thorough background investigation, in order to own and operate a distilled spirits plant.

Some of these requirements involve filing an extensive application, filing a bond, providing adequate equipment to measure spirits, providing suitable tanks and pipelines, providing a separate building (other than a dwelling), paying the Federal excise tax, and maintaining detailed records and filing reports.

Are Infused Spirits Legal?

MMBA recently received the following note from the Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau:

TTB OPINION ON ALCOHOL INFUSIONS

At TTB, we are aware of the increasing trend of bars and restaurants infusing distilled spirits with fruits, herbs, and other nonalcoholic ingredients in order to make “infusions,” which are served on premises in cocktails. The National Alcohol Beverage Control Association (NABCA) recently asked us for a statement of TTB’s position on the issue in order to assist NABCA’s state government members when developing their own policies regarding infusions. We provided NABCA with the following response, which reflects our analysis of the application of certain federal laws to the making of infusions using taxpaid spirits. In addition, we provided NABCA with our current enforcement policy regarding these activities, so that States could take that into consideration when applying their respective alcohol beverage laws and regulations. We remind you that TTB is not precluded from taking enforcement action for any conduct that may jeopardize the revenue.

“Under the Federal Alcohol Administration Act (FAA Act), rectifying or blending distilled spirits may only be lawfully done by a person with a TTB permit. (See 27 U.S.C. 203(b)). Additionally, under the Internal Revenue Code of 1986 (IRC), processing distilled spirits (including mixing) may be conducted only on the bonded premises of a distilled spirits plant by a person who maintains a registration as a distilled spirits plant proprietor. The mixing of taxpaid spirits for immediate consumption is not considered processing. (See 26 U.S.C. 5002(a)(5) and 5002(a)(6)(B)).

We understand that infusions are generally not for immediate consumption at the time the ingredients are mixed and would, accordingly, be subject to the IRC requirements. However, since taxpaid spirits are used in the process, TTB believes there is little risk to the Federal excise tax revenue. Additionally, because infusions are served on premises as or in cocktails, we do not foresee FAA Act packaging and labeling concerns. Under these circumstances, TTB exercises its enforcement discretion not to take enforcement action solely on the basis of violations with regard to a retail liquor dealer that mixes taxpaid spirits to produce infusions for on-premise consumption. This position does not apply to and TTB will continue to enforce prohibitions on processing with non-taxpaid spirits, bottling spirits, aging spirits in barrels, heating spirits, refilling of liquor bottles by retail liquor dealers, and with respect to any other conduct that may jeopardize the revenue.”

MMBA then asked Minnesota Alcohol and Gambling Enforcement to comment on the note:

The Minnesota Department of Public Safety, Alcohol & Gambling Enforcement Division has received your inquiry into the legality of a retail alcoholic beverage license holders producing and providing infused distilled spirits products to their retail customers. The TTB advisory you sent in your email only addressed the subject of infused distilled spirits products as it relates to federal taxation of the product. The State of Minnesota must address tax implications at the state level and also must be concerned with the product’s purity and fitness for human consumption. Minnesota also has specific alcoholic beverage statutes and rules addressing the subject of manufacturing/rectifying distilled spirits product. Meaning it would take a legislative change or rule revision to address a change to

current interpretation that infusing alcoholic beverages at the retail level is not legal in Minnesota.

Minnesota statute and rules with regard to retail licensed establishments require that alcoholic beverages sold or served to the consumer be dispensed from the original manufacturer’s container. Retailers may not create/manufacture their own product by infusing a manufacturer’s brand with another item into a dispensing container. A retailer also may not bottle or change the packaging of a manufacturer’s product. These types of activities would appear to violate the provisions of Minnesota Statute 340A.301 requiring a manufacturer’s license to distill, manufacture, rectify, blend and bottle distilled spirits products. To manufacture in violation of the statute may be a felony under the provisions of Minnesota Statute 340A.701 (1).

The activity is specifically in violation of the Minnesota Statutes noted above and Minnesota Rules Chapter 7515.0560 which reads as follows:

*340A.101 DEFINITIONS.
Subdivision 1. Terms.*

For purposes of this chapter the following terms have the meanings given them.

Subd. 17. Manufacturer.

“Manufacturer” is a person who, by a process of manufacture, fermenting, brewing, distilling, refining, rectifying, blending, or by the combination of different materials, prepares or produces intoxicating liquor for sale.

*340A.301 MANUFACTURERS AND WHOLESALERS LICENSES.
Subdivision 1. Licenses required.
No person may directly or indirectly manufacture or sell at wholesale intoxicating liquor, or 3.2 percent malt*



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liquor without obtaining an appropriate license from the commissioner, except where otherwise provided in this chapter. A manufacturer's license includes the right to import. A licensed brewer may sell the brewer's products at wholesale only if the brewer has been issued a wholesaler's license. The commissioner shall issue a wholesaler's license to a brewer only if (1) the commissioner determines that the brewer was selling the brewer's own products at wholesale in Minnesota on January 1, 1991, or (2) the brewer has acquired a wholesaler's business or assets under subdivision 7a, paragraph (c) or (d). A licensed wholesaler of intoxicating malt liquor may sell 3.2 percent malt liquor at wholesale without an additional license.

340A.701 FELONIES.

Subdivision 1. Unlawful acts. It is a felony:

(1) to manufacture alcoholic beverages in violation of this chapter;

(2) to transport or import alcoholic beverages into the state in violation of this chapter for purposes of resale; or

(3) to sell or give away for beverage purposes poisonous alcohol, methyl alcohol, denatured alcohol, denaturing material, or any other alcoholic substance capable of causing serious physical or mental injuries to a person consuming it; or

(4) for a person other than a licensed retailer of alcoholic beverages, a bottle club permit holder, a municipal liquor store, or an employee or agent of any of these who is acting within the scope of employment, to violate the provisions of section 340A.503, subdivision 2, clause (1), by selling, bartering, furnishing, or giving alcoholic beverages to a person under 21 years of age if that person becomes intoxicated and causes or suffers death or great bodily harm as a result of the intoxication.

Subd. 2. Presumptive sentence.

In determining an appropriate disposition for a violation of subdivision 1, clause (4), the court shall presume that a stay of execution with a 90-day period of incarceration as a condition of probation shall

be imposed unless the defendant's criminal history score determined according to the Sentencing Guidelines indicates a presumptive executed sentence, in which case the presumptive executed sentence shall be imposed unless the court departs from the Sentencing Guidelines under section 244.10. A stay of imposition of sentence may be granted only if accompanied by a statement on the record of the reasons for it.

7515.0560 ON-SALE DEALERS.

Subpart 4 Dilution or changing containers.

No on-sale dealers, or their employees, shall remove alcoholic beverages from the original containers and place the liquor in any other container, nor shall such persons dilute or in any manner tamper with the original contents as provided by Minnesota Statutes, section 340A.508, except that wine may be withdrawn from tax paid containers and placed in decanters for service purposes.

A copy of the stature referenced in this letter is attached for your review.

I hope this letter has answered your inquiry. Feel free to contact our office if you have any further questions related to this matter.

340A.508 TAMPERING OR REFILLING BOTTLES.

Subdivision 1. Refilling bottles.

It is unlawful for a person to sell, offer for sale, or keep for sale alcoholic beverages in a package or bottle which has been refilled or partly refilled.

Subd. 2. Tampering or diluting contents.

It is unlawful for a person holding a retail intoxicating liquor license or a 3.2 percent malt liquor license, directly or indirectly through an agent, employee, or other person, to dilute or in any manner tamper with the contents of an original package or bottle so as to change its composition or alcoholic content while the contents are in the original package or bottle. Possession on the premises by a licensee of alcoholic beverages in the original

package or bottle, differing in composition or alcoholic content from when it was received from the manufacturer or wholesaler from whom it was purchased, is prima facie evidence that the contents of the original package or bottle has been diluted, changed, or tampered with in violation of this section.

Subd. 3. Purity of contents.

The commissioner may examine the contents of any container of alcoholic beverages on the premises of any licensee under this chapter or any municipal liquor store, for the purpose of determining the purity of the alcoholic beverages. The commissioner may remove any container, or remove all or part of the contents thereof, for the purpose of conducting tests of purity. The commissioner may order the removal from inventory of any container the contents of which fail to meet standards of purity established by rules adopted under this subdivision, and may order the disposal of the contents. The commissioner may adopt rules that (1) provide standards of purity for alcoholic beverages and procedures for testing for purity, and (2) govern the removal from inventory and disposal of alcoholic beverages that do not meet the commissioner's standards of purity.

Subd. 4. Premix and dispensing machines.

Nothing in this section prohibits use by an on-sale intoxicating liquor licensee of a machine to premix and dispense frozen or iced cocktails, provided that the machine is emptied on a daily basis. A machine described in this subdivision need not be visible to the consuming public.

I hope this email has answered your questions. If asked, at this time, our agency would advise your constituents that the activity is not legal in MN. Feel free to call or email if you have any further questions related to this matter.

**Michael T. McManus
Alcohol Enforcement Administrator
Minnesota Department of Public
Safety Alcohol & Gambling
Enforcement Division**

Five Questions You Must Ask!

By Anne M. Obarski

Here are 5 simple questions to ask yourself that could separate you from your competition.

1. What does the exterior of your business say about you?

Is there sufficient parking? Is the exterior clean and well lit? Is the entrance bright and inviting? Are the window displays neat and well-merchandised? Does the front of your business truly invite customers to come in? Does the exterior say, "Hey, you just can't afford not to stop in?"

2. What does your inventory say about you?

Have you up-dated your inventory based on the current demographics of your customer? Are you buying what your customer wants, or what you think they need? Do you have a system in place that allows you to re-order merchandise that is selling well, so that you are never out of your "bread and butter" items? Have you allotted the best square footage to the items that are selling and turning the highest? Does your inventory say, "I am in business" or does it say, "Business is a little slow, I'll order more when business gets better"?

3. What does your floor layout say about you?

Customers vary in their needs and wants, but one of the basic needs is that of efficiency. Customers want what they want, when they want it and as efficiently as possible. We all know how frustrated we can be in a super center when all we wanted was a jug of milk and we have to walk a mile to get it. I am amazed at how many stores merchandise their walls to the ceiling. What customer is going to be able

to reach those items and how many extra employees and ladders do you have around to retrieve one of those items that is 15 feet up? How easy is it to navigate your store or business? Can you get a stroller or wheelchair through the aisles? Are you making it easy or difficult for your customer to get in, find what they want and get out quickly? Could your grandmother easily shop in your business? If not, change it!

4. What do your employees say about you?

Are your employees knowledgeable about store policies, as well as all of the inventory you carry? If something happened to you today, could you honestly say you would have faith in your employees to carry on as usual? Do your employees have excellent phone skills and sound cheerful each time they answer the phone? Do they realize that the reason for their job is because you have customers? Do they go out of their way and never lose their patience on the phone or on the floor? Are your employees capable of making their own decisions, or are they always looking for a manager to check with? Bottom line, would you want any of them working for your competition?

5. What would your community say about you?

Does your community really know what you do? Can they recommend you to people they run into who need your product or services? Will those who recommend you follow their comments up with, "I wouldn't do business with anyone else"? Are you involved with other groups in your community, such as the Chamber of Commerce, Rotary, or other associations? Do you or your employees attend networking functions where you can educate your community? Are you a giving business,

or are you focused on what the business gives you?

What are you doing the best in? What is your "A" subject? What area needs a little more studying or research? How willing are you to spend the time to really improve the grade?

Like my parents always said, "I know you can do better!"

If not, I'll bet your competition can.

Keep it Clean

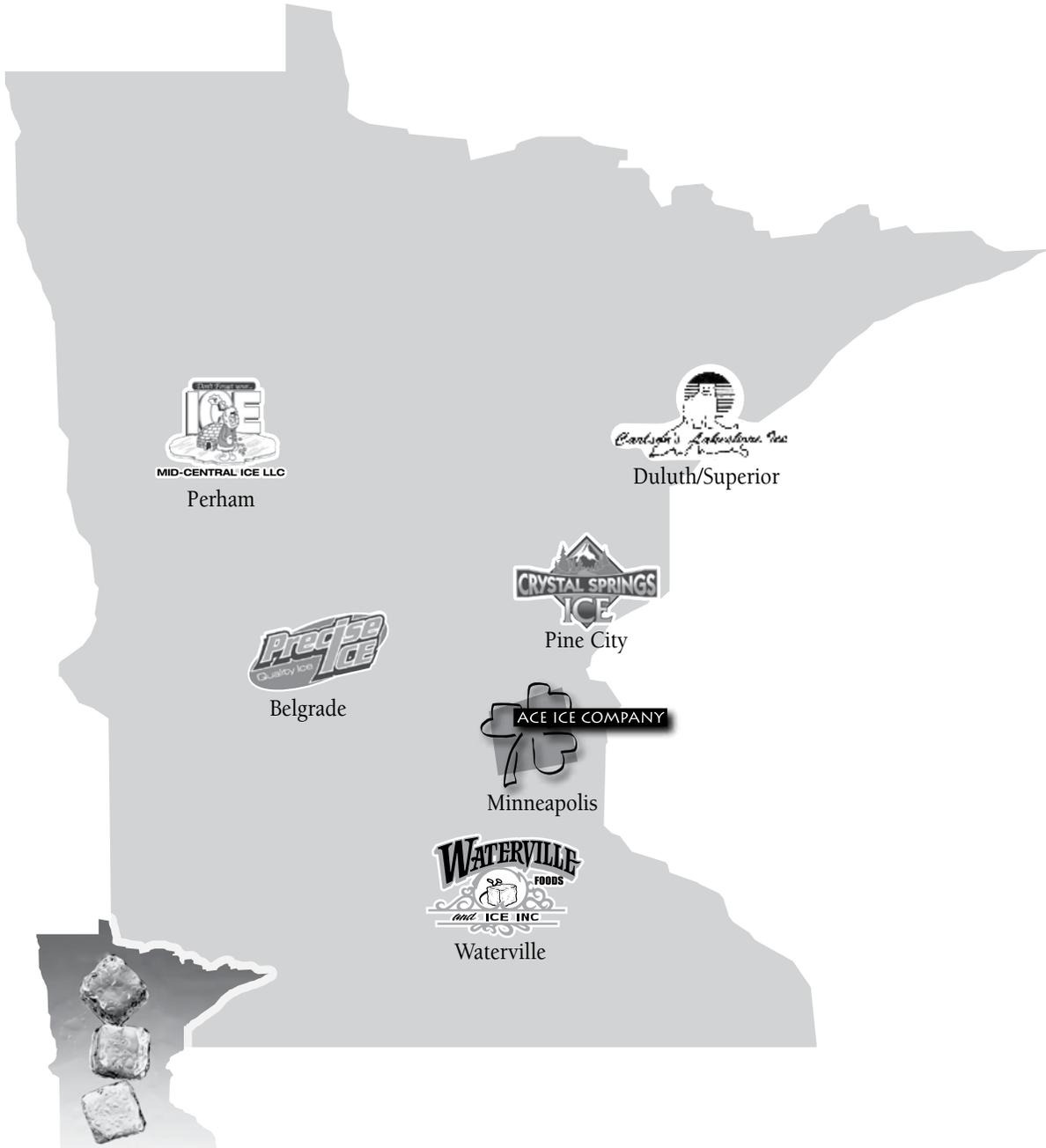
The #1 thing that will keep women away from your bar is dirty restrooms. Ask any woman where the dirtiest restrooms are and she will be able to tell you. Cleanliness is particularly important to female customers and many will simply refuse to visit your bar if your bathrooms aren't clean. If you want to keep female customers coming back, make sure that your bathrooms are checked and tidied up frequently.



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