



INCIDENT

West St. Paul
1616 Humboldt Ave.
West St. Paul, MN 55118
Telephone: 651-552-4200

Case Number: 19004510

Title: Alcohol Compliance Failure

CASE #: 19004510

INCIDENT REPORT

INCIDENT INFORMATION

Charges/Citation:	340A.503.2(1)	360 Bernard Street W Bldg Name/Num: El Nuevo Morelos West St. Paul, MN 55118; Dakota US
Incident Type:	Other	Parties Involved:
Start Date:	2019-11-11 12:22	Cruz Martinez, Saul Ivan 1999-11-18 Suspect
End Date:	2019-11-11 12:45	
Reported Date:	2019-11-11 12:29	

OFFICER INFORMATION

Name	Agency	Badge	Role
Jose Marrero	West St. Paul	2630	Assisting
G Altman	West St. Paul	2643	Primary

SYNOPSIS OF EVENTS

Alcohol compliance check failure.

NARRATIVE

On 2019-11-11 at 1222 hours Officer Marrero and I conducted required checks of every business holding an alcohol license in the City of West St Paul. A 20 year old female was used who shall be referred to as KAS in this report.

KAS did/was not personally known by any employee in any of the establishments checked. All the money used during the alcohol compliance checks was provided by the City of West St Paul. During the checks, KAS was only in possession of her MN drivers license, her cell phone and a \$20 bill I provided her. KAS was instructed to present her drivers license if asked and not to lie about her age if questioned. KAS was advised if she was served alcohol to text me on my work issued cell phone and we would come inside.

At 1222 hours we arrived at El Nuevo Morelos, 360 Bernard Street W. KAS entered the restaurant alone. A couple of minutes later KAS texted me that she had been served alcohol.

Officer Marrero and I entered the restaurant and located KAS sitting at a table next to the bar and she had a bottle of Corona sitting in front of her. There was no one else inside the restaurant other than a server and cook. KAS stated that the server did not even ask to see her identification and that she had not yet paid for the bottle of Corona. The server was identified by his MN drivers license as; Saul Ivan Cruz Martinez DOB/1999-11-18. I explained to Cruz Martinez that he had just sold alcohol to a minor. When asked, Cruz Martinez stated that he thought KAS looked way older than 21 and that is why he didn't ask for identification.



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I confirmed Cruz Martinez's information.

I took a digital photograph of the bottle of Corona and later downloaded it to the case file.

I provided Cruz Martinez my business card with case number.

A criminal history check of Cruz Martinez was ran to ensure that he had no prior offenses that would enhance this charge. Nothing was found.

I am requesting Cruz Martinez be formally charged with:

340A.503.2(1) - Liquor, Purchase/Sell/Barter/Furnish alcohol to someone under 21 years of age

PARTIES INVOLVED

PERSON 1

Role(s): Suspect

Last: Cruz Martinez	First: Saul	Middle: Ivan	Date of Birth: 1999-11-18 (20)	
Sex: Male	Race: White	Height: 504 -504	Weight: 145 -145 lbs	Hair: Black
Eyes: Brown	Is Juvenile?: No	Ethnicity: Hispanic/Latino	Build: Small	Complexion: Light Brown

Residence: 212 Thompson Avenue W APT 210; West Saint Paul, MN 55118-2165; Dakota US

Residence Type: APARTMENT

Cell Phone: (651)497-8898

Description:

EMPLOYMENT INFORMATION

Name: El Nuevo Morelos

Type: RESTAURANT/BAR/CLUB

Occupation: Server

Shift:

Address: 360 Bernard Street W Bldg Name/Num: El Nuevo Morelos; West St. Paul, MN 55118; Dakota US

Address Type

RESTAURANT

Work Phone: (651)552-5693

Description:

CHARGES/ORDINANCES

Type: Statute

Charge: 340A.503.2(1)

Level: Gross Misdemeanor

UOC:

Enh. Factor:

Description: Liquor-Purchase/Sell/Barter/Furnish/Give to u/21yr

CASE #: 19004510

INCIDENT REPORT



WEST ST. PAUL POLICE DEPARTMENT

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

Police Administration 651-552-4200 Fax: 651-552-4199

www.wspmn.gov

January 23, 2020

Mr. Oscar Martinez
El Nuevo Morelos Mexican Restaurant
360 Bernard Street West
West St Paul, Minnesota 55118

Subject: Alcohol License Violation and Notice of Hearing

Dear Mr. Martinez,

On November 11, 2019 the Police Department conducted multiple alcohol compliance checks throughout the City of West St Paul. Unfortunately, a few establishments failed these checks including yours.

In following the procedure for an alcohol license violation, a review of the violation was conducted and a sanction recommendation has been developed. A copy of the recommendation is enclosed.

This recommendation will be presented to the City Council during the required sanction hearing which will take place on February 24, 2020 during the regular Council meeting. The meeting starts at 6:30 PM and is located at City Hall, 1616 Humboldt Avenue, West Saint Paul Minnesota. This letter serves as your official notice of this hearing which you have the right to be present at. You may address the Council, provide testimony, present evidence or bring witnesses on your behalf if you desire.

You may also wish to review the City's alcohol and licensing codes by visiting the City's website, www.wspmn.gov ; Intoxicating Liquor – 112 or Licensing – 110.

If you have any questions or concerns, please do not hesitate to contact me at 651-552-4202.

Sincerely,

Brian Sturgeon, Chief of Police

"We Serve with Honor and Integrity"



WEST ST. PAUL POLICE DEPARTMENT

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

Police Administration 651-552-4200 Fax: 651-552-4199

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City Issued License Sanction Hearing

Type of Violation: Alcohol

Name of Establishment: El Nuevo Morelos Mexican Restaurant

Address: 360 Bernard Street W

Police Case File: 19004510

Date of Violation: November 11, 2019

Summary:

On November 11, 2019 at about 12:22 PM, Officers Marrero and Altman along with an underage decoy conducted an alcohol compliance check at El Nuevo Morelos Mexican Restaurant. The officers provided the decoy with marked money and she had her unaltered Minnesota identification card and cell phone with her. The decoy was told not to lie about her age if asked. If provided alcohol, the decoy was to text the officers using her cell phone.

During the compliance check, the underage decoy was served a bottle of Corona beer and subsequently called the officers who were waiting outside. The employee stated the decoy looked way older than 21 and that is why he did not ask for identification.

Other Information:

- This is the first year under new ownership that the establishment held a liquor license which is a beer and wine license.
- There have been no police issues with the establishment under the new ownership.

Recommendation:

- A \$500 civil penalty, \$200 of which is stayed for a period of one year. If there are other alcohol license violations within the one year period, the stayed penalty of \$200 will be imposed in addition to any new sanctions;
- The licensee or employee(s) must attend the City sponsored alcohol compliance training when notified; and
- While holding a City issued license, the license holder must document and maintain the signatures and dates of any alcohol training their employee's receive. This list must be kept current and made available for inspection by a police department representative upon a reasonable request.

"We Serve with Honor and Integrity"

Sincerely,

A handwritten signature in blue ink that reads "Brian Sturgeon". The signature is fluid and cursive, with a large loop at the end of the last name.

Brian Sturgeon, Chief of Police