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August 7, 2026

Board of City Commissioners
City Hall
225 4th Street North
Fargo, ND 58102

RE: Findings, Conclusions, and Order of the Board of City Commissioners for the City of Fargo, regarding Pounds

Dear Commissioners,

Presented for your consideration and approval, please find the Findings, Conclusions, and Order in accordance with your approved motion from August 3, 2026, which found Pounds served alcohol to a person under the age of 21 and imposed a penalty.

Suggested Motion: I move to adopt the Findings, Conclusions, and Order regarding the Pounds alcohol license violation.

Sincerely,

William B. Wischer

City of Fargo, vs. Pounds 6 Broadway N. Fargo, ND	Findings, Conclusions, and Order of the Board of City Commissioners of the City of Fargo regarding a license violation for Pounds
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1. The Board of City Commissioners of the City of Fargo held a properly noticed administrative hearing on August 3, 2026, at approximately 5:30 p.m. in the Commission Chambers at 225 4th Street North, Fargo, North Dakota, to determine whether Pounds, a licensed alcohol establishment, committed a violation of applicable law and, if so, the appropriate administrative penalty.

2. Assistant city attorney William Wischer, Deputy City Auditor Angie Bear, and Fargo Police Officer Shelby Layman appeared and presented. Pounds did not appear. The hearing was recorded.

Findings of Fact

3. On July 21, 2026, at Pounds, located in Fargo, ND, an employee of the licensee sold or served an alcoholic beverage to an individual under the age of 21.

4. Prior to the hearing, Officer Layman drafted and signed an affidavit/declaration which explained the violation (previously provided).

5. The declaration was provided to the Fargo City Attorney, Ian McLean, within 14 days of the alleged violation.

6. The hearing on the violation was scheduled for the next regular meeting of the Fargo City Commission – August 3, 2026.

7. Angie Bear, Deputy City Auditor, sent the licensee a copy of Officer Layman's declaration and notice of the hearing via registered mail on July 28, 2026, which is more than 5 days before the City Commission hearing date on August 3, 2026.

8. Officer Layman testified that, during a compliance check, an underage individual was served an alcoholic beverage by an employee of the licensee. An opportunity for the licensee to speak was given, however, the licensee did not appear. An opportunity was given for members of the public to speak, however, no members of the public spoke.

9. This was Pounds' first offense in the probationary period. Fargo Municipal Code section 25-15-12(D) requires a \$500 administrative penalty for a first offense violation. However, because the server was server-trained and Pounds had no prior server training violations, this is a mitigating factor (NDCC § 5-02-10.1). Thus, the penalty must be less than it would be without the mitigation (NDCC § 5-02-10.1). The Auditor's Office recommended a \$250 administrative penalty. The Commission finds \$250 an appropriate penalty.

10. After considering the evidence, the Commission, in a 5-0 vote, adopted the following motion:

Find that Pounds, a business in the City of Fargo, which has a City of Fargo liquor license, served an individual alcohol, who was under the age of 21; Impose a penalty of \$250; and Direct the City Attorney's office to draft findings and an order consistent with the commission's determination.

Conclusions

11. All noticing and procedures under North Dakota Century Code and Fargo Municipal Code were properly followed.

12. The City of Fargo has jurisdiction over the licensee and the subject matter of this proceeding pursuant to applicable provisions of the North Dakota Century Code and Fargo Municipal Code.

13. A violation of North Dakota Century Code and Fargo Municipal Code relating to serving alcohol to a person under the age of 21 is established by a preponderance of the evidence.

Order

14. The licensee, Pounds, is found to have violated applicable provisions of the North Dakota Century Code and Fargo Municipal Code by serving alcohol to a person under the age of 21.

15. A \$250 administrative penalty is imposed.

16. This order must be served on the licensee.

17. The licensee's license is not suspended or revoked.

18. This order may be appealed to the district court by following the appeal procedure set forth in chapter 28-32, except that the order revoking or suspending the license is inoperative while the appeal is pending.

DATED: _____

Board of city commissioners of the City of Fargo, a
North Dakota Municipal Corporation

By _____
Joshua A. Boschec, Mayor

ATTEST:

Deputy City Auditor, Angie Bear, on behalf of the City Auditor