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Alcohol and Gambling Enforcement

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age.dps.mn.gov

December 31, 2020

Lionheart, LLC
D/B/A: Alibi
Licensees: LaPlaca Patterson,
Zarza and Romero Baldazo
20851 Holyoke
Lakeville, MN 55044

Sent Via Email and Certified Mail

AMENDED NOTICE OF AGENCY ACTION FIVE-YEAR LIQUOR LICENSE REVOCATION

The Minnesota Department of Public Safety's Alcohol and Gambling Enforcement (AGED) may take civil action in the form of a fine, license suspension or license revocation for any violation of statute, rule or ordinance related to alcoholic beverages or the operation of a licensed establishment. Minn. Stat. § 340A.415.

On December 16, 2020, AGED notified you of its intention to suspend license #67512 for continued violations of Governor Walz's Executive Order 20-99 *Implementing a Four Week Dial Back on Certain Activities to Slow the Spread of COVID-19* (EO-99), requiring all restaurants and bars cease selling alcohol for on-premises consumption from Friday, November 20, 2020 at 11:59 p.m. through Friday, December 18, 2020 at 11:59 p.m. (original notice attached).¹

AGED scheduled a hearing on the matter before the Office of Administrative Hearings.² A pre-hearing conference was held at 10 a.m. on December 22. At this hearing, Alibi's attorney, Michael Padden, represented to the court that Alibi would comply with the requirements of applicable executive orders and district court orders and would remain so through the pendency of this matter. Additionally, on December 22 at 8 a.m., Alibi Drinkery posted the following on its Facebook page:

On the advice of counsel in regards to our court appearance today, we will be closed today. Please check back tomorrow. Thank you for all

¹ On December 16, 2020, Governor Walz issued Executive Order 20-103 *Extending and Modifying Executive Order 20-99*, requiring bars and restaurants to remain closed to indoor, on-premises dining for food or alcohol consumption through January 10 at 11:59 p.m. EO-99 and EO-103 have "the full force and effect of law" pursuant to Minnesota Statutes, section 12.32 (2020).

² In the interim, the Minnesota Attorney General's Office (AGO) was granted a Temporary Restraining Order on December 18 in Dakota County District Court, which required Alibi to immediately cease indoor, on-premises service of food and beverages. On December 31, the TRO was converted to a Temporary Injunction.

your love, support and prayers. Please keep us in your prayers as we go to court at 10am. For updates, follow wcco.

On December 30 at approximately 8 p.m., Alibi posted the following on its Facebook page:

The judge still has not reached a decision. But we have. We will be reopening tomorrow at 11am. Three years ago tomorrow we opened our doors at Alibi Drinkery. And we will open tomorrow.

The post included a video of approximately 20 people clustered in the doorway, no masks, holding what appears to be alcoholic beverages stating “Walz, open our state!” A woman kneeling in front is holding a “REOPEN MN” sign. As of the morning of December 31, the post remains, but “[T]he judge has not made a decision. But we have.” has been deleted.

The afternoon of December 31, an investigator with the AGO observed and took photos of numerous patrons eating and drinking what appeared to be alcoholic beverages. None of the patrons are wearing masks. Additionally, FOX 9 tweeted:

Alibi Drinkery in Lakeville, MN opened its doors to dine-in customers, the same day a Dakota County judge granted a temporary injunction forcing them to close for the duration of a ban on in-person dining that goes through January 10.

A photo of three men entering the establishment without masks accompanied the tweet.

AGED is now rescinding its December 16, 2020 Notice of 60-day Suspension of license #67512. This Amended Notice of Agency Action is a Notice of Five-Year Revocation of license number #67512. Pursuant to the Minnesota Administrative Procedures Act,³ this revocation is not effective until you have had the opportunity for a hearing before the Office of Administrative Hearings. A hearing is currently scheduled for February 4.

Sincerely,

Carla Cincotta

Carla Cincotta

³ Minn. Stat. ch. 14.