



Charge against bouncer dismissed

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MANKATO— A recent ruling by a local judge could make it more difficult to charge bar bouncers with a crime when they fail police compliance checks. The ruling by Blue Earth County District Court Judge Norbert Smith dismissed a misdemeanor charge filed against a bouncer at a downtown bar. The bouncer, 31-year-old Ronald Lee Petersen of Mankato, was cited in February after he let an underage woman into Mum's the Word bar during a compliance check by Mankato police detectives Tom Cusey and Wayne Terry.

A criminal charge wasn't warranted, Smith ruled, because City Attorney Eileen Wells wasn't able to cite a crime that had been committed. The Mankato city code cited dealt with a liquor license agreement signed by the bar's owner, Robert Schwartz. The agreement allows civil penalties for bar owners but doesn't include criminal penalties, Smith's order said.

"The state has failed to provide any statute or code which actually criminalizes the activity (Petersen) is alleged to have engaged in," Smith's ruling said. "Even the liquor license agreement itself does not state that failure to comply with the conditions therein constitutes a crime."

Wells could not be reached for comment.

Mum's was one of several bars checked during the weekend sting. A 20-year-old woman, Laura Tenney, was given an identification card that had been confiscated and a \$20 bill to buy a drink.

Petersen let Tenney in and she purchased a drink from the bartender, 25-year-old Jason James Kwasniewski, who is facing a gross misdemeanor charge being prosecuted by the Blue Earth County attorney's office. That charge has not been dismissed and there has been a warrant for Kwasniewski's arrest since July, when he failed to appear for a court hearing.

The confiscated card Tenney used belonged to a 27-year-old woman who is 5-foot-8 inches tall, 185 pounds and had dark hair when the picture was taken. At the time of the sting, Tenney was 20 years old, 5-foot-7 inches tall, 150

pounds and had blond hair.

Police reports filed by the detectives said Petersen told them he “had a feeling something wasn’t right” when he checked the I.D. card. Petersen’s attorney, Christopher Rosengren, said a surveillance video from the bar showed Petersen looking at the card, then at Tenney, at least three times before letting her in.

“There’s a fine line between setting up a legitimate sting and entrapment,” Rosengren said. “I think the police may cross the line sometimes. The crime should originate in the mind of the criminal.

“It’s not like he wanted to let someone in who was underage. They are clearly told to card everyone just so there’s no mistake.”

Checking I.D. cards is not an “exact science,” Rosengren added, and there is a provision in state statutes that allows a defense for people who act in good faith. The video showed Petersen was acting in good faith, but that defense wasn’t necessary because Smith’s ruling dismissed the charge before the case got that far.

State law doesn’t allow bar owners to face criminal charges for something an employee does unless prosecutors can show the owner was knowingly participating in a crime, Rosengren said. So, even though he is responsible for the liquor license agreement, Schwartz can’t be charged.

The sting did result in what the city calls a “strike” against Mum’s the Word, which, along with strikes for other infractions, resulted in the bar being closed for a weekend. That’s enough incentive for most bar owners to comply with licensing rules, Rosengren said.

“I know some bar owners are scared,” he said. “If they lose their liquor license for even a day, we’re talking about thousands of dollars. There’s a lot of money at stake here and bar owners take it very seriously.”

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