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Alcohol and Gambling Enforcement

445 Minnesota Street • Suite 1600 • Saint Paul, Minnesota 55101-2156

Phone: 651-201-7500 • Fax: 651-297-5259 • TTY: 651-282-6555

age.dps.mn.gov

December 17, 2020

Mission Tavern, Inc.
Licensee: Charlie and Kevin McCulloch
13036 SW Horseshoe Lake Rd
Merrifield, MN 56456

Via Email/Certified Mail

NOTICE OF AGENCY ACTION 60-DAY LIQUOR LICENSE SUSPENSION

Pursuant to 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), all restaurants and bars are prohibited from 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.¹

The Minnesota Department of Public Safety 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. Minn. Stat. § 340A.415.

AGED was notified that Mission Tavern failed to comply with a Cease and Desist Order issued by the Minnesota Department of Health (MDH) on November 30, 2020. That order was based upon Mission Tavern opening for on-premises consumption of food and beverages on November 20. On December 1, Mission Tavern contacted MDH and agreed to close. The Cease and Desist Order was then lifted.

On December 11, based on numerous citizen complaints, a Crow Wing County Deputy Sheriff dispatched to Mission Tavern observed the establishment open for on-premises consumption of food and alcohol, again violating EO-99. The Deputy informed Jeffrey McCulloch that the business was operating in violation of EO-99 and Mr. McCulloch stated it would remain open. On December 15, MDH issued both another Cease and Desist Order and an Administrative Penalty Order issuing a \$10,000 penalty and a notice of food and beverage license suspension. Since December 15, Mission Tavern has created two Facebook posts indicating they intend to remain open.

As a result of these actions, AGED intends to suspend liquor license #63684 issued to

¹ EO-99 has "the full force and effect of law" pursuant to Minnesota Statutes, section 12.32 (2020).

Mission Tavern for a period of 60 days. Pursuant to the Minnesota Administrative Procedures Act,² this suspension is not effective until you have had the opportunity for a hearing before the Office of Administrative Hearings. AGED will schedule this hearing at the earliest possible date. You will receive further instructions from the Office of Administrative Hearings.

Sincerely,

Carla Cincotta

Carla Cincotta

² Minn. Stat. ch. 14.